

## **Development Control Committee** **26 April 2023**

### **Planning Application DC/23/0052/FUL – Solar Farm, EuroAPI, Rookwood Way, Haverhill**

<b>Date registered:</b>	3 February 2023	<b>Expiry date:</b>	5 May 2023
<b>Case officer:</b>	Amy Murray	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Haverhill Town Council	<b>Ward:</b>	Haverhill South
<b>Proposal:</b>	Planning application - ground mounted solar farm with substation, CCTV, boundary fence, landscaping and associated works		
<b>Site:</b>	Solar Farm, EuroAPI, Rookwood Way, Haverhill		
<b>Applicant:</b>	Mr Lee Barratt		

**Synopsis:**

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

**Recommendation:**

It is recommended that the committee determine the attached application and associated matters.

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## **Background:**

**This application is before the Development Control Committee (DCC) because the Ward Member (Councillor David Smith – Haverhill South) has called-in the application.**

**Haverhill Town Council object to the proposal. The application is recommended for approval.**

## **Proposal:**

1. Planning permission is sought for a ground mounted solar farm with substation, CCTV, boundary fence and landscaping. The solar farm will have a capacity of 2.04 MWp and will provide renewable energy to the Haverhill EuroAPI site such that, at full output, it will meet the operational site's current and predicted energy needs (no battery storage is proposed). Permission for the solar farm is requested for 30 years.
2. The proposed arrays of photovoltaic (PV) solar panels will be set out in 14 rows, east to west across the site, with 4m in between each row for maintenance and cleaning. There will be a total of 3520 panels across the site and each panel is 580 Watt (Wp). The PV solar panels will be mounted on metal frames and set in a south-facing fixed orientation. The height of the framework and panels will be 2.5m above ground level.
3. A substation is proposed, to the north of the site, measuring 3m by 8m, with a ridge height of 3m. Three CCTV cameras are also proposed, mounted on telescopic stands that extend up to 8m in height, located to the north and south of the site. Additional fencing is proposed to the south and west of the site boundary, which will be 2.5m in height and will comprise dark green mesh panel fencing.

## **Application supporting material:**

4. The following documents have been submitted in support of the application:
  - Location Plan
  - Existing Site Plan
  - Proposed Site Layout
  - Proposed Elevations- solar panels
  - Solar Panels- 3D images
  - Fencing Elevations
  - CCTV Site Plan and Elevations
  - Indicative landscaping details
  - Substation Elevations
  - Ecology Report
  - Habitat map
  - Habitat suitability map
  - Biodiversity Net Gain Calculations
  - Landscape Ecological Management Plan (LEMP) and LEMP plan
  - Arboricultural Impact Assessment
  - Land Contamination
  - Flood Risk Assessment
  - Noise Impact Assessment
  - Landscape and Visual Statement
  - Construction Management Plan
  - SuDs Proforma

- Drainage Strategy
- Planning Statement

**Site details:**

5. The application site is located on Haverhill industrial estate to the south of the town. It is opposite EuroAPI's main site and is owned by EuroAPI. It is located within a triangular parcel of land that is enclosed by Piperell Way, Moon Hall Lane and Rookwood Way. There are other businesses, adjacent to the application site, to the south and west, within the triangular parcel of land.
6. The site is approximately 2.2 hectares and comprises unused land which is mostly covered with hardstanding and overgrown vegetation. There is an existing green mesh fence at the boundary of the site along Rookwood Way. The land slopes gently from north-west to south-east. The previous use of the site was a paint and wood treatment manufacturing facility, until its closure in 2008/9. Following the closure of the manufacturing facility the land was purchased in 2010 by Sanofi (now EuroAPI) and the unused buildings were demolished. Since then, the land has remained unused by EuroAPI.
7. The site is within the vicinity of a HSE major hazard site and is within a source protection zone, above a major aquifer. The land is identified as a general employment area in policy HV9 of the adopted Haverhill Vision 2031 document.

**Planning history:**

8. This proposal was subject to an EIA screening opinion and it was concluded that an EIA was not required (DC/22/1948/EIASCR)

Reference	Proposal	Status	Decision date
DC/22/1948/EIASCR	EIA Screening Opinion under Regulation 6 (1) of the Environmental Impact Assessment Regulations 2017 - solar farm	EIA Not Required	30 November 2022

**Consultations:**

**Anglian Water Services Limited**

9. 16.02.2023- No comments because the applicant is not proposing to connect to Anglian Water network. Anglian Water also advise that they have no assets within the proposed site, however, they recommend that the applicant checks the site area for any unmapped or private owned assets.  
05.04.2023- Anglian Water responded to the amended drainage details with no further comments.

**Cadent Gas Ltd**

- 10.No objection and request that an informative is added to any Decision regarding gas infrastructure in and around the site area. This has been added to the Decision accordingly.

**Health And Safety Executive**

- 11.No objection.

**National Grid Plant Protection**

12.No comments received.

**Cambridge Airport - Safeguarding**

13.No objection.

**Minerals & Waste SCC**

14.No objection.

**Police Architectural Liaison Officer**

15.No comments received.

**Norfolk And Suffolk Constabularies**

16.No comments received.

**Environment Agency**

17.The EA was only able to provide a partial review of the proposals. They note that the site is located above Secondary (undifferentiated) Aquifer (Lowestoft Formation), Principal Aquifer (Chalk) and a Source Protection Zone (SPZ3). The site is considered to be of moderate environmental sensitivity. The past use could present potential pollutant linkages to controlled waters. The EA has no objection, subject to a condition to secure the process required in the event that unexpected contamination is encountered.

**WSC Environment Team**

18.No objection, subject to a condition to secure the process required in the event that unexpected contamination is encountered. The Environment Team note previous works undertaken at the site, including site investigations, groundwater monitoring and phases of localised remediation. Given the findings of the various reports and the proposed end use, the Environment Team is satisfied that the risk to end users and controlled waters is low and no further investigation or remediation is required.

With regards to air quality, the Environment Team acknowledge that there will be some vehicle movements during the construction phase but these are unlikely to reach any thresholds for formal assessment and will only be temporary. They therefore have no further comments in relation to air quality.

**SCC Flood And Water Team**

19.07.03.2023- The LLFA has issued a holding objection, stating:

"A holding objection is necessary because infiltration-based drainage has been proposed for the development, however, this is not feasible due to the underlying geology of the site. Clarification should be provided to show that infiltration is a viable approach to drainage for the site within an updated site investigation report. If infiltration is not possible, then provide details for a positive discharge approach, including calculations to demonstrate adequate storage can be provided within the red line boundary."

The applicant provided amended drainage details on 03 April 2023, and the LLFA has been consulted with accordingly. At the time of writing this

report, we are awaiting their comments. The status of this will be updated with a late paper. If comments are not available prior to the committee meeting the planning application may be withdrawn from the agenda.

**WSC Environment Team - Sustainability**

20."In relation to policy DM8, low and zero carbon energy generation, which encourages proposals with fully assessed and mitigated impacts, we welcome this application for a solar farm."

**SCC Environment & Transport - Highways**

21.No objection, subject to compliance with the submitted Construction Management Plan.

**WSC Private Sector Housing and Environmental Health**

22.No objection, subject to conditions to prohibit burning of waste and to restrict construction hours.

**SCC Green Access Team Suffolk County Council Rights of Way**

23.No comments received.

**Ramblers Association**

24."The site is within the Town Development area of Haverhill where pre-existing public rights of way have been absorbed into the highway network as a basis for routes of more recent roads, and this seems to be the case here. In this case, I can do no more but to welcome this initiative for self-sufficiency."

**WSC Waste Management Operations Manager**

25."No comment".

**Place Services - Ecology**

26.No objection, subject to securing the measures proposed in the Ecological Impact Assessment and Biodiversity Net Gain Assessment, submission and approval of a Landscape and Ecological Management Plan, a lighting plan and a construction environmental management plan.

**Natural England**

27.No comments received.

**Suffolk Wildlife Trust**

28.No comments received.

**Place Services - Landscape**

29.No comments received.

**Place Services - Trees**

30.No objection, subject to submission of a landscaping plan and an arboricultural impact assessment.

**Suffolk Fire and Rescue Service**

31.No comments received.

**Braintree District Council**

32.No objection.

## **WSC Planning Policy**

33. The policy team has reviewed the proposal with particular reference to DM30 'Appropriate Employment Uses and Protection of Employment Land and Existing Businesses'. They consider that, arguably, DM30 is not engaged as the site is within the ownership of an existing business and has not been used for many years. Furthermore, the site could be considered ancillary to the main planning unit. Finally, the solar panels can be dismantled in the future, thus not precluding economic use. In summary, the policy team conclude that there is no significant conflict with DM30 and that the proposed solar farm is an ancillary use to the existing operations of EuroAPI.

## **WSC Economic Development**

34. Economic Development supports the application to develop a solar farm on the land owned by EuroAPI in Rookwood Way, Haverhill. The site was previously home to a paint and wood treatment facility but has sat dormant since it was bought by Sanofi (now EuroAPI) some years ago.

EuroAPI is a significant and key employer in Haverhill and West Suffolk, this application will help to protect the sustainability and viability of the company's operation in Rookwood Way and the important jobs that the company provides.

As we face the challenge of the climate emergency we are seeing increased take up of PVs which are providing more affordable electricity as well as delivering greater certainty around its provision. Economic Development is keen to support the take up of green electricity generation where it can assist West Suffolk's employers to continue providing the jobs and income that our residents need.

Whilst there is a significant shortage of available employment land in Haverhill and across West Suffolk, this land is owned by EuroAPI and is not available for wider commercial development.

## **Suffolk Chamber of Commerce (unsolicited)**

35. A letter of support has been provided by Suffolk Chamber of Commerce. The letter notes that the proposal would support a local business that employs over 250 people. It also states that the proposed solar farm would help the business manage its energy costs, which would increase investor confidence and certainty that the Haverhill site is still a viable investment. In addition, the proposal would support a reduction in greenhouse gas emissions.

## **Haverhill Town Council**

36. 02.03.2023 - "STRONGLY OBJECT- The proposed development is on prime industrial land, of which there is very little available in Haverhill, therefore this application does not comply with West Suffolk Council's DM30 Policy 'Appropriate Employment Uses and Protection of Employment Land and Existing Businesses' as there is an insufficient supply of alternative and suitable employment land available to meet local employment job growth requirements in Haverhill."

## **Ward Councillor**

37. Councillor David Smith:  
24.02.2023

"I have grave concerns about the siting of a solar farm in Rookwood Way. It is not the principle of solar energy that I object to, but the fact that we are losing yet more employment land in Haverhill.

With the coming forward of thousands of properties to the north, the town is expanding at a rate that is unsustainable with the infrastructure that we currently have. In that I include employment to service the new and existing residents coming to Haverhill. The regrettable decision of the planning inspector to allow more residential development near the EpiCentre, with a loss of the 2,000 jobs we were promised, and the warehouses on Haverhill Business Park that require low numbers of personnel, means that more and more people will be commuting out of the town to their places of employment.

As I said, I welcome the applicant's desire to power their plant with greener energy sources, but I feel that we should focus on cutting our use of fossil fuels by providing employment in places that are more easily accessible on foot, by cycling, or shorter car journeys where possible."

28.02.2023

Councillor David Smith formally called-in the planning application.

### **Representations:**

38.No representations received.

39.**Policy:** On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

#### **Core Strategy 2010, former St Edmundsbury Area:**

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS9 - Employment and the Local Economy

#### **Joint Development Management Policies Document:**

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM6 Flooding and Sustainable Drainage

Policy DM8 Low and Zero Carbon Energy Generation

Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Policy DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

**Other planning policy:**

40.National Planning Policy Framework (NPPF)

The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2021 NPPF that full weight can be attached to them in the decision making process.

**Officer comment:**

41.The issues to be considered in the determination of the application are:

- Principle of Development
- Impact on Character and Appearance of the Area
- Impact on Trees
- Impact on Ecology
- Drainage and Contamination
- Highways
- Neighbouring Amenity

**Principle of Development**

***Principle of Development- renewable energy***

42.Paragraph 152 of the NPPF supports renewable energy projects, stating that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and help to support renewable and low carbon energy and associated infrastructure.

Paragraph 158 of the NPPF states that 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

43. At local plan level, policy DM8 states that all proposals for generation or recovery of low carbon or renewable energy will be encouraged subject to the following criteria:

- a) proposals will be required to demonstrate the new carbon saving benefit that they will create, taking into account both carbon dioxide savings from renewable energy generation and any additional carbon dioxide generation that results from the proposal. *[this element is no longer required as per the NPPF]*
- b) proposals will be required to include a landscape and visual assessment which should, where appropriate:
  - I. Show the impact of the proposal in the landscape or townscape. All development should be designed and sited to minimise intrusion and visual impact;
  - II. Include mitigation measures to address the visual impact of the scheme;
  - III. Include an appraisal of the impact, on the environment of the proposal either in isolation or cumulatively with any other similar developments;
- c) where appropriate the proposal includes provision for mitigation and compensation measures, such as habitat enhancement or relocation.

44. DM8 further requires that all proposals will need to demonstrate, to the satisfaction of the LPA, that due regard has been given to the following:

- d) the impact of off-site and on-site power generation infrastructure including achieving underground connections to the electricity grid system; and
- e) in respect of proposals for wind turbines, current standards relating to noise emission, shadow flicker and other negative effects such as interference to television transmission and air traffic control systems and the effects on public health; and
- f) soil quality is not affected adversely by either construction or the operation or decommissioning of the development.

There is clearly overwhelming support for the production of renewable energy, both within local and national planning policy, subject to the acceptability of other criteria and material planning considerations. In addition, West Suffolk Council has declared a climate emergency, which provides further, relevant context when assessing the principle of development for a proposal such as this one.

### **Principle of Development- Economic Growth**

45. Chapter 6 of the NPPF (2021), and policy CS9 seek to provide support for developing and sustaining local businesses. In this case, there is a strong economic argument for supporting EuroAPI's transition to low carbon energy. The planning statement states:

46. "Over recent years, the energy cost evolution of the site has grown considerably. In 2021, the yearly energy cost for the site was circa £1.2, this grew to £2.7M in 2022 and predicted to increase to £5.0M in 2023."

47. Given the rising energy costs, self-sufficiency in this regard will help to sustain a significant business and local employer. However, the site is designated as part of a wider employment site, and this proposal comprises a non-employment use. The relevant policy to consider in this regard is DM30. This policy requires proposals for non-employment uses on sites designated for employment purposes, *and where the proposal is expected to have an adverse effect on employment generation*, to meet one or more of a number of criteria (as appropriate to the site and location)- see text box below.

#### **Policy DM30: Appropriate Employment Uses and Protection of Employment Land and Existing Businesses**

Any non-employment use proposed on sites and premises used and/or designated on the policies maps for employment purposes, and that is expected to have an adverse effect on employment generation, will only be permitted where the local planning authority is satisfied that the proposal can demonstrate that it complies with other policies in this and other adopted local plans (particularly Policies DM1 and DM2 in this Plan), and one or more of the following criteria has been met (as appropriate to the site/premises and location):

- a) there is a sufficient supply of alternative and suitable employment land available to meet local employment job growth requirements;
- b) evidence can be provided that genuine attempts have been made to sell/let the site in its current use, and that no suitable and viable alternative employment uses can be found or are likely to be found in the foreseeable future;
- c) the existing use has created over-riding environmental problems (e.g. noise, odours or traffic) and permitting an alternative use would be a substantial environmental benefit that would outweigh the loss of an employment site;
- d) an alternative use or mix of uses would assist in urban regeneration and offer greater benefits to the community in meeting local business and employment needs;
- e) it is for an employment related support facility such as employment training/education, workplace crèche or industrial estate café;
- f) an alternative use or mix of uses would provide other sustainability benefits that would outweigh the loss of an employment site.

48. Assessment of this proposal in relation to DM30 and protection of employment land has considered the following:

- The site is within the ownership of an existing business
- The site that has not been used for over ten years for separate employment purposes
- The solar farm has a limited lifespan (permission is sought for 30 years), thereby not precluding employment use in the future.

49. In this case, DM30 is not considered to be engaged as the use of the land as a solar farm, to power an existing business, is considered ancillary to the primary use. The LPA's Planning Policy team has been consulted on the application and concurs with this assessment. Furthermore, even if DM30 was considered relevant, the policy offers flexibility to consider other uses that would provide sustainability benefits (see criterion *f*) above).
50. In addition, the applicant has demonstrated that there are no other suitable locations for the solar farm on the roof of existing EuroAPI buildings. This option was rejected due to the lack of available footprint and limited supply of energy generation required to supply the site (no area was large enough individually or combined).
51. Having regard to the above national and local planning policies, subject to the acceptability of material planning considerations, the principle of supporting the economic activities of an established business is considered to be acceptable, and overall, the principle of this proposal is considered acceptable.

### **Impact on Character and Appearance of the Area**

52. Paragraph 130 of the NPPF requires development to be sympathetic to local character. Policy DM2 and CS3 requires all proposals to recognise and address the key features, characteristics and townscape character of the area and to maintain a sense of place and/or local character. Furthermore, policy DM8 requires renewable energy proposals to be supported with a Landscape and Visual Impact Assessment where appropriate and to demonstrate how visual impacts are minimised and mitigated.
53. In this case, the surrounding area comprises an industrial estate, with typical units that are utilitarian in design, with a range of commercial uses. However, development is set back from the highway and there are attractive verdant features, including grass verges, soft edges and trees along the highway. These attractive features positively contribute to the visual amenity of the area. There is a significant change in levels from the north-west to the south-east of the site and consequently, the solar farm would be visible from wider vantage points.
54. The proposal comprises ground mounted photovoltaic (PV) solar panels which will be set out in 14 rows, east to west across the site, with 4m in between each row. The site is 2.2ha and the PV panels will cover most of the site. The solar panels will be mounted on metal frames and set in a south-facing fixed orientation. The height of the framework and panels will be 2.5m above ground level.
55. A substation is proposed, to the north of the site, measuring 3m by 8m, with a height of 3m. Three CCTV cameras are also proposed, mounted on telescopic stands that extend up to 8m in height, located to the north and south of the site. Additional fencing is proposed along the southern and north-western boundary of the site, which will be 2.5m in height and will comprise dark green mesh panel fencing (there is existing mesh fencing along the north-east boundary, along Rookwood Way).
56. The application is supported with an Arboricultural Method Statement (AMS), Landscape and Visual Statement (LVS) and an indicative landscaping plan.

57. The LVS states that the sensitivity of the landscape and townscape character of the study area is low, given the industrial estate setting and that where the site would be visible from wider vantage points, any impacts are minimised due to the surrounding industrial development and low height of the PV panels (2.5m), which would clearly not break the skyline. Views of the site from Piperell Way and Moon Hall Lane would be minimal and the report notes that hedging is proposed along Rookwood Way, where the proposed development would be more visible. The LVS concludes that there would not be any significant effects to landscape/townscape character or visual amenity as a result of the proposal.
58. The submitted landscaping plan indicates proposed hedging along the north-east boundary, adjacent to Rookwood Way. It is noted that the space for a hedge is narrow at 2.75-3m in width and suitable details of planting will need to be secured by condition. Given the context of the site and the existing grass verge and trees and shrubs along Rookwood Way, this is considered acceptable. Furthermore, the planning application will be subject to a Landscape and Ecological Management Plan (LEMP), which will require management and maintenance of the proposed hedge.
59. The Arboricultural Impact Assessment (AIA) indicates that five trees and four groups are to be removed to facilitate the development. All are category C, so are either smaller trees or ones considered to be of low quality (further discussion on tree impacts are below). However, the proposed hedging will help to reduce any visual impacts as a result of the loss of these trees and the proposed development.
60. Given the industrial estate context, it is considered that the proposed structures are acceptable in terms of impact on the character and appearance of the area. They are modest in scale and are not unacceptably out of keeping with the industrial setting. The proposed hedging along Rookwood Way will help to reduce visual impacts and further details in this regard have been requested by planning condition.
61. In summary, the proposal is considered to comply with policy CS3 of the St Edmundsbury Core Strategy, policies DM2 and DM8 of the Joint Development Management Policies Document and the NPPF (2021), with particular reference to chapter 12- *Achieving well-designed places*.

### **Impact on Trees**

62. The Town and Country Planning Act 1990 (see section 197), requires LPAs to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees or planting of trees. This is supported in local policy by the requirements of Policies DM2 and DM13.
63. In this case, the site mostly comprises scrub vegetation and grass, with some mature or semi-mature vegetation. An AIA has been submitted to support the planning application. The AIA notes that a total of 45 arboricultural features, including 23 individual trees, 21 groups of trees and one hedgerow, were recorded during the tree survey. Place Services has reviewed the arboricultural impacts of the proposal on behalf of the Council.

64. The proposed development has the potential to adversely impact trees through root severance, changes to the root environment, compaction through the movement and storage of plant, damage through harmful construction practices, contamination due to spillage of fuel or other materials, unsympathetic facilitation pruning and direct damage to the stem and crown.
65. The AIA indicates that five trees and four groups are to be removed to facilitate the development. All are category C and are therefore not a material consideration. However, some mitigation is required to compensate for the loss of trees on site and it is considered that the proposed hedging along Rookwood Way will be sufficient in this regard.
66. There are eight trees and five groups which will be retained that have varying levels of incursion within the Root Protection Areas (RPA). One category B tree will have some encroachment within the RPA but the encroachment is minor and should not impact the tree. Three category C trees have over 20% incursion into the RPA that could negatively impact them, however, further details of how this will be managed could be submitted as part of an Arboricultural Method Statement (AMS) required by planning condition.
67. Facilitation pruning of one category B tree, one category B group, and four category C trees has also been outlined. However, precise details have not been provided and would be required as part of an AMS.
68. The AIA states that all pruning work will take place in accordance with BS3998:2010 'Tree Works' and ground protection and fencing in line with BS5837 (2012) has been proposed (the Tree Protection Plan was not included with the AIA at the time of review and will need to be included within an AMS).
69. The installation of the proposed fencing could lead to concrete leaching or direct damage if the fencing is installed within the RPA of trees. Any specialised working methods necessary must be included in an AMS. In addition, a detailed schedule for the planting and maintenance of the new hedge should be included in a landscaping plan.
70. In summary, the arboricultural impact of the proposed development is considered acceptable, subject to conditions to secure an acceptable Arboricultural Method Statement and landscaping scheme.

### **Ecological Impacts**

71. Section 40 of the Natural Environment and Rural Communities Act (NERC Act) states that the Local Planning Authority must "in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". Section 40 goes on to clarify that 'Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or *enhancing* a population or habitat'.
72. Additionally, the National Planning Policy Framework (2021), at paragraph 8c and Chapter 15, states that LPAs have a duty to protect and enhance sites of valued landscapes, biodiversity or geological value and soils when

determining planning applications. At a local level, this is exhibited through policies CS2, DM10, DM11 and DM12.

73. This application is supported with the following:

- Ecological Impact Assessment (EcIA)
- Biodiversity Net Gain Assessment
- Landscape and Ecological Management Plan (LEMP)
- Indicative landscaping plan

74. Place Services has reviewed the planning application on behalf of the Council and are satisfied that there is sufficient ecological information available for determination.

75. The EcIA identifies that the whole site is considered suitable for reptiles ranging from low, moderate to high potential. The EcIA states that, "Should areas of high suitability be impacted by the proposed development, further surveys will need to be carried out". There are some narrow strips of high potential habitat at the boundary of the site, within the red line, but these areas are not proposed to be cleared and are not required to be removed for the development. The EcIA also advises that precautionary clearance is required if some moderate habitat is retained. There is an area within the site of moderate potential habitat that is to be completely cleared to accommodate the solar panels, but it is not clear within the report what the mitigation measures are for this area.

76. The proposals include removal of existing habitats on-site, including scrub habitat. Place Services recommend that consideration is given to putting back existing soils/substrates once the solar panels are installed.

77. The Biodiversity Net Gain Assessment demonstrates that the proposed development can deliver a net gain for biodiversity of 10.06%, which is just above the emerging legislation definition of net gain of 10% (which is anticipated to be mandatory from November 2023). The BNG Assessment accepts that trading rules have not been met, for example, the development should provide like-for-like habitat or better. However, the use of scrub amongst the solar panels would not be compatible with the development and the report considers that creation of alternative habitats is appropriate and ecologically justifiable and will add heterogeneity to the wider site.

78. The Biodiversity Net Gain Assessment proposes creating a ruderal and ephemeral seed mix providing a low growing nectar rich community on nutrient poor substrate beneath and between the solar panels. It commits to new habitats that "will provide nectar resource for pollinators". Place Services agrees with this approach, stating the vegetation structure should be varied, providing opportunities for insects, birds and bats to live and breed. It should aim to create a diverse range of flowering plant species, providing nectar sources for insects. A mosaic of habitats should ideally be created for this purpose. However, this is not reflected within the submitted Landscape and Ecology Management Plan which sets out management for wildflower grassland and requires the need for a consistent, evenly mown sward up to the habitat edges.

79. Furthermore, it is stated within the submitted documents that the LEMP is planned to last for approximately 10 years before it will be necessary to re-assess its suitability. However, Place Services states that management of the site should be longer term, ideally for the lifetime of the project (30 years). There is also no consideration within the submitted documents as to what might happen to the habitats at the decommissioning stage.
80. Place Services also raised queries regarding the proposed hedging and scrub and how this is indicated on the submitted plans.
81. As indicated above, there are some areas that require further details and clarification in relation to the submitted ecological assessments. However, these details can be requested by condition. Therefore, pre-commencement conditions have been recommended to secure an acceptable Landscape and Ecology Management Plan and a Construction Environmental Management Plan (agreement from the agent to the imposition of the pre-commencement conditions is awaited). In addition, conditions are recommended to secure the proposed mitigation measures identified in the Ecological Impact Assessment (Arcadis, January 2023) and Biodiversity Net Gain Assessment (Arcadis, February 2023), submission of any lighting details prior to installation, a detailed landscaping plan and submission of details at the decommissioning stage, which includes consideration of biodiversity.
82. In summary, sufficient ecological information has been provided by the applicant to provide certainty for the LPA of the likely impacts on protected and Priority species and habitats. Subject to securing appropriate mitigation measures, the ecological impacts of the development are considered acceptable.

### **Flood risk, drainage and contamination**

83. Joint Development Management policy DM6 (Flooding and Sustainable Drainage), requires proposals for all new development to set out how on-site drainage will be managed so as not to cause or exacerbate flooding elsewhere. Policy DM14 (Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards) requires proposals where the existence of, or potential for creation of, pollution is suspected, to contain sufficient information to enable the Local Planning Authority to make a full assessment of potential hazards.
84. In this case, the application site is located in flood zone 1. It is above a Secondary (undifferentiated) Aquifer (Lowestoft Formation), Principal Aquifer (Chalk) and a Source Protection Zone (SPZ3), which means that groundwater supplies are at risk from potentially polluting activities and accidental releases of pollutants, and the past use of the site could present potential pollutant linkages to controlled waters. The planning application is supported with a Contamination Report, Drainage Strategy and Flood Risk Assessment. The Lead Local Flood Authority, Environment Agency and the Council's Environment Team were consulted during the course of the planning application.
85. The Environment Team note previous works undertaken at the site, including site investigations, groundwater monitoring and phases of localised remediation. Given the findings of the supporting documents and the proposed end use, the Environment Team is satisfied that the risk to

end users and controlled waters is low and no further investigation or remediation is required. Both the Environment Team and Environment Agency have no objection, subject to a condition to secure the process required in the event that unexpected contamination is encountered.

86. The LLFA has reviewed the proposal and issued a holding objection (on 07 March, 2023) because infiltration-based drainage was proposed for the development, however, this is not feasible due to the underlying geology of the site. The applicant was requested to demonstrate that infiltration is a viable approach to drainage within an updated site investigation report. If infiltration is not possible, then details of a positive discharge approach is required by the LLFA, demonstrating that adequate storage can be provided on site.

87. The applicant provided amended drainage details on 03 April 2023, and the LLFA has been consulted with accordingly. At the time of submission of this report, comments from the LLFA on the amended details are awaited. The status of this will be updated with a late paper. If there is no resolution before the committee meeting then the planning application may be withdrawn from the agenda.

### **Highways**

88. The proposal will utilise an existing access, off Moon Hall Lane. Given the nature of the development, the key consideration in terms of highways impacts will be during the construction phase and any glint and glare impacts that may distract drivers along Rookwood Way. The planning statement states that the solar panels are designed with antireflective surfaces and, in addition, the panels will be set back from the road by 9.5m, this is therefore considered to be acceptable. The planning application is supported by a Construction Management Plan (CMP), which includes access details, site office, parking and deliveries arrangements. The proposal has been reviewed by the Highway Authority and is considered acceptable, subject to securing the submitted CMP.

### **Neighbouring Amenity and Health and Safety Impacts**

89. Policy DM2 requires that proposals do not adversely affect the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution, or volume or type of vehicular activity generated.

90. Solar farms generally produce a low level of noise emissions but can produce some noise associated with their connection to electrical transformers. Given the potential for noise related impacts a Noise Impact Assessment (NIA) has been submitted to support the application. The NIA considers the nearest noise sensitive receptors on the industrial estate, which includes offices and Dizzy Day Care, and beyond the industrial estate, residential areas and the Travelodge were also considered.

91. The report notes the existing industrial noise climate, the significant distance from the site boundary to the identified nearest noise sensitive receptors and the shielding provided by existing buildings and concludes that the potential noise from the solar farm would not have any significant impact on sensitive receptors.



92. The site is also located within a Health and Safety Executive (HSE) hazard site. The HSE has therefore been consulted. The HSE stated in their response that solar farms are usually not a relevant development in relation to land-use planning in the vicinity of major hazard sites and major accident hazard pipelines, because they do not, in themselves, involve the introduction of people into the area. However, HSE advised that where a new substation is proposed (which applies to this case), the operators of nearby COMAH (Control of Major Accident Hazards) establishments should be consulted. The nearby COMAH sites were consulted accordingly.

93. In summary, it is considered that the impacts of this proposal on the amenity of adjacent areas are acceptable and comply with policy DM2 and paragraph 130 of the NPPF (2021).

### **Conclusion:**

94. Planning permission is sought for a solar farm on land owned by EuroAPI on Haverhill industrial estate. The solar farm will have a capacity of 2.04 MWp and will provide renewable energy to the Haverhill EuroAPI site such that, at full output, it will meet the operational site's current and predicted energy needs. The proposals also include a substation, CCTV cameras and fencing.

95. Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should approve the application if its impacts are (or can be made) acceptable. In this case, impacts on the economy, character and appearance of the area, trees, ecology, contamination, highways and neighbouring amenity are all considered acceptable subject to the conditions detailed below. As stated above, the proposed drainage strategy is still under consultation with the LLFA and the outcome of this will be updated in a late paper.

96. Concern has been raised regarding the use of a 2.2ha site for a solar farm, rather than for an economic use that may generate employment opportunities. This relates to policy DM30 which seeks to protect employment land. However, in this case, DM30 is not considered to be engaged because the site is within the ownership of an existing business and the use as a solar farm is considered ancillary to the primary use of the planning unit, which is a pharmaceutical production facility. In addition, the applicant has demonstrated that there are no other suitable locations for the solar farm on the roof of existing buildings.

97. In summary, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework. Given the considerable support both locally and nationally for renewable energy projects and supporting local businesses, this proposal is recommended for approval.

### **Recommendation:**

98. It is recommended that planning permission be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun not later than three

years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents, unless otherwise stated below:

Reason: To define the scope and extent of this permission.

<b>Reference number</b>	<b>Plan type</b>	<b>Date received</b>
HK00-SK-0006	CCTV location plan	1 February 2023
LXP-EN-2084-20-CP-01	Plan	1 February 2023
LXP-EN-2084-20-CV-01	Proposed layout	1 February 2023
LXP-EN-2084-20-M-01	Proposed elevations & sections	1 February 2023
LXP-EN-2084-20-M-02	Solar panel details	1 February 2023
LXP-EN-2084-20-M-03	Proposed elevations	1 February 2023
LXP-EN-2084-20-PLD-01	Proposed site layout plan	1 February 2023
LXP-EN-2084-20-PLD-02	Location plan	1 February 2023
LXP-EN-2084-20-PLD-03	Fence plan	3 April 2023
LXP-EN-2084-20-PLD-04	Landscape plan	1 February 2023
LXP-EN-2084-20-PLD-05	Existing site plan	1 February 2023
LXP-EN-2084-20-SUB-01	Substation	1 February 2023
(-)	Aerial view	3 February 2023
0052972-ARC-EBD-ZZ-DR-ZZ-00007 REV 01	Ecological plan	3 February 2023
10052972-ARC-EBD-ZZ-DR-ZZ-00006 REV 01	Ecological plan	3 February 2023
BNG Appendix A	Biodiversity report	3 April 2023
BNG Appendix B	Biodiversity report	3 April 2023
(-)	Land contamination assessment	12 January 2023
(-)	Arboricultural assessment	3 February 2023
BNG	Biodiversity report	3 February 2023
(-)	Biodiversity report	3 February 2023
(-)	Construction management plan	3 February 2023
(-)	Flood risk assessment	3 February 2023
(-)	Landscape and	3 February 2023

	visual assessment	
(-)	Noise report	3 February 2023
(-)	Planning statement	3 February 2023

- 3 The Local Planning Authority shall be notified in writing, within 5 working days, of the date of the first export of power from the site. This permission expires 30 years from the date of the first export of power or 6 months after the solar panels on site are no longer being used for the production of energy. After this date, the site shall be reinstated to its existing state in accordance with a Decommissioning Scheme that shall have first been submitted to and approved in writing by the Local Planning Authority prior to the expiration of this permission.

The scheme shall address, though not be limited to, the following areas:

- Hours of works
- Lighting
- Noise
- Traffic and highway impacts
- Trees
- Wildlife
- Soft landscaping including protection measures

Reason: The application has been assessed and determined on this basis.

- 4 Construction of the development hereby permitted shall be carried out in accordance with the submitted Construction Management Plan, Document Ref. LXP-EN-2084, Version V4.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase.

- 5 No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details 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/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To assimilate the development into its surroundings and protect the character and appearance of the area, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 6 Prior to commencement of development, an Arboricultural Method Statement (including any demolition, groundworks and site clearance)

shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:

- a. Measures for the protection of those trees and hedges on the application site that are to be retained,
- b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of  $dbh \times 12$  where  $dbh$  is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths,
- c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained. The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.

Reason: To ensure that the trees and hedges on site are adequately protected, to safeguard the character and visual amenity of the area, in accordance with policies DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement of development to ensure that existing trees are adequately protected prior to any ground disturbance.

- 7 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly the Secondary (undifferentiated) and Principal aquifers and Source Protection Zone 3) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF 2021; paragraphs 174, 183 and 184), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 - A6, J1 - J7 and N7.

- 8 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:30 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 9 All mitigation and enhancement measures and/or works shall be carried

out in accordance with the details contained in the Ecological Impact Assessment (Arcadis, January 2023) and Biodiversity Net Gain Assessment (Arcadis, February 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

- 10 Prior to commencement of development, a construction environmental management plan (CEMP Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following-

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

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

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

- 11 In the event that lighting is to be installed at the site, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority, prior to installation. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in

accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

- 12 Prior to commencement of development, a revised Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ bodies responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/0052/FUL](https://www.planningportal.co.uk/applicat.../DC/23/0052/FUL)