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| Parish: | Walsoken Marshland St James West Walton | |
| Proposal: | Installation, operation, and decommissioning of solar farm comprising an array of ground mounted solar PV panels and battery storage system with associated infrastructure including inverters and a substation compound as well as fencing, security cameras, cabling and bio diversity enhancement measures. | |
| Location: | Land SE of Poplar Farm Harps Hall Road Walton Highway PE14 7DL | |
| Applicant: | Downing Renewable Developments LLP | |
| Case No: | 22/01987/FM (Full Application - Major Development) | |
| Case Officer: | Lorna Gilbert | Date for Determination: 16 February 2023 Extension of Time Expiry Date: 28 April 2023 |

Reason for Referral to Planning Committee – – Parish Council objects to the proposed development

Neighbourhood Plan: No

Case Summary

Planning permission is sought for approximately 125,000 ground mounted solar panels, and Battery Energy Storage System (BESS) with associated infrastructure including inverters and substation compound. The panels would rise to approximately 3.1m at their highest point. The export capacity would not exceed 49.9MW. All cabling from the site to the substation would be installed underground and can be fed into the national grid network.

The proposal includes a 2.5m high perimeter deer fence, with additional 3m high palisade fencing for security to the proposed battery and substation compound. Boundary planting is also proposed.

CCTV cameras mounted on poles measuring up to 3.3m in height facing into the site are proposed.

No lighting is proposed around the site perimeter, although passive infrared sensor lighting will be installed around the substation and battery compound. Lighting can be conditioned.

The application site is approximately 87 hectares and the solar panels and associated works would cover approximately 33 hectares, with the remaining 54 hectares dedicated to biodiversity enhancements and 0.9 hectares of bramble scrub to be retained.

The site is a mixture of agricultural land classification grades 3a and 3b, with small pockets of grade 2. The site is presently in agricultural use and has been used for growing energy crops to produce biomass, which is burnt to produce energy.

The site comprises of parcels of land on either side of Harp's Hall Road. Both would be accessed from this road.

Planning permission is sought for a temporary 30 year operational period, prior to being fully decommissioned and the site restored.

The development is EIA development. The development was screened and scoped under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The impacts have been considered in the Environmental Statement which has been submitted as part of the application.

Key Issues

Principle of Development including EIA
Loss of Agricultural Land
Landscape and Visual Impact
Impact on neighbour amenity
Highway Safety, Access and Traffic
Hydrology and Flood Risk
Ecology
Historic Environment
Glint and Glare
Crime and Disorder
Other Material Consideration

Recommendation

APPROVE

THE APPLICATION

Planning permission is sought for approximately 125,000 ground mounted solar panels, and Battery Energy Storage System (BESS) with associated infrastructure including inverters and substation compound. The panels would rise to approximately 3.1m at their highest point. The export capacity would not exceed 49.9MW. All cabling from the site to the substation would be installed underground and can be fed into the national grid network.

Each line of proposed Solar PV panels would be approximately 3.5m apart to avoid shading. They would be tilted 15 to 25 degrees and orientated to face south-westwards.

Proposed Substation and BESS Compound:-

The BESS and substation would be located together. They will be located on an area of proposed hardstanding. This proposed compound would measure approximately 390m² and be located by the western boundary near Meer Dyke Lane and will contain:

- Security fencing – up to 3.3m high.
- Substation – 12 x 2.5 x 4.8m maximum height from the ground.
- BESS Container (10 no.) – 12.2 x 2.5 x 4.8m maximum height; and
- Transformer and Switch Gear Kiosks – 5 x 5 x 5m maximum height.

The dimensions include a 0.8m gap at ground level for maintenance, except the Transformer and Switch Gear Kiosks.

The battery containers would be grey in colour (RAL 9035), which can be controlled via a condition.

The proposal includes a 2.5m high perimeter deer fence. Boundary planting is also proposed.

CCTV cameras mounted on poles measuring up to 3.3m in height facing into the site are proposed.

No lighting is proposed around the site perimeter, although passive infrared sensor lighting will be installed around the substation and battery compound. Lighting can be conditioned.

The application site is approximately 87 hectares and the solar panels and associated works would cover approximately 33 hectares, with the remaining 54 hectares dedicated to biodiversity enhancements and 0.9 hectares of bramble scrub to be retained.

The site is a mixture of agricultural land classification grades 3a and 3b, with small pockets of grade 2. The site is presently in agricultural use and has been used for growing energy crops to produce biomass, which is burnt to produce energy.

The site comprises of parcels of land on either side of Harp's Hall Road. Both would be accessed from this road.

Planning permission is sought for a temporary 30 year operational period, prior to being fully decommissioned and the site restored.

The development is EIA development. The development was screened and scoped under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The impacts have been considered in the Environmental Statement which has been submitted as part of the application.

The nearest Site of Special Scientific Interest (SSSI) is Islington Heronry which is located around 8.1km away. It is a small Oak woodland designated for its breeding grey heron population. The application site is within its Impact Risk Zone.

The Natural Nature Reserve (NNR), Special Protection Area (SPA) associated with 'The Wash' is approximately 20km from the site. The site is within the SSSI Impact Risk Zone.

The nearest Special Area of Conservation (SAC) is the Ouse Washes which is around 10.7km from the site.

SUPPORTING CASE

1.1 Planning approval is sought by the Applicant for the installation, operation and decommissioning of a solar photovoltaic (PV) farm with associated infrastructure, including battery storage for a period of 30 years on land south-east of Poplar Farm, Harps Hall Road, Walton Highway, Wisbech. The planning application was submitted in October 2022 and the associated reference number is 22/01987/FM. The Applicant is Downing Renewable Developments LLP, whose parent company, Downing LLP, were formed in 1986 and are an experienced renewable energy developer and operator. Downing LLP generate 371,000 megawatt-hours (MWh) of renewable energy each year with an installed capacity of over 400MW.

- 1.2 The Application Site has been identified as a result of a systematic and strategic regional appraisal which has considered a number of key land use, technical and environmental parameters with the overall objective of optimising the provision of clean, renewable energy to the grid.
- 1.3 In summary, the proposed solar panels, battery compound and access tracks will cover an area of approximately 70 Ha across the site, with some 54 Ha throughout the site dedicated to biodiversity enhancement. The Development has a capacity in the region of 49.9MW of clean energy, including associated battery storage. It is therefore estimated to be capable of powering enough renewable energy to power approximately 12,000-14,000 homes. It would make a valuable contribution to legally obligated climate change targets and government policy objectives; thereby implementing Government policy, which encourages more electricity generation from renewable sources.

2. Benefits and the Need for Development

- 2.1 The Applicant sought to front load the design by engaging with the Council, key stakeholders, and the wider community throughout the process. A successful community consultation was held in August 2022 where feedback on the proposals was received and taken into consideration in the design development. This is reported further in the Planning Statement. The final layout has been directly informed by feedback from the consultation event, including reducing the overall panel height and providing appropriate boundary treatment to mitigate potential visual effects. The Applicant is committed to ongoing engagement and consultation with key stakeholders throughout all phases of the development and operational process.
- 2.2 This site has been carefully selected to accommodate the Development and maximise the energy output of the land without compromising the environment or surrounding amenity. Key benefits of the proposed development are set out below:
 - The Development has been designed to extract the maximum possible energy output from the land, making the most efficient use of the resource available.
 - The Development has a generation capacity in the region of 49.9MW of clean energy, capable of powering enough renewable energy to power approximately 12,000-14,000 homes.
 - The development would act to diversify the energy mix, promote security of supply, and accelerate the transition to a low carbon economy.
 - Flexible management of output to the grid through provision of non-intrusive battery storage.
 - Positive impact on the local economy with a commitment by the Applicant to utilise the local workforce to develop, construct and operate the project during its lifespan.
 - A one-off Community Benefit cost, approved and distributed via the Local Parish Councils including 2 free residential solar installations per applicable Parish Council per year.
 - Approximately 54Ha of the site would be dedicated to biodiversity enhancement measures, plus the retention of 0.9Ha of retained bramble scrub. Based on the current landscape designs, it would be possible to achieve a 10% biodiversity net gain at the Site, comprising a 176.12% net gain for area-based habitats, a 1100.96% net gain for hedgerows and a 29.05% net gain for rivers.

3. Key Planning Policy Considerations

- 3.1 Further to a positive screening process under the Environmental Impact Assessment (EIA) Regulations, the application was supported by a robust EIA which considered landscape and visual effects, potential effects on ecology and the cumulative impact

with surrounding development. No significant effects were identified through this process. The application was also supported by a suite of environmental surveys and reports which have informed the design process and ultimately demonstrate that the receiving environment is capable of facilitating development of this scale and nature.

- 3.2 One of the key matters raised through the design process was potential effects on agricultural land and the Applicant appreciates that a balance must be struck between the potential temporary loss of pockets of good quality agricultural land within the site boundary and the significant contribution the proposed development will make to the delivery of renewable energy infrastructure. We would highlight that impacts on areas of prime agricultural land have been minimised where possible through the design process.
- 3.3 Additional information on this matter was submitted by the Applicant on 1st February 2023 where it was highlighted that the Site is currently used to grow energy crops which are sent to an anaerobic digester which is located over 20-miles away, to produce biogas. We would highlight that:
- There will be no significant impact on food security as a result of the development and overall, the land would be utilised more sustainably than at present;
 - The land will have an extended fallow period through the operational phase of the solar farm, which enables the long-term recovery of the soil health, addressing the degradation of several years of intensive arable farming for energy crops; and,
 - There will be no significant effect on the overall supply of prime agricultural land in the locality or the wider region as a result of the development.
- 3.4 Overall, it is concluded through the application process that the Development draws significant support from the Development Plan and in particular Policy DM20, Renewable Energy, as the benefits of the proposals significantly outweigh the potential impacts, which are minimal.
- 3.5 The Development is considered 'sustainable' and crucially therefore responds positively to the key aspects of the National Planning Policy Framework (NPPF) and Policy DM1, Presumption in Favour of Sustainable Development which recommends that such development should be "approved without delay, unless material considerations indicate otherwise".

PLANNING HISTORY

No relevant history.

RESPONSE TO CONSULTATION

Parish Council:

West Walton Parish Council: **OBJECT**

West Walton Parish Council does not support this planning application for the following reasons:

- There are concerns about the close proximity of the solar panels to existing housing and the height at which the panels will be placed. It is understood that the panels will

be taller than the panels at the Rose & Crown solar farm at West Walton and Walpole St Andrew.

- The level of noise and disturbance that will be inflicted upon the residents during construction, throughout the lifetime of the operation of the Solar Farm, and its decommissioning.
- The damage that could be caused, during delivery of construction materials to the site, to the existing poorly maintained roads.
- The site is within flood zone 3 and residents have concerns that the development may impact upon existing drainage performance on the land that could pass flooding issues onto neighbouring properties.
- Contrary to Policy CS06, the proposed application will not “protect the countryside for its intrinsic character and beauty”.
- Contrary to Policy CS10, Development should be “appropriate in size and scale to the local area” and “the proposed development and use will not be detrimental to the local environment or local residents”.
- There will be a significant loss of agricultural land.
- The Parish Council continues to support the concerns of the residents in the locality of the proposed Solar Farm at land at Blunts Drove/Harps Hall Road/Meerdyke Lane/Smeeth Bank.

Marshland St James Parish Council: **SUPPORT**

Sightings of Little Egrets have been documented at the site in question, please include this species when considering the ecology of the site.

We have no further comments and the Council support the application.

Walsoken Parish Council: **OBJECT**

- The proposed solar farm is a fire risk and there is no reference to whether or not the local fire station have been made aware of the location of these batteries and concern as to whether they would be equipped to deal with a lithium battery fire on a large scale;
- Potential flood risk with drilling into current drains. The Wisbech relief drain runs past the properties in question and this drain has previously filled to bursting point;
- The land in question is good grade arable land and should remain so being used for food particularly in the current economic climate. The loss of this land would be detrimental;
- The solar farm will not be in keeping with the area with CCTV and floodlighting causing light pollution. Will the site be floodlit once it is complete or is this only planned during the construction phase?
- Additional traffic and noise during the construction phase;
- The roads are not suitable for construction traffic;
- The proposed deer fencing and hedges along with the floodlights will be unsightly and will also restrict the movement of wildlife around the area;
- The site will encourage people and potentially vandals to the area and they will in turn cause damage to land and property;
- Local walks and wildlife are being placed under threat.

Walsoken Parish Council and residents are disappointed that they are not being fully included in the consultation and hope that their views will be considered.

Natural England: **NO OBJECTION**

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

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 36.50ha of BMV agricultural land (Ecological Impact Assessment & Soil Health, Ramboll UK Limited, September 2022). We consider that the proposed development, if temporary as described, is unlikely to lead to

significant permanent loss of BMV 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 appropriate soil management is employed and 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 of which 0.0048 ha is BMV agricultural land.

However, during the life of the proposed development it is likely that there will be a reduction in agricultural production 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. Paragraph 174b and footnote 53 of the National Planning Policy Framework (NPPF) states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

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.'

Footnote 53: Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. We would also draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2015) (in particular paragraph 013), and advise you to fully consider best and most versatile land issues in accordance with that guidance.

Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

Soil is a finite resource which plays an essential role within Sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. It is recognised that a proportion of the agricultural land will experience temporary land loss. In

Planning Committee
24 April 2023

order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management and appropriate soil use, with consideration on how any adverse impacts on soils can be avoided or minimised.

Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade).

We would also advise your authority to apply conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.

Environmental Quality: **NO OBJECTION**

In terms of air quality and contaminated land we have no objection subject to conditions.

CSNN: **NO OBJECTION**

Will require planning conditions, to ensure there is no adverse impact on residents in the area.

We would not be in support of the site working hours as identified within the Transport Statement on page 23 in section 3.3.2. In this district, particularly in areas where it is more rural and background noise levels are low (like here), our expected site hours are 0800-1800hrs weekdays and 0900-1300hrs Saturdays, with no work on Sundays, Bank or Public holidays. To keep the period of work close to the quoted 34 weeks, we could compromise with 0700hrs start (1800hrs end) weekdays for contractor arrival/toolbox talks etc, provided no HGV movements, deliveries or plant operations occur before 0800hrs. We could also compromise with 0900-1600hrs on Saturdays. Site hours should be included (as advised) in a CMS – please condition this.

I am concerned about the eastern array site access point – immediately adjacent to a residential bungalow. Whilst I note this is where there is an existing access track, I would like to ask if there is any scope for moving the access further northwards to a point more centrally located between ‘Poplar Farm Bungalow’ (to the north) and ‘Linward’ (to the south).

If this cannot be facilitated by means of a planning condition/revision to the plans/scheme, for the duration of the construction and the decommissioning phases, then in order to protect ‘Linward’ from vehicle noise and dust from the use of the track, I request that a condition is attached requiring a minimum 2m high solid barrier/hoarding is erected along the southern boundary to be retained during those two phases.

Whilst I note the information regarding minimal lighting, please condition this so this can be fully assessed prior to installation.

I note the two site layouts (west and east array) have been designed to avoid any infringement on the existing drains through the sites. However, there are some specific comments/aspects within the KLDB/WMA response, including ground (underdrainage) and infiltration testing, and possible easements needed for the drains along some boundaries, which need attention prior to the development of the site - we support their comments and recommend a land/surface water drainage condition.

Planning Committee
24 April 2023

Ecology: **NO OBJECTION**

- A Construction Environmental Management Plan (CEMP) must be submitted. The attached note outlines what should be included in that document for our approval.
- The CEMP should clearly specify that works with the potential to cause disturbance of barn owls nesting in habitat should be preceded by a nest check by a licensed barn owl ecologist
- The CEMP should include precautionary method statements for otter, water vole, badger and birds
- A lighting strategy must be included either as a separate document or within the CEMP
- Badger gates should be checked more frequently than specified in the Habitat Management Plan (HMP) (annually is prescribed). I've suggested weekly as weekly site visits to monitor badger are specified in the Ecology Impact Assessment (EclA) (Appendix 4) and the gates could be checked at the same time to ensure access routes to active setts are not obstructed. As such they should update the HMP and include this in the CEMP. ~ I should note however that I can't find any guidance that specifies exact monitoring schedules of two-way badger access gates. However, annually could mean that if the gate become defective it wouldn't be picked up for a long period of time which could result in badgers being trapped or illegally excluded from their setts (worst case scenario) or badgers digging under the fence.
- The Biodiversity Net Gain (BNG) report specifies that the HMP will outline 30 years of habitat management. It's unclear if this is the case in the HMP as only the first 10 years are covered. It's not noted if this will roll over to the next 20 or not following review at 10 years. The 30 years is going to be mandatory when net gain comes in in November but at the moment it is not so it's only a consistency issue at this point.

I am pleased to see mitigation recommended in the survey reports has been pulled through to the BNG and HMP.

Should you be minded to grant permission the following conditions and informative are recommended, which will:

- safeguard enhancement of the site for biodiversity
- ensure sensitive clearance of the site for birds
- secure provision for the management of the site for landscape and ecology in the long-term

National Highways: **NO OBJECTION**

Due to the nature of the proposed development, it is considered unlikely to have a long term impact material on the Strategic Road Network. Consequently, we offer no objection to this application.

Highways Authority: **NO OBJECTION**

I observe from the submitted Transport Statement that the applicant has made a thorough assessment of the proposed haul route to be utilised during the construction period and has identified areas where there are width concerns along the length. In principle, being aware of this route, I agree with their assessment and I additionally observe that the applicant has proposed mitigation measures in the form of passing bays, route signing, condition surveys, which preempt a recommended requirement from us.

However, the passing bay(s) construction/positions, route signing and final Construction Traffic Management Plan details are yet to be formally agreed but the principles of the route

Planning Committee
24 April 2023

with mitigation would be accepted for the construction period proposed. As a result I am satisfied that such detail could be finalised through the requirements and processes of standard conditions.

NCC Historic Environment: NO OBJECTION

This area is rich in evidence of Roman occupation and industrial activity (salt making). If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework. Conditions are requested.

NCC LLFA: 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;

- Planning Practice Guidance - Flood Risk and Coastal Change

To ensure that development is undertaken in line with Paragraph 167, 169 and 174 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 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 practice.
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.

PROW: NO OBJECTION

Comments from 19.1.23:

Given the submission of the more detailed red line plan we are agreeable to removing the holding objection on this application as the width of the track appears to be unaffected by the proposal.

Comments from 8.12.22:

An application for a new Public Right of Way along the track, known as Smeeth Bank, directly adjacent to the south-eastern boundary of the proposed site has been submitted. The application is for a Restricted Byway status which if successful would allow walkers, cyclists and horses to use the track, we would therefore like this to be taken into consideration regarding landscape and visual considerations.

The site boundary plan appears to incorporate the width of the Smeeth Bank track, and we request clarification as to its exact alignment, and that of the proposed 5m landscape buffer and boundary fence.

Planning Committee
24 April 2023

Should the application be successful the full legal extent of this PROW must remain open and accessible for the duration of the development and subsequent occupation.

National Grid Electricity: **NO OBJECTION**

It has been found to not affect the NGET apparatus.

Cadent Gas: **NO OBJECTION**

The proposal is in the vicinity of a buried pipeline.

Appropriate communication between the Solar PV Installation developer and designer is critical throughout the project in order to ensure that the safety impacts on the pipeline are minimised.

In Great Britain, the control of risks arising from third party damage to pipelines is addressed by Regulations 15 and 16 of the Pipelines Safety Regulations 1996 (PSR). PSR Regulation 15 states:

'No person shall cause such damage to a pipeline as may give rise to a danger to persons'.

Note that formal planning permission from the Local Authority does not take account of the hazards that the Solar PV Installation might pose for the buried pipeline. Obtaining planning permission should not therefore be seen as confirmation that legal duties under the Pipelines Safety Regulations and Construction Design Management Regulations (CDM) (see Section 5.1) have been met.

It is important that the pipeline operator receives a minimum of 4 week's notice of any planned work within the vicinity of the pipeline. This will allow the pipeline operator to provide the Solar PV Installation developer with early advice which will help with the planning of the proposed work and understand any constraints on the design, including details of any location specific pipeline issues that need to be taken into account

Historic England: **NO COMMENT**

MOD: **NO OBJECTION**

NATS Safeguarding: **NO OBJECTION**

Norwich Airport: **NO OBJECTION**

Internal Drainage Board:

The site is within the Internal Drainage District (IDD) of the King's Lynn Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.

The applicant has indicated that they intend to dispose of surface water via infiltration. The information submitted to date suggests that a drainage strategy which relies on infiltration may be achievable

however, we cannot see that the viability of this proposal has been evidenced fully. It is not clear if this land benefits from underdrainage. The Flood Risk Assessment (Ramboll, September 2022), Section 5.3, observes that undrained soils can be waterlogged for long periods in winter. Any underdrainage scheme may fail over the lifetime of the development, and once the arrays are in place it will be very difficult to replace any land tiles. In addition to confirming the presence or absence of field underdrainage, we recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration does not prove to be viable, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

District Emergency Planning Officer:

I note the comments in the flood risk assessment regarding low risk of flooding of site and potential flood depths. However if the surrounding areas were to flood any staff working on site could be marooned as the site could become a dry island.

Therefore because of its location in an area at risk of flooding and in line with best practice in business continuity I would suggest that the site operators:

- Should sign up to the Environment Agency flood warning system (0345 988 1188 or www.gov.uk/flood)
- Install services at high levels where possible to avoid the impacts of flooding
- A flood evacuation plan should be prepared (more details at www.gov.uk/flood):
- This will include actions to take on receipt of the different warning levels.
- Evacuation procedures eg warning any staff or contactors working on site, shutting down any flood sensitive equipment etc
- Evacuation routes

Environment Agency:

Comments from 8.2.23:

We have reviewed the documents as submitted we are removing our holding objection as it has been confirmed the bund cannot be drained.

Comments from 7.12.22:

We have reviewed the submitted FRA with regard to tidal and main river flood risk sources only and consider this to be acceptable for the scale, nature and location of the proposed development.

The FRA indicates that the maximum flood depth at the site in the event of a breach of the River Nene flood defences is 0.3m, based on our 2011 Tidal Nene Hazard Mapping.

We have no objection to the proposed development on flood risk grounds, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) are adhered to. In particular, the FRA recommends that:

- Site infrastructure (including the substation and battery array) will be raised 0.8m above ground levels;
- Flood resilient measures will be incorporated into the design of the switching and control kiosks; and

Planning Committee
24 April 2023

- PV panels will be raised at least 0.6m above ground levels.

Sequential Test and Exception Test:

In accordance with the National Planning Policy Framework (NPPF) paragraph 162, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this.

Please note that the proposed development is classed as 'essential infrastructure' (as stated in part 6.1 of the submitted Flood Risk Assessment) and is located within Flood Zone 3a. The Planning Practice Guidance on flood risk and coastal change indicates that essential infrastructure should only be permitted in Flood Zone 3a if the Exception Test is passed and it should be designed and constructed to remain operational and safe in times of flood.

Flood Warning and Evacuation:

In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. We recommend that you consult your Emergency Planner on these issues.

Norfolk Fire and Rescue:

Whilst Norfolk Fire and Rescue Service (NFRS) are not a statutory consultee on this project we work to engage with the developer as the project develops to ensure it complies with the statutory responsibilities that we enforce.

The developer should produce a risk reduction strategy as the responsible person for the scheme as stated in the Regulatory Reform (Fire Safety) Order 2005. We would also expect that safety measures and risk mitigation is developed in collaboration with the Service.

The strategy should cover the construction, operational and decommissioning phases of the project.

The Service will want to view the transport strategy to minimise the impact of construction traffic and prevent an increase in road traffic incidents.

NFRS recognises the use of batteries in Energy Storage Systems is new and emerging practice in the global renewable energy sector. The Service would like to work with the developers to better understand any risks that may be posed and develop strategies and procedures to mitigate these risks.

The developer must ensure the risk of fire is minimised by:

- Procuring components and using construction techniques which comply with all relevant legislation.
- Including automatic fire detection systems.
- Including automatic fire suppression systems. The Service's preferred system will be a water drenching system.
- Including redundancy in the design to provide multiple layers of protection.
- Designing the development to contain and restrict the spread of fire through the use of fire-resistant materials, and adequate separation between elements of the BESS.
- Developing an emergency response plan with NFRS.

Planning Committee
24 April 2023

- Ensuring the BESS is located away from residential areas. Prevailing wind directions should be factored into the location of the BESS to minimise the impact of a fire involving lithium-ion batteries due to the toxic fumes produced.

The emergency response plan should include details of the hazards associated with lithium-ion batteries, isolation of electrical sources to enable firefighting activities, measures to extinguish or cool batteries involved in fire, management of toxic or flammable gases, minimise the environmental impact of an incident, containment of fire water run-off, handling and responsibility for disposal of damaged batteries, establishment of regular onsite training exercises.

The emergency response plan should be maintained and regularly reviewed by the occupier and any material changes notified to NFRS.

Environmental impact should include the prevention of ground contamination, water course pollution, and the release of toxic gases.

The BESS facilities should be designed to provide:

- Adequate separation between containers.
- Provide adequate thermal barriers between switch gear and batteries.
- Install adequate ventilation or an air conditioning system to control the temperature.
- Ventilation is important since batteries will continue to generate flammable gas as long as they are hot. Also, carbon monoxide will be generated until the batteries are completely cooled through to their core.
- Install a very early warning fire detection system.
- Install carbon monoxide detection within the BESS containers.
- Install sprinkler protection within BESS containers.
- Ensure that sufficient water is available for manual firefighting. An external fire hydrant should be located in close proximity of the BESS containers. Further hydrants should be strategically located across the development.
- The site design should include a safe access route for fire appliances to manoeuvre within the site.. An alternative access point and approach route should be provided and maintained to enable appliances to approach from an up-wind direction.

Norfolk Constabulary: **NO OBJECTION**

They have provided comments directly to the applicant.

Norfolk Wildlife Trust:

We have the following comments relating to the Ecological Impact Assessment (EclA) which highlights the potential for the development to have negative impacts on both Priority and protected species. We also note and welcome the potential for large gains in biodiversity.

Construction Environmental Management Plan (CEMP):

- A Construction Environmental Management Plan (CEMP) would be required, as outlined in section 4.2.1 of the EclA.
- As there is potential for negative impacts on Priority and protected species, the CEMP should specify how any negative impacts will be mitigated. Therefore, all the mitigation measures detailed in Section 4.2 of the EclA should be included in the CEMP and secured as a condition of consent if granted. This should include, but not necessarily be limited to, the following:

- The CEMP should specify that there would no removal of hedgerows and lowland fen as these are Priority Habitats, for which the Council has a duty to conserve and enhance under the Natural Environment & Rural Communities (NERC) Act 2006 and the Environment Act 2021.
- Otters are listed as Priority Species under Section 41 of the NERC Act 2006. As advised in Section 4.1.4 of the EclA, in the absence of mitigation, there is potential for the development to cause disturbance to otters on Smeeth Lode during the construction phase.
- Badgers and their setts are protected under The Protection of Badgers Act 1992. The EclA advises that there is potential for negative impacts on badgers during the construction phase.

We therefore fully support the recommendations in Section 4.1.4 of the EclA that mitigation to prevent disturbance would be required.

- All wild nesting birds, eggs and their nest sites are protected from destruction and disturbance under the Wildlife & Countryside Act (1981). The EclA highlights the potential for negative impacts on several bird species (both Priority Species and protected) during the construction phase. We fully support the recommendations in Section 6.2.6 of the 'Breeding Bird Survey Report' which advises that best practice construction measures should be adopted to minimise potential construction impacts on breeding birds. These should be detailed in the CEMP and include measures to 'minimise working areas to avoid unnecessary habitat removal/alteration and disturbance, and measures to void/minimise the generation of additional noise, dust, light spill and vibration.' The CEMP should also clearly specify that site clearance is conducted outside of bird nesting season.

Biodiversity Net Gain:

Under the National Planning Policy Framework (NPPF) BNG will soon become a legal requirement in England with the Environment Act (2021) setting out a mandatory 10% net gain in biodiversity for new development. Whilst not currently mandatory, we wholeheartedly support the measures detailed in the proposal, to achieve significant net gains in biodiversity.

- Section 5 of the 'Biodiversity Net Gain Assessment Report' calculates significant positive gains regarding biodiversity. We therefore fully support the recommendations in the Habitat Management Plan (HMP) and the inclusion of Section 4.2.2 in the EclA advising that new habitats will include wildflower mix, native orchard mix, hedgerows and trees. NWT has experience with local provenance seed collection which we would be happy to share with the applicant.

Conclusion:

In summary, we fully support the recommendations regarding increasing Biodiversity. The mitigation measures detailed in Section 4.2 of the EclA should be included in the CEMP and secured as a condition of consent if granted.

CPRE: **OBJECTION**

- CPRE Norfolk fully acknowledges and supports the need for solar energy generation, but this should not be sited on food-producing, attractive countryside.
- The application amounts to new development which is outside any settlement boundary. We contend this is contrary to policy CS06 as the application would not "protect the countryside for its intrinsic character and beauty".

Planning Committee
24 April 2023

- It would adversely affect the surrounding area and would not be in accordance with Policy CS10 regarding farm diversification schemes. This is because the development would not be “appropriate in size and scale to the local area” and it would be “detrimental to the local environment”.
- National Planning Policy Framework (NPPF, July 2021) paragraph 120b) states that ‘planning policies and decisions should recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production’.
- Loss of food production land.
- The cumulative effect of increasing numbers of solar farms in the area should be recognised.
- The proposal does not recognise and would alter ‘the intrinsic character and beauty of the countryside’ - NPPF para. 174b.
- This paragraph of the NPPF also notes the importance of “the best and most versatile agricultural land...” As discussed below, over 50% of the land is currently classified as BMV land.
- Where solar farms are granted permission CPRE Norfolk would expect these to be sited on poorer quality land. This is supported by SADMP Policy DM.
- Liz Truss Government sought to extend BMV classification to include Grade 3b. If this does take place then 100% of the site would be classified as BMV land. Given that over 50% of the site is currently classified as BMV land, it is difficult to accept the statement in the applicant’s Planning Statement
- Where proposals affect agricultural land, they should be refused where the land is graded at 1, 2 or 3a, in line with footnote 58 of the NPPF
- The Planning Statement and Agricultural Land Classification agree that 54.8% of the proposed land is graded as BMV, and therefore the application should be refused permission.
- Government guidance in its Guide to assessing development proposals on agricultural land (updated 5 February 2021) is clear about the need to protect agricultural land and soil. These policies aim to protect ‘the best and most versatile (BMV) agricultural land from significant, inappropriate or unsustainable development proposals.’ It goes on to state that ‘your decision should avoid unnecessary loss of BMV land.’
- Part of the Ministerial Statement made by Eric Pickles as SoS for Communities and Local Government on 25 March 2015 stated in relation to solar energy:

Protecting the local and global environment: Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land. Protecting the global environment is not an excuse to trash the local environment. When we published our new planning guidance in support of the Framework, we set out the particular factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear this is necessary and that poorer quality land is to be used in preference to land of a higher quality.

We are encouraged by the impact the guidance is having but do appreciate the continuing concerns, not least those raised in this House, about the unjustified use of high quality agricultural land. In light of these concerns we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. Of course, planning is a quasi-judicial process, and every application needs to be considered on its individual merits, with due process, in light of the relevant material considerations.

At the time of writing, the Environment Secretary Thérèse Coffey has indicated that the current Government is to continue with plans to enact Liz Truss’s policy mentioned above to

widen the definition of BMV land to include Grade 3b. If this happens before this application is determined, it would give extra weight to the need to refuse permission. Even if this measure has not been introduced by the date of determination, it is clear that the Government's direction of travel is to be more cautious over allowing agriculturally productive land to be taken over by solar farms.

Cllr Kirk:

I live at Meerdyke Farm, my late father sold most of the land belonging to Meerdyke farm in the early 1990's due to health reasons. I am the fourth generation of Kirk's to have farmed the land and I feel my thoughts ought to be made known.

The Land is heavy Marshland soil, it's not fenland by any stretch of the imagination, when it's wet it's mortar and when it's dry it' bricks.

Crops must be harvested before early Autumn and the wet weather.

We use to grow many acres of soft fruit, we had some test boreholes done to see if we could find water for irrigation, the boreholes went down over 300 feet and we couldn't find water even though we are at sea level + or -.

It's certainly not prime arable land.

Presently the land is farmed by a company growing crops for a digester producing green energy, the crop once harvested has to be trucked at least twenty-five miles to the digester.

The green energy company shows little respect for our local roads, causing damage and leaving mud and trash all over, I receive numerous complaints from constituents regarding the state of the roads when the company is operating and I have spent many hours personally removing mud from the road with a shovel.

As I have mentioned I still live at Meerdyke Farm, in the middle of the proposed site, I personally haven't a problem with it becoming a solar farm. If it became a solar farm ground nesting birds would be protected and hare coursing would be stopped.

There is some opposition to the proposal, with concerns over safety and ascetics. There is also support for it from some of my neighbours and further afield in the village.

REPRESENTATIONS

16 OBJECTIONS have been received, these are summarised below:

- The surrounding roads are not capable or suitable for the expected vehicle movements. Surprised to see that private land (property entrances) are being relied upon to support the ability of cars and light vans to pass construction vehicles.
- Single track road with soft verges, ruts and no suitable passing bays.
- The roads leading to the site are signposted as 'damaged road'.
- Residents would be forced to take longer alternative routes to work when it's built. This is a safer route to join the A47 than Broadend Road junction.
- Sustainability.
- People including parents with young children, wheelchair users, horse riders, cyclists, and dog walkers use the road. It is currently a quiet road.
- At least 8 properties along St Paul's Road and Harp's Hall Road have stables, one provides hacks for disabled children, and they regularly hack along the road.

Planning Committee
24 April 2023

- Horse riders use Harps Hall Road. Was not alerted to meetings to discuss the plans or informed via letter.
- It would consume a significant amount of agricultural land, at the time the nation needs to increase its ability to grow crops to feed its population and support the replacement of carbon based fuels with bio fuels.
- There would be a significant impact on the wildlife as this would dramatically restrict their movements forcing them towards busy roads.
- Fire risk. There is risk of fire and chemical damage to the surrounding area.
- Once alight lithium ion fires are hard to extinguish, common fire suppressants don't work and the fire can burn very fiercely. It can explode. Release toxic gases. Fire services might not intervene. Developer has made no provision for fire prevention, no emergency plan and has not consulted the fire service.
- Battery storage would be close to a few houses with small children.
- No decommissioning plans.
- Open tracks around the perimeter will invite youths driving cars and burning them out.
- Possible fire risk with the batteries and grass around the panels.
- Piling driving concrete in the form of giant pillars impact the countryside.
- Better alternative sites such as solar panels along central reservations of roads.
- Flooding. Piling will destroy land drainage on the site.
- Problems disposing of solar panels and the creation of them is also questionable.
- Site borders residential homes and will have a detrimental effect on many peoples lives and livelihoods.
- There are houses in the middle of the solar farm. Concerned about floodlights and CCTV.
- Solar panels will ruin residents views. Fencing would resemble a prison encampment.
- Flood lighting will disturb neighbours and will be seen for miles.
- Noise and vibrations.
- Queries the Transport Statement. No attempt has been made to provide objective traffic counts. Great concern over the calculation of HGV movements. 100HGVs 3 per week is beyond credibility.
- Calculates there would need to be a minimum of 240 HGV vehicle movements purely for the arrays. More would be needed if the ground is unsuitable for piling. Calculates approximately 2200 HGV movements which 240 would be on 38T Articulated lorries.
- Affect property values and saleability.
- Do not see how floodlighting and fencing will enhance habitats and wildlife.
- Thieves will be interested into taking cables.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS06 - Development in Rural 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

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

DM20 - Renewable Energy

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of development and EIA
- Loss of Agricultural Land
- Landscape and Visual Impact
- Impact on neighbour amenity
- Highway safety, Access and Traffic
- Hydrology and Flood Risk
- Ecology
- Glint and Glare
- Crime and Disorder
- Other Material Considerations

Principle of Development and EIA:

The Climate Change Act 2008 introduced legally binding targets to reduce the UK's greenhouse gas emissions. The Act committed the UK to reduce its greenhouse gas emissions by 80% by 2050, compared with 1990 levels.

The Climate Change Act was amended in 2019 to commit the UK to 'net zero' by 2050. In 2019, the Climate Change Act 2008 (2050 Target Amendment) Order 2019 was passed which increased the UK's commitment to a 100% reduction in emissions by 2050. The Borough Council has set a more ambitious target of 2035 (and sooner if possible), and has also declared a climate emergency.

Renewable Energy is supported at both national and local level with Planning Practice Guidance (PPG) 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.

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

Overarching National Policy Statement for Energy (EN-1)

EN-1 sets out the Government's policy for delivery of major energy infrastructure. Whilst primarily of relevance to Nationally Significant Infrastructure Projects (NSIP's) (i.e. projects over 50MW) it is clearly a material consideration for the proposed development, which is just below the NSIP threshold, at 49.9 MW. EN-1 is the national policy on energy, and it establishes the need for energy related development, with the Government not requiring decision makers to consider need on individual applications because of this. The Proposed Development would help meet this need and would help to relegate the role of fossil fuels as a back-up.

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 ...

Core Strategy 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...

Core Strategy policy 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 places significant importance on renewable energy and the need to cut greenhouse gas emissions.

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.

Core Strategy policy CS08 states that 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.

The Site Allocations and Development Management Policies Plan (SADMPP) policy 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)

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

It is evident there is some conflict between these two overarching aims, namely protection of the countryside and the provision of renewable energy. Therefore a balance is needed, however the overall principle of development can be supported.

The application includes an Environmental Statement (ES), which is required as part of the Environmental Impact Assessment (EIA).

Loss of Agricultural Land:

National Planning Practice Guidance states that where a proposal involves greenfield land, consideration should be given to whether:

- i) The proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and
- ii) The proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

Paragraph 174b of the NPPF states that: 'planning policies and decisions should contribute to and enhance the natural and local environment by: 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.' Footnote 53 explains: where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

An Agricultural Land Classification (ALC) Report (July 2022) was undertaken by the applicant. No Grade 1 Agricultural Land would be affected. 13.6% of the land is Grade 2 (Very Good), 41.2% Subgrade 3a (Good) and 45.2% Subgrade 3b (Moderate). The proposal would involve losing approximately 48.5 hectares of Grade 2 and 3a land (which are considered the most versatile under Policy DM20 of the SADMPP).

Natural England are a statutory consultee on development that would lead to the loss of over 20 hectares of 'best and most versatile' agricultural land (graded 1, 2 and 3a in the Agricultural Land Classification system). Natural England do not object and consider that the proposed development, if temporary is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations.

The ALC Report notes that the King's Lynn and West Norfolk Borough region has a significantly higher proportion of Grade 1 and 2 agricultural land compared to national and Norfolk County wide averages. The site accounts for approximately 0.001% of the agricultural land within the Borough. Given this it would be difficult to argue that the proposal would have a significant impact on agricultural production within the Borough.

The Planning Statement sets out considerations for the site selection which includes proximity to the grid, topography, field size, site access, land classification, landscape and nature conservation designations and flood risk.

The applicant argues that the site is currently used to grow energy crops to produce biomass, which is burned in an incinerator located over 20 miles away to produce energy. They do not envisage the site would facilitate future food production if it were to be retained

in agricultural use. Regardless, the option of agricultural use would be removed for a temporary period of 30 years, after the solar infrastructure is installed.

In the appeal decision for the Rose and Crown Farm solar farm (PINS ref: APP/V2635/W/14/3001281) the Planning Inspector indicated there were no preferred locations identified in the Local Plan for renewable energy protection (nor in the upcoming Review); there was little low quality agricultural land in East Anglia and there were practicalities of linking into the National Grid (Paragraph 25 of the appeal decision). Although each site proposal is considered on its individual merit, this appeal was allowed in September 2015 for a solar farm which involved the use of 66ha of grade 2 ALC. In contrast the current proposal involves the loss of 48.5 hectares of Grade 2 and 3a ALC land.

Consequently, the proposal would result in the loss of agricultural land, including some land classified as best and most versatile. However, the proposal is of a temporary nature, that includes a small proportion of hardstanding for infrastructure. It would also incorporate approximately 54 hectares to be dedicated to biodiversity enhancement measures, including 0.9ha to be retained for bramble scrub. Therefore the loss of agricultural land will need to be carefully considered by Members, and balanced against the other benefits of the proposal, particularly the provision of renewable energy and biodiversity.

Landscape and Visual Impact:

The site borders several roads/tracks including Harp's Hall Road, Cow Lake Drove, Meer Dyke Lane, and Long Lots Drove. The site is also near to Walsoken BR9 a Restricted Byway, which lies beyond the south-western corner of the site. Walton Highway PROW lies approximately 1.4km south of the site. Therefore, there are numerous views across the site. The development is also split by Harp's Hall Road.

The PROW Officer highlighted that an application for a new Public Right of Way along the track, known as Smeeth Bank, directly adjacent to the south-eastern boundary of the proposed site has been submitted. The application is for a Restricted Byway status which if successful would allow walkers, cyclists and horses to use the track.

The site is not within any nationally or locally designated protected landscape areas. The site itself is in agricultural use for crop growing. The site is presently open, with some ditches close to the site edges. The surrounding area is predominantly in agricultural use with some pockets of wooded areas in the wider area. Farms and residential properties are interspersed along the surrounding roads, including on Harp's Hall Road and Meer Dyke Lane.

The BCKLWN's Landscape Character Assessment (2007) designates the site as within The Fens character area (D4 The Fens – Settled Inland Marshes, Emneth, West Walton and Walsoken). This is characterised by a large scale landscape with extensive vistas and wide open skies evoking a strong sense of openness, exposure and isolation. It has a strikingly flat, low lying terrain. Strong geometric and linear landscape patterning defined by large scale intensive arable farming with extensive field units divided by a regular network of drainage ditches and dykes, long straight road, large straight rivers and cut off channels. A largely unsettled landscape with villages and dispersed farmsteads with adjoining outbuildings.

According to the Environmental Statement (ES), the visual openness of the site and views into the wider landscape will decline with the implementation of screening vegetation which may block views. This will be apparent within 1km of the Site, but less noticeable further way.

It goes on to highlight that five viewpoints are considered to have a significant adverse effect due to the proximity of the receptor locations to the Site and the vertical element of the substation. Mitigation will partially screen the site, although this would also alter the open nature of the site.

Neutral effects are largely associated with receptors either at a greater distance from the proposal that are predominantly screened by intervening vegetation or built form, so either the site will not be visible or the changes are not perceivable at distance.

The ES considers the proposal would have a minor adverse effect on the Landscape Character Area D4 – The Fens relating to landscape character and aesthetics and amenity.

The ES notes that the design and landscaping proposals are considered to alter the landscape character and visual amenity of the area. Whilst this enhances the green connectivity of the Site and screens the development from visual receptors, the proposals close in the open site nature and are not necessarily typical of the local landscape character.

The LVIA concludes that 'although the development proposal represents a change to use within the Site and a change in character given the addition of a vegetated buffer where currently isn't one, local topography and vegetation patterns, combined with the Site's hedged boundary ensures that views in and out are largely contained, with some visual impacts being contained. The flat topography characteristic of the Site will remain unaltered. The design and landscaping proposals are considered to alter the landscape character and visual amenity of the area. Whilst this enhances the green connectivity of the Site, and also screening the Proposed Development from visual receptors, closing the open nature, is not necessarily typical of the landscape character'.

Clearly the proposal would introduce a significant number of solar panels, a battery storage system and associated equipment and vegetation across the site, which would alter the character of the area, which would introduce structures across the site. Landscaping is proposed which would assist in softening the appearance of the development. However, the site would ultimately appear less open than in its current form. The proposal seeks an operational phase of up to 30 years before it would be decommissioned. A condition is recommended to ensure the infrastructure is removed from the site when the operation phase ceases. Therefore, it is acknowledged that the openness of the site would alter as a result of the proposal, which would be most apparent to road users and residents in close proximity to the site, however the proposal is for a temporary period and would introduce vegetation to parts of the site.

It is acknowledged that the proposal would undoubtedly alter the existing open character of the site which would not be fully in accordance with Policy CS06 of the Core Strategy (2011). This policy highlights that in the countryside the strategy is to protect the countryside for its intrinsic character and beauty, and the diversity of landscapes. It also explains that the development of greenfield sites will be resisted unless essential for agricultural needs. However, given that the proposal is temporary for up to 30 years and the policies also support renewable energy, it is considered this will be weighed in the planning balance.

Impact on Neighbour Amenity:

There are several dwellings near to the site and between the two sections of solar panels that are separated by Harp's Hall Road. Along Harp's Hall Road nearby properties include Foxhall Farm, Poplar Farm and Bungalow, Linward, Happy Days Meadows, Meerdyke House and Farm. Linwards would be located adjacent to the access route into the eastern solar array. To the west of the site are Black Duck Farm and house, Fengate Road; The Elms and Willowdene Biggs Road, and Acacia Lea Farm house. These properties are

nearest the western array which includes the substation and BESS. To the edge of the eastern side of the site are nearby properties including along Long Lots and Goose Lane.

A landscape buffer would be located around the edge of the site which would assist with softening the development from surrounding properties.

The closest properties (The Elms, Biggs Road and Acacia Lea Farm, Meer Dyke Lane) to the substation and BESS would be around 270m away.

Solar development schemes do not normally generate a significant amount of noise or vibration outside of the construction period. The substation and battery storage facilities could give rise to some noise during the operational phase, the nearest dwellings would be located 270m away. Noise generation during the operation stage can be controlled through a noise levels condition. However, this has not been requested by CSNN.

CSNN have concerns with the proposed site working hours of 7.00 – 20.00 weekdays, 7.00 – 16.00 on Saturdays. CSNN have requested these be revised to 8.00-18.00 weekdays and 9.00-13.00 Saturdays, with no work on Sundays, Bank or Public holidays. To keep the period of work close to the quoted 34 weeks, they could compromise with 7.00 start (1800hrs end) weekdays for contractor arrival/toolbox talks etc, provided no HGV movements, deliveries or plant operations occur before 8.00am, and 9.00-16.00 on Saturdays. Site hours should be included in a Construction Management Plan (CMS) which should be conditioned.

Concerns have been raised by third parties about the proximity of residential accommodation to the site and in particular the Battery Energy Storage System (BESS). The Norfolk Fire and Rescue Service have not objected to the application, providing the proposal meets the necessary Building Regulations requirements. This will be dealt with separately from planning. Additionally, it is recommended a condition is included for a Risk Reduction Strategy and Emergency Response Plan be included by condition for review by the Fire Service.

The proposal includes minimal lighting. The Planning Statement says lighting will not be required around the perimeter of the Site, however passive infrared sensor lighting would be installed around the substation and battery compound. A lighting condition is recommended to ensure any lighting is appropriate and would not adversely harm nearby residents.

Pole mounted CCTV cameras of up to 3.3m high facing into the site are proposed. The exact locations are unknown and therefore this would need to be controlled by condition. Providing these are appropriately placed, these would not harm nearby residents' privacy.

CSNN do not object, providing conditions are included. They have suggested the eastern site access could be moved northwards to be more centrally located between Poplar Farm Bungalow and Linward as they are concerned about the immediately adjacent residential bungalow (Linward). They state that if this cannot be facilitated by a planning condition/revision, a condition would be required for a 2m high solid barrier/hoarding to protect Linward bungalow from noise. Therefore a noise barrier would need to be conditioned. Awaiting agent's response

The proposal would therefore comply with the NPPF and Policies DM15 and DM20 of the SADMPP.

Highway Safety, Access and Traffic:

The primary route into the site would be from the A47 heading northeast from Wisbech. This links to St Paul's Road South and Harp's Hall Road. The arrays would be accessed via

existing entrance points on Harp's Hall Road that would link to internal site maintenance roads. Harp's Hall Road is relatively narrow at around 4-4.5m wide.

According to the Environmental Statement there are anticipated to be a total of 100 HGV deliveries over the course of the 34 week construction period, typically 3 per week.

The combined impact of staff and HGV movements during the peak construction period would be:

- 20 car/van movements per day (two-way total)
- 6 HGV movements per day (two-way total)
- Total of 26 vehicle movements per day (two-way).

Two temporary construction compounds would be required, one within each array.

A Construction Traffic Management Plan (CTMP) is provided within the Transport Statement. Mitigation measures proposed include:

- Five proposed passing places on the construction delivery route, three on St Paul's Road and two on Harp's Hall Road.
- A 10mph speed limit for construction traffic on Harp's Hall Road.
- Temporary signage on St Paul's Road and Harp's Hall Road, to warn other vehicles, pedestrians and cyclists of the presence of construction traffic; and
- Good practice measures to manage deliveries to the site, and to minimise the impact upon local residents and other road users.

The CTMP will be managed and monitored by an appointed Site Liaison Officer, who will be responsible for co-ordinating the traffic and transport during the construction process.

Local residents have raised concerns about the standard of local roads, in particular Harp's Hall Road and highway safety in particular during construction and decommissioning stages.

NCC Highways have considered the information and do not object to the proposal. They consider that the submitted Transport Statement has made a thorough assessment of the proposed haul route to be utilised during the construction period and agree with the assessment. They note that as not all of the details of the mitigation measures have been formally agreed, and therefore they request conditions. These include details of the off site highway improvement works such as passing bays.

National Highways do not object to the proposal. They consider it is unlikely the proposal would have a long term impact on the Strategic Road Network.

The NCC PROW Officer was initially concerned that the boundary would affect an application for a new Public Right of Way track along Smeeth Bank. The applicant supplied additional information, which has addressed their concerns.

It is considered that providing the conditions requested by NCC Highway Authority are included then the proposal would not result in an unacceptable impact on highway safety, nor that the residual cumulative impacts on the road network would be severe.

Hydrology and Flood Risk:

Sections 14 and 15 of the National Planning Policy Framework (NPPF) refer to flood risk. Paragraph 159 states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or

future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'

Paragraph 167 of the NPPF states 'when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment⁵⁵. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'

Paragraph 169 of the NPPF explains that 'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.'

The site lies within Flood Zone 3a and exceeds 1 hectare, consequently a Flood Risk Assessment (FRA) accompanies the application. The FRA indicates that the maximum flood depth at the site in the event of a breach of the River Nene flood defences is 0.3m based on the Environment Agency's 2011 Tidal Nene Hazard Mapping.

In accordance with the NPPF paragraph 162, development should not be permitted if there are reasonably available sites appropriate for the development in areas with a lower risk of flooding. The majority of Marshland St James lies within Flood Zone 3a. The proposal is classed as 'essential infrastructure'. The Planning Practice Guidance indicates that essential infrastructure should only be permitted in Flood Zone 3a if the Exception Test is passed and it should be designed and constructed to remain operational and safe in times of flood.

In order to pass the exception test, it must be demonstrated that the proposed development will:

- Provide wider sustainability benefits to the community that outweigh the flood risk.
- The development will be safe throughout its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.
- In response to the first part of the exception test, the proposal would provide renewable solar and low carbon energy to support thousands of family homes.

The renewable energy will help deliver a reduction in carbon emissions and assist meeting local and national targets. It would also deliver biodiversity benefits and soil improvement gains. These measures provide sustainability benefits to the community and will meet the first criteria of the exception test.

Providing the measures in the flood risk assessment are adhered to and appropriate safeguarding conditions are included, it would not increase flood risk elsewhere.

The FRA recommends that the: site infrastructure (including the substation and battery array) will be raised 0.8m above ground levels; flood resilient measures will be incorporated

into the design of the switching and control kiosks; and PV panels will be raised at least 0.6m above ground levels. It is recommended the Flood Risk Assessment measures are conditioned.

The LLFA notes that the common setup means sites are usually considered 95% permeable, but associated infrastructure such as battery storage units, substations are impermeable

The applicant has indicated that they intend to dispose of surface water via infiltration. Further information is needed about the underdrainage of the site. Therefore, a pre-commencement land/surface water drainage condition is recommended.

The King's Lynn Internal Drainage Board, District Emergency Planning Officer, LLFA, Environment Agency and CSNN do not object to the proposal with respect to flooding and drainage, and safeguarding conditions and informatives have been included.

Consequently, it is considered that the exception test is passed in accordance with Paragraph 165. It is considered with the inclusion of the recommended conditions the proposal would be acceptable with respect to flood risk.

Ecology:

The application is accompanied by a Preliminary Ecological Appraisal, Ecological Impact Assessment, Biodiversity Net Gain Assessment Report and Breeding Bird Survey Report (2022). This report notes that breeding bird assemblage of district level importance (reed bunting, skylark and yellow hammer) could be affected during construction and operation. Therefore mitigation measures are included.

The proposal does involve fencing which will restrict some wildlife movements in the area. However, the proposal also includes enhancing biodiversity across approximately 54 hectares of the site. The Biodiversity Metrics Assessment demonstrates that is a 176% net gain for area based habitats and 1101% net gain for hedgerows.

The Council's Ecologist has reviewed all the relevant reports submitted and does not object providing relevant conditions and informatives are included.

Consequently, it is considered the proposal would offer numerous biodiversity benefits to the locality and would be in accordance with relevant policy.

Glint and Glare:

A Glint and Glare Assessment was carried out which considered the effect on potential flight paths, the adjacent main road, the A47 and five nearby residential properties.

It found no effects on flight paths and it is predicted that existing screening and topography will protect the majority of residential receptors in the locality and transport routes from significant impact. It did however identify a collection of dwellings on Harp's Hall Road where existing screening is informal and it would result in a maximum glare in a day of approximately 40 minutes (worst case scenario). The Planning Statement considers this not significant in terms of the impact on the amenity of these properties. However, this can be mitigated through an appropriate landscaping condition. The applicant has also said they would implement a formal grievance mechanism where community members can liaise with the project team.

The Ministry of Defence, National Air Traffic Services and Norwich Airport have raised no objection in relation to air safety.

Providing an appropriate landscaping condition is included to ensure appropriate mitigation then it is considered the proposal would be acceptable with respect to glint and glare.

Heritage Assets:

A Historic Impact Assessment (2022) and Geophysical Survey Report (2022) accompanied the application.

There are 12 national heritage list records within 2km of the site, including the Grade I Listed Church of All Saints located 1.75km to the west of the site and a further 11 Grade II Listed Buildings. The assessment carried out does not predict harm to these assets or their setting.

The exception is the potential impact upon the setting of the Grade II Listed Trinity Hall, with its impact assessed as low at worst. The Conservation Team have not commented on the application.

Paragraph 202 of the NPPF states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.' The public benefits of the proposal such as the provision of renewable energy would outweigh the low impact upon the heritage asset Trinity Hall.

NCC Historic Environment note the area is rich in evidence of Roman occupational and industrial activity. They therefore request safeguarding conditions.

It is considered the proposal would be consistent with heritage asset policies within the NPPF and Local Plan.

Other matters:

Third party comments have raised the impact of the proposal on views, property values and saleability. These matters are not material planning considerations.

Cadent Gas requires the applicant to contact them prior to commencement of works. This can be dealt with by way of an informative.

Given the limited number of traffic movements per year to maintain the site once operational (2 trips per month), it is considered unnecessary to given the wider sustainability benefits of the development to require ev charging points.

The decommissioning of the proposal will be conditioned to ensure sufficient detail is submitted for this stage.

Crime and Disorder

The site proposal includes CCTV and infrared sensor lighting. There are no specific crime and disorder issues arising from this development.

Planning Balance and Conclusion:

This is an application for a temporary period of 30 years for a solar farm, battery storage facility and associated infrastructure. The main issues are considered to be the impact upon the landscape, loss of agricultural land, the provision of renewable energy, and the

biodiversity enhancements. There are also other specific technical issues associated with the scheme.

In terms of the benefits, the provision of renewable energy supports the Government's ambitions to significantly cut greenhouse gases through low carbon energy sources. This proposal will help contribute to national targets in this regard. This is given weight by officers in the decision-making process.

There is also a large portion of the site set aside for biodiversity enhancements. This is approximately 54 hectares of the overall site. The Biodiversity Metrics Assessment demonstrates that is a 176% net gain for area based habitats, and 1101% net gain for hedgerows. Such a large enhancement in the view of officers should be a benefit that should also be given a lot of weight.

In terms of the negatives, the flat fen landscape will see a significant change through the infrastructure associated with the solar farm. That can be offset to a certain extent by landscaping, but there will still be large areas of the site that will be visible. Officers give this some weight in the decision-making process.

The other main issue is that there will be a loss of agricultural land for a period of 30 years. Whilst the appellant argues this land is used for biofuels (and therefore already for energy generation), it could at some point in the future be used for food production. The applicant also points out that this area is a very small proportion of the overall agricultural land in the eastern region, and that much of the site is grade 3b agricultural land, thereby minimising the use of the best and most versatile agricultural land. Also, the statutory consultees on this issue are Natural England, and they raise no objection to this loss. Given the above officers give this issue limited weight in the decision making process

Overall, officers consider that the benefits of the scheme outweigh the harm caused. There are also no other technical objections that cannot be controlled by condition, or that would warrant an objection. As such, it is recommended that approval should be granted, because it is considered the scheme meets the requirements of national and local planning policy.

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 Drawing Nos -
 - 2.3 Typical Array Details (Received 17 Nov 22)
 - 2.4 Typical Battery Storage Details (Received 17 Nov 22)
 - 2.5 Typical Switchgear and Transformer Housing (Received 17 Nov 22)
 - 2.6 Typical Fence and CCTV Details (Received 17 Nov 22)
 - 2.1A Existing Site Plan (Received 14 Nov 22)
 - 2.1B Existing Site Plan (Received 14 Nov 22)
 - 2.2A Proposed Site Plan (Received 14 Nov 22)
 - 2.2B Proposed Site Plan (Received 14 Nov 22)

- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to the commencement of any works a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities and TM signage shall be submitted to and approved in writing by the Local Planning Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.
- 3 Reason: In the interests of maintaining highway efficiency and safety. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.
- 4 Condition: For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority.
- 4 Reason: In the interests of maintaining highway efficiency and safety.
- 5 Condition: Notwithstanding the details indicated on the submitted drawings no works shall commence on site until detailed drawings for the off-site highway improvement works (passing bays and private access construction has/have been submitted to and approved in writing by the Local Planning Authority.
- 5 Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.
- 6 Condition: Prior to any works being undertaken on the development hereby permitted the off-site highway improvement works referred to in Condition 5 shall be completed to the written satisfaction of the Local Planning Authority.
- 6 Reason: To ensure that the highway network is adequate to cater for the development proposed.
- 7 Condition: Prior to commencement of development a detailed construction management scheme must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of the construction phase, deliveries/collections and any piling. The scheme shall also provide the location of any fixed machinery, their sound power levels, the location and layout of the contractor compound, the location of contractor parking, the location and layout of the materials storage area, machinery storage area and waste & recycling storage area, and detailed proposed attenuation and mitigation methods to protect residents from noise, lighting, vibrations, dust (in accordance with Section 8 of IAQM Guidance) and litter. Specifically this should include details to protect neighbouring dwelling 'Linward' from vehicle noise and dust during the construction and decommissioning phases. If piling is required, full assessment of noise and vibration impacts should be included. The scheme shall be implemented as approved.
- 7 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.

- 8 Condition: Prior to the installation of any external lighting, 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 height of the lighting, 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 the approved scheme and thereafter maintained and retained as agreed.
- 8 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 9 Condition: No development shall commence on site until full details of the surface water drainage arrangements 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.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

- 10 Condition: Prior to the commencement of any works, a "lighting design strategy for biodiversity" for the solar panels shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats, badger nesting birds and otter and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

- 10 Reason: In order to safeguard the ecological interests of the site in accordance with Policy CS12 of the Kings Lynn and West Norfolk Core Strategy 2011 and Section 15 of the NPPF.
- 11 Condition: No removal of hedgerows, trees, shrubs or brambles or works within 30 m of the buildings shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests no more than 48 hours prior to the commencement of vegetation clearance and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

In the event that any bird nests or actively breeding pairs are encountered, works will not commence on site until a further survey has been submitted in writing and

approved by the LPA confirming that any nesting attempts are concluded and any chicks in nests have fledged.

- 11 **Reason:** All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended. Whilst no barn owl were recorded during 2022 field surveys barn owl nesting habitat was identified within 30m of the site boundary and pre-construction checks are required as recommended in Section 6.2.5 of `Breeding Bird Survey Report` by RSK Biocensus 2022.
- 12 **Condition:** No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not be limited to, the following:
- Risk assessment of potentially damaging construction activities;
 - Identification of 'biodiversity protection zones' including buffers around known badger setts, hedgerows and ditches, particularly those with water vole present. A figure identifying these areas should be included;
 - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
 - The location and timing of sensitive works to avoid harm to biodiversity features;
 - Construction timed to be outside of breeding bird season (1st March and 31st August inclusive) unless a competent ecologist has undertaken preconstruction checks for nesting birds.
 - Works with the potential to cause disturbance of barn owls nesting at locations identified within the breeding bird report should be preceded by a nest check by a licensed barn owl ecologist to ascertain whether any occupied breeding sites are present. If occupied breeding sites are identified within 200m of works locations as recommended in Section 6.2.5 of `Breeding Bird Survey Report` by RSK Biocensus 2022,
 - The times during construction when specialist ecologists need to be present on site to oversee works;
 - Direction of security/construction lighting away from protection zones, tree canopies and watercourses in line with the lighting strategy;
 - Measures to prevent wildlife becoming trapped in excavations etc;
 - Tool-box talk which is specific to the risk factors identified
 - Responsible persons and lines of communication;
 - The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented through the construction phases strictly in accordance with the approved details, unless agreed in writing by the local planning authority.

A 'statement of good practice' shall be signed upon completion by the competent ecologist, and be submitted to the LPA, confirming that the specified enhancement measures have been implemented in accordance with good practice upon which the planning consent was granted.

- 12 **Reason:** In order to safeguard the ecological interests of the site in accordance with Policy CS12 of the Kings Lynn and West Norfolk Core Strategy 2011 and Section 15 of the NPPF. The details are required prior to commencement to ensure the ecological interests of the site are not prejudiced by the construction process.

- 13 Condition: All ecological measures and/or works shall be carried out in accordance with the details contained within the Habitat Management Plan October 2022 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
- 13 Reason: In order to safeguard the ecological interests of the site in accordance with Policy CS12 of the Kings Lynn and West Norfolk Core Strategy 2011 and Section 15 of the NPPF. The details are required prior to commencement to ensure the ecological interests of the site are not prejudiced by the construction process.
- 14 Condition: No development, demolition, earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved Construction Ecology Management Plan. All protective fencing and gates will be maintained during the construction period in accordance with the approved details.
- 14 Reason: To ensure the protection of badgers in compliance with the Protection of Badgers Act 1992 and Schedule 6 of the Wildlife and Countryside Act 1981(as amended). Placing these on an existing badger path, or at a point where a field boundary crosses the rabbit proof fencing, will help badgers to locate the gates and use them as a way through the fencing.
- 15 Condition: No development shall take place until an archaeological written scheme of investigation 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 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation, 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation and 7) any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.
- 15 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 16 Condition: No development shall take place other than in accordance with the written scheme of investigation approved under condition 15 and any addenda to that WSI covering subsequent phases of mitigation.
- 16 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 17 Condition: The development shall not be occupied 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 15

and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

- 17 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 18 Condition: The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (Ref: RUK2022N00166-RAM-RP-00018) carried out by Ramboll (dated September 2022) and in particular, the FRA recommends that:
- Site infrastructure (including the substation and battery array) will be raised 0.8m above ground levels;
 - Flood resilient measures will be incorporated into the design of the switching and control kiosks; and
 - PV panels will be raised at least 0.6m above ground levels.
- 18 Reason: To reduce the risk of flooding to the development and future occupants in extreme circumstances in accordance with the NPPF.
- 19 Condition: Prior to the installation of any solar panels the applicant should have in place an agreed Emergency Response Plan (produced in conjunction with Norfolk Fire and Rescue Service). This Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the installation of any solar panels. The development should be constructed and maintained in accordance with the approved details.
- 19 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 20 Condition: Notwithstanding the details hereby approved prior to the first use of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 20 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 21 Condition: 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 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.
- 21 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.

- 22 Condition: The development shall be carried out in accordance with the mitigation measures set out in the Environmental Statement unless provided for in any other conditions attached to this planning permission.
- 22 Reason: To ensure that the development takes place substantially in accordance with the principles and parameters contained with the Environmental Statement.
- 23 Condition: This permission shall expire on 1 May 2053. Within 4 months of this date, all infrastructure associated with the development hereby permitted, shall be dismantled and removed from the site. The site shall then 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 approved in writing by the Local Planning Authority, no later than 1 month after 1 May 2053.
- 23 Reason: The define the terms of the temporary permission applied for, and to ensure the land is restored to it's previous condition.