

Chelmsford Policy Board Agenda

14 October 2021 at 7pm

Council Chamber, Civic Centre, Chelmsford

Membership

Councillor I Fuller (Chair)

and Councillors

H Ayres, D Clark, W Daden, J Galley, N Gulliver, G B R Knight,
G H J Pooley, R J Poulter, A Sosin, N Walsh, R T Whitehead
and T N Willis

Local people are welcome to attend this meeting, where your elected Councillors take decisions affecting YOU and your City. There will also be an opportunity to ask your Councillors questions or make a statement. These have to be submitted in advance to committees@chelmsford.gov.uk. Further details are on the agenda page. If you would like to find out more, please telephone Brian Mayfield in the Democracy Team on Chelmsford (01245) 606923 email brian.mayfield@chelmsford.gov.uk, call in at the Civic Centre, or write to Democratic Services, Civic Centre, Duke Street, Chelmsford CM1 1JE. Council staff will also be available to offer advice in the Civic Centre for up to half an hour before the meeting.

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CHELMSFORD POLICY BOARD

14 OCTOBER 2021

AGENDA

PART 1

Items to be considered when members of the public are likely to be present

1. Apologies for Absence

2. Declarations of Interest

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

3. Minutes

Minutes of meeting on 5 July 2021

4. Public Questions

Any member of the public may ask a question or make a statement at this point in the meeting. Each person has two minutes and a maximum of 20 minutes is allotted to public questions/statements, which must be about matters for which the Board is responsible. The Chair may disallow a question if it is offensive, substantially the same as another question or requires disclosure of exempt or confidential information. If the question cannot be answered at the meeting a written response will be provided after the meeting.

Any member of the public who wishes to submit a question or statement to this meeting should email it to committees@chelmsford.gov.uk 24 hours before the start time of the meeting. All valid questions and statements will be published with the agenda on the website at least six hours before the start time and will be responded to at the meeting. Those who have submitted a valid question or statement will be entitled to put it in person at the meeting.

5. Solar Farms Supplementary Planning Document (SPD) – Consultation Feedback and Proposed Changes

6. First Homes - Planning Advice Note

7. Policy Board Work Programme

8. Urgent Business

To consider any other matter which, in the opinion of the Chairman, should be considered by reason of special circumstances (to be specified) as a matter of urgency and which does not constitute a key decision.

PART II (EXEMPT ITEMS)

NIL

MINUTES
of the
CHELMSFORD POLICY BOARD
held on 5 July 2021 at 7:00pm

Present:

Councillor I Fuller (Chair)

Councillors D Clark, W Daden, S Dobson, N Gulliver, G B R Knight, G H J Pooley, R J Poulter, M Sismey, A Sosin, N Walsh, T Willis and S Young

Also present: Councillors L Ashley, A Davidson and M J Mackrory

1. Apologies for Absence

Apologies for absence had been received from Councillors H Ayres, J Galley and R T Whitehead, who had appointed Councillors S Young, S Dobson and M Sismey respectively as their substitutes.

2. Declarations of Interest

Members were reminded that they must disclose any interests they knew they had in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they became aware of the interest. If the interest was a Disclosable Pecuniary Interest they were also obliged to notify the Monitoring Officer within 28 days of the meeting. Any declarations are recorded in the relevant minute below.

3. Appointment of Vice Chair

RESOLVED that Councillor A B Sosin be appointed as Vice Chair of the Policy Board for 2021-22.

4. Minutes

The minutes of the meetings on 4 March and 15 March 2021 were confirmed as correct records.

5. Public Questions

There were no questions or statements from members of the public.

6. Private Rented Sector Offer Policy

The Policy Board considered a proposed policy which would enable the Council to offer accommodation provided by private landlords, when appropriate and with the applicant's consent, as an option for discharging the Council's statutory duty to those who were homeless and entitled to an offer of settled accommodation.

In response to questions from the Board, officers said that:

- as the policy could only be used to discharge the Council's duties under homelessness legislation it could not be used to alleviate overcrowding;
- the management agent referred to in the policy was the agent through which the property was let and that agent would be required to meet set standards;
- the period of 12 months under which contracts to ensure the affordability of a property for an applicant would operate would be the minimum period. Should an applicant's financial position change for the worse during that time, the Council would continue to assist them. Whilst the Council would prefer that the contracts did not have break clauses, it would be responsible for providing alternative accommodation for applicants unable to remain in the accommodation for the full term of the contract;
- the policy could be amended to make specific mention of the need for properties to meet minimum statutory safety requirements.

RESOLVED that the Cabinet be recommended to approve and adopt the Private Rented Sector Offer Policy submitted to the meeting.

(7.02pm to 7.14pm)

7. Consultation on Chelmsford Housing Strategy 2022-2027

The Policy Board received a consultation document which would inform the preparation of the Chelmsford Housing Strategy 2022-2027. The document set out the initial findings from the Council's Housing Working Group and the results of early engagement with Registered Providers to ensure that the Council gained wider feedback from the community and other groups, organisations and charities involved in housing in Chelmsford.

Responding to questions on specific aspects of the consultation document, officers informed the Board that:

- the Council would continue to take robust action to bring empty properties back into use and work with partners to achieve that aim;
- self-build property was governed by a statutory register, which the Council helped to monitor, and by the Planning Obligations SPD rather than any housing strategy. Reference to it in the consultation document reflected a demand rather than a need and its role as a means by which housing could be provided;
- assessment of the viability of a development included the build costs, the cost of providing infrastructure and the cost of the affordable housing element. In the case of some smaller developments, such as those of between 11 and 20 units, the Council

may accept a commuted sum from the developer if the provision of affordable housing made the development unviable. This was considered on a site-by-site basis and the starting point was always to seek to include affordable housing in a development;

- housing need assessments continued to identify the demand for different property types and tenures in a locality but they increasingly took into consideration the wider need in Chelmsford and how meeting need at a local level could contribute to meeting the overall demand in the city;
- the reference in the document to the need for accommodation with on-site support for 20 young people was considered to be accurate and an on-going requirement.

The Board welcomed the consultation document which, with the Homelessness Strategy, would help tackle and prevent homelessness, increase the supply of housing and co-ordinate the support offered to the homeless and those in temporary accommodation.

RESOLVED that the document at Appendix 1 to the report to the meeting be approved for consultation to help inform the preparation of the Housing Strategy for 2022-27 and that any subsequent textual or presentation changes are delegated to the Director of Sustainable Communities in consultation with the Cabinet Member for Fairer Chelmsford and Cabinet Member for Sustainable Development.

(7.14pm to 7.44pm)

8. St Peter's School Site Masterplan

A masterplan was submitted for Strategic Growth Site Policy 1b, the site of the former St Peter's School in Fox Crescent. The Council's Spatial Strategy required that the site provide:

- around 185 new homes of a mixed size and type, including affordable housing
- two special needs schools
- open space for recreational activities
- equipped play provision
- new or relocated community facilities to meet evidenced need
- integration of flexible workspace facilities

The masterplan was being brought forward by Essex Housing, the housing subsidiary arm of the landowner, Essex County Council.

The focus of the Board's discussion of the masterplan was the question of access to the site, the provision of a footpath to Canberra Close and parking in Fox Crescent. Although the Highway Authority was of the view that the one main access road shown in the masterplan would be sufficient for a development of this scale, the Board felt that its size and multiplicity of uses were an argument for the provision of a second access. Unless there were strong technical reasons for not doing so, members felt that officers of the City and County Councils should explore the possibility of providing another access to the development site.

Rather than rule out the possibility of creating a footway access from the site to Canberra Close, the Board felt that local councillors and residents should be consulted on the idea before the masterplan was finalised. Members also believed that further thought was

required on the proposal to remove on-street parking in Fox Crescent and the options for its replacement within the development site. It was acknowledged that reconsidering the access and parking issues could have implications for the treatment of the Fox Crescent frontage of the site, the retention of trees and hedges, landscaping proposals and the impact on the site's ecology.

The Board was informed that the independent living element of the masterplan was distinct from the County Council's care home services. Members hoped that its provision would reflect the need and demand for that type of accommodation.

RESOLVED that the officers discuss with Essex County Council the access, parking and other issues raised at the meeting on the masterplan for Strategic Growth Site Policy 1b, the former St Peter's School site, Fox Crescent and that, depending on the results of those discussions, a revised masterplan be submitted to a future meeting of the Board.

(7.44pm to 8.58pm)

9. Chelmsford Policy Board Work Programme

The Board received the latest version of its Work Programme for 2021-22.

RESOLVED that the latest Work Programme of the Board be noted.

(8.58pm to 9.00pm)

10. Urgent Business

There were no items of urgent business.

The meeting closed at 9.00pm

Chair



Chelmsford City Council Policy Board

14 October 2021

Solar Farm Development Supplementary Planning Document (SPD) – Consultation Feedback and Proposed Changes

Report by:

Director for Sustainable Communities

Officer Contact:

Laura Percy, Senior Planning Officer, laura.percy@chelmsford.gov.uk , 01245 606486

Purpose

To present feedback from consultation on the Council's Solar Farm Development SPD and seek approval for proposed changes to the SPD for consideration by Cabinet.

Recommendations

- 1 That the Board agree the proposed changes to the SPD attached at **Appendix 2** of this report and recommend to the Council's Cabinet that it be adopted in accordance with those changes.
- 2 That the Board recommend to the Council's Cabinet that any subsequent minor textual, presentational or layout amendments to the final version of the SPD is delegated to the Director of Sustainable Communities in consultation with the Cabinet Member for Sustainable Development.

- 3 That the necessary legal and procedural processes are undertaken to adopt the SPD and the Board recommend to the Council's Cabinet that the Director of Sustainable Communities in consultation with the Cabinet Member for Sustainable is delegated to approve the necessary legal and procedural adoption material.
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1. Introduction

- 1.1 This report follows the public consultation of the Council's draft Solar Farm Development Supplementary Planning Document (SPD). It reports on the feedback received from the public consultation and recommends the adoption of the SPD subject to some amendments following feedback received.

2. Background to the SPD

- 2.1 Once adopted the SPD will provide guidance on preparing, submitting and assessing planning proposals for solar farm proposals and guidance on where solar farms may be most suitable. It considers and applies the requirements of national planning policy and guidance, local planning policies and other relevant strategies and provides practical advice intended to be used by solar farm applicants, Council planners, local stakeholders and communities in the consideration of solar farm proposals.
- 2.2 Once adopted, the SPD will be a material consideration in the determination of planning applications.

3. Public consultation on the SPD

- 3.1 The draft SPD was approved for public consultation by the Policy Board in March 2021. Consultation on the SPD took place for four weeks between 18 May and 15 June 2021.
- 3.2 The draft SPD document which was the subject of public consultation can be viewed at:
<https://www.chelmsford.gov.uk/resources/assets/inline/full/0/5978576.pdf>

4. Feedback from the public consultation

- 4.1. The consultation received 72 representations from 34 different individuals/organisations. The majority of these were from organisations/public bodies and energy providers. It should however be noted that one representation often referred to multiple sections/paragraphs within the document.
- 4.2. A feedback report, including a summary of the representations received, can be found at **Appendix 1** of this report. This sets out who and how we consulted on the SPD and the feedback received from the consultation. The feedback is set out in document order and contains details of each representation and the Council's comments and/or change proposed as a result of those comments.
- 4.3. In general, there was support for the document and its contents, subject to some suggested changes. Most changes were to ensure clarity on what was required by development and updates to reflect the latest position on some issues.
- 4.4. It was also considered by some that elements of the SPD suggested requirements that went beyond policy requirements in the Local Plan.

5. Proposed changes

- 5.1. A final schedule of proposed changes is found at **Appendix 2** of this report. This condenses the proposed changes set out in the feedback report as well as some minor additional changes proposed, generally regarding the fact the document will no longer be a draft document, to the SPD in document order. Changes are shown as **strikethrough** where text is to be removed and **underlined** where additional text is proposed.
- 5.2. As part of the consideration of changes required to the SPD the Council sought independent advice from Elementa Consulting, as renewable energy consultants, on the content of the SPD and the proposed changes.
- 5.3. In summary the overall changes proposed to the SPD are:
 - Clarification/wording changes to assist in clarifying where elements of the guidance are encouraged but not a mandatory policy requirement
 - Changes to ensure greater clarity or to reflect the latest guidance or policy position
 - The inclusion of some further best practice examples
 - The inclusion of the need to clarify the quality or efficiency of the system to ensure quality panels are installed
 - Minor typographic and editorial changes

- The removal of preferred locations for solar farm development being identified as this goes beyond the existing Local Plan policy requirements in Policies S2 and DM19.

5.4. Following agreement of this schedule of proposed changes by the Policy Board and Cabinet a final version of the document will be produced and published on the Council's website as soon as practicable.

5.5. As soon as reasonably practical following adoption of the SPD, in accordance with Regulation 14 of the Town and Country Planning (Local planning) (England) Regulations 2012 (as amended) the Council will make available the SPD and an Adoption Statement. The Council will also send the Adoption Statement to anyone who has asked to be notified of the adoption of the SPD.

6. Conclusions

6.1 The consultation on the draft SPD received a good level of response with general support for the document. Subject to the Board agreeing the schedule of proposed changes attached at **Appendix 2** of this report, the SPD is recommended to Council's Cabinet for adoption.

List of appendices:

Appendix 1 Feedback Report for Solar Farm Development Supplementary Planning Document

Appendix 2 Schedule of proposed changes to the Solar Farm Development Supplementary Planning Document

Background papers:

Solar Farm Development Supplementary Planning Document Consultation Document:

<https://www.chelmsford.gov.uk/resources/assets/inline/full/0/5978576.pdf>

Corporate Implications

Legal/Constitutional:

The SPD has been subject to consultation in accordance with the Planning and Compulsory Purchase Act 2004 and associated Regulations.

Financial:

There are no cost implications arising directly from this report.

Potential impact on climate change and the environment:

The SPD will seek to ensure new development within CCC's administrative area will contribute towards meeting the Council's Climate Change agenda.

Contribution toward achieving a net zero carbon position by 2030:

The SPD will seek to ensure such development within CCC's administrative area will contribute towards achieving a net zero carbon position by 2030.

Personnel:

There are no personnel issues arising directly from this report.

Risk Management:

None.

Equality and Diversity:

The SPD will seek to ensure such development provides access for all.

An Equalities and Diversity Impact Assessment has been undertaken for the Council's new Local Plan and the SPD does not introduce new policy.

Health and Safety:

There are no Health & Safety issues arising directly from this report.

Digital:

There are no IT issues arising directly from this report.

Other:

The document will contribute to priorities in the Council's Our Chelmsford, Our Plan 2020: A Fairer and Inclusive Chelmsford, A Safer and Greener Place, Healthy, Enjoyable and Active Lives and A Better Connected Chelmsford.

Consultees:

CCC – Development Management

CCC – Inward Investment and Economic Growth

CCC – Legal Services

Relevant Policies and Strategies:

This report takes into account the following policies and strategies of the City Council:

Local Plan 2013-2036

Our Chelmsford, Our Plan, January 2020
Statement of Community Involvement 2020

Our Chelmsford, Our Plan

The above report relates to the following priorities in the Corporate Plan:

Promoting sustainable and environmentally responsible growth to stimulate a vibrant, balanced economy, a fairer society and provide more housing of all types.

Making Chelmsford a more attractive place, promoting Chelmsford's green credentials, ensuring communities are safe and creating a distinctive sense of place.

Encouraging people to live well, promoting healthy, active lifestyles and reducing social isolation, making Chelmsford a more enjoyable place in which to live, work and play.

Bringing people together, empowering local people and working in partnership to build community capacity, stronger communities and secure investment in the city.

APPENDIX 1: CHELMSFORD CITY COUNCIL SOLAR FARM DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT (SPD) FEEDBACK REPORT

1. Introduction

- 1.1 The SPD has been produced to provide guidance on preparing, submitting and assessing planning proposals for solar farm proposals and guidance on where solar farms may be most suitable. It considers and applies the requirements of national planning policy and guidance, local planning policies and other relevant strategies and provides practical advice intended to be used by solar farm applicants, Council planners, local stakeholders and communities in the consideration of solar farm proposals.

2. Preparation of the draft SPD

- 2.1 In preparing the draft SPD, informal consultation was carried out with a range of internal City Council officers including those from:

- Development Management
- Public Health and Protection
- Economic Development and Implementation
- Public Places

- 2.2 Informal consultation also took place with Officers at ECC and CCC Cabinet Members.

- 2.3 Initially CCC officers had input into the proposed content and format of the SPD. Officers and Members were given the opportunity to comment on the emerging draft SPD and relevant changes were then incorporated into the final draft SPD.

- 2.4 All the above consultees assisted in the structure and content of the document. Key issues raised included:

- Provide more detail on the purpose and scope of the SPD including that it relates to solar farms and their associated infrastructure such as substations and transformers
- Identify the policy hooks in the Chelmsford Local Plan which necessitate the need for the SPD, along with other Local Plan policies
- Include reference to the National Planning Practice Guidance (NPPG) regarding planning considerations for active solar technology and solar farms
- Include reference to the latest Government strategies and policy including the Energy White Paper, published in December 2020
- Include information about relevant Essex County Council strategies, requirements and policies
- Include information on Essex County Council's pre-application advice that should also be sought

- Refer to how solar farms will be considered in the Green Wedge
- Include reference to net gain in biodiversity
- Make reference to potential opportunities and benefits of solar farms to the local economy
- Make reference to the Council's Tree and Woodland Planting 10-year Programme
- Include reference to the Historic Environment Record with regards to archaeology
- Expand/amend list of planning application/Development Consent Order supporting documents.

2.5 The informal consultation stage resulted in relevant changes to the SPD including:

- Text updates to reflect City Council priorities, plans and initiatives including the Council's Climate and Ecological Emergency Action Plan, Making Places SPD and Tree and Woodland Planting 10-year Programme
- Text updates to reflect Essex County Council policies and procedures including information on their pre-application advice, SuDS Design Guide, Construction Resource Management Plan, Transport Assessment and Construction Environmental Management Plan (CEMP) and Essex Green Strategy
- Text updates to reflect new Government strategies/policy including the Energy White Paper
- Broadening the scope of the SPD to better reflect national and local policy considerations and requirements including new references to the NPPG, biodiversity net gain and Green Wedges, and new sections on the Chelmsford Local Plan policies that the SPD will help to implement, Health Impact Assessments, Technological Requirements and Carbon Emissions
- Text updates to better reflect national and local policy considerations and requirements including changes to clarify the purpose of the SPD and that it covers solar farm associated development, expanding how specific planning considerations should be assessed and addressed, updating the checklist of supporting documents to be submitted with a planning application, and strengthening the guidance related to community engagement and consultation
- Editorial and presentational changes to help with the navigation of the SPD.

3. Who and how we formally consulted

- 3.1 The formal public consultation took place between **10am Tuesday 18 May 2021 until 4pm on Tuesday 15 June 2021.**
- 3.2 The Council issued consultation notifications in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). This included email/letter notifications to statutory bodies including Essex County Council, local Parish and Town Councils and Government bodies, solar farm

developers and industry specialists, and all organisations/individuals on the Local Plan consultation mailing list, totalling 6,110 different consultees.

- 3.3 From Tuesday 18 May 2021, the draft SPD was made available online at: <https://consult.chelmsford.gov.uk/kse> A dedicated web page was also set up on the Council's website containing detailed information about the consultation.
- 3.4 Paper copies were able to be viewed at the City Council's Customer Service Centre, Civic Centre, Duke Street, Chelmsford, CM1 1JE, Monday to Friday 10.00am to 4.00pm.
- 3.5 The document was also available to view at Chelmsford Library, County Hall, Market Road.
- 3.6 In accordance with the Council's Statement of Community Involvement (SCI) the Council published a Statement of Representations alongside the consultation, advising where and when comments could be made and alerting people to the consultation through the Council webpages. This was posted on the Council's website and sent to all those consulted. It also included details of how to make comments on our dedicated consultation portal.
- 3.7 The consultation portal provided a web-based feedback form to add comments to. A pdf form was also available from the Council's website to download and complete.
- 3.8 Full details of the consultation were also included on the Council's central consultation web page (<https://www.chelmsford.gov.uk/your-council/have-your-say/consultations/>) for the duration of the consultation.
- 3.9 Comments were able to be made in the following ways:

Online: www.chelmsford.gov.uk/planningpolicyconsult
By email: planning.policy@chelmsford.gov.uk
By post: Spatial Planning Services, Civic Centre, Duke Street, Chelmsford, Essex, CM1 1JE
By hand: Monday to Friday 10.00am to 4.00pm - Customer Service Centre, Civic Centre, Duke Street, Chelmsford, CM1 1JE

4. Number of comments received

- 4.1 72 representations were received from 34 different consultees. It should however be noted that where one representation refers to multiple sections/paragraphs within the document the comments made in the representation has been split and set against the relevant section/paragraph against the document to aid in the consideration of the representations. Therefore, the same representation number may appear multiple times in the table below.

5. Summary of main issues raised and how they have been taken into account

5.1 72 representations were received from 34 different consultees. It should however be noted that where one representation refers to multiple sections/paragraphs within the document the comments made in the representation has been split and set against the relevant section/paragraph against the document to aid in the consideration of the representations. Therefore, the same representation number may appear multiple times in the table below.

5.2 Please note these are a summary of comments received. Copies of all comments are available to view in full at https://chelmsford.objective.co.uk/portal/solar_farm_spd_2021/solar_spd?tab=list

Comment ID ref	Name	Page	Paragraph/ table/ fig ref	Summary of Comments/Proposed change	Council Comments
SFSPD10	Mr Alan Keeler		General comment	The document gives adequate guidance for developers and applicants when considering Solar Farm installations. The only proviso being that they are applied equally to all applications.	Support welcomed. Guidance in the document would be applied in the manner set out to all relevant planning applications.
SFSPD12	Broomfield Parish Council		General comment	Support for the broad thrust of the document.	Support welcomed.
SFSPD16	Transport for London		General comment	No comments to make in response to this consultation.	Noted.
SFSPD18	Little Waltham Parish Council		General comment	Alongside the proposed criteria for considering such development consideration should also be given to the overall scale and size of any proposed solar farm development when assessing its impact.	Paragraph 7.5 sets out the need to consider the impact of a proposals scale in relation to the landscape and visual impact.
SFSPD20	Black Notley Parish Council		General comment	General support for the document.	Support welcomed.
SFSPD24	Great Baddow Parish Council		General comments	General support and pleased to see important caveats for applicants on community gain, net biodiversity gains, health impact, transport impact including PROWS and maintaining heritage. It seems to cover issues around Climate Change and renewable Energy as well as including elements to mitigate / improve the areas natural habitat.	Support welcomed
SFSPD56	Colonel Eric Boddy		General comment	The UK is a small island and the land is needed for agriculture, leisure or, in the absence of brownfield sites, for essential housing. Electricity, therefore, needs to be generated by offshore wind power and not by solar power or land installations. Solar power applications should therefore be refused.	National planning policy and guidance supports the principle of renewables in general where their impacts are (or can be made) acceptable.
SFSPD62	Essex County Council		General comment	ECC is presently preparing a guidance document 'Principles for Ground and Mounted Photovoltaic Farms', which identifies the key environmental and socio-economic principles ECC would seek proposals for new solar farms to consider. Many of these principles are arising from the work being undertaken by the Essex Climate Action Commission which is seeking to identify ways the County Council can mitigate the effects of climate change, improve air quality, reduce waste and increase the amount of green infrastructure and biodiversity. The Commission is also exploring how the County can attract investment in natural capital and low carbon growth. The Interim Report of the Commission is recommending for Essex to produce enough renewable energy within the county to meet its own needs by 2040, and the report also states that the County Council is supportive 'in principle' to renewable energy infrastructure schemes, such as solar farms, provided the	Noted, CCC would welcome sight of these documents once available.

				environmental impacts can be mitigated through the planning process. ECC will provide this guidance note for consideration by CCC in advance of adopting the SPD. In addition, ECC has recently undertaken a consultation with residents in the County to seek their views and opinions on developing solar pv (photovoltaic) farms on land it owns and more widely in Essex, and the responses will help inform the ECC Climate Change Strategy. Over 400 responses have been received and once collated ECC is happy to share these findings with CCC.	
SFSPD75	Cell Energy Limited		General comment	NPPF Paragraph 54 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. The SPD as currently drafted does not mention the use of conditions or planning obligations in the context of making otherwise unacceptable development acceptable. Whilst it is unrealistic for the SPD to reference every matter relevant in the context of applications for solar farm developments, it is considered important for the SPD to acknowledge that conditions and planning obligations can be used as a means of increasing the number of planning permissions being granted. Furthermore, some matters clearly lend themselves to being secured by condition, for example details to restore the land to its previous use at the end of the solar farm's operational life. Given that this could be a number of decades from the grant of planning permission, it seems unreasonable to require such details to be agreed at this point. This is considered to be important given the clear and demonstrable need for solar farm developments as set out earlier in this response.	Noted. CCC has a recently adopted Planning Obligations SPD which covers the use of conditions and planning obligations. This is included as a bullet point to paragraph 5.6 but has merged with the Making Places SPD so needs to be separated to read: <ul style="list-style-type: none"> • Making Places Supplementary Planning Document (SPD), January 2021 • Planning Obligations Supplementary Planning Document (SPD), January 2021 In addition, a further sub-section to be added after paragraph 7.44 to read: <p><u>Planning Obligations</u> <u>CCC's Planning Obligations SPD sets out the City Council's approach towards seeking planning obligations which are needed to make development proposals acceptable in planning terms.</u></p> <p><u>Some cases may require financial contributions, other cases may require the details of mitigation measures to be included in an agreement so that a robust legal mechanism is in place to ensure appropriate mitigation is carried out.</u></p> <p><u>Other matters may be more appropriate to be covered by conditions. Each site will be considered on its own merits and engagement will be had with the relevant applicant/stakeholders to identify such cases.</u></p>
SFSPD5	CPRE Essex		General comment	The draft SPD is welcomed by CPRE-Essex. It is a thorough and clearly written document which provides comprehensive guidance to applicants, stakeholders and planners. It also reflects many of the key considerations of the Policy Statement on solar farms, produced and recently adopted by the county branch of the CPRE.	Support welcomed.
SFSPD7	Mark Scofield		General comment	Given the British weather, it has been calculated that most UK solar farms will never get beyond 12 per cent of their true generating capacity in the course of a year. The benefits need to take into account these factors to ensure they are not overstated when weighed against the potential harms.	Such issues can be considered as part of the balance sheet requested to assess the environmental costs and benefits requested in paragraph 7.39.
SFSPD17	Mr David Hutchinson		General comment	Solar panels could be placed on the embankments on many of our major roads and motorways instead of spoiling our countryside.	Noted. There are examples of solar farms being sited in such locations, but this SPD is aimed at guiding a wider range of applications rather than suggesting specific locations for panels to be placed.
SFSPD19	Castle Point Council		General comment	I can confirm that this Authority does not have any comments to make.	Noted.
SFSPD21	Mr & Mrs M & J Dunmow		General comment	All new estates should have their own solar farms to run lights etc. The planning dept should find places hidden away from view, to place them on show in fields is ugly. New homes should have them on the rooftops.	In accordance with the Council's Making Places SPD developments are encouraged to explore these options as well but this does not replace the need for guidance for applications outside of these developments, the principle of which are supported by national policy and guidance.

SFSPD23	Natural England		General comment	Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.	Noted
SFSPD57	Mr Arthur Allen		General comment	In the majority of cases the prime mover for wanting to develop a solar farm on rural fields is purely and simply money. There is greater profit and cash-flow in income from a solar farm than there is from the farming of either livestock or crops as the savings in manpower, fertilisers, animal feed, equipment and fuel are far outweighed by having to do virtually nothing as the installation will be managed by the operating company. In many cases it is win-win for the landowner because they will benefit from the income generated by the solar farm and also from the sheep farming which will continue. There is no real concern for the environment, or the planet, or renewable energy. The main concern is using those concepts as a vehicle to justify making money whilst giving very little back in terms of actual renewable energy via a scheme which seriously degrades an area of exceptional visual amenity and special landscape considerations. Specific comment on a current planning application also submitted for reference.	Noted. The purpose of this SPD is to offer guidance for such planning proposals to follow. The land owners reasons for considering such a proposal is not a planning consideration. Comments specific to existing planning applications are not the subject of this consultation and will be considered as part of the determination of that application.
SFSPD54	Marine Management Organisation (MMO) HM Government		General comment	No specific comments to make on this SPD.	Noted.
SFSPD55	South Woodham Ferrers Town Council		General comment	Document appears rushed and poorly put together and does not constitute an SPD document that can or will be used by planning professionals. Much of the content appears to be using out-of-date information or irrelevant reference points. The document contains no policies of its own and makes a few general policy referrals to other planning documents. We would like to see this document tightened up, with stronger language and contain its own policies that become part of the planning process. Many sections of the document could be converted to specific policies. We also feel this SPD should be extended and re-written to become a professional Green Energy SPD to cover free-standing battery farms as these are an emerging requirement and can operate separately from solar farms or solar farms with batteries facilities within them.	Noted. Information within the document is up to date and relevant to the matter of solar farm development. National guidance is very clear that an SPD cannot introduce new policies but should support those in the adopted Local Plan. As part of the review of the Local Plan all forms of renewable energy development will be considered and if appropriate specific policies can be included where they accord with national policy and guidance and there is evidence to support the requirements within them. Free-standing battery farms are outside the scope of this SPD.
SFSPD52	Mr Edward Baldock		General comment	There should also be required to be a clear dissociation of the energy production aspects of a project from any energy storage aspects of that same project. With current battery technology, battery storage comes with very significant safety issues that are not present if the project confines itself to energy production alone.	Paragraph 7.20 requires a management plan to be submitted to demonstrate how any battery energy storage facility will be constructed and operated safely.
SFSPD53	Anglian Water Services Ltd		General comment	General support for document and the principles and policy objective within it.	Support welcome.
SFSPD60	Exolum Pipeline System Ltd		General comment	If any works are in the vicinity of the pipeline Exolum Pipeline System Ltd should be contacted.	Noted, this is not a proposal for development itself. Should any proposal be within the vicinity of the pipeline CCC would contact Exolum as part of the planning application consultation.
SFSPD8	EDF Energy	3	Section 1	Welcomes the overarching context for the SPD and the recognition that the sustained growth in the capacity of solar and onshore and offshore wind will be needed to ensure the country is on the path to meet net-zero. The urgency of the climate emergency, and the Committee on Climate Changes's "Balanced Net Zero	Support welcomed.

				Pathway” advice that 3000 MW of new solar capacity is needed every year to 2030 and beyond, highlight the need for large scale solar projects such as Longfield to meet the UK’s near term climate targets.	
SFSPD75	Cell Energy Limited	3	Paragraph 1.1	General support for the background need for this document.	Support welcomed.
SFSPD52	Mr Edward Baldock	3 & 5	1.3 & 3.2	Definitions in terms of MWs (millions of Watts) used in these paragraphs fail to say under what conditions those Watts apply. Paragraph 1.3 is unclear what “solar capacity” to be interpreted as being.	These MW definitions follow national requirements. Amend last sentence of paragraph 1.3 to read: The report highlights that a portfolio of zero and low-carbon energy generating technologies will be needed to meet future electricity demands including expanding new solar energy generating technology capacity by 3,000MW on average every year to 2030 and beyond.
SFSPD25	East Hanningfield Parish Council	3	Section 1 & 2	We preface our comments with our confirmation of supporting initiatives to achieve a sustainable and net zero carbon future. Our comments are meant to help improve an already comprehensive document. Section 1 and Section 2 are unnecessarily positive. Although large solar farms can accelerate our achievement of zero carbon power generation there are significant disadvantages over and above the environmental implications. A summary of some of these are:- Agriculture and food production are recognised as the next climate emergency. A short term clean electricity gain may not be a good global trade off against a longer term food loss. Every acre of wheat production sequesters (captures) 8 tonne of carbon dioxide (USA Department of Agriculture). All power generation will be Carbon Neutral by 2035 (Dec 2020 Carbon Budget) primarily driven by offshore wind and nuclear without emphasis on large scale solar energy. A carbon neutral solar farm will be a penalty versus sequestering agriculture by this date. Solar farms will be delaying net zero. Britain is short of sun, land and food production, our sea and wind are plentiful. Our economic advantage is offshore wind not solar. Solar energy has unique benefits on the roofs of buildings and above car parks. This opportunity is being missed by an industry targeting the easy option of agricultural land. The purpose of the above is to demonstrate that a more neutral approach to solar farms, similar to the December 2020 Energy White Paper, may be more appropriate.	The SPD is for solar farm developments rather than other possible forms of energy generation. These sections set the background to these schemes and that the Council recognises solar energy is one form of energy generation which can help meet a reduction in carbon and green house gas emissions, as well as providing local energy security. As set out in paragraph 5.3 of the SPD the NPPF states that planning applications for sustainable energy systems should be approved if the proposals impact are (or can be made) acceptable. As set out in paragraph 2.1 CCC therefore is supportive of the principle of such proposals provided the environmental impacts can be appropriately managed through the planning application process.
SFSPD61	Councillor Sue Dobson	3 & 4	Section 1 & 2	Concerns about the pitch as to how this is written. A policy document should be totally neutral. Whilst I accept that background information of the Government requirements should be there to set the scene, paragraph 2.1 is unnecessarily pro-solar farms, and the likely detrimental impact on the landscape should have far more prominence here with more of an onus on the applicant to demonstrate that impact on the landscape will not be harmful. It seems to reads the other way round at the moment.	As set out in paragraph 5.3 of the SPD the NPPF states that planning applications for sustainable energy systems should be approved if the proposals impact are (or can be made) acceptable. As set out in paragraph 2.1 CCC therefore is supportive of the principle of such proposals provided the environmental impacts can be appropriately managed through the planning application process.
SFSPD6	Runwell Parish Council	4	Section 2	Support the aims and concept for Major Solar Energy and the details contained within the consultation document.	Support welcomed.
SFSPD8	EDF Energy	4	Paragraph 2.1	Welcomes CCC’s support for solar projects in principle and is pleased to see the acknowledgement of the positive contributions that solar development can have on sustainable agriculture, local ecosystems and local employment. Suggests that the SPD elaborates on the benefits to wildlife that solar development can result in, such as mentioning the potential to enrich biodiversity on site if appropriate land management plans are enacted.	Support welcomed. Paragraph 2.1 includes reference to benefits to local ecosystems and wildlife and this is covered in greater detail in section 7.

SFSPD8	EDF Energy	5	Paragraph 3.1	Agrees with the bullets noted in 3.1 which illustrate the purpose of the SPD.	Support welcomed.
SFSPD75	Cell Energy Limited	5	Paragraph 3.3	<p>An additional section should be included within the SPD to clarify the 'weight' which should be attributed to it in the context of planning law and for the purposes of decision-making.</p> <p>The SPD will not form part of the Development Plan and cannot introduce new planning policies into it. The SPD should therefore be afforded 'reduced weight' to that of the Development Plan. Planning applications for solar farms which accord with the requirements of the Development Plan but fail to meet all of the guidance set out in the SPD, should still be considered acceptable having regard to the requirements of planning law. In such instances, it is accepted that planning judgement should be exercised to determine whether the effects of non-compliance with the SPD is sufficient to preclude the grant of planning permission. However, the starting point for determination of planning applications is clear.</p> <p>Given that the intended use of the SPD is by, amongst others, local stakeholders and communities who may not be aware of the requirements of planning law, it is suggested that the SPD is updated prior to its adoption to clarify that the starting point for determination of planning applications is the Development Plan, and the 'weight' in planning terms which should be attributed to the SPD.</p>	<p>Noted. While it is not considered necessary to set out elements of planning law in the SPD, as it is for the Council to determine applications in the appropriate manner, the following is suggested to ensure this is clear.</p> <p>Amend paragraph 3.3 to read: <u>By law, planning applications must be determined in accordance with the development plan unless there are material considerations that indicate otherwise (section 38(6) of the Planning and Compulsory Purchase Act 2002). Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved. This SPD builds upon and provides more detailed advice or guidance on relevant policies in the Local Plan and is a material consideration in the determination of solar farm planning applications in the Council's area. This SPD It is intended to be used by, among others, solar farm applicants, Council planners, local stakeholders, and communities. Once adopted, this SPD will be a material consideration in the determination of solar farm planning applications in the Council's area.</u> The Council is consulted by the Planning Inspectorate on Nationally Significant Infrastructure Projects (NSIP) in its area and will use this SPD to help determine its response. This SPD will also support the implementation of renewable energy policies in the Chelmsford Local Plan 2013-2036 and the Council's Climate and Ecological Emergency Action Plan, published in January 2020.</p>
SFSPD8	EDF Energy	6	Paragraph 3.5	The last sentence in section 3.5, the phrase "planning application or" should be deleted as all NSIPs are subject to a DCO application, not a planning application.	<p>Amend last sentence of paragraph 3.5 to read: The Council will seek a Planning Performance Agreement (PPA) with the applicants of Nationally Significant Infrastructure solar farm projects to enable it to provide effective and timely planning advice throughout the planning application or Development Consent Order process. <u>In appropriate cases, a PPA may be sought as part of a planning application. Details will be confirmed with the applicant as part of the pre-application process.</u></p>
SFSPD63	Essex County Council	6	Paragraph 3.5	This could be strengthened to 'require' proposals to go through the pre-application advice process. In addition, ECC recommend further text is added requiring early engagement with CCC where the requirements between an application being treated as a DCO or planning application is borderline in terms of generating capacity, but also where coupled with the impacts of its associated development on the environment are similar. For example, a solar farm application was recently generating 49.9 MW of electricity over three sites is just below the NSIP threshold of 50MW it would be expected to raise the same planning considerations, covering amongst other matters, the visual impact in the rural environment.	<p>As set out in paragraph 7.36 cumulative impacts from a number of developments in an area will need to be assessed.</p> <p>It is not possible to 'require' applicants to go through a pre-application process, only to encourage. It is acknowledged that this could be more strongly encouraged in the SPD.</p> <p>Amend first sentence of paragraph 3.5 to read: Chelmsford City Council (CCC) <u>strongly</u> encourages applicants to engage early with the Council and to seek pre-application advice ahead of submitting a planning application or Development Consent Order for a solar farm.</p>
SFSPD8	EDF Energy	8	Section 5	It may be worth noting in the SPD that all Energy National Policy Statements are currently under review by BEIS, with consultation expected later this year. Whilst the current National Policy Statements don't explicitly make reference to solar powered electricity generation or battery storage, industry has recommended that both technologies are included in the revised NPSs, therefore we suggest this section is reworded to reflect these expected updates.	The SPD can only cover existing planning policy and guidance. There is no publication available at this point in time so it should not be included at present. New national and local policy will be kept under review and the SPD updated if and when appropriate as part of the review of the Local Plan.

SFSPD64	Essex County Council	8	Section 5	<p>ECC recommend reference is made to the 25 Year-Environment Plan and Environment Bill in the 'National Policy' section as it will demonstrate the link between new solar farms to wider priorities and political drivers, such as climate change, economic, ecological and health and wellbeing agendas.</p> <p>ECC recommend reference is made to the Essex Green Infrastructure Strategy (2020) (GIS) under the 'Local Policy' section. Section 8.5 of the GIS encourages that wind and solar farms should be considered in some way as a green infrastructure asset and should be managed accordingly.</p> <p>ECC notes that the City Council 'Our Chelmsford, Our Plan' seeks to make the City area a safer and greener place through protecting and enhancing wildlife, habitats and landscapes in and around Chelmsford and connecting people with the built and natural environment and providing attractive, high-quality green areas and public places that are clean, safe and easily accessible for all. It also seeks to manage in a sustainable way to help reduce energy consumption and waste and to help preserve natural resources. The use of sustainable energy use and solar technologies in developments should not be considered in silo but through good design and in delivering multifunctional benefits.</p>	<p>Noted. Add additional paragraph after 5.2 to read: <u>The emerging Environment Bill is expected to put the 25-year Environment Plan into law and create a statutory framework for environmental principles. The Bill is expected to include ambitious legislative measures to take direct action to address environmental priorities including biodiversity net gain, restoration and enhancement of nature, improving air quality, tackling climate change, waste and resource efficiency, and water resource management to enable the government to be taking account on its commitment to reach net zero emissions by 2050.</u></p> <p>Noted. Add additional paragraph after 7.13 to read: <u>The energy sector has the potential to make a significant contribution to the protection, improvement and creation of existing and new green infrastructure. The Essex Green Infrastructure Strategy (2020) is available at https://www.placeservices.co.uk/resources/built-environment/essex-gi-strategy/ and provides additional guidance for applicants on how this can be achieved.</u></p> <p>The Local Planning Policy section references the Council's Making Places SPD which includes reference to the need for considering all development in the round, this includes solar farm developments and other renewable energy development.</p>
SFSPD8	EDF Energy	8	Paragraph 5.2	Finally, note that NPS EN-5 should read 'Electricity Networks Infrastructure'.	Amend last sentence of paragraph 5.2 to read: The National Policy Statement for Electricity Networks Infrastructure generation (NPS EN-5) may also be relevant where new overhead electricity lines and associated infrastructure are proposed.
SFSPD8	EDF Energy	8	Paragraph 5.3	Currently the Chelmsford Local Plan and SPD do not identify suitable sites for renewable energy or solar developments, therefore it may be worth noting that paragraph 154 part b in the NPPF is not applicable in Chelmsford.	The Local Plan does not currently identify sites, but Part b clearly states, once suitable areas for renewable and low carbon energy have been identified in plans...' so no caveat is needed. The review of the Local Plan will be required to consider such allocations.
SFSPD34	Boreham Conservation Society	8	Paragraph 5.4	What sort of special circumstances need to be demonstrated for inappropriate development in the Green Belt to be approved.	Very special circumstances are by their nature very special so there is not a list of what those may be, with the exception of that stated within paragraph 5.4. Each case will be treated on its own merits.
SFSPD26	East Hanningfield Parish Council	8 12 24	Paragraphs 5.5, 7.2, 7.4 & 8.3	The wording of these paragraph implies that in selecting a site there is no differentiation between previously developed land, brownfield, contaminated land or grade 3b, 4 or 5. Only that Grades 1, 2 and 3a should be avoided. As summarised in Para 5.5 and 8.3, the NPPF requires that solar farms should consider whether land is being used effectively and be focussed on previously developed and non-agricultural land. Grade 3b land can be highly productive.	It is correct that there is no specific differentiation between these types of land. While grade 3b can still be highly productive land it does not fall within the NPPF definition of 'best and most versatile agricultural land' as being 'Land in grades 1, 2 and 3a of the Agricultural Land Classification', as set out in Annex 2 of the NPPF. It would therefore be contrary to national policy and guidance to state that proposals on 3b would not be supported in principle.
SFSPD35	Boreham Conservation Society	8	Paragraph 5.9	What sort of special circumstances need to be demonstrated for renewable or low energy developments in the Green Belt to be approved	Very special circumstances are by their nature very special so there is not a list of what those may be, with the exception of that stated within paragraph 5.4. Each case will be treated on its own merits.
SFSPD3	Alex Heard	11	Section 6	Agree that the impacts, environmental or otherwise, should be carefully considered in the planning of this solar farm.	Support welcomed.
SFSPD36	Boreham Conservation Society	11	Paragraph 6.1	EIA is welcomed as an essential.	Support welcomed.
SFSPD65	Essex County Council	12	Section 7	Welcomes reference in paragraph 3.6 to including ECC in any pre-application advice with regards our statutory roles and responsibilities; the status of the Minerals and Waste Authority in paragraph 3.6 and Minerals and Waste Local Plans in paragraph 5.6; and relevant policies regarding mineral safeguarding and consultation areas in	Section 5 sets out that applicants should review these plans and undertake pre-application discussions with the ECC on these matters. Section 7 generally sets out high level guidance rather than seeking to repeat policies within existing plans. In addition, as the Minerals Local Plan is currently commencing a review it is likely that the detailed

			<p>paragraph 5.11. However, ECC recommend the following text is also incorporated within the planning consideration section:</p> <p>'Minerals and Waste Safeguarding Matters Policy S8 - Safeguarding Mineral Resources and Mineral Reserves of the Essex Minerals Local Plan (MLP) 2014 requires that a non-mineral proposal located within a Mineral Safeguarding Area which exceeds defined thresholds must be supported by a minerals resource assessment. This will ascertain whether there is an opportunity for the prior extraction of that mineral to avoid the sterilisation of the resource, as required by the National Planning Policy Framework (Paragraph 204).</p> <p>Although temporary structures, solar farms are typically intended to remain in-situ for longer than five years and therefore would be considered 'included development' for the purposes of the application of Policy S8. However, following a consideration of the current spatial and mineral contexts, some of the requirements of Policy S8 can potentially be set aside for applications for solar farms provided that:</p> <ul style="list-style-type: none"> • the application is clear that the proposed scheme is temporary in nature, and • appropriate conditions are applied to the grant of any planning permission which ensure that the land is returned to its current use upon cessation of the permission granting the use of the land for a solar farm and/or ancillary uses. <p>Whilst a Mineral Resource Assessment (MRA) will still be required to comply with Policy S8 of the MLP, it is unlikely that this needs to be as detailed as those MRAs informing applications for development more permanent in nature. For example, it is unlikely that a borehole analysis will be required if the above clauses can be demonstrated. It is recommended that promoters contact the Minerals Planning Authority to confirm any requirement for MRA as part of pre-application advice.</p> <p>Where subsequent applications seek to remove or modify any such condition related to temporary working, the application will be re-considered under mineral safeguarding policy.</p> <p>Mineral and Waste Infrastructure Matters Policy S8 of the MLP also defines Mineral Consultation Areas (MCAs). The role of MCAs is to ensure that existing and allocated mineral sites and infrastructure are protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation. Policy S8 of the MLP defines Mineral Consultation Areas as extending up to 250m from the boundary of an infrastructure site or allocation for the same.</p> <p>Policy 2 of the Essex and Southend-on-Sea Waste Local Plan 2017 seeks to ensure that existing and allocated waste sites and infrastructure are protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation. Policy 2 defines Waste Consultation Areas (WCAs) as extending</p>	<p>content of its policies may be amended. In light of this it is proposed to include a summarised version of these comments as an additional section after 7.44 to read:</p> <p><u>Minerals and Waste</u> <u>The adopted Essex Minerals Local Plan (MLP) and the Essex and Southend-on-Sea Waste Local Plan (WLP), or successor documents, include policies to safeguard mineral reserves and mineral and waste facilities and infrastructure, including Water Recycling Centres, from non-mineral and waste development. Where proposals exceed the defined safeguarding thresholds or are located in minerals and waste consultation areas as outlined in the MLP and the WLP, a Minerals Resource Assessment or Minerals/ Waste Infrastructure Impact Assessment will be required to be submitted as part of a planning application.</u></p> <p><u>Although temporary structures, solar farms may be sensitive to the impacts of proximal mineral and/or waste working and therefore they are considered to be 'included development' for the purposes of safeguarding policy as they are typically intended to remain in-situ for longer than five years. However, following a consideration of the current spatial and mineral contexts, some of the requirements of safeguarding policy can potentially be set aside for solar farm applications provided that:</u></p> <ul style="list-style-type: none"> • <u>the application is clear that the proposed scheme is temporary in nature, and</u> • <u>appropriate conditions are applied to the grant of any planning permission which ensure that the land is returned to its current use upon cessation of the permission granting the use of the land for a solar farm and/or ancillary uses.</u> <p><u>It is required that promoters contact the Minerals and Waste Planning Authority to confirm the requirement for, and scope, for such assessments as part of pre-application advice or where any conditions are to be removed or modified.</u></p>
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				<p>up to 250m from the boundary of the majority of existing or allocated waste infrastructure, and up to 400m from existing or allocated Water Recycling Centres.</p> <p>Solar Farms may be sensitive to the impacts of proximal mineral and/or waste working and therefore they are considered to be 'included development' for the purposes of MCAs and WCAs.</p> <p>Where an application for a solar farm intersects or is otherwise within an MCA or WCA, an impact assessment is required as part of the planning application. The Minerals and Waste Planning Authority has designed a generic schedule of information requirements that should be addressed as relevant through such statements. The detail to be provided should be in proportion to the nature of the proposed application. It is recommended that promoters contact the MWPA to confirm the requirement of any such impact assessment as part of pre-application advice.'</p>	
SFSPD3	Alex Heard	12	Section 7	<p>Agree that any new construction should on previously developed land. Overall, believe the environmental and economic benefits significantly outweigh any potential drawbacks.</p> <p>It is also very important that local communities directly benefit from the installation of solar farms. Projects should be community owned and operated, not only allowing green electricity to be generated locally but also ensuring any profits can be fed back into the communities.</p>	Support welcomed.
SFSPD22	Mr P Kirkham	12	Paragraph 7.2	<p>The UK does not produce sufficient food to feed itself never mind produce a surplus that would aid countries whose food production is adversely affected by global warming. Therefore, support should not be given for solar farm development that uses agricultural land. Use brownfield sites or land that is unsuitable for agriculture.</p>	<p>Paragraphs 7.2 to 7.4 set out the preference to consider solar farms on sites of previously developed land, brownfield land or contaminated land ahead of using agricultural land. Where proposals are on agricultural these paragraphs set out that justification for the use of this land must be submitted as part of the application. This accords with national policy and guidance.</p>
SFSPD7	Mark Scofield	12	Paragraph 7.2	<p>Natural England's ALC maps referred to is designed to give an indication of land quality at a strategic level. The map shown in the draft SPD is at the strategic level. Surveys and reports conducted by consultants employed by the applicant is rather like them marking their own homework. There should be some independent method of verifying any data provided.</p>	<p>The map included is at an indicative level. As set out in paragraph 7.3 a detailed agricultural land classification survey should be submitted as part of any planning application.</p> <p>With the exception of grade 3a or 3b the classification of the land is available via the link to Natural England's website in paragraph 7.4.</p> <p>Where an assessment is needed to establish if the land is grade 3a or 3b surveys will be required which will be assessed by the Council as part of the planning application. To ensure the expectations of such a survey are clear amend last sentence of paragraph 7.4 to read:</p> <p>If the site is Grade 3, <u>the Agricultural Land Classification survey</u> it will need to be specifically assessed to establish whether the land meets the criteria for Grade 3a or 3b. <u>Such surveys will need to be carried out by suitably qualified independent practitioners in accordance with up-to-date industry best practice.</u></p>
SFSPD67	Essex County Council	12	Paragraph 7.2	<p>The final sentence makes an assumption that the use of better grade agricultural land for solar schemes will directly lead to more food imports being required and increased carbon emissions. Whilst ECC supports the aim of avoiding the use of best quality agricultural land further evidence may be required to substantiate the statement in this paragraph.</p>	<p>Noted. Amend last sentence to of paragraph 7.2 to read: CCC considers that land of such quality is an important area for food production and reducing the agricultural land available could increases the reliance on the importation of food, with the potential for subsequent environmental impacts such as increased carbon emissions.</p>
SFSPD8	EDF Energy	12	Paragraph 7.2	<p>Questions the validity of the statement that 'CCC considers BMV agricultural land is important for food production and reducing availability increases reliance on food</p>	<p>Noted. Amend last sentence to of paragraph 7.2 to read: CCC considers that land of such quality is an important area</p>

				imports with subsequent environmental impacts such as increased carbon emissions.' Evidence should be provided to demonstrate that this statement is correct and this should be included in the SPD. Alternatively, if there is no evidence available to support the statement, then it should be removed.	for food production and reducing the agricultural land available could increases the reliance on the importation of food, with the potential for subsequent environmental impacts such as increased carbon emissions.
SFSPD37	Boreham Conservation Society	12	Paragraph 7.2	Preservation of most valuable agricultural land is welcome. However, under what circumstances would it be acceptable for solar development to take place on Grade 1 and 2 agricultural land? With an increasing need for the UK to be producing more its own food we would say that solar development would not be permitted on Grade 1 and 2 land, unless by extreme exception.	Paragraphs 7.2 to 7.4 set out the preference to consider solar farms on sites of previously developed land, brownfield land or contaminated land ahead of using agricultural land. This accords with national policy and guidance. The justification for any proposal on higher grade agricultural land will be considered on its own merit on a case by case basis. To go further than this would be contrary to national policy and guidance.
SFSPD61	Councillor Sue Dobson	12	Paragraph 7.2 & 7.3	This requires a land classification survey – this should be in sufficient detail to ensure that a comprehensive spread of readings is taken throughout the site, especially where land fluctuates between being graded 3a and 3b. The independence of the company carrying out the survey should also be confirmed as it is easy for an applicant to commission a report which could be biased and say what it wants it to say, especially when justifying land use.	Where an assessment is needed to establish if the land is grade 3a or 3b surveys will be required which will be assessed by the Council as part of the planning application. To ensure the expectations of such a survey are clear amend last sentence of paragraph 7.4 to read: If the site is Grade 3, the Agricultural Land Classification survey it will need to be specifically assessed to establish whether the land meets the criteria for Grade 3a or 3b. Such surveys will need to be carried out by suitably qualified independent practitioners in accordance with up-to-date industry best practice.
SFSPD38	Boreham Conservation Society	12	Paragraph 7.3	What level of justification must be shown for development to be sited on higher-grade agricultural land rather than land of a lesser agricultural quality.	There is no national policy or guidance on when this may be justified so each case will be treated on its own merits.
SFSPD12	Broomfield Parish Council	12 & 24	Paragraphs 7.2 & 8.3	Strongly supports the emphasis placed on protecting the best agricultural land (in 7.2, 8.3 and elsewhere). Ideally, would prefer solar energy to be sourced by smaller-scale community solar installations and would support a more effective policy to encourage household-based generation. However, if large solar farms are needed, it is critical that they are located on brownfield or lower grade agricultural land. Strongly supports paragraph 7.2 and believes that this criterion should be given greater weight compared to the other factors listed in para 8.2 and 8.3.	The criterion listed in paragraph 8.2 are not listed in any particular order. They are all policy requirements which reflect national policy and guidance. All need to be considered and weight given to them accordingly. To give greater weight to any particular aspect would not accord with national policy and guidance.
SFSPD11	Danbury Parish Council	12	Paragraphs 7.3 & 7.4	As the majority of lower grade agricultural land is in the Danbury/Sandon/Woodham Ferrers areas, this may lead to a disproportionate proliferation of Solar Farms in these areas, negatively impacting the landscape.	As set out in paragraph 7.36 cumulative impacts from a number of developments in an area will need to be assessed.
SFSPD55	South Woodham Ferrers Town Council	13	Figure 4	Extend the map to show the urban area of South Woodham Ferrers. The map appears to be out-of-date and many areas within the CCC need updating and clarifying. The difference between grade 3a and 3b land is important for a solar farm SPD. Without this classification being shown, the map is quite ineffective within a Solar SPD for many CCC areas.	The map is an indicative map to guide development proposals but applicants should refer to the link provided in paragraph 7.4 for more detail. Maps are not available for grade 3 and 3b and as set out in the last sentence of paragraph 7.4 if the site is Grade 3, it will need to be specifically assessed to establish whether the land meets the criteria for Grade 3a or 3b. Amend paragraph 7.4 to read: It should be noted that the majority of agricultural land with CCC's Administrative Area falls within Grades 2 or 3. Figure 4 provides an indicative map of the Agricultural land classification within the Chelmsford area. More detailed maps can be viewed on the Natural England website at Natural England Access to Evidence - Regional Agricultural Land Classification Maps . If the site is Grade 3, it will need to be specifically assessed to establish whether the land meets the criteria for Grade 3a or 3b.
SFSPD8	EDF Energy	13	Paragraph 7.5	In practice, a Landscape and Visual Impact Assessment (LVIA) is required to supplement an EIA, whereas it is substituted with a Landscape and Visual Assessment (LVA) in instances where an EIA is not warranted. Ordinarily there are	Amend paragraph 7.5 to read: The NPPG states that deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. It also states that the

				<p>notable differences between assessment approaches, therefore it is strongly recommended that flexibility is maintained by simply confirming 'landscape and visual impacts will need to be assessed...'. Furthermore, it is deemed onerous and impractical to 'assess all receptors' and it is a matter of course to be provided with the opportunity to 'scope out (or in)' receptors of significance within a defined study area via pre-application consultation. This should be reflected in the SPD and it is suggested that wording is amended to the following; 'The assessment should assess the wider landscape context and identify key receptors likely to be affected within a wider study area.'</p>	<p>visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. This should be informed by an appropriate assessment in the form of either a Landscape and Visual Impact Assessment (LVIA) or a Landscape and Visual Assessment (LVA). The exact form of the assessment, the methodology and contents will need to be agreed in writing with the Local Planning Authority prior to commissioning. to Any assessment should typically identify the specific effects of the proposed development on views and on the landscape, the capacity of the site and landscape to accommodate the solar farm development, level of impact of change and mitigation needs. The assessment LVIA should assess the wider landscape context and identify key and assess all receptors likely to be affected within a wider study area including those distant from the site. It should consider the potential impact on landscape characteristics, special qualities of landscape designations and potential impact on key views. The assessment LVIA will also need to consider the impact of the overall scale, density, massing, height, layout, and materials used in relation to neighbouring buildings and the local area.</p> <p>Amend first sentence of paragraph 7.9 to read: As part of the assessment LVIA, a detailed visual and landscape mitigation plan will be required to identify measures to avoid, reduce or remedy visual and landscape impact of the solar farm and its associated development.</p>
SFSPD61	Councillor Sue Dobson	13	Paragraph 7.5	Agree, but the cumulative effects of other proposals or those existing should also be taken into account.	As set out in paragraph 7.36 cumulative impacts from a number of developments in an area will need to be assessed.
SFSPD75	Cell Energy Limited	13 14	Paragraph 7.5-7.10	<p>Accepts the need for landscape and visual impact to be considered as part of planning applications for solar farm development. A Landscape and Visual Impact Assessment was submitted as part of a current Planning Application. A third party was appointed to undertake a review of the Assessment. This has implications in terms of timing for the determination of a Planning Application. A more efficient way to assess landscape and visual impact as part of planning applications for solar farms is to include a methodology in the SPD for preparing Landscape and Visual Assessments, and to require such assessments submitted as part of planning applications to be in general accordance with the methodology. This would largely avoid the need for a third-party consultant to be appointed to review the submitted information, and therefore increase the prospects of a planning application being determined within the statutory timeframe.</p>	CCC currently procure external landscape expertise to assist in assessing an LVIA as it does not currently have in house expertise, this is the same for other forms of application requiring an LVIA. As any assessment is likely to require different parameters to be assessed it is not considered appropriate to include a standard methodology for this. The SPD sets out at paragraph 3.5 that applicants are strongly encouraged to engage early with the Council and to seek pre-application advice ahead of submitting any application, this would allow the opportunity to discuss the parameters for any assessment to assist in making the application process as timely as possible.
SFSPD15	Broomfield Parish Council	14	Paragraphs 7.7	<p>Agree that landscape quality is a vital factor to consider. However, considers paragraph 7.7 has little value in guiding solar farm applications. The Landscape Character Assessment (Chris Blandford Associates, 2006) (the 'CBA Assessment') is too high level. It covers the whole district, but not every piece of land individually. The CBA assessment makes judgements about sensitivity to change over large landscape areas. The CBA assessment also notes that some landscapes that it classifies as having high sensitivity to change are in part significantly affected by noise from major roads or the railway, which presumably substantially reduces the sensitivity of those particular sub-areas. The SPD will be a consideration for solar farm applications from only one hectare upwards, so a more detailed, granular approach to assessing landscape quality is</p>	<p>The suggested changes to 7.7 are not considered appropriate in full and appears repetitive. The wording used reflects that in the Local Plan. However, the following amendments would ensure greater clarity.</p> <p>Amend first sentence of paragraph 7.7 to read: The Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) provides a high-level comprehensive Borough/District-wide assessment of landscape character within the Study Area and provides a useful reference in assessing the potential landscape and visual impacts of individual proposals: Landscape Character Assessment (2006).</p> <p>Add additional paragraph after 7.7 to read:</p>

				<p>needed. The SPD should acknowledge the existence of other more detailed documents such as the Landscape Appraisal for the Broomfield Neighbourhood Plan.</p> <p>The following amendments to para 7.7 are requested: Replace 'comprehensive' (second line) with 'high level' Amend the final sentence of the para to read: 'Of the five farmland plateau character areas, the Writtle and the Pleshey areas have a moderate sensitivity to change; the Boreham area low to moderate; while sensitivity in the remaining Terling and the Felsted areas is not specified.'</p> <p>A new paragraph (text in italics is taken directly from para 6.85 of the Local Plan) be inserted after 7.7 to read: <i>'In addition to its Landscape Character Assessments, the Council will use its Historic Landscape Characterisation Study, Sensitivity and Capacity Assessments, alongside any other appropriate and relevant evidence which could include that being prepared to support a Neighbourhood Plan, to assess the character of the area and its sensitivity to change. A number of Chelmsford parishes are preparing Neighbourhood Plans and applicants are encouraged to take account of any relevant evidence documents, particularly professional landscape studies, from these emerging Plans.'</i></p>	<p><u>In addition to its Landscape Character Assessments, the Council will use its Historic Landscape Characterisation Study, Sensitivity and Capacity Assessments, alongside any other appropriate and relevant evidence which could include that being prepared to support a Neighbourhood Plan, to assess the character of the area and its sensitivity to change.</u></p>
SFSPD55	South Woodham Ferrers Town Council	14	Paragraph 7.7	<p>This paragraph is out of date and needs to be updated to include and consider the sensitive areas across the River Crouch and surroundings in South Woodham Ferrers. The paragraph clashes with the definitions in the RAMS document.</p>	<p>The document referred to is concerned with landscape character which remains unchanged and is still the most up to date evidence for the area. The RAMS SPD deals with wildlife sensitivities rather than landscape and the sensitive areas referred to are European sites covered by the guidance in paragraph 7.11.</p>
SFSPD66	Essex County Council	14	Paragraph 7.8	<p>The SPD underplays the consideration that needs to be given to the impact of associated buildings and development on site, and should be a specific issue in its own right, as it will itself influence all the other planning considerations listed in Section 7. This is important given the potential scale of any substation, transformers and power cables that need to connect to the National Grid. Any access tracks and site compounds will have a range of impacts rather than simply in landscape terms, as implied by paragraph 7.8.</p>	<p>Paragraph 7.1 sets out that the guidance in the topics included in section 7 applies to all associated infrastructure included within a proposal. To make it clear that this applies to wider items listed in 7.8 the following amendment is proposed. Amend second sentence of paragraph 7.1 to read: This includes associated infrastructure <u>and buildings,</u> such as substations, transformers, <u>battery storage facilities, power cables, fencing, access tracks, construction compounds,</u> and connection to the National Grid. It also provides details of studies and supporting information to be submitted alongside planning proposals.</p>
SFSPD39	Boreham Conservation Society	14	Paragraph 7.8	<p>No mention is made, under associated buildings, of battery storage, which potentially could be the largest structures on a solar farm site.</p>	<p>Paragraph 7.1 (as proposed to be amended) sets out that the guidance in the topics included in section 7 applies to all associated infrastructure included within a proposal. In addition to this amendment amend paragraph 7.8 to read: Any associated buildings and development on site including, <u>but not limited to,</u> substations, transformers, <u>battery storage facilities,</u> power cables, fencing, access tracks and construction compound must also minimise their landscape and visual impact and be designed to be appropriate to the context and character of the local area.</p>
SFSPD40	Boreham Conservation Society	14	Paragraph 7.9	<p>It is important for landscape enhancements to be commensurate with the size of the proposed development.</p>	<p>The impact the proposal has on the landscape will determine the level and type of landscaping enhancements that will be required.</p>
SFSPD68	Essex County Council	14	Paragraph 7.11	<p>Reference to 'where appropriate' weakens the emphasis on 'will be expected'. ECC recommends the emphasis is strengthened by removing 'where appropriate' from the beginning of the third sentence.</p>	<p>Agreed, to reflect the wording in the rest of the SPD amend third sentence of paragraph 7.11 to read:</p>

					Where appropriate, p Proposals will be expected to consider the multifunctional network of green infrastructure, and seek to protect, enhance and wherever possible restore ecosystems, securing a net gain in biodiversity
SFSPD9	Miss Lara Nicholson	14	Paragraph 7.11	No conservation impacts should be acceptable. Other comments specific to the solar farm planning application near Danbury.	In accordance with national policy and guidance this paragraph sets out that proposals will need to any biodiversity or nature conservation impacts are, or can be made, acceptable. Comments specific to existing planning applications are not the subject of this consultation and will be considered as part of the determination of that application.
SFSPD11	Danbury Parish Council	14	Paragraph 7.11	To avoid any misinterpretation/confusion over what constitutes appropriateness at any sites, all proposals should be expected to consider the multifunctional network of green infrastructure and not just those where it is deemed to be appropriate. To ensure that they are protected and their value to the natural environment and biodiversity recognised, ecologically important sites MUST be avoided.	The wording in this paragraph reflects national policy and guidance, to state such location must be avoided would be at odds with national policy and guidance. However, to reflect the wording in the rest of the SPD amend third sentence of paragraph 7.11 to read: Where appropriate, p Proposals will be expected to consider the multifunctional network of green infrastructure, and seek to protect, enhance and wherever possible restore ecosystems, securing a net gain in biodiversity.
SFSPD55	South Woodham Ferrers Town Council	14	Paragraph 7.11	Replace the word should with must regarding avoiding wildlife sites. There are not that many wildlife sites in the CCC area, so those that are identified, formally or otherwise, must not be allowed to be used for solar farm purposes.	It would be incorrect to say 'must not' as it can be demonstrated that a proposal involving or in close proximity to a local nature reserve or wildlife site met the requirements set out in paragraph 7.11 it would be acceptable in this respect.
SFSPD41	Boreham Conservation Society	14 15	Paragraph 7.11-7.14	Mindful that sites will return to their current condition at the end of the life of the solar farm it is important that ecological surveys and site management plans prepared by developers consultants are vetted and agreed with national and local Nature and Wildlife Conservation organisations.	All supporting information submitted as part of any application will be considered by CCC's in house specialists as well as forming part of the consultation process for any application. Where appropriate local or national organisations will be consulted on specific applications.
SFSPD8	EDF Energy	15	Paragraph 7.12	It appears overly onerous that development is required 'to avoid any impact on any protected species and their habitats...' without the consideration of suitable mitigation to ensure there is no overall significant impact. To reflect working practice and to avoid confusion, it would be better to bring the test in line with local planning policy which states renewable energy developments must demonstrate they have 'no adverse effect' on the natural environment.	Noted. Amend third sentence of paragraph 7.12 to read: A detailed ecological survey must be undertaken to guide the site selection and site design process. This should also identify any ecological site mitigation measures and opportunities for ecological enhancement. When considering proposals, including their layout and design it is essential to avoid any impact on any protected species and their habitats e.g. bats, badgers, and reptiles should be avoided, or where it cannot be avoided (through locating on an alternative site with less harmful impacts), it must be adequately mitigated or, as a last resort, compensated for.
SFSPD75	Cell Energy Limited	15	Paragraph 7.12	This requires development proposals to deliver a minimum of 10% biodiversity net gain. As previously noted, SPDs cannot be inconsistent with the Development Plan or introduce new policies into it. Policies S4 and DM16 of the adopted Local Plan essentially require development proposals to deliver a net gain in biodiversity. The Policies continue to note that this can be achieved through creating, restoring and enhancing habitats. Policies S4 or DM16 do not require development proposals to achieve a minimum of 10% biodiversity net gain. The SPD as currently drafted therefore exceeds the requirements of the Development Plan, which is contrary to the role and purpose of SPDs as set out in the Planning Practice Guidance. Whilst it is recognised that the Environment Bill is likely to include a requirement to achieve a minimum of 10% biodiversity net gain, it has not yet been enacted. This requirement should omit the requirement to achieve a specific quantum of net gain, but rather reflect the general direction set out in Policy DM16, to ensure consistency with the Development Plan.	Amend fourth sentence of paragraph 7.12 and insert additional sentence after it to read: A pre-biodiversity and post-biodiversity assessment of the development proposals must also be undertaken and to deliver a minimum of 10% biodiversity net gain in accordance with Policy S4 and DM16. It is strongly recommended that development seeks to achieve a minimum of 10% biodiversity net gain in accordance with the emerging Environmental Bill.
SFSPD68	Essex County Council	15	Paragraph 7.13	Reference is made to a requirement to prepare a site management plan and an ecological monitoring programme to demonstrate how the land around solar panels	Noted. Add additional wording ahead of last sentence to paragraph 7.13 to read:

				will be managed including providing a net gain in biodiversity. These plans will also need to include maintenance and stewardship arrangements for the site including landscape and ecology matters. This will ensure appropriate management and maintenance arrangements and funding mechanisms have been identified at an early stage and will be implemented.	<u>The site management plan should include maintenance and stewardship arrangements for the site including landscape and ecology matters. This will ensure appropriate management and maintenance arrangements and funding mechanisms have been identified at an early stage and will be implemented.</u>
SFSPD42	Boreham Conservation Society	15	Paragraph 7.13	Retention and management of existing and new water features such as ponds to be included in features identified.	Noted. Amend third sentence of paragraph 7.13 to read: An ecological monitoring programme will be required to monitor any impacts upon on-site flora and upon any particular features likely to support species (e.g. bats, birds, reptiles, amphibians) and to inform any changes that may be needed to the other particular habitats and species (e.g. bats) recorded on or adjacent to the site and to inform any necessary changes to the site management arrangements.
SFSPD9	Miss Lara Nicholson	15	Paragraph 7.13	Comments specific to the solar farm planning application near Danbury and how it is considered to be at odds with this guidance.	Comments specific to existing planning applications are not the subject of this consultation.
SFSPD9	Miss Lara Nicholson	15	Paragraph 7.14	Comments specific to the solar farm planning application near Danbury and how it is considered to be at odds with this guidance.	Comments specific to existing planning applications are not the subject of this consultation.
SFSPD53	Anglian Water Services Ltd	15	Paragraph 7.15	Welcomes reference to the requirement that applications consider the guidance on surface water drainage in the Essex Sustainable Drainage Systems (SuDS) Design Guide as well as the by CIRIA SuDS Manual. The development of renewables projects affords the opportunity to both address and seek betterment of local drainage and to do so through seeking to utilise SuDS which can be designed to support biodiversity net gain. Note that solar and renewables in general have the potential to be located on land which would now not be favourably considered for development which involved physical blockages to surface water/ flood flows or would be occupied and thus placing people and high value property at risk.	Support welcomed. Subject to meeting the necessary policy requirements set out in paragraph 7.15 this is correct.
SFSPD43	Boreham Conservation Society	16	Paragraph 7.17	Levels of polluting emissions need to apply to isolated sites as well as those nearby residential properties. Pollution from noise and in particular light can be detrimental for considerable distances from its source.	The requirements of DM29 extend further than to nearby residential properties, as set out in the reasoned justification for Policy DM29 in the Local Plan. Amend paragraph 7.17 to read: In line with Local Plan Policy DM29, any proposals will be required to safeguard the living environment of the occupiers of any nearby residential property, not result in excessive noise, activity or vehicle movements and be compatible with neighbouring or existing uses in the vicinity of the development by avoiding unacceptable levels of polluting emissions by reason of noise, light, smell, fumes, vibrations or other issues which have a damaging effect on the environment and the public's enjoyment, health or amenity , unless appropriate mitigation measures can be put in place and permanently maintained.
SFSPD8	EDF Energy	16	Paragraph 7.19	It should be made explicit that consultation with the suggested statutory bodies is only required when the development has the potential to affect such infrastructure.	Amend last sentence of paragraph 7.19 to read: <u>When developing their proposals applicants should undertake</u> early engagement with airport, rail and the local highway authority and Highways England should be undertaken by applicants to agree the scope of the assessment where the development has the potential to affect such infrastructure. when developing their proposals.
SFSPD59	Essex Bridleways Association	16	Paragraph 7.19	Many proposed solar farms encompass public rights of way, including bridleways and it is important that the glint and glare of the panels is taken into account so that bridleway users are not subjected to such glare. This can be a safety issue with horses being startled by, for example, turning a corner and being faced with a large	Noted, the requirements for what a glint and glare assessment should cover may vary between each case. Amend paragraph 7.19 to cover a wider range to read: A Glint and Glare Assessment is likely to be required as part of a planning application to consider the potential impact of glint and glare from the solar panels on landscape/visual amenity, aircraft, rail and road safety, and users of public rights of

				bright array. Paragraph 7.19 requires an assessment to cover aircraft, rail and road safety. This should also include users of the public rights of way system.	<u>way. When developing their proposals applicants should undertake</u> early engagement with airport, rail and the local highway authority and Highways England <u>should be undertaken by applicants to agree the scope of the assessment where the development has the potential to affect such infrastructure. when developing their proposals.</u>
SFSPD55	South Woodham Ferrers Town Council	16	Paragraph 7.20	Clarification should be provided on the type of battery farms and even batteries allowed as certain types and designs are more environmentally damaging than others.	The management plan would include full details of all aspects of any battery facility. In addition, further wording to be added under the carbon emissions section to ensure it is clear batteries should be considered in any cost and benefit analysis. Add additional paragraph after 7.38 to read: <u>Proposals should also seek to ensure associated emission sources and the overall carbon footprint of the development is minimised. Details of how this will be achieved would be useful background information. An understanding of any battery storage facility and the expected lifespan and disposal of any batteries is expected to be included in such information.</u>
SFSPD11	Danbury Parish Council	16	Paragraphs 7.21 & 7.22	Due to the potential for the release of toxic chemicals into the environment, redundant Solar Panels must be disposed of safely, preferably recycled, and not sent to landfill. The procurement of ethically sourced materials with a minimal carbon footprint during both production and transport is a must.	The management of waste materials would be a private, contractual matter between the waste creator and the operator of the landfill facility. The latter will be required to comply with their waste permits.
SFSPD8	EDF Energy	16	Paragraph 7.22	The timings of when the construction resource management plan should be submitted to the ECC should be defined. This should be a requirement that applies after the consenting period, when a contractor has been appointed and detailed construction information is known. Up until this point, only outline information can be provided and this should be acknowledged within the SPD.	Amend paragraph 7.22 to read: ECC would seek a Construction Resource Management Plan (equivalent to a Site Waste Management Plan) to be prepared outlining how waste materials will be disposed of to appropriate recycling facilities or appropriately licensed landfills. <u>A high-level outline management plan with a commitment to sustainable construction and waste management principles should be submitted with the planning application. Additional, more detailed information will then be required to be submitted as part of a condition should permission be granted. ECC would expect any application to This should</u> quantify the volumes of waste re-used on site and leaving the site, as well as demonstrate how the amount of waste forecasted to leave the site has been proactively minimised at construction, operation and deconstruction stages by incorporating sustainable working practices, including a consideration of the material used and their procurement. Waste arising from the site should be assessed in light of the available capacity to manage it where such an assessment can be made.
SFSPD7	Mark Scofield	16	Paragraph 7.22	Solar panels are difficult and expensive to recycle, raising the prospect of discarded panels leaking dangerous heavy and toxic metals and chemicals including, amongst others, cadmium, into the earth. What is appropriate in terms of licensed landfills is indeed questionable and great weight should be given to any proposal which indicates disposal of this kind. There should be a requirement to prevent any waste materials going to landfill. In terms of “Waste arising from the site should be assessed in light of the available capacity to manage it where such an assessment can be made.” If an assessment cannot be made then significant weight should be afforded to this in any planning decision.	As the waste authority these matters will be considered by ECC and the most appropriate ways to dispose of all waste. ECC have a waste hierarchy of reduce, re-use, recycle, recover, and lastly dispose, so the disposal of any waste into landfill is a last resort. Any assessment will be part of the overall Construction Resource Management Plan to be submitted as part of a planning application. Appropriate weight will be given to the overall management plan. The City Council would not be precuring any work in respect of the materials to be used for any developments so this would not be applicable.

				In terms of the materials used and their procurement, the governance must be particularly robust and should comply with the Local authority's ethical procurement policies particularly the Modern Slavery Act and the Charter which the City Council signed up to in 2020.	
SFSPD7	Mark Scofield	17	Paragraph 7.23	The wording "Where fencing is proposed, these should include open sections at the bottom to allow small mammals to pass through" is not precise. Danbury in particular has a healthy badger population Badgers would be classed as a large mammal and provision should include them and gates installed to allow them to traverse any site.	Amend last sentence of paragraph 7.23 to read: Where fencing is proposed, these should include suitable open sections at the bottom to allow small mammals identified in the area to pass through.
SFSPD11	Danbury Parish Council	17	Paragraph 7.23	This paragraph should be more precise in the size of open sections for small mammals to pass through, appropriate for local species populations.	Amend last sentence of paragraph 7.23 to read: Where fencing is proposed, these should include suitable open sections at the bottom to allow small mammals identified in the area to pass through.
SFSPD59	Essex Bridleways Association	17	Paragraph 7.23	Where fencing is located alongside a bridleway, this should be of an open mesh type rather than palisade with spikes as these are dangerous to horse riders as they are at a higher level and could potentially be impaled on them in the event of a horse spooking.	Noted. Add additional sentence to end of paragraph 7.23 to read: <u>Any fencing should ensure it does not pose an increased safety risk to all the PROW users, including equestrians and cyclists.</u>
SFSPD58	Essex Police	17	Paragraph 7.23	<p>Whilst we accept in relation to security measures the importance of "significant consideration given to mitigating their impact on wildlife" we wish to draw attention to the inherent crime risk of such sites due to the increase in metal theft crime and the need for serious consideration of risk commensurate security measures.</p> <p>"Deer/stock fencing" in relation to crime is not sufficient to deter or mitigate a crime risk and only provides a symbolic boundary. It is also noted on some applications in the past that some cameras will be mounted on posts forming part of the fencing, in itself total unsuitable for security and image capture. Mature dense natural hedging ideally of a spiky nature such as hawthorn and blackthorn provides a stronger deterrent, but as with other measures requires regular inspection to ensure growth it is not obstructing CCTV cameras and to detect intrusion attempts; this needs to be included within maintenance and management plans.</p> <p>We are quite appreciative of the desire to preserve open site lines across the countryside wherever possible and where stronger boundary treatments are not compatible combining 'deer fencing' with suitable monitored CCTV, Perimeter Intrusion Detection System (PIDS), 24 hour response, and enhanced building and compound security may provide a compromise solution. Where due to increased risk this is not possible a black or green weld-mesh fence has been shown to be less obtrusive.</p> <p>We would wish to draw attention to the following documents that suggest risk commensurate measures to mitigate the crime risk - BREEAM document "Guide to large scale ground mounted solar PV systems" pages 11 & 12 and "NFU Risk Management Programme for Photovoltaic Field Arrays" paragraphs 7-9 www.bre.co.uk/filelibrary/pdf/other_pdfs/KN5524_Planning_Guidance_reduced.pdf www.nfumutual.co.uk/farming/farm-safety/loss-prevention-guidance-farming/</p>	<p>Noted. Essex Police would be a consultee for such planning applications. Add additional paragraph after paragraph 7.23 to read:</p> <p><u>Proposals should seek to preserve open site lines across the countryside wherever possible and where stronger boundary treatments are not compatible combining deer type fencing with suitable monitored CCTV, Perimeter Intrusion Detection System (PIDS), 24 hour response, and enhanced building and compound security may provide a compromise solution. Where due to increased risk this is not possible a black or green weld-mesh fence can be less obtrusive. Attention is drawn to the following documents that suggest risk commensurate measures to mitigate the crime risk -</u> www.bre.co.uk/filelibrary/pdf/other_pdfs/KN5524_Planning_Guidance_reduced.pdf www.nfumutual.co.uk/farming/farm-safety/loss-prevention-guidance-farming/</p>

				To assist developers, we would welcome the opportunity of consultation on such projects where there is a desire to mitigate security risks to the development both during and after construction.	
SFSPD27	East Hanningfield Parish Council	17	Paragraph 7.23	Unsuitable lighting can be a real problem in the rural environment. Light spill can visually magnify the impact of a development at night and convert a rural landscape to urban. Solar farms are low maintenance and do not generate electricity at night. No permanent night time lighting should be permitted. Lighting for maintenance should be minimised and carefully designed. The security fencing illustrated in figure 5 would deter a deer but not a criminal. Security fencing should be designed to prevent climbing without the resort to prominent and dangerous razor wire or similar. Height should be restricted to 2 metres. The number of CCTV cameras should be minimised. They should be positioned to be unobtrusive not attempt to act as a deterrent.	The SPD sets out what should be considered and submitted as part of a planning application. The type, design and need for lighting, fencing and CCTV will be different for each site and will need to be considered on their own merit. For this reason, it would not be appropriate to make further specifications in the SPD as it will vary for each site. The SPD should be read alongside other policies and SPDs, including the Council's Making Places SPD which includes details of designing out crime in developments and ensuring lighting is appropriate to its location.
SFSPD13	Broomfield Parish Council	18	Paragraphs 7.24 & 7.25	Supports the emphasis on solar farms being well and safely connected to the highway network. Potential sites remote from the main network should be discounted. Similarly, long site access tracks should be avoided as they can generate surface water run-off, as well as longer vehicle journeys. Traffic and transport factors would suggest the appropriateness of a broad area of search along the A12 corridor, both for connectivity to the wider highway network and because landscape quality is already reduced by the noise and visual impact of the A12.	Support welcomed. A Transport Assessment will consider the appropriateness of a site in transport terms so it would not be appropriate to add in further criteria or stipulations for sites as each will need to be considered on its own merits. The document includes, in section 8, locational principles for sites but wider strategic assessments have not been carried out to be in a position to identify any preferred sites as part of this SPD.
SFSPD69	Essex County Council	18	Paragraph 7.24	Should also make reference to the need for off-site mitigation to be required to improve the highway network in order to accommodate trips by cycling, walking and public transport, and to ensure the highway network is suitable for the expected level of construction traffic. The site should also be located to enable trips to be made by walking, cycling and public transport, particularly during the construction period. A Travel Plan will also be required to promote the use of sustainable modes and need to monitor the effectiveness of the Travel Plan, its measures and incentives.	Noted. Amend paragraph 7.24 to read: Proposals will be required to demonstrate that the local and strategic highway network will be able to accommodate the type and number of vehicle movements during the construction and operation phases of the site. In addition, proposals will need to demonstrate that both the site access and vehicle movements to and from the site will have no <u>detrimental</u> adverse impacts on highway safety, including cyclists, and pedestrians <u>and equestrians</u> . <u>The site should also be located to enable trips to be made by walking, cycling and public transport, particularly during the construction period. As such, there may be a need for off-site mitigation to be required to improve the highway network in order to accommodate trips by cycling, walking and public transport, and to ensure the highway network is suitable for the expected level of construction traffic.</u> As such, a Applications should be accompanied by a detailed Transport Assessment and Construction Environmental Management Plan (CEMP). <u>A Travel Plan will also be required to promote the use of sustainable modes and need to monitor the effectiveness of the Travel Plan, its measures and incentives.</u> Applicants are also encouraged to engage with Essex Highways as part of their pre-application discussions.
SFSPD53	Anglian Water Services Ltd	18 19 20	Paragraphs 7.24, 7.32-7.24, 7.35	The document covers all scales of solar development and the approach and proportionality of assessment will vary across the level of development including whether an application requires an EIA and if so the scope of that assessment. With reference to paragraph 7.24 on Transport Assessments a smaller array is unlikely to have many traffic impacts. On paragraph 7.35, dealing with socio-economic impacts a socio-economic assessment for smaller developments can be covered a section in the planning statement and would not need a separate report. This would also be a proportional approach for cumulative impacts (paragraphs 7.32 to 7.34) for small scale renewables. Cumulative impacts including significant carbon benefits and	Noted. Add additional sentence to the end of paragraph 7.1 to read: <u>The exact content and form of the supporting documents will depend on the specific proposal which can be agreed at the pre-application stage as encouraged in paragraph 3.5.</u>

				questions of energy resilience could then be assessed in detail for large farms and EIA development.	
SFSPD8	EDF Energy	18	Paragraph 7.24	The test should be brought in line with local policy stipulating renewable energy developments should have 'no detrimental impact' on highway safety.	Amend second sentence of paragraph 7.24 to read: In addition, proposals will need to demonstrate that both the site access and vehicle movements to and from the site will have no detrimental adverse impacts on highway safety, including cyclists, and pedestrians and equestrians .
SFSPD32	The British Horse Society	18	Paragraph 7.24	Should not exclude equestrians therefore should be amended to 'no adverse impacts on highway safety, including cyclists, pedestrians and equestrians .'	Noted. Amend second sentence of paragraph 7.24 to read: In addition, proposals will need to demonstrate that both the site access and vehicle movements to and from the site will have no detrimental adverse impacts on highway safety, including cyclists, and pedestrians and equestrians .
SFSPD61	Councillor Sue Dobson	18	Paragraph 7.24 & 7.25	Since many proposals are located within remote areas and often will require the use of narrow lanes to access the site during construction phase, any transport plan should aim to restrict construction traffic to working hours only so there is minimal impact on recreational use of such lanes which normally occurs during evenings and weekends.	Noted. Amend second sentence of paragraph 7.24 to read: In addition, proposals will need to demonstrate that both the site access and vehicle movements to and from the site will have no detrimental adverse impacts on highway safety, including cyclists, and pedestrians and equestrians .
SFSPD59	Essex Bridleways Association	18	Paragraph 7.24 & 7.25	Many proposals are located within remote areas with a high level of recreational use of the lanes by vulnerable road users – walkers, cyclists and horse riders, and in many cases it will require the use of these narrow lanes to access the site during construction phase. We ask that any construction/transport plan should restrict construction traffic to working hours only so there is minimal impact on recreational use of such lanes which normally occurs during evenings and weekends.	Noted. Amend second sentence of paragraph 7.24 to read: In addition, proposals will need to demonstrate that both the site access and vehicle movements to and from the site will have no detrimental adverse impacts on highway safety, including cyclists, and pedestrians and equestrians .
SFSPD32	The British Horse Society	18	Paragraph 7.25	Large developments are opportunities for increasing access, particularly those which contribute to community funds. There may be a chance to upgrade a footpath to bridleway or to gain an additional route. Even very short links can have important effects by enabling greater or safer use of existing routes in an area. Any site access tracks should be formally dedicated at minimums of bridleway status so when the site is restored public access remains.	Amend last sentence of paragraph 7.26 to read: Applicants are encouraged to engage with ECC as part of their pre-application discussions if there is to be any impact on a PROW, as well as exploring opportunities to enhance PROW or provide 'missing links' in the PROW network. Engagement with other user groups is also encouraged. The British Horse Society has specific guidance (www.bhs.org.uk/accessadvice) to assist solar farm development to ensure development does not cause obstructions to horse riders.
SFSPD32	The British Horse Society	18	Paragraph 7.26	Support the content of the 'Public Rights of Way (PROW)' section. Applicants should be encouraged to engage not only with ECC but user groups including the BHS as part of their pre-application discussions if there is to be any impact on PROW. Applicants should also be guided to information such as the BHS guidance note on SOLAR FARMS (see www.bhs.org.uk/accessadvice).	Amend last sentence of paragraph 7.26 to read: Applicants are encouraged to engage with ECC as part of their pre-application discussions if there is to be any impact on a PROW, as well as exploring opportunities to enhance PROW or provide 'missing links' in the PROW network. Engagement with other user groups is also encouraged. The British Horse Society has specific guidance (www.bhs.org.uk/accessadvice) to assist solar farm development to ensure development does not cause obstructions to horse riders.
SFSPD59	Essex Bridleways Association	18	Paragraph 7.26	There should also be a requirement to enhance the PROW network as per the NPPF paragraph 98; it should not be sufficient to ensure that the route is only equal to that which existed before. Sometimes a new route can be obtained as part of any development which will benefit the community and enhance the network for all users. Solar farm development inevitably 'fences off' huge swathes of the countryside to the detriment of the local community therefore there should be a requirement to give something back to the local area if possible, including upgrading existing footpaths to bridleway status so that walkers, cyclists and horse riders can benefit from the development.	Applicants are encouraged to engage with ECC as part of their pre-application discussions if there is to be any impact on a PROW, as well as exploring opportunities to enhance PROW or provide 'missing links' in the PROW network. Engagement with other user groups is also encouraged. The British Horse Society has specific guidance (www.bhs.org.uk/accessadvice) to assist solar farm development to ensure development does not cause obstructions to horse riders.
SFSPD61	Councillor Sue Dobson	18	Paragraph 7.26	Noted but there should also be a requirement to enhance the PROW network as per the NPPF paragraph 98. Sometimes a new route can be obtained as part of any	Applicants are encouraged to engage with ECC as part of their pre-application discussions if there is to be any impact on a PROW, as well as exploring opportunities to

				development which will benefit the community. Solar farm development inevitably 'fences off' huge swathes of the countryside to the detriment of the local community therefore there should be a requirement to give something back to the local area if possible.	enhance PROW or provide 'missing links' in the PROW network. Engagement with other user groups is also encouraged. The British Horse Society has specific guidance (www.bhs.org.uk/accessadvice) to assist solar farm development to ensure development does not cause obstructions to horse riders.
SFSPD8	EDF Energy	18	Paragraph 7.26	By virtue of their nature, solar developments are likely going to have a degree of impact on the character and recreational amenity of PROWs. It would be beneficial for this to be acknowledged to avoid the test being misconstrued as an absolute constraint towards solar development.	This paragraph is clear on the expectations that the PROW will be impacted upon but should remain accessible and sets out how that should be achieved.
SFSPD70	Essex County Council	18	Paragraph 7.26	Reference should also be made to developments having to provide necessary mitigation and enhancement measures such as consequential improvements to the PROW network through improving connectivity or the installation of interpretation boards or visitor facilities that give benefit to users of PROW. The importance of PROW as amenities for local communities to improve their mental and physical health and wellbeing should also be recognised, protected and enhanced, as recommended through the Essex Green Infrastructure Strategy.	Noted. Insert additional paragraph before paragraph 7.26 to read: <u>PROW are important amenities for local communities, which can help to improve their mental and physical health and wellbeing. This importance should be recognised, protected and enhanced through any proposal by providing necessary mitigation and enhancement measures, such as consequential improvements to the PROW network through improving connectivity or the installation of interpretation boards or visitor facilities that give benefit to users of PROW.</u>
SFSPD44	Boreham Conservation Society	18	Paragraph 7.26	Protection of PROW including footpaths across agricultural land are essential and must be retained. It is important that PROW and their settings should not be compromised when passing through or around solar farm developments. Significant space and planting should be provided either side of PROW in the countryside to prevent the loss of amenity and character.	The paragraph seeks to ensure the character of as part of the proposal. That character may vary so some will be surrounded by open space others may in enclosed PROW. To require space and planting to all PROW would not necessarily reflect the character of a particular PROW.
SFSPD8	EDF Energy	18	Paragraph 7.27	The wording is overly negative compared to other SPD considerations but acknowledge that term 'substantial harm' is derived from NPPF when discussing the test associated with designated heritage assets. To maintain a more consistent approach to discussing issues throughout the SPD, from both a designated and non-designated perspective, suggest the word 'substantial' is removed.	Noted, to ensure it is clear how assets will be assessed amend last sentence of paragraph 7.27 to read: Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset, <u>which will need to be justified in accordance with the requirements of Policy DM13 and DM14.</u>
SFSPD75	Cell Energy Limited	18	Paragraph 7.27	This should be expanded to reflect the direction of NPPF Paragraph 195. The NPPF Paragraph states that where a proposed development will lead to substantial harm to a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm. NPPF Paragraph 195 also sets out a number of instances which can be further exceptions to the policy presumption. Without this additional clarification, is it considered that the SPD will not be consistent with national planning policy, and may artificially constrain development. The following amendment is requested: '...may cause substantial harm to the significance of the asset <u>which will need to be justified in the context of NPPF Paragraph 195</u> '.	Noted, amend last sentence of paragraph 7.27 to read: Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset, <u>which will need to be justified in accordance with the requirements of Policy DM13 and DM14.</u>
SFSPD33	Historic England	18 19	Paragraphs 7.27-7.31	Welcome the production of this Supplementary Planning Document which includes a specific section on the historic environment, but unable to provide detailed comments. Refer to a recently published Advice Note 15, which covers historic environment issues relating to different types of commercial renewable energy development proposals, including wind power (onshore and offshore), solar photovoltaics (PV), and biomass and energy from waste: https://historicengland.org.uk/images-books/publications/commercial-renewable-energy-development-historic-environment-advice-note-15/heag302-commercial-renewable-energy-development-historic-environment/	Noted. Add additional sentence to end of paragraph 7.31 to read: <u>Further advice on historic environment issues relating to different types of commercial renewable energy development proposals, including solar photovoltaics (PV) is also available from Historic England at:https://historicengland.org.uk/images-books/publications/commercial-renewable-energy-development-historic-environment-advice-note-15/heag302-commercial-renewable-energy-development-historic-environment/</u>

SFSPD45	Boreham Conservation Society	18 19	Paragraph 7.27 & 7.30	Historic environment should also specifically include historic and ancient woodland.	Noted. Amend paragraph 7.30 to read: An assessment to evaluate the impact on a historic landscape may also be required, to define historic boundaries, ponds, hedgerows, historic and ancient woodland , and other landscape features which contribute to the significance of a historic landscape. An assessment to evaluate the impact on Historic Land Characterisation should also be provided.
SFSPD9	Miss Lara Nicholson	19	Paragraph 7.32	Unclear how local people can benefit from such schemes.	Examples of such opportunities are set out in paragraph 7.33.
SFSPD71	Essex County Council	19 & 21	Paragraphs 7.32-7.34 and 7.40-7.42	ECC welcome the reference to the BRE Community Engagement Good Practice Guidance for Solar Farms in paragraphs 7.32-7.34 and 7.40-7.42. However, ECC consider that these sections could go further in requiring a more community led locality benefit approach where developer-led renewable energy infrastructure generation should make a financial or other contribution to the locality, led by the community. And in discussion with local leaders the expectation would be the opportunity for part community ownership as well as an ongoing community benefit fund that allows residents to actively engage with the development and keep more of the value generated by the development in the local economy. This is supported by the initial recommendations from the Essex Climate Action Commission recommending community ownership in large scale renewable energy developments in Essex, as referenced in paragraph 7.34.	Noted. Further guidance is contained within the BRE Community Engagement Good Practice Guidance which is referred to in paragraph 7.33. This SPD does not seek to repeat existing guidance so relies on the good practice guide and the Essex Climate Action Commission referred to in paragraph 7.34. It is not considered appropriate to set out further detail in the SPD as the community opportunities will vary between each scheme.
SFSPD46	Boreham Conservation Society	19	Paragraph 7.33	This is an important para as it relates to potential benefits to local communities resulting from the solar development. However, how will benefits be assessed to respond to community needs?	As set out in this paragraph this is not a matter relevant to the determination of a planning application, but further guidance on how this can be achieved is contained in the link provided in this paragraph.
SFSPD32	The British Horse Society	19	Paragraph 7.33	Equestrians must be included along with other vulnerable road users therefore this should read 'Opportunities could include providing jobs to local people both during construction and operation, promoting <u>non-motorised user routes</u> through the site...'	Noted. Amend third sentence of paragraph 7.33 to read: Opportunities could include providing jobs to local people both during construction and operation, promoting cycling, equestrian , and walking routes through the site, providing free or discounted energy to local public buildings, establishing a local Environmental Trust, installing information boards panels around the site and providing visitor/education facilities to raise awareness about renewable and low carbon energy.
SFSPD59	Essex Bridleways Association	19	Paragraph 7.33	The increased access mentioned here, ' <i>...promoting cycling and walking routes through the site...</i> ' should include ALL vulnerable road users, including horse riders and not just walkers and cyclists. Many solar farm proposals have existing public footpaths within the site, and to be able to legally allow cyclists to use them these would need to be upgraded to bridleway status, with the resultant benefit of improving access for all rather than discriminating against one user group.	Noted. Amend third sentence of paragraph 7.33 to read: Opportunities could include providing jobs to local people both during construction and operation, promoting cycling, equestrian , and walking routes through the site, providing free or discounted energy to local public buildings, establishing a local Environmental Trust, installing information boards panels around the site and providing visitor/education facilities to raise awareness about renewable and low carbon energy.
SFSPD61	Councillor Sue Dobson	19	Paragraph 7.33	Noted; however, investment in local community facilities eg village hall would also be appropriate. Also, whilst increased access has been mentioned, ' <i>...promoting cycling and walking routes through the site...</i> ' it should include ALL vulnerable road users, including horse riders and not just walkers and cyclists.	Noted. Amend third sentence of paragraph 7.33 to read: Opportunities could include providing jobs to local people both during construction and operation, promoting cycling, equestrian , and walking routes through the site, providing free or discounted energy to local public buildings, establishing a local Environmental Trust, installing information boards panels around the site and providing visitor/education facilities to raise awareness about renewable and low carbon energy.
SFSPD8	EDF Energy	19	Paragraph 7.34	Supportive of community involvement (including ownership) in developments, however it would be more accurate for the SPD to stipulate that 'all large-scale renewable energy developments...should <u>offer</u> an element of community ownership' instead. Community ownership is not always a feasible option for a variety of reasons.	Noted. Amend paragraph 7.34 to read: From 2021, as a result of the recommendations made from the Essex Climate Action Commission (pending adoption by ECC), it is expected that all large-scale renewable energy developments in Essex should include the offer of an element of community ownership.

SFSPD47	Boreham Conservation Society	19	Paragraph 7.34	Local ownership referred to in this para needs to be strengthened to give some examples, as it is difficult to see how this might work in practice.	Further guidance is contained within the BRE Community Engagement Good Practice Guidance which is referred to in paragraph 7.33. This SPD does not seek to repeat existing guidance so relies on the good practice guide and the Essex Climate Action Commission referred to in paragraph 7.34. It is not considered appropriate to set out further detail in the SPD as the community opportunities will vary between each scheme.
SFSPD8	EDF Energy	20	Paragraph 7.35	From reviewing the detail in 'Essex Healthy Places', solar developments do not appear to meet the description of development types for which an HIA is required, therefore in this instance, it does not seem necessary or appropriate to make this an automatic requirement for all solar farms. It is also worth noting that the majority of the information covered by an HIA is aimed at residential or other built development, and not directly applicable to solar farms. Those that are relevant are covered elsewhere, such as in ES, so repetition in an HIA should not be necessary.	Noted. Amend paragraph 7.35 to read: The Council may will require schemes, particularly Nationally Significant Infrastructure Projects (NSIPs), to undertake a HIA of their proposal. The applicant should engage with CCC to establish if a HIA is required and the scope of any HIA at pre-application stage. It is recommended that any HIA is consistent with the requirements outlined in the Essex Design Guide (2018) and the Essex Planning Officers Association (EPOA) document 'Essex Healthy Places - Advice notes for planners, developers and designers'. This document provides guidance on what needs to be considered when looking at health, wellbeing and the environmental sustainability. The type of HIA required will be advised by the Council with advice from health partners as required, including ECC. It is expected that schemes will consider Sport England's Active Design Principles and in particular the creation of a network of multifunctional open space supporting SuDS, wildlife habitat and productive landscapes. Further information is available at Health Impact Assessment Supplementary Guidance (www.essexdesignguide.co.uk).
SFSPD28	East Hanningfield Parish Council	20	Paragraph 7.36	The document only requires the applicant to consider other existing or approved developments. In East Hanningfield there are none existing or approved but three are requesting approval. The document should make clear that although it does not expect the applicant to assess the cumulative impact of other pending applications CCC will do so. This may require a difficult balancing act by CCC so the document should make this clear. An environment already damaged by one solar farm should not be used to justify another.	The cumulative impact of proposals will be considered on a case-by-case basis by the LPA as part of its consideration of the application. Should the LPA require additional information regarding cumulative impacts, they may approach the applicant or relevant stakeholders as part of this process.
SFSPD55	South Woodham Ferrers Town Council	20	Paragraph 7.36	Change 'expects' to 'requires'. Stronger language will mandate this as a requirement rather than just an expectation.	The wording used is correct as this is not a policy requirement, but an expectation CCC is aiming to achieve.
SFSPD61	Councillor Sue Dobson	20	Paragraph 7.36	Cumulative impacts are crucially important and there should be a requirement to consider as part of any planning application those proposals or existing sites within a certain distance. This paragraph does not 'require' but 'expects' and feel this should be more strongly worded.	The wording used is correct as this is not a policy requirement, but an expectation CCC is aiming to achieve.
SFSPD75	Cell Energy Limited	20	Paragraph 7.36	Unless a development is considered to require an EIA, there is no legislative basis for requiring cumulative impacts to be taken into account. Cumulative impacts are not mentioned in the adopted Local Plan aside from in relation to landscape. The NPPF specifically mentions cumulative landscape and visual impacts at Paragraph 151 in respect of the use and supply of renewable and low carbon energy and heat, with a generic reference also being made to cumulative impacts in respect of ground conditions and pollution, transport and highways, and flood risk. In the absence of proportionate evidence to justify an unrestricted range of cumulative effects being taken into account as part of the determination of a planning application, it is recommended that Paragraph 7.36 is amended to reflect the specific topics	Noted. Amend paragraph 7.36 to read: CCC expects applicants to assess the cumulative impacts and opportunities as part of their proposal in accordance with the NPPF. This includes the consideration of cumulative impacts relating to highways, landscape and visual impacts, flood risk, pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Cumulative impacts with any other existing or approved developments should also be considered. The applicant should engage with CCC to scope the potential cumulative impacts at pre-application stage. Where development is proposed on high quality agricultural land, consideration should be given to the cumulative impact of the proposal and other permitted solar farms development on the availability of local high

				referenced in the NPPF in relation to cumulative impacts. Failure to do so could result in the SPD not being consistent with national policy.	quality agricultural land. Cumulative impacts will also be considered as part of any EIA screening to the application.
SFSPD8	EDF Energy	20	Paragraph 7.37	This section should acknowledge that grid connections are usually the responsibility of the statutory undertaker to design and manage.	That may be the case by CCC would expect the applicant to provide the technical information on these matters.
SFSPD29	East Hanningfield Parish Council	20	Paragraph 7.37	Overhead power cables both within the site and connecting to the national grid increase the visual intrusion of a solar farm and cannot be mitigated by screening. Underground connections are much preferred and should not be ruled out due to cost, time or access constraints.	Noted, the SPD makes the recommendation that underground cabling is encouraged over the use of overhead powerlines.
SFSPD8	EDF Energy	20	Paragraph 7.38	Understand the insight that could be gathered from the comparison in a balance sheet, but question the relevance given the acknowledgement in Section 1 of the SPD that 'a portfolio of zero and low-carbon energy generating technologies will be needed to meet future electricity demands including expanding new solar capacity.' A mixed portfolio of renewable generation technologies is required to meet the UK's decarbonisation targets, and the considerations for the development of each technology type vary considerably. Therefore, question the appropriateness of this statement as the comparison against other renewable and non-renewable technologies should not impact the consenting decision for the solar development.	Noted, there is no policy requirement or guidance to justify comparing different renewables with one another and it would be contrary to paragraph 158 of the NPPF which does not require applicants to demonstrate a need for such proposals and that they should be approved if its impacts are (or can be made) acceptable. Delete last sentence of paragraph 7.38.
SFSPD72	Essex County Council	20	Paragraph 7.38	Carbon Emissions refers to information being provided alongside development proposals regarding the solar PV technology to be used and the net reduction in CO2 (Greenhouse Gas Emissions) emissions per annum and over the course of the proposed development. Whilst this is supported ECC consider it is also important to ensure that any associated emissions sources are also minimised and the overall carbon footprint of the development is minimised.	Noted. Add additional paragraph after paragraph 7.38 to read: <u>Proposals should also seek to ensure associated emission sources and the overall carbon footprint of the development is minimised. Details of how this will be achieved would be useful background information. An understanding of any battery storage facility and the expected lifespan and disposal of any batteries is expected to be included in such information.</u>
SFSPD30	East Hanningfield Parish Council	20	Paragraph 7.38	Carbon Emissions Obtaining an auditable balance sheet will be difficult to obtain as it is specifically not required by the NPPF. The number of average homes powered is normally useful and non contentious. The annual reduction in carbon dioxide is often exaggerated. It would be useful to request a statement of the assumptions behind any claim.	Noted, there is no policy requirement or guidance to justify comparing different renewables with one another and it would be contrary to paragraph 158 of the NPPF which does not require applicants to demonstrate a need for such proposals and that they should be approved if its impacts are (or can be made) acceptable. Delete last sentence of paragraph 7.38.
SFSPD48	Boreham Conservation Society	20	Paragraph 7.38 & 7.39	Reference here is made here to reduction of Greenhouse Gas Emissions but it is important to take into account not just the cost and benefits of the solar panel but also the batteries and concrete and steel in the whole construction and installation processes.	Noted. Add additional paragraph after paragraph 7.38 to read: <u>Proposals should also seek to ensure associated emission sources and the overall carbon footprint of the development is minimised. Details of how this will be achieved would be useful background information. An understanding of any battery storage facility and the expected lifespan and disposal of any batteries is expected to be included in such information.</u>
SFSPD7	Mark Scofield	20	Paragraph 7.38 & 7.39	Any balance sheet should ensure that the carbon footprint includes the extraction of materials to produce them (including their environmental impact) and also include the footprint throughout the supply chain from production, packaging and shipping the product from source to end user.	There is no policy requirement or guidance to justify comparing different renewables with one another and it would be contrary to paragraph 158 of the NPPF which does not require applicants to demonstrate a need for such proposals and that they should be approved if its impacts are (or can be made) acceptable. The last sentence of paragraph 7.38 is proposed to be deleted so no further information on what this should include is proposed.
SFSPD8	EDF Energy	21	Paragraph 7.43	This should be reworded to the following; 'Applications need to include <u>outline</u> proposals for the timely restoration of the land to its previous use at the end of the solar farm's operational life, <u>and where compatible with the previous land use</u> , retain any landscape or biodiversity enhancements and <u>appropriate</u> community benefits.'	Noted that the lifespan of the proposal may not enable a detailed restoration scheme, but the restoration should be compatible with the lands previous use. Amend first sentence of paragraph 7.43 to read: Applications need to include outline detailed proposals for the timely restoration of the land to its previous use at the end of the solar farm operational life, retaining any landscape or biodiversity enhancements and community benefits

				Solar farms have the potential to operate for c. 40 years or longer. In the intervening period, there is potential for significant industry advances and neighbouring land use change, so detailed restoration plans should be agreed via condition towards the end of the development's lifespan. Furthermore, whilst supportive of creating lasting biodiversity improvements, not all landscape and biodiversity enhancements will be conducive for the functionality of the previous land use, therefore it is recommended that this should be acknowledged in the SPD by citing 'where compatible'. There is also the added complication of effectively imposing enhancements onto a landowner following expiration of any lease or planning permission to consider. Similarly, not all community benefits, particularly monetary ones, are able to be retained following the lifespan of the development. There should be an expectation that only appropriate benefits are retained, for clarity.	
SFSPD31	East Hanningfield Parish Council	21	Paragraph 7.43	A financial bond guaranteeing funding of restoration is vital. Accumulation of funds during the project life is inadequate. There is a risk that the solar farms may be unviable in 15 years not 40. A full funded bond or insurance policy is necessary. There should be an undertaking that the land will be fully restored to agricultural use within three years of the end of the planning approval or cessation of electricity production. Without this there is a risk that a brownfield site will be created.	The need for a financial bond is one example, but there may be other options available to the applicant, the important point is that the applicant can demonstrate provision to ensure the restoration can take place. Any timescale for restoration will need to be considered on its own merit as it will depend on the size and scale of the scheme, but it should be as timely as possible. Amend paragraph 7.43 to read: Applications need to include outline detailed proposals for the timely restoration of the land to its previous use at the end of the solar farm operational life, retaining any landscape or biodiversity enhancements and community benefits. Restoration should be competed as soon as practicably possible. Applicants should also show provision for the restoration of the site at the end of operation, for example, by providing a financial bond which they would pay into during the life of the solar farm.
SFSPD5	CPRE Essex	21	Paragraph 7.43	Attention is drawn to para 2.4 of the CPRE Policy Statement on solar farms, which is relevant to para 7.43 of the draft SPD. Accordingly, it is suggested that this section of the SPD on after use/restoration could be considered in more detail and strengthened in its wording.	This paragraph of the CPRE statement raises concerns about the certainty of solar farms being returned to their former state at the end of their lifespan. The reason for requesting detailed proposals for the restoration in paragraph 7.43 is to seek greater assurances that sites will be restored appropriately.
SFSPD49	Boreham Conservation Society	21	Paragraph 7.44	Talks about permissions being temporary but does not state how long any specific planning permission will be granted for or give examples.	The length a permission will vary but as an example the paragraph sets out that this may be decades to ensure it is noted that although temporary, they are for a considerable length of time.
SFSPD50	Boreham Conservation Society	22	Paragraph 7.46	This appears to cover all things needed to accompany any application. However, no mention of potential mineral sterilisation, which is key in Chelmsford area.	Noted. Add addition bullet point to paragraph 7.46 to read: <ul style="list-style-type: none"> • <u>Minerals Resource Assessment</u>
SFSPD73	Essex County Council	22	Paragraph 7.46	An additional supporting document should be a Landscape and Ecology Management Plan to set out a landscape and biodiversity management and maintenance plan and work schedule for a minimum of 10 years. The Plan should include how the maintenance of GI assets and green spaces are to funded and managed for the lifetime of the solar farm, possibly through a management company. This is to ensure appropriate management and maintenance arrangements and funding mechanisms are put in place to maintain high-quality value and benefits of the landscape and GI/habitats in line with the Landscape and Visual, Ecological Impact, and Biodiversity Net Gain assessments.	Noted, add additional bullet point to paragraph 7.46 to read: <ul style="list-style-type: none"> • <u>Landscape and Ecology Management Plan</u>
SFSPD75	Cell Energy Limited	22	Paragraph 7.46	Recognises the direction of NPPF Paragraph 48 which is clear that Local Planning Authorities should give 'weight' to relevant policies in emerging plans according to their stage of preparation; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the	The NNPF is clear on this point and CCC will determine applications in accordance with the Local Plan and any SPDs. If the SPD is adopted at the point of determination of any existing applications, it should be given full weight as an adopted SPD.

				emerging plans to the NPPF. However, Local Planning Authorities should also take into account the timing of the preparation of emerging plans, including the SPD in relation to the determination of planning applications already submitted. It is possible that the SPD could be formally adopted by the City Council before some Planning Applications are determined. In this instance some flexibility regarding the application of the contents of the adopted version of the SPD is requested, specifically in relation to Section 7. Paragraph 7.46 should be amended to read ‘...the following documents may <u>are likely to</u> be required for a solar farm planning application...’	Add additional sentence to the end of paragraph 7.1 to read: <u>The exact content and form of the supporting documents will depend on the specific proposal which can be agreed at the pre-application stage as encouraged in paragraph 3.5.</u>
SFSPD51	Boreham Conservation Society	24	Paragraphs 8.1-8.3	Chelmsford City Council are best placed to identify where preferred sites or location for solar farms might be situated in the same way as they do when preparing the Local Plan for all development.	At the time the Local Plan was examined it was not a requirement of a Local Plan to identify such sites. The review of the Local Plan will be required to consider such allocations. Until such time the SPD seeks to guide any development proposals to suitable locations using the policy principles set out in section 8.
SFSPD74	Essex County Council	24	Paragraph 8.2	A number of the principles should be strengthened by replacing ‘should’ with ‘will’.	To ensure consistency amend paragraph 8.2 to read: Solar farm development <u>proposals should demonstrate that they:</u> <ul style="list-style-type: none"> • Will need to demonstrate that the proposals would do not adversely harm the role and purpose of the Green Belt and demonstrate very special circumstances in order to be approved (Policy S11) • Will need to demonstrate that they do not materially harm the role, function and intrinsic character and beauty of the Green Wedge (Policy S11) • Will need to demonstrate that they would do not adversely impact on the identified character and beauty of the Rural Area (the countryside outside of the Urban Areas, Defined Settlements and Green Belt) • Should avoid the best quality agricultural land defined as Grade 1, 2 and 3a under the Agricultural Land Classification (Strategic Policy S4) • Should avoid areas of identified medium-high landscape quality and/or sensitivity unless the negative impacts can be adequately mitigated • Should do not result in harm to protected species or their habitats or in the loss or deterioration of irreplaceable habitats (Policy DM16) • Should avoid ecologically important sites, including Sites of Special Scientific Interest (SSSI), Local Nature Reserves and County Wildlife Sites (Policy DM16) • Should avoid or minimise harm to the historic environment or total loss of significance to a designated or non-designated heritage asset or its setting (Strategic Policy S3) • Should avoid harmful cumulative impacts in combination with any other existing or approved development including nearby solar farms, and • Will need to demonstrate <u>can facilitate</u> safe and convenient access to the highway network, and ensure the proposals provide no adverse impact on the capacity and safety of that highway network during all stages of development.
SFSPD55	South Woodham Ferrers Town Council	24	Paragraph 8.2	These points should be extended, in conjunction with other bulleted options to exclude land suitable for solar farm development that is designated as country park, public open space, common land, green necklaces and green wedges at county, district or parish level.	In accordance with the NPPF policy guidance should seek to be positively worded rather than saying what cannot be done, which is what this SPD seeks to do. Development on other types of land, e.g. open spaces, would need to meet the requirements of other policies within the Local Plan which seek to protect them, so it is not necessary to include within this list.
SFSPD61	Councillor Sue Dobson	24	Paragraph 8.2	This lists various requirements and their appropriate Policy; however, Policy S7 Spatial Strategy states that ‘... <i>development allocations will be located to ensure existing settlements maintain their distinctive character and to avoid coalescence</i>	Policy S7 deals with the spatial strategy of allocation in the Local Plan. The Local Plan does not include allocations for renewables at present. However, paragraph 7.36 of the SPD does expect cumulative impacts of developments to be considered.

				<i>between them...</i> It is important that solar farm developments do not cover swathes of farmland which make up this separation between settlements and this should also be a requirement.	
SFSPD14	Broomfield Parish Council	24	Paragraph 8.3	Puzzled by the reference in para. 8.3 to preferred locations being 'in the vicinity of built-up areas'. This is a very vague term which (unlike the other factors mentioned in para 8.2 and 8.3) does not seem to be preceded by any justifying paragraphs. Indeed, the preceding text refers to a number of reasons why solar farms should not be located near to residential built-up areas. See, for instance, para. 7.17 -19, 7.24, 7.35. The aim here is presumably to reduce the distance between generation and consumption. However, the more important issue is surely connecting to the national grid, as mentioned in para.7.37. This will depend on very local, technical considerations. It is unclear why locating solar farms near to built-up areas in general would automatically result in better connection to the grid. Further, focusing solar farm developments in the near vicinity of built-up areas could make it harder to locate them on the poorest quality agricultural land and could result, once again, in the loss of Grade 2 land to the north and west of Chelmsford. Figure 4 shows that most of Chelmsford's Grade 4 agricultural land is not in the immediate vicinity of the City, but as the draft SPD rightly says, this grade of land should be preferred. For these reasons, the Council requests that para 8.3, second bullet point is amended to read: 'Areas which facilitate effective connections to the grid or to specific areas of high electrical consumption.'	Noted. Agreed that reference to effective connections to the national grid is more appropriate. With this in mind there is also no need to retain 'areas of high electrical consumption' as once connected to the grid this is not relevant. Paragraph 8.3 is proposed to be deleted but this point is retained in 7.37 of the SPD.
SFSPD75	Cell Energy Limited	24	Paragraph 8.3	<p>The identification of preferred locations for solar farm developments strays beyond the scope of SPDs as permitted by planning legislation. The Planning Practice Guidance is clear that SPDs should build upon and provide more detailed advice or guidance on policies in an adopted Local Plan. The 'hook' for the SPD is Policies S2 and DM19 of the Local Plan; this is recognised in Section 5 of the draft SPD. Policy DM19 has a policy presumption in favour of renewable and low carbon energy development, subject to any demonstrable harm, effect or impact being mitigated. Policy DM19 does not identify preferred locations for solar farm developments. There is therefore no Development Plan basis for Paragraph 8.3 of the Draft SPD, and it is therefore recommended that it is deleted.</p> <p>Accepts the basis for Paragraph 8.2 of the Draft SPD which in essence explicitly identifies the key planning 'tests' set out in the Development Plan and material considerations which need to be addressed as part of planning applications related to a range of different types of land, including a number of designations. Green Belt is the only land designation explicitly referenced in Policy DM19. This to be due to the great importance attached to the Green Belt by the NPPF, therefore this importance should be further emphasised in the SPD.</p>	<p>Acknowledged that this paragraph does not strictly build on Policy S2 or DM19 as neither of these policies guide development to particular or preferred locations. Section 7 of the SPD covers the essence of what the bullet points in this paragraph are seeking to achieve, without going beyond existing policy requirements in suggesting specific 'preferred' locations, in the following manner:</p> <ul style="list-style-type: none"> • Bullet point 1 is covered by national policy and guidance, and is set out in paragraph 7.2 where applications are directed to previously developed land, brownfield or contaminated land, industrial land or lower grade agricultural land. • Bullet point 2 is covered in paragraph 7.37 by seeking applications to demonstrate a suitable grid connection. • Bullet point 3 is encouraged in paragraph 7.13 as a way of achieving biodiversity net-gain. <p>Delete paragraph 8.3 and amend paragraph 8.1 to read: When assessing a planning proposal for a solar farm the Council will consider the proposal alongside a range of policies, guidance and material planning considerations as described in this SPD. The following section provides information on preferred preferred locations <u>sal principles</u> for solar farm development within Chelmsford which are likely to have the least negative impact. It also outlines areas which are likely to be unsuitable or highly sensitive meaning that they would require a greater level of mitigation in order to make them acceptable for solar farm development. It does not identify any preferred sites for solar farm development.</p>
SFSPD53	Anglian Water Services Ltd	24	Paragraph 8.3	Welcome the positive position on preferred locations for solar development.	Support welcomed. However, Section 7 of the SPD covers the essence of what the bullet points in this paragraph are seeking to achieve, without going beyond existing policy requirements in suggesting specific 'preferred' locations, in the following manner:

					<ul style="list-style-type: none"> • Bullet point 1 is covered by national policy and guidance, and is set out in paragraph 7.2 where applications are directed to previously developed land, brownfield or contaminated land, industrial land or lower grade agricultural land. • Bullet point 2 is covered in paragraph 7.37 by seeking applications to demonstrate a suitable grid connection. • Bullet point 3 is encouraged in paragraph 7.13 as a way of achieving biodiversity net-gain.
SFSPD7	Mark Scofield	25	Paragraph 9.1	Web link on page 25 does not work	<p>Update section 9 to reflect change in name of Solar Trade Association and the fact there no longer appears to be a link to these commitments: The Solar Trade Association Solar Energy UK The Solar Trade Association Solar Energy UK works for and represents the solar energy sector. It has produced a list of 10 commitments of best practice guidance that solar farm developers should comply with. These are supported by CCC and include many of the considerations set out within this SPD. The 10 commitments are available at Solar Farm Commitments (www.solar-trade.org.uk)</p> <p><u>The 10 commitments are outlined below:</u></p> <ol style="list-style-type: none"> 1. <u>We will focus on non-agricultural land or land which is of lower agricultural quality.</u> 2. <u>We will be sensitive to nationally and locally protected landscapes and nature conservation areas, and we welcome opportunities to enhance the ecological value of the land.</u> 3. <u>We will minimise visual impact where possible and maintain appropriate screening throughout the lifetime of the project managed through a Land Management and/or Ecology plan.</u> 4. <u>We will engage with the community in advance of submitting a planning application.</u> 5. <u>We will encourage land diversification by proposing continued agricultural use or incorporating biodiversity measures within our projects.</u> 6. <u>We will do as much buying and employing locally as possible.</u> 7. <u>We will act considerately during construction, and demonstrate ‘solar stewardship’ of the land for the lifetime of the project.</u> 8. <u>We will seek the support of the local community and listen to their views and suggestions.</u> 9. <u>We commit to using the solar farm as an educational opportunity, where appropriate.</u> 10. <u>At the end of the project life we will return the land to its former use.</u>

Appendix 2: Schedule of proposed changes in document order for Solar Farm Development Supplementary Planning Document

Page	Paragraph/ table/ fig ref	Proposed change
Cover		Remove 'Consultation Document' Amend date to adoption date.
3	Paragraph 1.3	Amend last sentence of paragraph 1.3 to read: The report highlights that a portfolio of zero and low-carbon energy generating technologies will be needed to meet future electricity demands including expanding new solar energy generating technology capacity by 3,000MW on average every year to 2030 and beyond.
5	Paragraph 3.3	Amend paragraph 3.3 to read: <u>By law, planning applications must be determined in accordance with the development plan unless there are material considerations that indicate otherwise (section 38(6) of the Planning and Compulsory Purchase Act 2002). Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved. This SPD builds upon and provides more detailed advice or guidance on relevant policies in the Local Plan and is a material consideration in the determination of solar farm planning applications in the Council's area. This SPD</u> It is intended to be used by, <u>among others</u> , solar farm applicants, Council planners, local stakeholders, and communities. Once adopted, this SPD will be a material consideration in the determination of solar farm planning applications in the Council's area. The Council is consulted by the Planning Inspectorate on Nationally Significant Infrastructure Projects (NSIP) in its area and will use this SPD to help determine its response. This SPD will also support s the implementation of renewable energy policies in the Chelmsford Local Plan 2013-2036 and the Council's Climate and Ecological Emergency Action Plan, published in January 2020.
6	Paragraph 3.5	Amend paragraph 3.5 to read: Chelmsford City Council (CCC) strongly encourages applicants to engage early with the Council and to seek pre-application advice ahead of submitting a planning application or Development Consent Order for a solar farm. Further information on how to access pre-application advice can be found at Request planning advice - Chelmsford City Council . The Council will seek a Planning Performance Agreement (PPA) with the applicants of

		Nationally Significant Infrastructure solar farm projects to enable it to provide effective and timely planning advice throughout the planning application or Development Consent Order process. <u>In appropriate cases, a PPA may be sought as part of a planning application. Details will be confirmed with the applicant as part of the pre-application process.</u>
7	Paragraph 4.1	Replace existing text with the following: <u>A draft of this Solar Farm Development SPD was published for four weeks public consultation from 18 May to 15 June 2021. Feedback received was used to inform this final adopted version of the SPD.</u>
8	Paragraph 5.2	Amend last sentence of paragraph 5.2 to read: The National Policy Statement for <u>Electricity Networks Infrastructure generation</u> (NPS EN-5) may also be relevant where new overhead electricity lines and associated infrastructure are proposed.
8	Paragraph 5.2	Add additional paragraph after 5.2 to read: <u>The emerging Environment Bill is expected to put the 25-year Environment Plan into law and create a statutory framework for environmental principles. The Bill is expected to include ambitious legislative measures to take direct action to address environmental priorities including biodiversity net gain, restoration and enhancement of nature, improving air quality, tackling climate change, waste and resource efficiency, and water resource management to enable the government to be taking account on its commitment to reach net zero emissions by 2050.</u>
8	Paragraph 5.3	Amend last sentence of paragraph (in light of new NPPF being published), to read: The NPPF, paragraph 154 <u>158</u> states that when determining planning applications for renewable and low carbon development, local planning authorities should:
8	Paragraph 5.4	Amend first sentence of paragraph (in light of new NPPF being published), to read: The NPPF, paragraph 147 <u>151</u> outlines that many renewable energy projects will comprise inappropriate development in the Green Belt.
9	Paragraph 5.6	Amend bullet point five in paragraph 5.6 to read: <ul style="list-style-type: none"> • Making Places Supplementary Planning Document (SPD), January 2021 Planning Obligations SPD, January 2021 • <u>Planning Obligations Supplementary Planning Document (SPD), January 2021</u>
12	Paragraph 7.1	Amend paragraph 7.1 to read: The following key planning considerations should be taken into account by applicants when preparing, designing and submitting development proposals for a solar farm development within

		Chelmsford. This includes associated infrastructure and buildings , such as substations, transformers, battery storage facilities, power cables, fencing, access tracks, construction compounds , and connection to the National Grid. It also provides details of studies and supporting information to be submitted alongside planning proposals. <u>The exact content and form of the supporting documents will depend on the specific proposal which can be agreed at the pre-application stage as encouraged in paragraph 3.5.</u>
12	Paragraph 7.2	Amend last sentence to of paragraph 7.2 to read: CCC considers that land of such quality is an important area for food production and reducing the agricultural land available could increases the reliance on the importation of food, with the potential for subsequent environmental impacts such as increased carbon emissions.
13	Paragraph 7.4	Amend paragraph 7.4 to read: It should be noted that the majority of agricultural land with CCC's Administrative Area falls within Grades 2 or 3. Figure 4 provides an indicative map of the Agricultural land classification within the Chelmsford area. More detailed maps can be viewed on the Natural England website at Natural England Access to Evidence - Regional Agricultural Land Classification Maps . If the site is Grade 3, the Agricultural Land Classification survey it will need to be specifically assessed to establish whether the land meets the criteria for Grade 3a or 3b. <u>Such surveys will need to be carried out by suitably qualified independent practitioners in accordance with up-to-date industry best practice.</u>
13	Paragraph 7.5	Amend paragraph 7.5 to read: The NPPG states that deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. It also states that the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. This should be informed by an appropriate assessment in the form of either a Landscape and Visual Impact Assessment (LVIA) or a Landscape and Visual Assessment (LVA). The exact form of the assessment, the methodology and contents will need to be agreed in writing with the Local Planning Authority prior to commissioning. to Any assessment should typically identify the specific effects of the proposed development on views and on the landscape, the capacity of the site and landscape to accommodate the solar farm development, level of impact of change and mitigation needs. The assessment LVIA should assess the wider landscape context and identify key and assess all receptors likely to be affected within a wider study area including those distant from the site . It should consider the potential impact on landscape characteristics, special qualities of landscape designations and potential impact on key views. The assessment LVIA will also need to consider the impact of

		the overall scale, density, massing, height, layout, and materials used in relation to neighbouring buildings and the local area.
14	Paragraphs 7.7	<p>Amend first sentence of paragraph 7.7 to read: The Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) provides a high-level comprehensive Borough/District-wide assessment of landscape character within the Study Area and provides a useful reference in assessing the potential landscape and visual impacts of individual proposals: Landscape Character Assessment (2006).</p> <p>Add additional paragraph after 7.7 to read: <u>In addition to its Landscape Character Assessments, the Council will use its Historic Landscape Characterisation Study, Sensitivity and Capacity Assessments, alongside any other appropriate and relevant evidence which could include that being prepared to support a Neighbourhood Plan, to assess the character of the area and its sensitivity to change.</u></p>
14	Paragraph 7.8	<p>Amend paragraph 7.8 to read: Any associated buildings and development on site including, <u>but not limited to,</u> substations, transformers, <u>battery storage facilities,</u> power cables, fencing, access tracks and construction compound must also minimise their landscape and visual impact and be designed to be appropriate to the context and character of the local area.</p>
14	Paragraph 7.9	<p>Amend first sentence of paragraph 7.9 to read: As part of the <u>assessment LVIA,</u> a detailed visual and landscape mitigation plan will be required to identify measures to avoid, reduce or remedy visual and landscape impact of the solar farm and its associated development.</p>
14	Paragraph 7.11	<p>Amend third sentence of paragraph 7.11 to read: Where appropriate, p <u>Proposals</u> will be expected to consider the multifunctional network of green infrastructure, and seek to protect, enhance and wherever possible restore ecosystems, securing a net gain in biodiversity.</p>
15	Paragraph 7.12	<p>Amend paragraph 7.12 to read: A detailed ecological survey must be undertaken to guide the site selection and site design process. This should also identify any ecological site mitigation measures and opportunities for ecological enhancement. When considering proposals, including their layout and design it is essential to avoid any impact on any protected</p>

		<p>species and their habitats e.g. bats, badgers, and reptiles <u>should be avoided, or where it cannot be avoided (through locating on an alternative site with less harmful impacts), it must be adequately mitigated or, as a last resort, compensated for.</u> A pre-biodiversity and post-biodiversity assessment of the development proposals must also be undertaken and to deliver a minimum of 10% biodiversity net gain <u>in accordance with Policy S4 and DM16. It is strongly recommended that development seeks to achieve a minimum of 10% biodiversity net gain in accordance with the emerging Environmental Bill.</u> This must assess the potential negative effects on any loss of land and show how the mitigation hierarchy has been followed to measurably and quantifiably demonstrate that development proposals leave biodiversity in a better state than before.</p>
15	Paragraph 7.13	<p>Amend paragraph 7.13 to read: A site management plan should be prepared and which must demonstrate how the land around the panels will be managed including providing a net gain in biodiversity. This could include enabling some low intensity animal grazing, the continued agricultural use of the site or the creation of new habitats to improve on-site ecology. An ecological monitoring programme will be required to monitor any impacts upon on-site flora and upon any particular features <u>likely to support species</u> (e.g. bats, <u>birds, reptiles, amphibians</u>) and to inform any changes that may be needed to the other particular habitats and species <u>(e.g. bats) recorded on or adjacent to the site</u> and to inform any necessary changes to the site management arrangements. <u>The site management plan should include maintenance and stewardship arrangements for the site including landscape and ecology matters. This will ensure appropriate management and maintenance arrangements and funding mechanisms have been identified at an early stage and will be implemented.</u> The BRE National Solar Centre Biodiversity Guidance for Solar Developments provides further guidance on how to support biodiversity on solar farms: NSC - Biodiversity Guidance (bre.co.uk)</p> <p>Add additional paragraph after 7.13 to read: <u>The energy sector has the potential to make a significant contribution to the protection, improvement and creation of existing and new green infrastructure. The Essex Green Infrastructure Strategy (2020) is available at https://www.placeservices.co.uk/resources/built-environment/essex-gi-strategy/ and provides additional guidance for applicants on how this can be achieved.</u></p>
15	Paragraph 7.15	<p>Amend second sentence of paragraph (in light of new NPPF being published), to read: The proposal will be required to demonstrate that the site is safe from all types of flooding for its lifetime in accordance with the NPPF, paragraph 155 <u>164</u> and Local Plan Policies S1, S2, S11 and DM18.</p>

16	Paragraph 7.17	Amend paragraph 7.17 to read: In line with Local Plan Policy DM29, any proposals will be required to safeguard the living environment of the occupiers of any nearby residential property, not result in excessive noise, activity or vehicle movements and be compatible with neighbouring or existing uses in the vicinity of the development by avoiding unacceptable levels of polluting emissions by reason of noise, light, smell, fumes, vibrations or other issues <u>which have a damaging effect on the environment and the public's enjoyment, health or amenity,</u> unless appropriate mitigation measures can be put in place and permanently maintained.
16	Paragraph 7.19	Amend paragraph 7.19 to read: A Glint and Glare Assessment is likely to be required as part of a planning application to consider the potential impact of glint and glare from the solar panels on landscape/visual amenity, aircraft, rail and road safety, <u>and users of public rights of way. When developing their proposals applicants should undertake</u> early engagement with airport, rail and the local highway authority and Highways England should be undertaken by applicants to agree the scope of the assessment where the development has the potential to affect such infrastructure. when developing their proposals.
16	Paragraph 7.22	Amend paragraph 7.22 to read: ECC would seek a Construction Resource Management Plan (equivalent to a Site Waste Management Plan) to be prepared outlining how waste materials will be disposed of to appropriate recycling facilities or appropriately licensed landfills. <u>A high-level outline management plan with a commitment to sustainable construction and waste management principles should be submitted with the planning application. Additional, more detailed information will then be required to be submitted as part of a condition should permission be granted. ECC would expect any application to</u> This should quantify the volumes of waste re-used on site and leaving the site, as well as demonstrate how the amount of waste forecasted to leave the site has been proactively minimised at construction, operation and deconstruction stages by incorporating sustainable working practices, including a consideration of the material used and their procurement. Waste arising from the site should be assessed in light of the available capacity to manage it where such an assessment can be made.
17	Paragraph 7.23	Amend paragraph 7.23 to read: Any proposal will be required to minimise the use and height of artificial fencing seeking to make use of any natural site features such as field hedges and trees, where possible. Planning applications should include details of all site security measures and features such as perimeter fencing, CCTV cameras and lighting with significant

		<p>consideration given to mitigating their impact on wildlife and ecology. Planning applications will be required to outline arrangements and specifications of site lighting with an appropriate assessment of how any impact on landscape, ecology and nearby communities will be minimised. Where fencing is proposed, these should include suitable open sections at the bottom to allow small mammals identified in the area to pass through. <u>Any fencing should ensure it does not pose an increased safety risk to all the PROW users, including equestrians and cyclists.</u></p> <p>Add additional paragraph after paragraph 7.23 to read: <u>Proposals should seek to preserve open site lines across the countryside wherever possible and where stronger boundary treatments are not compatible combining deer type fencing with suitable monitored CCTV, Perimeter Intrusion Detection System (PIDS), 24 hour response, and enhanced building and compound security may provide a compromise solution. Where due to increased risk this is not possible a black or green weld-mesh fence can be less obtrusive. Attention is drawn to the following documents that suggest risk commensurate measures to mitigate the crime risk -</u> www.bre.co.uk/filelibrary/pdf/other_pdfs/KN5524_Planning_Guidance_reduced.pdf www.nfumutual.co.uk/farming/farm-safety/loss-prevention-guidance-farming/</p>
18	Paragraph 7.24	<p>Amend paragraph 7.24 to read: Proposals will be required to demonstrate that the local and strategic highway network will be able to accommodate the type and number of vehicle movements during the construction and operation phases of the site. In addition, proposals will need to demonstrate that both the site access and vehicle movements to and from the site will have no detrimental adverse impacts on highway safety, including cyclists, and pedestrians and equestrians. The site should also be located to enable trips to be made by walking, cycling and public transport, particularly during the construction period. As such, there may be a need for off-site mitigation to be required to improve the highway network in order to accommodate trips by cycling, walking and public transport, and to ensure the highway network is suitable for the expected level of construction traffic. As such, a Applications should be accompanied by a detailed Transport Assessment and Construction Environmental Management Plan (CEMP). A Travel Plan will also be required to promote the use of sustainable modes and need to monitor the effectiveness of the Travel Plan, its measures and incentives. Applicants are also encouraged to engage with Essex Highways as part of their pre-application discussions.</p>

18	Paragraph 7.26	<p>Insert additional paragraph before paragraph 7.26 to read: <u>PROW are important amenities for local communities, which can help to improve their mental and physical health and wellbeing. This importance should be recognised, protected and enhanced through any proposal by providing necessary mitigation and enhancement measures, such as consequential improvements to the PROW network through improving connectivity or the installation of interpretation boards or visitor facilities that give benefit to users of PROW.</u></p> <p>Amend last sentence of paragraph 7.26 to read: Applicants are encouraged to engage with ECC as part of their pre-application discussions if there is to be any impact on a PROW, <u>as well as exploring opportunities to enhance PROW or provide ‘missing links’ in the PROW network. Engagement with other user groups is also encouraged. The British Horse Society has specific guidance (www.bhs.org.uk/accessadvice) to assist solar farm development to ensure development does not cause obstructions to horse riders.</u></p>
18	Paragraph 7.27	<p>Amend last sentence of paragraph 7.27 to read: Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset, <u>which will need to be justified in accordance with the requirements of Policy DM13 and DM14.</u></p>
19	Paragraph 7.30	<p>Amend paragraph 7.30 to read: An assessment to evaluate the impact on a historic landscape may also be required, to define historic boundaries, ponds, hedgerows, <u>historic and ancient woodland</u>, and other landscape features which contribute to the significance of a historic landscape. An assessment to evaluate the impact on Historic Land Characterisation should also be provided.</p>
19	Paragraphs 7.31	<p>Add additional sentence to end of paragraph 7.31 to read: <u>Further advice on historic environment issues relating to different types of commercial renewable energy development proposals, including solar photovoltaics (PV) is also available from Historic England at:https://historicengland.org.uk/images-books/publications/commercial-renewable-energy-development-historic-environment-advice-note-15/heag302-commercial-renewable-energy-development-historic-environment/</u></p>
19	Paragraph 7.33	<p>Amend third sentence of paragraph 7.33 to read:</p>

		Opportunities could include providing jobs to local people both during construction and operation, promoting cycling, equestrian , and walking routes through the site, providing free or discounted energy to local public buildings, establishing a local Environmental Trust, installing information boards panels around the site and providing visitor/education facilities to raise awareness about renewable and low carbon energy.
19	Paragraph 7.34	Amend paragraph 7.34 to read: From 2021, as a result of the recommendations made from the Essex Climate Action Commission (pending adoption by ECC), it is expected that all large-scale renewable energy developments in Essex should include <u>the offer of</u> an element of community ownership.
20	Paragraph 7.35	Amend paragraph 7.35 to read: The Council <u>may will</u> require schemes, particularly Nationally Significant Infrastructure Projects (NSIPs), to undertake a HIA of their proposal. <u>The applicant should engage with CCC to establish if a HIA is required and the scope of any HIA at pre-application stage. It is recommended that any HIA is</u> consistent with the requirements outlined in the Essex Design Guide (2018) and the Essex Planning Officers Association (EPOA) document 'Essex Healthy Places - Advice notes for planners, developers and designers'. This document provides guidance on what needs to be considered when looking at health, wellbeing and the environmental sustainability. The type of HIA required will be advised by the Council with advice from health partners as required, including ECC. It is expected that schemes will consider Sport England's Active Design Principles and in particular the creation of a network of multifunctional open space supporting SuDS, wildlife habitat and productive landscapes. Further information is available at Health Impact Assessment Supplementary Guidance (www.essexdesignguide.co.uk).
20	Paragraph 7.36	Amend paragraph 7.36 to read: CCC expects applicants to assess the cumulative impacts and opportunities as part of their proposal <u>in accordance with the NPPF. This includes the consideration of cumulative impacts relating to highways, landscape and visual impacts, flood risk, pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.</u> Cumulative impacts with any other existing or approved developments should also be considered. The applicant should engage with CCC to scope the potential cumulative impacts at pre-application stage. Where development is proposed on high quality agricultural land, consideration should be given to the cumulative impact of the proposal and other permitted solar farms development on the availability of local

		high quality agricultural land. Cumulative impacts will also be considered as part of any EIA screening to the application.
20	Paragraph 7.37	Add additional sentence to end of paragraph 7.37 to read: <u>This should include information to demonstrate that the proposed panel layout maximises coverage on the plot, and optimises performance of the panels from both an orientation and angle of panel perspective.</u>
20	Paragraph 7.38	Delete last sentence of paragraph 7.38. Add additional paragraph after paragraph 7.38 to read: <u>Proposals should also seek to ensure associated emission sources and the overall carbon footprint of the development is minimised. Details of how this will be achieved would be useful background information. An understanding of any battery storage facility and the expected lifespan and disposal of any batteries is expected to be included in such information.</u>
21	Paragraph 7.43	Amend paragraph 7.43 to read: Applications need to include outline detailed proposals for the timely restoration of the land to its previous use at the end of the solar farm operational life, retaining any landscape or biodiversity enhancements and community benefits. <u>Restoration should be competed as soon as practicably possible.</u> Applicants should also show provision for the restoration of the site at the end of operation, for example, by providing a financial bond which they would pay into during the life of the solar farm.
21	Paragraph 7.44	Add additional sections after 7.44 to read: <u>Minerals and Waste</u> <u>The adopted Essex Minerals Local Plan (MLP) and the Essex and Southend-on-Sea Waste Local Plan (WLP), or successor documents, include policies to safeguard mineral reserves and mineral and waste facilities and infrastructure, including Water Recycling Centres, from non-mineral and waste development. Where proposals exceed the defined safeguarding thresholds or are located in minerals and waste consultation areas as outlined in the MLP and the WLP, a Minerals Resource Assessment or Minerals/ Waste Infrastructure Impact Assessment will be required to be submitted as part of a planning application.</u> <u>Although temporary structures, solar farms may be sensitive to the impacts of proximal mineral and/or waste working and therefore they are considered to be 'included development' for the purposes of safeguarding policy as they are typically intended to remain in-situ for longer than five years. However,</u>

		<p><u>following a consideration of the current spatial and mineral contexts, some of the requirements of safeguarding policy can potentially be set aside for solar farm applications provided that:</u></p> <ul style="list-style-type: none"> • <u>the application is clear that the proposed scheme is temporary in nature, and</u> • <u>appropriate conditions are applied to the grant of any planning permission which ensure that the land is returned to its current use upon cessation of the permission granting the use of the land for a solar farm and/or ancillary uses.</u> <p><u>It is required that promoters contact the Minerals and Waste Planning Authority to confirm the requirement for, and scope, for such assessments as part of pre-application advice or where any conditions are to be removed or modified.</u></p> <p><u>Planning Obligations</u> <u>CCC's Planning Obligations SPD sets out the City Council's approach towards seeking planning obligations which are needed to make development proposals acceptable in planning terms.</u></p> <p><u>Some cases may require financial contributions, other cases may require the details of mitigation measures to be included in an agreement so that a robust legal mechanism is in place to ensure appropriate mitigation is carried out.</u></p> <p><u>Other matters may be more appropriate to be covered by conditions. Each site will be considered on its own merits and engagement will be had with the relevant applicant/ stakeholders to identify such cases.</u></p>
22	Paragraph 7.46	<p>Add addition bullet points to paragraph 7.46 to read:</p> <ul style="list-style-type: none"> • <u>Minerals Resource Assessment</u> • <u>Landscape and Ecology Management Plan</u>
24	Paragraph 8.1	<p>Amend paragraph 8.1 to read:</p> <p>When assessing a planning proposal for a solar farm the Council will consider the proposal alongside a range of policies, guidance and material planning considerations as described in this SPD. The following section provides information on preferred <u>preferred locations and principles</u> for solar farm development within Chelmsford which are likely to have the least negative impact. It also outlines areas which are likely to be unsuitable or highly sensitive</p>

		meaning that they would require a greater level of mitigation in order to make them acceptable for solar farm development. It does not identify any preferred sites for solar farm development.
24	Paragraph 8.2	<p>Amend paragraph 8.2 to read:</p> <p>Solar farm development proposals should demonstrate that they:</p> <ul style="list-style-type: none"> • Will need to demonstrate that the proposals would do not adversely harm the role and purpose of the Green Belt and demonstrate very special circumstances in order to be approved (Policy S11) • Will need to demonstrate that they do not materially harm the role, function and intrinsic character and beauty of the Green Wedge (Policy S11) • Will need to demonstrate that they would do not adversely impact on the identified character and beauty of the Rural Area (the countryside outside of the Urban Areas, Defined Settlements and Green Belt) • Should avoid the best quality agricultural land defined as Grade 1, 2 and 3a under the Agricultural Land Classification (Strategic Policy S4) • Should avoid areas of identified medium-high landscape quality and/or sensitivity unless the negative impacts can be adequately mitigated • Should do not result in harm to protected species or their habitats or in the loss or deterioration of irreplaceable habitats (Policy DM16) • Should avoid ecologically important sites, including Sites of Special Scientific Interest (SSSI), Local Nature Reserves and County Wildlife Sites (Policy DM16) • Should avoid or minimise harm to the historic environment or total loss of significance to a designated or non-designated heritage asset or its setting (Strategic Policy S3) • Should avoid harmful cumulative impacts in combination with any other existing or approved development including nearby solar farms, and • Will need to demonstrate can facilitate safe and convenient access to the highway network, and ensure the proposals provide no adverse impact on the capacity and safety of that highway network during all stages of development.
24	Paragraph 8.3	Delete paragraph.
25	Paragraph 9.1	Amend paragraph 9.1 to read: The Solar Trade Association

Solar Energy UK

The ~~Solar Trade Association~~ **Solar Energy UK** works for and represents the solar energy sector. It has produced a list of 10 commitments of best practice guidance that solar farm developers should comply with. These are supported by CCC and include many of the considerations set out within this SPD. ~~The 10 commitments are available at Solar Farm Commitments (www.solar-trade.org.uk)~~

The 10 commitments are outlined below:

1. **We will focus on non-agricultural land or land which is of lower agricultural quality.**
2. **We will be sensitive to nationally and locally protected landscapes and nature conservation areas, and we welcome opportunities to enhance the ecological value of the land.**
3. **We will minimise visual impact where possible and maintain appropriate screening throughout the lifetime of the project managed through a Land Management and/or Ecology plan.**
4. **We will engage with the community in advance of submitting a planning application.**
5. **We will encourage land diversification by proposing continued agricultural use or incorporating biodiversity measures within our projects.**
6. **We will do as much buying and employing locally as possible.**
7. **We will act considerately during construction, and demonstrate ‘solar stewardship’ of the land for the lifetime of the project.**
8. **We will seek the support of the local community and listen to their views and suggestions.**
9. **We commit to using the solar farm as an educational opportunity, where appropriate.**
10. **At the end of the project life we will return the land to its former use.**



Chelmsford Policy Board

14 October 2021

First Homes Planning Advice Note

Report by:

Director for Sustainable Communities

Officer Contact:

Liz Harris-Best, Principal Housing Implementation and Strategy Officer

liz.harris-best@chelmsford.gov.uk, 01245 606378.

Purpose

The purpose of this report is to present a draft First Homes Planning Advice Note and ask the Policy Board to recommend to Cabinet approval to publish the document.

Recommendations

1. That Policy Board recommend that the draft First Homes Planning Advice Note be approved for a 4-week technical consultation. The consultation feedback and any subsequent amendments to the draft First Homes Planning Advice Note will be considered by Cabinet ahead of final approval.
 2. That the Policy Board delegate the Director for Sustainable Communities, in consultation with the Chair, Vice Chair and Cabinet Member for Sustainable Development, to negotiate any final changes to the First Homes Planning Advice Note arising from the Policy Board ahead of targeted consultation.
-

1. Background

- 1.1. On 24th May 2021, the Government published a Written Ministerial Statement that set out plans for delivery of a new type of affordable home ownership product called First Homes.
- 1.2. To support the future development of First Homes, the Government also set out changes to national planning policy. National planning policy now requires that a minimum of 25% of all affordable housing units secured through developer contributions are delivered as First Homes.
- 1.3. Elements of the national criteria applying to First Homes, and the purchasers of First Homes, are fixed whilst some can be amended by local authorities. As this is a new requirement, there is not a policy in Chelmsford's Local Plan, hence the preparation of a Planning Advice Note.
- 1.4. The First Homes Written Ministerial Statement also introduced a First Homes exceptions site policy to encourage First Homes-led development on land that is not currently allocated for housing.
- 1.5. The draft Planning Advice Note supports the Local Plan and supplementary planning documents by providing clarity in response to common queries, changes in national policy or updated evidence.
- 1.6. The draft First Homes Planning Advice Note is attached at **Appendix 1** and it is recommended that this be published.

2. Preparation of the draft First Homes Planning Advice Note

- 2.1. The draft First Homes Planning Advice Note has been prepared with the input of Members of the Housing Working Group and planning officers working in the Council's Development Management Team.
- 2.2. Because the draft First Homes Planning Advice Note proposes a local response to new national planning policy, stakeholders will be invited to give their views on the draft through a 4-week technical consultation.

3. Contents of the draft First Homes Planning Advice Note

- 3.1. The draft First Homes Planning Advice Note provides information on the minimum criteria a First Home must secure to be considered to meet the definition of affordable housing for planning purposes. It also sets out national eligibility criteria for purchasers of First Homes.
- 3.2. The Note clarifies the proportions of affordable housing that will now be required on new developments of 11 or more residential dwellings; as well as

clarifying that the national minimum discount of 30% against the market value and the national price cap of £250,000 will apply.

- 3.3. To maintain the same overall value for the affordable home ownership element of the affordable contribution on planning gain sites that was assessed in the Local Plan Viability Study, the Note requires a financial contribution in lieu of the difference in the discount applied to shared ownership housing on First Homes delivered as affordable housing planning gain.
- 3.4. Local authorities can apply eligibility criteria to First Homes for a maximum period of 3 months from when a home is first marketed, applying on resales and/or in perpetuity. The draft Planning Advice Note suggests an employment and/or residency local eligibility criteria which would apply for the first three months on first disposals and resales. If a suitable buyer meeting the local eligibility criteria has not reserved a home after 3 months, the eligibility criteria will revert to the national criteria to widen the consumer base.
- 3.5. National Planning Practice Guidance states that for decision making, what constitutes proportionate development in relation to First Homes exceptions sites will vary depending on local circumstances. It encourages local authorities to set policies which specify their approach to determining the proportionality of First Homes exceptions site proposals.
- 3.6. The draft Planning Advice Note suggests a threshold and how that threshold can be calculated and applied. It is comparable to the threshold applied to entry-level exceptions sites (which First Homes exceptions sites have replaced) but provides further clarity on the measurement of existing settlements, which a First Homes exceptions site would be located adjacent to.
- 3.7. Finally, as National Planning Policy allows a small proportion of market homes on First Homes exceptions sites at the local authority's discretion, the draft Planning Advice Note seeks to clarify the Council's approach on this matter.

4. Conclusion

- 4.1. The draft First Homes Planning Advice Note provides clarity on the local implementation of a new national affordable home ownership product.
- 4.2. The draft First Homes Planning Advice Note, attached at **Appendix 1**, will be subject to targeted consultation and then referred to Cabinet for approval, subject to the inclusion of any further necessary changes.

List of appendices:

Appendix 1 – Draft First Homes Planning Advice Note.

Background papers:

Equality Impact Assessment of Draft First Homes Planning Advice Note.

National Planning Policy Framework 2021

National Planning Policy Guidance (as amended)

Corporate Implications

Legal/Constitutional:

National Planning Policy Guidance states that there should be a section 106 agreement securing the necessary restrictions on the use and sale of a First Home, and a legal restriction on the title of the property to ensure that these restrictions are applied at each future sale.

In most cases, these planning obligations should be entered into in the usual way prior to the grant of planning permission. The Government has stated that it will publish template planning obligations for this purpose, which the local planning authority can use as a basis for agreements prepared locally. At the time of writing this report, we await the publication of the national template.

Financial:

The draft First Homes Planning Advice Note seeks to maintain the value of the affordable housing planning contribution assessed in the Local Plan Viability Assessment and applied in the Chelmsford Local Plan under Policy DM2 A.

Potential impact on climate change and the environment:

First Homes would need adhere to the Council's sustainable development policies within the adopted Local Plan and the guidance within the Council's Making Places SPD.

Contribution toward achieving a net zero carbon position by 2030:

First Homes will need to comply with relevant policies and Building Regulations which currently are working towards Net Zero Ready by 2025

Personnel:

There are no Personnel issues arising directly from this report.

Risk Management:

There are no Risk Management issues arising directly from this report.

Equality and Diversity:

The Local Plan was subject to an Equality and Diversity Risk Assessment. A further assessment has been undertaken on this Planning Advice note.

Health and Safety:

There are no Health and Safety issues arising directly from this report.

Digital:

There are no IT issues arising directly from this report.

Other:

Consultees:

Housing Working Group
Development Management
Legal Services

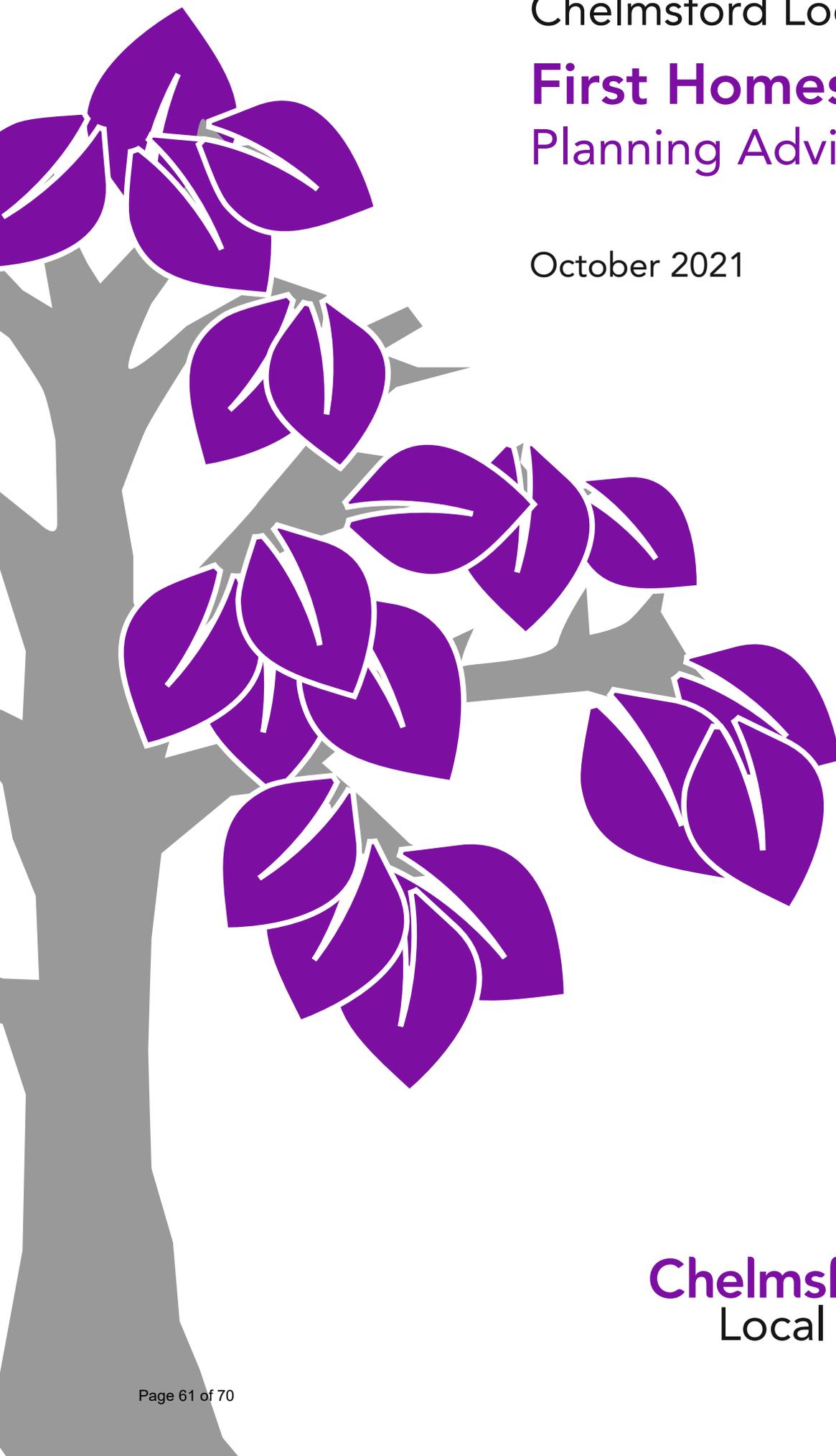
Relevant Policies and Strategies:

This report takes into account the following policies and strategies of the City Council:
Chelmsford Local Plan 2013-2036, 2020
Planning Obligations Supplementary Planning Document, 2021
Our Chelmsford, Our Plan

Chelmsford Local Plan

First Homes
Planning Advice Note

October 2021



First Homes: Planning Advice Note

Background

On 24th May 2021, the Government published a Written Ministerial Statement¹ that set out plans for delivery of a new type of affordable home ownership product called First Homes. To support the future development of First Homes, the Government also set out changes to national planning policy.²

First Homes are a specific kind of discounted market sale housing which must:

- be discounted by a minimum of 30% against the market value; and
- can only be sold to a person or persons meeting the First Homes eligibility criteria (see below); and
- after the discount has been applied, the first sale must be at a price no higher than £250,000 outside of London; and
- on the first sale, a First Home will have a restriction registered on the title of the property at HM Land Registry to ensure the discount (percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer.

This is the minimum criteria a First Home must meet and would be considered to meet the definition of 'affordable housing' for planning purposes.

The national eligibility criteria for purchasers of First Homes includes the following:

- a purchaser (or, if joint purchase, all the purchasers) of a First Home should be a first-time buyer³; and
- purchasers of First Homes, whether individuals, couples or group purchasers should have a combined annual household income not exceeding £80,000 in the tax year immediately preceding the year of purchase; and
- a purchaser of a First Home should have a mortgage or home purchase plan (if required to comply with Islamic Law) to fund a minimum of 50% of the discounted purchase price; and
- the First Home must be the buyer's main residence with restrictions on lettings being applied.

The First Homes Written Ministerial Statement does give local authorities or neighbourhood planning groups discretion to:

- Require a higher minimum discount of either 40% or 50% if they can demonstrate a need for this.
- Set lower price caps if they can demonstrate a need for this.
- Apply time limited eligibility criteria in addition to the national criteria described above, for example a local connection test, or criteria based on employment status.

¹ <https://questions-statements.parliament.uk/written-statements/detail/2021-05-24/hlws48>

² <https://www.gov.uk/guidance/first-homes>

³ As defined in paragraph 6 of schedule 6ZA of the Finance Act 2003 for the purposes of Stamp Duty Relief for first-time buyers.

First Homes are the Government's preferred discounted market tenure and should account for a minimum 25% of affordable housing secured through planning obligations.

Chelmsford's Local Plan (Policy DM2 A) requires the provision of 35% of the total number of residential units to meet the national definition of 'affordable housing' within all new residential developments that comprise 11 or more residential units.

The reasoned justification for Policy DM2 A sets out that to meet housing need the 35% affordable housing policy requirement must incorporate 22% affordable housing for rent, provided as either social or affordable rented housing. The remaining 13% required to meet demand for affordable home ownership and comply with national planning policy, which requires that at least 10% of homes should be available for affordable homes ownership, was determined through the Local Plan Viability Study. It was assumed to be provided as shared ownership housing where buyers purchase a share in a home and pay a below market rent on the share that they do not own.

The First Homes Written Ministerial Statement also introduced a First Homes exceptions site policy to encourage First Homes-led development on land that is not currently allocated for housing, replacing the entry-level exception site policy.

First Homes exception sites should be on land which is not already allocated for housing and should:

- a) comprise First Homes (as defined in the Written Ministerial Statement); and
- b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in the National Planning Policy Framework⁴, and comply with any local design policies and standards.

The First Homes exceptions site policy also allows a small proportion of market homes on the site at the local authority's discretion.

Purpose

The purpose of this advice note is to:

1. Clarify what a policy compliant affordable housing requirement on developments of 11 or more dwellings is following the implementation of the First Homes Written Ministerial Statement.
2. Set out the City Council's position regarding those elements of the National criteria that can be amended by local authorities relating to the homes and purchasers of First Homes.
3. Clarify the City Council's interpretation and position regarding the terms 'proportionate to the settlement' and 'small proportion of market homes' in relation to First Homes exceptions sites.

This Planning Advice Note will be reviewed in line with the review of the Local Plan, which is timetabled to commence in 2022.

⁴ They should not be permitted in National Parks, Areas of Outstanding Natural Beauty, land designated as Green Belt, or designated as rural under s.157 of the Housing Act 1985.

Policy Compliant Affordable Housing Mix

A minimum of 25% of all affordable housing units secured through developer contributions should be First Homes, subject to the transitional arrangements (see below).

Once a minimum of 25% of First Homes has been accounted for, social rent should be delivered in the same percentage as set out in the Local Plan.

The remainder of the affordable housing tenures should be delivered in line with the proportions set out in Local Plan policy.

The First Homes Planning Practice Guidance states that a policy compliant planning application should seek to capture the same amount of value as would be captured under a local authority's up-to-date published policy. It sets out that where a plan viability assessment shows the amount of value captured, this allows the total value captured under the policy to be calculated. This value can then be reallocated to a different affordable housing mix under the new policy⁵.

Currently the 35% affordable housing policy requirement consists of 63% affordable housing for rent and 37% affordable home ownership – assumed to be provided as shared ownership housing. As the 25% First Homes requirement can be accounted for within the 37% affordable home ownership element of the contribution, or 13% total affordable home ownership requirement, from the 28 June 2021 (where transitional arrangements do not apply) the following affordable housing contribution will be considered policy compliant:

- **At least 9% of the total number of residential units on new residential developments of 11 or more residential units will be required as First Homes as this equates to 25% of the affordable housing requirement.**
- **4% of the total number of residential units on new residential developments of 11 or more residential units will be required as Shared Ownership Housing to continue to meet demand for affordable home ownership homes and from purchasers that do not meet the qualification criteria applied to First Homes.**
- **22% of the total number of residential units on new residential developments of 11 or more residential unit will be required as affordable housing for rent as set out in the Local Plan.**

To ensure a compliant planning application captures the same amount of value as would be captured under the Local Plan:

- **First Homes will be required at the 30% discount against the market value and the national price cap of £250,000 will apply.**

The Local Plan Viability Study assumed a larger discount would apply to shared ownership housing – 35% from the market value rather than 30%. Therefore, to maintain the same overall value for the affordable home ownership contribution in addition to the provision of 9% of the total number of residential units on new residential developments of 11 or more residential development being provided as First Homes; **a financial contribution in lieu of the 5% difference in the discount applied to shared ownership will be applied to the 9% First Homes to meet the priorities identified in the Housing Strategy.**

⁵ First Homes Planning Practice Guidance, Paragraph: 014 Reference ID: 70-014-20210521

The value of the 5% contribution has been calculated using the same market values applied in the Local Plan Viability Study, which are also set out in Table 5 of the Planning Obligations Supplementary Planning Document:

Table 1 First Homes Financial Contribution

Dwelling type	Market Value per sqm	5% of market value per sqm
Flat	£4,931	£247
House	£4,046	£202

A worked example of a greenfield site of 100 homes with 35% affordable housing using the size and mix of accommodation indicated in Local Plan Policy DM1 for market housing, the size requirement for affordable housing for rent set out in the Strategic Housing Market Assessment and the price caps for First Homes on initial sale, is provided in Table 2 below:

Table 2 Worked Example

Total Residential Dwellings	Size Sqm ⁶	Market Housing Dwellings	Affordable Housing For Rent Dwellings	First Homes Dwellings	First Homes Financial Contribution £'s	Shared Ownership Dwellings	Total
1 bed flat	50	4	5	4	4 x 50 = 200 200 x £247 = £49,400		13
2 bed flat	70	6	5	5	5 x 70 = 350 350 x £247 = £86,450		16
2 bed house	79	12	7			2	21
3 bed house	93	30	3			2	35
4 bed house	106	13	2				15
Total		65	22	9	£135,850	4	100

The affordable housing contribution in the worked example would therefore consist of:

- 9 First Homes dwellings and a financial contribution towards affordable housing of £135,850.
- 4 Shared Ownership dwellings.
- 22 affordable dwellings for rent.

Local Eligibility Criteria

As part of planning obligations secured through section 106 agreements, local authorities can apply eligibility criteria to First Homes in addition to the national criteria described above. In Chelmsford, the following additional local criteria will apply to all First Homes on initial sales and resales for a period of 3 months from when a home is first marketed:

⁶ The floor areas used to calculate the sum in Table 2 are illustrative and reflect the minimum gross internal floor areas required for affordable housing for rent. They may be lower for affordable housing for home ownership but must still comply with Nationally Described Space Standards, as referenced in Policy DM26 of the Local Plan.

- **Households with an adult that at the time of marketing the First Home lives or works⁷ in the administrative area of Chelmsford City Council; or**
- **Households with an adult that at the time of marketing the First Home is an essential local worker as defined in the National Planning Policy Framework⁸.**

If a suitable buyer has not reserved a home after 3 months, the eligibility criteria will revert to the national criteria to widen the consumer base.⁹

In accordance with national Planning Practice Guidance, the local eligibility criteria will be disapplied for all active members of the Armed Forces, divorced/separated spouses or civil partners of current members of the Armed Forces, spouses or civil partners of a deceased member of the armed forces (if their death was wholly or partly caused by their services) and veterans within 5 years of leaving the armed forces.

First Homes Exceptions Sites

The First Homes Written Ministerial Statement and associated planning guidance allows for First Homes exceptions sites to come forward on unallocated land outside of a development plan so long as it meets the criteria set out above. As well as being adjacent to existing settlements, the criteria states that these sites must be 'proportionate in size' to the existing settlements.

National Planning Practice Guidance states that for decision making, what constitutes a proportionate development will vary depending on local circumstances and encourages local authorities to set policies which specify their approach to determining the proportionality of First Homes exceptions site proposals.

Until the review of the Local Plan, Chelmsford City Council will consider First Homes exceptions site proposals to be 'proportionate' to an existing settlement **when the total size of the proposed development area is not greater than whichever is the lower of:**

- **either 1 hectare or 5% of the measurement (in hectares) of the area within the existing settlement's Defined Settlement Boundary.¹⁰**

This accords with the current National Planning Practice Guidance on Entry-level exception sites, which First Homes exceptions sites have replaced, but provides further clarity on the measurement of the existing settlement in hectares and definition of the existing settlement to be that of the area within the boundary of the relevant existing Defined Settlement which the proposed First Homes exceptions site would be located adjacent to.

⁷ To qualify at least one prospective purchaser must be contracted to work with a company based in Chelmsford on either a full or part time basis.

⁸ Annex 2 of the National Planning Policy Framework (2021) defines 'Essential local workers as public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.'

⁹ Rural exception sites delivered through Local Plan Policy DM2 (B), which are only allowed when there is a clearly identified need in the Parish in which they are located, will continue to have a local eligibility criterion that favours residents with a defined connection to the Parish for a set period of time.

¹⁰ The existing Defined Settlement boundaries outside of the Greenbelt as listed in Policy S7 – The Spatial Strategy of the Local Plan and include one of the following Chelmsford, South Woodham Ferrers, Bicknacre, Boreham, Broomfield, Danbury, Great Leighs, East Hanningfield, Ford End, Great Waltham, Little Waltham, Rettendon Place, Woodham Ferrers, Chatham Green, Good Easter, Howe Green, Howe Street, little Baddow, Rettendon Common and Sandon.

The First Homes exceptions site policy also allows a small proportion of market homes on the site at the local authority's discretion. The circumstances in which this would be deemed acceptable are similar to those currently set out in Local Plan Policy DM2 B v and vi, although the percentage permissible has been reduced because the level of cross-subsidy required to help deliver First Homes, compared to affordable housing for rent normally provided on rural exception sites, would be lower.

The starting point, as with Policy DM2 B, is that market homes are not required, especially given First Homes are not required to be discounted beyond the 30% minimum, however:

Where it can be demonstrated to the satisfaction of the Council that market housing is essential to cross-subsidise the delivery of First Homes on First Homes exceptions sites:

- **the proportion of market housing must not exceed 20% of the total number of homes; and**
- **the market and affordable homes must not be distinguishable in design and quality.**

National Planning Policy Guidance allows small quantities of affordable housing products for one or more other form of affordable housing on a proposed First Homes exceptions site where evidence suggests that a significant local need exists. This evidence can be in the form of a local Housing Needs Assessment or the local authority Housing Register.

As Chelmsford City Council has significant local need for more affordable housing for rent to meet the needs of households on the Council's Housing Register, we expect **at least 25% of First Homes exceptions sites to provide affordable housing for rent to meet the needs of those households in the greatest housing need on the Council's Housing Register.**

Transitional Arrangements

National Planning Practice Guidance sets out that the First Homes policy requirement does not apply to decision making for the following:

- sites with full or outline planning permissions already in place or determined (or where a right to appeal against non-determination has arisen) before 28 December 2021;
- applications for full or outline planning permission where there has been significant pre-application engagement which are determined before 28 March 2022; and
- sites where neighbourhood plans are adopted/made under the transitional arrangements - submitted for examination¹¹ before 28 June 2021 or have reached publication stage¹² and subsequently submitted for examination by 28 December 2021.

These transitional arrangements also apply to permissions and applications for entry-level exception sites.

The First Homes requirement does not apply to applications made under section 73 of the Town and Country Planning Act 1990 to amend or vary an existing planning permission unless the amendment or variation in question relates to the proposed quantity or tenure mix of affordable housing for the development.

¹¹ Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 for Neighbourhood Plans.

¹² Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 for Neighbourhood Plans.

Key Documents

Chelmsford Local Plan (2020)

Policy DM2 sets out the affordable housing and rural exceptions site policies.

Paragraph 8.19 sets out that any proposal that includes market housing on rural exceptions sites must include robust, independently prepared and audited viability assessment of the proposed development, prepared on an open book basis. The extent of the funding gap to be bridged in order for the proposal to be viable, including the income from cross-subsidy generated through open-market sales that will assist in creating the additional scheme revenue that can fund the affordable housing on the site without requiring additional public subsidy, must be clearly set out.

Planning Obligations SPD (2021)

Section 5 of the Planning Obligations SPD provides guidance on the implementation of the Council's affordable housing planning obligations.

Emerging Chelmsford Housing Strategy (2021)

The emerging Chelmsford Housing Strategy 2022-2025, notes that currently the Council is at a critical stage of being at risk of being unable to meet its statutory duties to some of those in most urgent need of larger, affordable homes for rent. A priority for action is therefore the increase in the supply of affordable homes for rent, with a focus on larger dwellings.

CHELMSFORD POLICY BOARD WORK PROGRAMME

14 October 2021

Date of Meeting	Report Subject
14 October 2021	<p>Solar Farm SPD – Consultation feedback, subsequent amendments and recommendation for adoption to Cabinet.</p> <p>First Homes Planning Advice – Consideration of findings of Housing Working Group on interim policy position for new Government initiative for referral to Cabinet.</p>
4 November 2021	<p>Masterplan – Land East of Chelmsford Site 3a (Manor Farm)- To consider final masterplan of site allocated in Local Plan ahead of consideration by Cabinet – subject to confirmation.</p> <p>Chelmsford Sustainable Transport and Parking Strategy Consultation Draft – To consider the draft strategy from IMAC Working Group and approve for consultation.</p>
2 December 2021 POTENTIAL NEW MEETING	<p>Former St Peter’s School Site - To reconsider final masterplan of site allocated in Local Plan ahead of consideration by Cabinet.</p>
13 January 2022	<p>Housing Strategy – To consider representations and final Housing Strategy for referral to Cabinet for approval.</p> <p>Sustainability Appraisal/Strategic Environmental Assessment Scoping Report – To seek approval to consult on the Scoping Report</p>
3 March 2022	<p>To be updated when known</p>
<i>Standing or other items not currently programmed</i>	<p>Masterplans – Land at Great Leighs - To consider final masterplan of site allocated in Local Plan ahead of consideration by Cabinet.</p> <p>Public Realm SPD – New replacement SPD for consultation</p> <p>Chelmsford Garden Community - Development Framework Document (Masterplan), Infrastructure Delivery Plan and Planning Framework Agreement – For consideration before referral to Cabinet for decision</p>

	<p>Chelmsford Local Plan Review – Consideration of Issues and Options consultation.</p> <p>Special Expenses – To consider the conclusions of the Connectivity and Local Democracy Working Groups on its review of the retention of the Special Expenses mechanism</p> <p>Updates for Working Groups – Chairs of the Working Groups to report on their recent activities</p>
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