

Bacton PF/21/1878 – Proposed ground mounted solar photovoltaic array and associated infrastructure; Land East of Bacton Gas Terminal (known as Seagull's Field), Paston Rd, Bacton.

Major Development

Target Date: 8th October 2021

Extension of Time: 30th September 2022

Case Officer: Richard Riggs

Full Planning Permission

CONSTRAINTS:

Within the Undeveloped Coast

Within the Countryside

Coastal Plain Landscape Character Area

Coastal Erosion Risk Area (50 Years & 100 Years)

Grade 1 Agricultural Land

Sand and Gravel Mineral Safeguarding Zone

Bacton Gas Terminal buffer zone

Contaminated Land

Health and Safety Executive (HSE) Major Hazards zones (Various)

Gas Pipeline

England Coast Path Coastal Margin (Sea Palling to Weybourne)

Areas Susceptible to surface water and groundwater flooding

Within Several Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS) Zones of Influence

RELEVANT PLANNING HISTORY

Application: DE21/21/1882

Proposal: Screening Opinion for proposed Solar AV Array (Environmental Impact Assessment)

Decision: Environmental Statement Not Required 04/08/2021

Application: PF/18/1533

Proposal: Placement of up to 1.8 million cubic metres of sand to varying depths on the beach frontage covering an area north west of Bacton Gas Terminal to the south eastern extent of the settlement of Walcott. Provision of replacement combined surface and process water outfall and retention of gabion cliff protection at the Bacton Gas Terminal

Decision: Approved 29/11/2018

Application: PF/15/0184

Proposal: Installation of replacement concrete ramp for access to beach and associated works

Decision: Approved 21/04/2015

Application: PF/11/1017

Proposal: Enlargement of compound and siting of modular buildings, dog kennels and associated development

Decision: Approved 18/10/2011

Application: PF/07/1523

Proposal: Formation of overflow car park with earth bund screen

Decision: Approved 25/04/2008

Application: **PF/04/0911**

Proposal: Engineering works to facilitate construction of landfall section of Balgzand to Bacton Gas Pipeline

Decision: Approved 30/09/2004

Application: **PF/99/0444**

Proposal: Refurbishment of cliff face and alteration of field access

Decision: Approved 04/08/1999

Application: **PF/86/0665**

Proposal: Construction of permanent roadway & ramp down cliffs to give access to beach

Decision: Approved 07/07/1986

SITE AND SURROUNDINGS

The site is located on an area of land known as Seagull's Field, which separates the north western tip of Bacton and Bacton Gas Terminal to its immediate west. The site is within the ownership of the applicant and is not considered to represent an area of 'formal' Public Open Space. The site measures circa 3 hectares and has traditionally been kept as a 'buffer zone' between the terminal complex and the village.

The site lies along the cliff tops above Bacton beach to the north; onto which direct access is facilitated by the England (Norfolk) Coast Path which borders the site. To the immediate east of the site are two caravan parks, with residential dwellings directly to the south (over Bacton Road (B1159)) and south east. To the immediate west of the site lies an existing police station which serves the Bacton Gas Terminal complex. The red line boundary area of the site extends into the terminal complex to facilitate the routing of electrical cables to the proposed connection point within an existing building.

The site is accessed via Bacton Road which operates at a speed changeover point from the national speed limit in front of Bacton Gas Terminal to 30mph towards the residential area of the village. There is a bus stop immediately adjacent to the south of the site which is served infrequently by route no. 34.

THIS APPLICATION

This application proposes the installation of a ground mounted solar photovoltaic array and associated infrastructure, including a transformer and electric cable routes. Amended plans were received on 26/04/2022 which seek to reduce to scale of the solar array following public and consultee comments received during the initial consultation period.

The amended proposal would generate c. 1,238 Megawatt-hours of electricity per annum, which would account for 12% of the applicant's current on-site energy usage at Bacton Gas Terminal (a reduction of c. 3% from the original proposal). The array would be formed of 21 rows (east-west) of varying length, with c. 5.5m inter-row spacing. The rows would be formed of c. 2m x c. 1m x c. 2.36m solar photovoltaic panels pitched at a 25° angle. The proposed transformer would be housed in a 4m x 5m x 2m enclosure to the south of the site (adjacent to the vehicle entrance) and would be clad with mesh fencing. A c. 60m gap would be left between the eastern edge of the panel rows and the eastern site boundary with the neighbouring caravan park.

As part of the proposal, a soft landscaping scheme has been proposed to reduce the visual

impacts of the solar array and improve its visual amenity, as well as the proposed introduction of ecology mitigation and enhancement measures, particularly for Birds of Conservation Concern (BoCC) amber and red listed birds. The proposal would also reroute the England (Norfolk) Coast Path from its current path along the eastern and northern site boundaries to its southern and western boundaries. Direct access to Bacton beach would be retained in its current location.

The proposal would have an operational lifespan of 25-30 years, after which it would be removed and the site reverted back to its current state.

The following documents, reports, and information have been submitted in support of this application:

- Application Form
- Location Plan (revised 27/07/2022)
- Proposed Site Plan (revised 27/07/2022)
- Frame Elevation Plan (revised 27/07/2022)
- Planting Plan (revised 12/08/2022)
- Transformer Housing Plans and Elevations
- Planting Plan (revised 29/07/2022)
- Delivery Access and Parking Plan
- Design and Access Statement (plus addendum) (revised 29/07/2022)
- Site Noise Assessment
- Glint and Glare Assessment (revised 27/07/2022)
- Landscape and Visual Appraisal (revised 27/07/2022)
- Preliminary Ecological Assessment (revised 27/07/2022)
- Flood Risk Assessment (revised 27/07/2022)
- Heritage Impact Assessment (revised 27/07/2022)
- Earthing System Design Report

REASON FOR REFERRAL TO COMMITTEE:

Under Section 6.2 (Determination of Planning and Listed Building Applications) *Note (4) (b)* of the Council's Constitution as *ground mounted solar panels in excess of 250kW capacity or with a site area of 0.5 hectares or greater.*

Cllr Wendy Fredericks (Mundesley) has called-in the application to Development Committee citing Parish Council and public interest.

CONSULTATION RESPONSES:

Invitations to comment on the application were sent to the following;

Local Member:

Cllr Clive Stockton (Bacton)

Initial comment – No comments received.

Additional comment following re-consultation – No comments received.

Cllr Wendy Fredericks (Mundesley) – Committee Call-In.

“I have been approached by residents who strongly object. There are several comments left by residents and the parish council on the planning portal. Are you minded to approve? If so I think it would be prudent, given the strength of feeling of the community, for this application to be called into the Development Committee” (05/08/2021).

TOWN/PARISH COUNCIL:

Bacton and Edingthorpe Parish Council: Objects

Initial comment (04/08/2021) – “The Council supports our community in their concerns regarding the installation of this large solar development. Seagull’s Field is a stunning location and gives superb views over towards the sea. During the summer and spring it is filled with wildlife. It would be extremely disappointing to see the loss of this facility to our community. The area is a fundamental and natural barrier and buffer zone between the gas terminal and the community and it would be detrimental to the coastal path and residents if this area of open land was lost.

There must be some way of mitigating the needs of business and the natural environment and perhaps another site on the Terminal would be more appropriate.”

Additional comment following re-consultation – No comments received.

NORTH NORFOLK DISTRICT COUNCIL:

Conservation & Design: No Objections

Landscape: No Objections subject to the imposition of conditions

Coastal Management: Advice received

Environmental Health: No objections subject to conditions.

Planning Policy: No comments received.

NORFOLK COUNTY COUNCIL:

National Trail Officer: No Objections

Highways Authority: No objection subject to conditions.

Lead Local Flood Authority: Advice received.

Minerals and Waste Authority: No objections subject to conditions.

Historic Environment Service – No objections subject to conditions.

OTHER EXTERNAL CONSULTTEES:

Environment Agency: No comments received.

Health & Safety Executive: No comments

Natural England: No objections.

National Grid (Cadent Gas Ltd): No objections.

REPRESENTATIONS

An initial public consultation period of 21 days took place between 21/07/2021 to 11/08/2021.

During the public consultation period a total of 26 representations were received. All of these were made in objection to the proposal.

A total of 7 comments were made after the close of the public consultation period. 1 of these comments was made in support of the application, 3 were received as comments on the application, and 3 were received as objections.

Under Paragraph 034 of the National Planning Policy Guidance (NPPG) on Consultation and Pre-Decision Matters, dated 23/07/2019 (Reference ID: 15-026-20190722), the Council has, at its discretion, accepted public comments made after the close of the consultation period for due consideration throughout the determination process.

The key points raised in **SUPPORT** are as follows:

- Proposal is a good use of resources and will be low impact and good for the environment

The key points raised in **COMMENT** are as follows:

- Application should be heard at Development Committee
- Previous neighbour correspondences with NNDC and COMAH Regulations submitted

The key points raised in **OBJECTION** are as follows:

- Seagull's Field is used as a 'buffer zone' between Bacton Gas Terminal and the village
- Obstruction/loss of open and green spaces
- Environmental impact on wildlife (including Barbastelle bats and Skylark)
- Potential noise pollution from wind whistling through panel gaps
- Impacts on the National Coast Path and access to the beach
- Glint and glare and light pollution amenity impacts of solar panels
- Glint and glare highways safety impacts of solar panels
- Potential loss of business for adjacent holiday park and other local businesses
- Loss of views
- Impacts of coastal erosion
- Landscape impacts of solar panels on this site
- Intrusion of CCTV cameras on human rights
- Unknown impacts of explosions at Bacton Gas Terminal (as in 2008)
- Removal of agricultural land
- Creation of 'brownfield' land
- Other areas of Bacton Gas Terminal should be considered for the proposal
- May attract unwanted attention from criminals
- Impacts on people with specific medical conditions and/or disabilities
- Cost/Benefit analysis should be undertaken
- Potential issues of earthing/grounding of solar panels and associated infrastructure and changes to electrical potential of the surrounding area leading to shock and explosion hazards

- Potential for accelerated corrosion of buried metallic structures
- Proposal is contrary to policy as it's in the Undeveloped Coast constraint area
- An Environmental Impact Assessment is likely needed
- Surface water runoff needs to be considered
- A Habitats Regulations Assessment should be undertaken
- Heritage impacts of proposal on the setting of the Grade II* Listed St Andrew's Church
- Important addition of renewable power generation at Bacton Gas Terminal but not at the expense of the abovementioned concerns
- Landscape screening would block natural sunlight to adjacent caravans

A second public consultation took place on the revised proposal, submitted on 24/06/2022.

A total of 5 representations were made. 1 of these comments was made in support of the application and 4 were objections.

A 38 signature petition in objection to the proposal has been submitted to the Local Planning Authority. However, this doesn't specify any reasons for objection and there are no addresses of signatories for corroboration.

Officers are also aware of an online petition in objection to the proposal which has garnered 579 signatures at the time of writing this report (13/09/2022). However, this online petition has not been formally submitted to the Local Planning Authority for consideration under this application. [Petition · Save Bacton's wild meadow · Change.org](#)

The key points raised in **SUPPORT** are as follows:

- The proposal will help to achieve the Government's carbon reduction target of 78% by 2035
- The energy produced will replace electricity from the grid, much of which is fossil fuel generated
- Will allow for continued use of Bacton Gas Terminal in as clean a manner as possible
- Will help to secure greater energy security of the country as Bacton supplies 1/3 of the nation's gas
- Applicant is working with local companies to support local jobs
- Applicant has reduced the proposal based on previous feedback from 15% energy generation to 12% (minimum commercially viable)
- Proposal retains part of the field for local use and includes habitat benefits

The key points raised in **OBJECTION** are as follows:

- Amended scheme would still be detrimental to wildlife, including skylark and sand martin
- Proposal would have a very adverse impact on adjacent businesses and residences
- Proposal still encroaches on landscape buffer between the village and Bacton Gas Terminal
- Proposal should be located within the terminal complex
- Proposal only offers a small gain in renewable energy
- The Council should commission an independent company to re-do the environmental study
- Applicant should make a green contribution to solar panels for local homes and incentivise green vehicles for their staff
- Proposal continues to be contrary to Policy EN 7 in relation to renewable energy
- Proposal represents a genuine threat to the continued existence of the neighbouring caravan park

- The Council should challenge the findings of the Glint and Glare Assessment and proposed boundary landscaping
- Proposal continues to be contrary to Policies SS 4 and EN 9 in relation to biodiversity and ecology
- Proposal remains contrary to Policy EN 3 in relation to landscape impacts in the Undeveloped Coast
- Vulnerability of adjacent businesses to explosions caused by earthing apparatus issues from solar panel electrical charges
- Questions of objectivity and impartiality of consultants
- Footpath improvements are unrelated to the proposal
- The situation is reminiscent of the 1980's acclaimed film "Local Hero" filmed in the Scottish Highlands starring Bert Lancaster.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to:

- Article 8: The Right to respect for private and family life.
- Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

LOCAL FINANCE CONSIDERATIONS

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

STANDING DUTIES

Due regard has been given to the following duties:

Environment Act 2021

Equality Act 2010

Crime and Disorder Act, 1998 (S17)

Natural Environment & Rural Communities Act 2006 (S40)

The Conservation of Habitats and Species Regulations 2017 (R9)

Planning Act 2008 (S183)

Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law - *Article 8 – Right to Respect for Private and Family Life*

Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

RELEVANT POLICIES

North Norfolk Core Strategy (Adopted September 2008):

Policy SS 1 – Spatial Strategy for North Norfolk

Policy SS 2 – Development in the Countryside

Policy SS 4 – Environment

Policy SS 6 – Access and Infrastructure

Policy EN 1 – Norfolk Coast Area of Outstanding Natural Beauty and The Broads

Policy EN 2 – Protection and Enhancement of Landscape and Settlement Character
Policy EN 3 – Undeveloped Coast
Policy EN 4 – Design
Policy EN 6 – Sustainable Construction and Energy Efficiency
Policy EN 7 – Renewable Energy
Policy EN 8 – Protecting and Enhancing the Historic Environment
Policy EN 9 – Biodiversity & Geology
Policy EN 10 – Development and Flood Risk
Policy EN 11 – Coastal Erosion
Policy EN 13 – Pollution and Hazard Prevention and Minimisation
Policy EC 3 – Extensions to Existing Businesses in the Countryside
Policy CT 5 – The Transport Impact of New Development
Policy CT 6 – Parking Provision

Norfolk County Council Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (September 2011):

Policy CS16 – Safeguarding mineral and waste sites and mineral resources

MATERIAL CONSIDERATIONS

Supplementary Planning Documents (SPDs):

North Norfolk Landscape Character Assessment SPD (January 2021)
North Norfolk Landscape Sensitivity Assessment SPD (January 2021)

National Planning Policy Framework (NPPF) (July 2021):

Chapter 2 – Achieving sustainable development
Chapter 4 – Decision-making
Chapter 6 – Building a strong, competitive economy
Chapter 8 – Promoting healthy and safe communities
Chapter 11 – Making efficient use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment
Chapter 17 – Facilitating the sustainable use of minerals

North Norfolk District Council Guidance Documents:

Net Zero 2030 Strategy & Climate Action Plan (February 2022)
SMP6: Kelling to Lowestoft Ness Shoreline Management Plan (August 2012)
North Norfolk District Council Coastal Control Guidance – Development and Coastal Erosion (April 2009)

National Planning Policy Guidance (NPPG):

Climate Change (March 2019)
Renewable and low carbon energy (June 2015)

Government Strategy Documents:

Net Zero Strategy: Build Back Greener (October 2021)

OFFICER ASSESSMENT

Environmental Impact Assessment

The proposals falls under Part 3 (a) of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) as an industrial installation for the production of electricity with a site area exceeding 0.5 hectares. The Council published its EIA Screening Opinion on 04/08/2021 under application DE21/21/1882. This concluded that an Environmental Statement was not required for this proposal. Following the amendments made to proposal on 24/06/2022 which would reduce the scale of the solar farm, Officers consider that the proposals would again not constitute EIA development.

MAIN ISSUES FOR CONSIDERATION

- 1. Principle of Development**
- 2. Responding to a Climate Emergency**
- 3. Landscape**
- 4. Coastal Erosion**
- 5. Biodiversity and Ecology**
- 6. Design**
- 7. Amenity**
- 8. Flooding Risk and Drainage**
- 9. Highways Safety and Public Rights of Way**
- 10. Heritage and Archaeology**
- 11. Other Material Considerations**
- 12. Planning Balance and Conclusion**

1. Principle of Development

In accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan comprises of the Core Strategy (2008) (CS) and the Site Allocations Development Plan Document (DPD) (2011). Although the Development Plan preceded the National Planning Policy Framework (NPPF), published in 2012 and last updated 2021, the relevant policies are consistent with the NPPF and are considered to be up to date. Therefore, the policies should be given full weight in decision-making.

Location of Proposal

A number of public consultation responses question the rationale for the location of the proposal at Seagull's Field and not within the Bacton Gas Terminal complex itself. The site is within the private ownership of the applicant. As such, justification for the location of the proposal at Seagull's Field is not required in order to assess the policy and material planning considerations of this application.

Notwithstanding this, the applicant has submitted some supporting information in this regard which states that Seagull's Field is the only suitable area able to be identified, either in or around the terminal complex, that meets the technical and space requirements needed for this type and size of development. The applicant further notes that the proposal had to take place

in an 'unclassified area' under the terminals' Hazardous Area Classification, which was safe to install electrical equipment and be compliant with the applicant's health and safety regimes, the relevant International Electrotechnical Commission guidelines, and British and International standards. Given the above, Officers consider the rationale behind the location of the proposal to be adequate.

Spatial Strategy

Under the Council's spatial strategy, the proposal is located within the Countryside as defined by Policy SS 1. Policy SS 2 requires development in the Countryside to demonstrate its requirement for a rural location and meet at least one of the closed list of criteria detailed in the policy. In this instance, the proposal is considered to demonstrate its need for a rural location as an integrated proposal to facilitate the off-setting of mains energy usage at Bacton Gas Terminal that could not realistically be located within a settlement boundary, and fulfils the *renewable energy projects* criterion. The proposal is therefore considered to be in accordance with Policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy.

Policy EN 6 requires all new developments over 1,000 sqm to include on-site renewable energy technology to provide for at least 10% of predicted total energy usage. Given that this proposal is for the installation of a ground mounted solar photovoltaic array, Officers consider that it is in accordance with Policy EN 6.

Policy EN 7 states that renewable energy proposals will be supported and considered in the context of sustainable development and climate change, taking account of the wide environmental, social and economic benefits of renewable energy gain and their contribution to overcoming energy supply problems in parts of the District. Furthermore, proposals should not have adverse effects on the surrounding landscape and historical features, residential amenities, highways safety, or designated nature and conservation considerations. Large scale proposals, such as this one, should also deliver economic, social, environmental or community benefits that are directly related to the proposal and are of reasonable scale and kind to the local area. Assessment against Policy EN 7 shall be considered throughout this report and summarised in the Planning Balance in Section 12.

Under Policy EC 3, development at Bacton Gas Terminal that is ancillary to the terminal use will be supported within the defined area as shown on the Proposals Map. The proposal falls outside of this defined area and, as such, is required to demonstrate that it is of a scale appropriate to the existing development and would not have a detrimental effect on the character of the area. Further consideration of the proposal against these requirements shall be considered throughout this report and summarised in the Planning Balance in Section 12.

2. Responding to a Climate Emergency

Government Strategy

The publication of the Intergovernmental Panel on Climate Change (IPCC) report (2021) has demonstrated that '*human influence has unequivocally impacted on our changing climate*'.

The Government has set out its net zero by 2050 target in legislation under the Climate Change Act 2008 (as amended) (CCA). In addition to this, the Net Zero Strategy: Build Back Greener was published in October 2021, and the Industrial Decarbonisation Strategy in March 2021. These Strategies outline the steps to be taken to meet the legally binding net zero targets under the CCA. Officers note the recent High Court ruling on the Net Zero Strategy as unlawful under the CCA, but consider that the Strategy indicates an intended direction of travel with regards to decarbonisation and climate change mitigation.

NPPF (Chapter 14) Paragraph 152 sets out that *the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*

Furthermore, NPPF (Chapter 14) Paragraph 158 states that when determining planning applications for renewable and low carbon development, Local Planning Authorities should recognise the value of renewable energy projects in contributing to the cutting of greenhouse gas emissions and approve applications where the impacts of proposals can be made acceptable.

North Norfolk District Council Strategy

In February 2022, North Norfolk District Council published its Net Zero 2030 Strategy & Climate Action Plan following its earlier declaration of a climate emergency. The Strategy identifies Bacton Gas Terminal as being one of two major point sources of industrial emissions in the District. In light of this, it further indicates that NNDC generally supports the principle of potential future decarbonisation opportunities at Bacton Gas Terminal.

Core Aim 2 of the adopted North Norfolk Core Strategy is *to provide for sustainable development and mitigate and adapt to climate change* and has specific reference to *encouraging renewable energy production*. Policy SS 4 of the adopted North Norfolk Core Strategy further requires that all development proposals must demonstrate that they will contribute to the delivery of sustainable development, ensure protection and enhancement of natural and built environmental assets, and be located and designed to reduce carbon emissions and mitigate and adapt to future climate change.

Renewable Energy Generation Capacity

The proposal represents a relatively modest solar PV renewable energy scheme which would generate c. 1,238 Megawatt-hours of electricity per annum. The applicant states that this would account for c. 12% of the applicant's current on-site energy usage at Bacton Gas Terminal; all of which is currently supplied from the National Grid. Officers recognise that the amended proposal would represent a reduction of c. 3% from the original proposal, but also note the landscape and ecology rationales behind the reduced capacity of the scheme.

The proposal is acknowledged as being relatively small scale when compared to the overall energy usage of Bacton Gas Terminal (being the minimum threshold required to be considered commercially viable), but is nonetheless considered to be a positive step in the right direction for off-setting non-renewable energy use at the terminal complex. As such, Officers consider the proposal to be in accordance with both national and local climate change and development policies and guidance.

3. Landscape

Impacts on Norfolk Coast Area of Outstanding Natural Beauty

Policy EN 1 states that the impact of individual proposals, and their cumulative effect, on the Norfolk Coast Area of Outstanding Natural Beauty (AONB) and its setting, will be carefully assessed. It further requires proposals to be appropriate to the economic, social and

environmental well-being of the area or is desirable for the understanding and enjoyment of the area, and does not detract from the special qualities of the AONB.

NPPF (Chapter 15) Paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.

The site lies c. 890m east of the Norfolk Coast AONB. The site is considered to be sufficiently buffered from the AONB by the main Bacton Gas Terminal complex and is not considered to have a significantly detrimental impacts on the special qualities of the AONB. As a result, Officers consider that the proposal is in accordance with Policy EN 1 of the adopted North Norfolk Core Strategy.

Impacts on Landscape Character and Sensitivity

The proposal lies within the Coastal Plain Landscape Character Area, as defined by the North Norfolk Landscape Character Assessment SPD. This highlights that any future changes to Bacton Gas Terminal need to be appropriately managed within the landscape setting. The North Norfolk Landscape Sensitivity Assessment SPD further advises that typical sensitivity of field-scale solar PV development outside of the AONB would be *considered to be moderate and any development would need to be sited with care*.

Policy EN 2 requires that new proposals should be informed by, and sympathetic to, the special qualities and local distinctiveness of the area including gaps between settlements and their landscape setting, patterns of distinctive landscape features, and visually sensitive skylines.

Policy EN 3, relating to the Undeveloped Coast constraint area in which the site is located, requires only development that can be demonstrated to require a coastal location and that will not be significantly detrimental to the open coastal character will be permitted.

NPPF (Chapter 15) Paragraph 174 states that proposals should contribute to and enhance the natural and local environment in a number of ways. These include protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside, and maintaining the character of the undeveloped coast.

The applicant submitted a Landscape and Visual Impact Assessment in support of this application. This concludes that the proposal would, with proportionate and appropriate landscaping mitigation, not have a significant detrimental impact on the surrounding landscape. The report also highlights the temporary nature of the proposal, which would be removed once it reaches the useful limits of its operational lifespan.

Seagull's Field is acknowledged to represent an important visual gap between Bacton Gas Terminal and the village of Bacton. Landscape Officers highlighted the importance of this visual gap in their initial consultee response and noted that the previous iteration of the proposal would likely result in visual landscape harm to the area's open coastal character. Following the amended proposals received in July 2022, Landscape Officers note the reduction in scale of the proposal and the 60m gap (c. 40% of the site) to be retained between the solar array at the west of the site, and the neighbouring businesses at the site's eastern boundary (it is also acknowledged that the settlement boundary for Bacton, as defined under Policy SS 1, is located c. 530m east of the site). As a result of this maintenance of a key visual gap between the terminal complex and the village, Landscape Officers have removed their *in principle* objections to the proposal.

Officers also consider that the amended proposals represent a more suitable solution to balancing the renewable energy requirements of Bacton Gas Terminal and maintaining an

important visual separation between heavy industry and residential/tourism uses, particularly in conjunction with the proposed landscape mitigation (assessed further in Section 6). As such, the proposal is now considered to be in accordance with Policies EN 2 and EN 3 of the adopted North Norfolk Core Strategy.

Agricultural Land Classification

NPPF (Chapter 15) Paragraph 174(b) requires that developments should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

The site is located within a relatively large area of Grade 1 (Excellent Quality) Agricultural Land, as defined by Natural England. However, Officers note that the site is not utilised for commercial agriculture and that as a result, the proposal is not considered to remove any useable Grade 1 agricultural land from circulation. If the site were to be used for agriculture, Officers further consider the temporary nature of the proposal and its relatively light disturbance of the ground in terms of construction would not likely lead to a detrimental effect on the site's future agricultural use potential.

4. Coastal Erosion

Coastal Erosion and Landscaping

The site lies within the 50 and 100 Years Coastal Erosion Constraint Areas (CECA). Policy EN 11 lays out the approach to development within the CECA. It states that new development, or the intensification of existing development or land uses, will not be permitted, except where it can be demonstrated that it will result in no increased risk to life or significant increase in risk to property.

NPPF (Chapter 15) Paragraph 174 states that proposals should prevent new development from contributing to (or being put at risk from) unacceptable levels of pollution and land instability.

In assessing the proposal against the abovementioned policy requirements, it is important to note the Kelling to Lowestoft Ness Shoreline Management Plan, which identifies Bacton Gas Terminal as a key infrastructure along the shoreline and earmarks to protect the site for the next few decades. In light of this, it is also important to highlight that under planning permission PF/18/1533 (Bacton to Walcott Coastal Management Scheme), approximately 1.8 million cubic metres of sand was laid between Bacton and Walcott to slow the erosion of the Mundesley Cliffs; primarily to protect the terminal complex from the effects of coastal erosion. The EIA Screening Opinion undertaken for this proposal also concluded that there would be no Likely Significant Effect in EIA terms in this regard.

The North Norfolk District Council Coastal Control Guidance states that *infrastructure and uses that are fundamental to the normal functioning of a settlement should be considered appropriate within the CECA where it can be demonstrated that there is no more suitable location that is feasible, and that suitable conditions/ agreements can be put in place to secure its removal at the appropriate time.* As highlighted in Section 1 of this report, the site is considered to be the most suitable location for this specific proposal. Given this, Coastal Partnership East do not raise any objections to the proposal and recommend conditions for the removal of the development once it has reached the end of its functional lifespan; as will be assessed in the following section.

Having considered the potential impacts of the proposal in terms of coastal erosion, in-situ mitigation, and noting the technical consultee response, Officers consider that the proposal is in accordance with Policy EN 11 of the adopted North Norfolk Core Strategy and coastal erosion guidance.

Temporary Lifespan, Removal, and Roll-Back

The proposal would have an optimum operational lifespan of between 25-30 years. Officers shall secure the relevant conditions following the cessation of optimal electricity production for the decommissioning and removal of the solar array, and reversion of the site back to its current use.

Policy EN 12 concerns the relocation and replacement of development affected by coastal erosion. This provides a 'roll-back' option for development within the Coastal Erosion Constraint Area, to an area beyond the CECA, if it is threatened by coastal erosion within 50 years of its commencement. Officers do not consider that this position would be appropriate for this proposal due to its operational and locational requirements adjacent to Bacton Gas Terminal, the coastal erosion mitigation already in situ on this stretch of coastline, and the potential landscape and ecological impacts on an unknown inland site. As such, no roll-back position under Policy EN 12 is being considered.

5. Biodiversity and Ecology

Policy SS 4 requires that open spaces and areas of biodiversity interest will be protected from harm, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged through a variety of measures. The policy further states that new development will incorporate open space and high quality landscaping to provide attractive, beneficial environments for occupants and wildlife and contribute to a network of green spaces.

Policy EN 9 states that development proposals should protect the biodiversity value of land and minimise habitat fragmentation, maximise opportunities for natural habitat restoration and enhancement, and incorporate beneficial biodiversity conservation features. The policy further requires proposals not to have a detrimental effect on designated habitats sites or protected species, unless any harm can be satisfactorily mitigated.

NPPF (Chapter 15) Paragraph 174 states that proposals should contribute to and enhance the natural and local environment in a number of ways, including minimising impacts on and providing net gains for biodiversity.

NPPF (Chapter 15) Paragraph 180 further states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The applicant has submitted a Preliminary Ecological Appraisal in support of the application which sets out the methodology and findings of habitats and species surveys, and proposes mitigation for any ecological and biodiversity impacts arising from the proposal.

The site is located c. 680m south east of the Mundesley Cliffs Site of Special Scientific Interest (SSSI), c. 1.2km east of Paston Great Barn SSSI, and c. 15m south of Greater Wash Special Protection Area (SPA) (marine-based). Several bat species were recorded around the site and a single breeding skylark territory – a Birds of Conservation Concern (BoCC) red list species – has also been confirmed on this site. Due to the preference of skylarks for open fields for

their breeding territories, the proposal is likely to remove the possibility of retention of this species' nesting territory on-site. The submitted PEA states that this loss of a single nesting territory is unlikely to have a significant impact on the wider local skylark population due to other suitable habitats in the vicinity.

Notwithstanding this, the loss of BoCC red list species habitat is considered to be of importance. To mitigate for the loss of skylark nesting habitat on-site, the applicant has confirmed that they will mitigate and enhance the ecological value of the site to attract other local BoCC amber and red list species, including linnet (BoCC red), dunnoek (BoCC amber), common whitethroat (BoCC amber), meadow pipit (BoCC amber), and house sparrow (BoCC red). The proposed ecological enhancements include fencing to provide protection for ground-nesting birds from terrestrial predators (including cats), a habitat planting and management scheme (including areas of hedgerow, shrub, and gorse planting), installation of small passerine nest boxes within Bacton Gas Terminal and house sparrow terrace boxes within the site. These ecological mitigation and enhancement measures shall be secured by conditions.

Landscape Officers have reviewed the submitted information. They acknowledge the loss of skylark territory from the site, but consider that the proposed ecological mitigation and enhancement measures would be appropriate and acceptable in this instance. They further note that the proposal would result in a biodiversity net gain on the site and recommend the imposition of conditions to secure a Landscape and Ecological Implementation and Management Plan to co-ordinate and secure all the relevant landscape and ecological measures. Natural England have raised no objections to the proposal.

Officers also recognise the loss of a single skylark nesting territory, but consider the wider benefits to other local BoCC amber and red list species, and the scope for additional habitat creation and achieving biodiversity net gain on-site, to outweigh this loss. As a result, Officers consider that the proposal is in accordance with Policies SS 4 and EN 9 of the adopted North Norfolk Core Strategy and NPPF (Chapter 15), particularly Paragraphs 174 and 180.

Habitats Regulations Assessment

GIRAMS

North Norfolk District Council, in conjunction with Natural England and other Norfolk Councils, produced the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are satisfactorily mitigated and compliant with the Habitats Regulations. Given this proposal is for a ground mounted solar photovoltaic array and associated infrastructure, it falls outside of the scope of the GIRAM Strategy and does therefore not attract any planning obligations in this regard.

Nutrient Neutrality

This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (*Habitats Regulations*). The Habitats Regulations require Local Planning Authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the River Wensum SAC or The Broads SAC prior to granting planning permission.

This site is located outside of the catchment area of the sites identified by Natural England. The development proposed does not involve the creation of additional overnight accommodation and as such it is not likely to lead to a significant effect as it would not involve

a net increase in population in the catchment. Nor is the proposal considered to be a high water use development.

This application has been screened, using a precautionary approach, and has been determined not to have a Likely Significant Effect on the conservation objectives either alone or in combination with other projects. Therefore, there is no requirement for additional information to be submitted to further assess any potential effects. The application can, with reference nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

6. Design

Scale and Form

The proposed solar array would be formed of 21 rows of solar PV panels (running east-west) and would be of varying lengths. The rows would have an inter-row spacing of c. 5.5m. The proposed solar PV panels would measure c. 2m x c. 1m x c. 2.36m and be pitched at a 25° angle. The amended proposal represents a reduction in the overall height of the proposed panels by c. 0.14m, but would add 2 additional rows of panels onto the site due to the reduced separation distances. The applicant has noted that the proposed density of proposed solar PV panels is required to achieve the requisite solar energy production to make the proposal commercially viable.

The proposed transformer would be housed in a 4m x 5m x 2m enclosure to the south of the site (adjacent to the vehicle entrance) and would be clad with mesh fencing. The proposed cable route would run from the northern most solar PV panels south along and parallel with the eastern edge of the remaining rows, finally turning west at the south of the site to the transformer and onto the connection point within an existing building at Bacton Gas Terminal.

Landscaping

The applicant has undertaken an iterative design process to the proposed landscaping and planting scheme on this site. The applicant has submitted an amended landscaping and planting scheme which takes into the consideration consultee and public representations regarding the potential landscape and residential amenity impacts of the proposal, and the operational requirements of the solar array.

The landscaping and planting strategy for the site proposes to enhance the existing eastern hedgerow, adjacent to the neighbouring business, and the southern site boundary with B1159 with tree planting of various native species. The existing western boundary hedge would also be retained. The strategy also proposes the introduction of a native instant hedgerow running alongside the eastern side of the solar array. This would include native hedgerow species and gorse habitats for ground nesting birds at the north of the site. The instant hedgerow would be planted at a height of 1.8m and is expected to grow to 2.5m within two years. The existing grassland would be overseeded with native species. To ensure that the proposed planting would satisfactorily thrive on the site, a small scale drip irrigation system and landscape management plan (including the replacement or dead or damaged trees) shall be secured by conditions.

The proposed landscaping strategy also amends the type of security fencing which would be used on-site; from timber post and rail deer fencing to concrete post and rail security fencing with a barbed wire top. Landscape Officers note the preference for the originally proposed deer fencing, however the applicant has confirmed that more secure fencing of not less than 2.4m is required under Section 11(b) of The Electricity Safety, Quality and Continuity

Regulations 2002 (as amended). Officers note the potential visual impacts of this type of fencing in this location, but consider its amended location c. 60m away from adjacent businesses to the east, and the proposed mitigative planting scheme, that the proposed fencing would be acceptable on balance. In all, the proposed landscaping and planting strategy is considered to be acceptable.

Given the above, the proposal is considered to be in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy and NPPF (Chapter 12) in terms of its design.

7. Amenity

Residential Amenity

Policy EN 4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers and new dwellings should provide acceptable residential amenity. Given the nature of the proposal as a renewable energy scheme with no office or overnight stay infrastructure and good separation distances to neighbouring dwellings, no significant detrimental impacts to the residential amenities of neighbouring occupiers in terms of overbearing, overshadowing and overlooking are expected.

Similarly, no significant detrimental effects are expected with regards to loss of outlook for neighbouring occupiers. Officers acknowledge that the views from nearby dwellings would change. However, a 'view' is not a material planning consideration and cannot be considered in determining this application. Officers consider that the proposal would not impinge in the outlooks of existing dwellings and businesses to the south and east of the site due to the separation distances from them, the retention of a c. 60m open space corridor, and the proposed landscaping enhancements.

As such, Officers consider the proposal to be in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy with regards to residential amenity.

Neighbouring Businesses

Representations have been made during the public consultations in relation to the proposal's potential impacts on the operation of adjacent businesses.

NPPF (Chapter 15) Paragraph 187 requires that proposals should be integrated effectively with existing businesses and community facilities and should not place unreasonable restrictions on existing businesses. It further requires that where the operation of an existing business or community facility could be significantly affected by a proposal, suitable mitigation should be sought from the applicant prior to the completion of the development.

Officers note that no substantive evidence has been provided that the proposal would have a significant effect on the operational requirements of nearby businesses. The principle assertion in this regard is that the solar panels would cause the loss of a view leading to a subsequent loss of bookings. As previously noted, loss of a view is not a material planning consideration and cannot be considered in determining this application. Furthermore, Officers consider it unlikely that the loss of a view would lead to significant operational difficulties for adjacent businesses as existing caravans already look onto Bacton Gas Terminal. As such, the proposal is considered to be in accordance with NPPF (Chapter 15) Paragraph 187.

Glint and Glare

The applicant has submitted a Glint and Glare Assessment in support of this application. This

concludes that despite potential glint and glare impacts being assessed as 'high' at one residential receptor following a review of *actual visibility* from the proposal, the introduction of sufficient landscaping mitigation would reduce the risks of glint and glare to 'low' or 'none'. Overall, the Assessment concludes that the potential impacts of glint and glare from the proposal would be 'negligible' once mitigation measures have been considered.

Environmental Health Officers have reviewed the submitted information and have questioned specific aspects of the Assessment's methodology, particularly the observer height used to calculate potential impacts. However, they also note that the Assessment represents a worst case scenario and makes assumptions for clear skies at all times. It is recognised that solar panels are designed to absorb as much light as possible to be as efficient as possible. Environmental Health Officers also consider that the Assessment could overestimate the potential impacts in this regard which could offset the underestimation of potential observer heights due to neighbouring floor levels.

On balance, Environmental Health raise no objections with regards to glint and glare and proposed conditions for suitable landscaping mitigation, as detailed in Section 6 (and is expected to further reduce any potential risks of glint and glare through closer proximity between the solar array and proposed hedgerows), and external lighting. Given the above, Officers consider that the potential risks from glint and glare are not expected to cause detrimental impacts on the amenities of neighbouring residential occupiers or businesses.

Noise

The applicant has submitted a Site Noise Assessment in support of this application. This concludes that noise from the proposal would not be detectable at the east of the site due to its relatively low level and separation distances from neighbouring uses. The revised proposal submitted in June 2022 has re-oriented the site layout and amended the proposed positions of noise generating equipment, including the transformer and inverters.

Environmental Health Officers have reviewed the submitted information and note that the potential noise levels from the proposed are expected to be below 30 decibels; under the World Health Organisation's recommended noise limit of 45 decibels. Given this, they have raised no objections to the proposal. Officers also consider that the predicted noise levels from the proposal would not have a significantly detrimental effect the amenities of nearby residential occupiers or businesses.

Earthing

Public representations have been received into the potential impacts of earth potential rise (EPR) from the proposal, with regards to health and safety concerns of ground electrical currents from the on-site electrical infrastructure on adjacent underground and earthing infrastructure of adjacent businesses.

Bacton Gas Terminal is an Upper-Tier Control of Major Accident Hazards (COMAH) establishment and is subject to Environment Agency environmental operating permits under the Environmental Permitting (England and Wales) Regulations 2016 (as amended). NPPF (Chapter 15) Paragraph 188 states that planning decisions should focus on whether a proposal is an acceptable use of land rather than the control of processes or emissions, and should assume that these regimes will operate effectively.

Notwithstanding this, the applicant has submitted an Earthing System Design report and an amended site plan [to move the on-site electrical infrastructure away from the eastern site boundary] in support of this application. The Earthing System Design report states that the EPR from the proposal would have no third party impact, either on the terminal complex as a

COMAH site, or adjacent dwellings and businesses. The calculations used in the report contain a 20% safety margin. The touch potential level within Seagull's Field is also considered to be safe; being significantly less than permissible limits for a person standing in shoes on bare ground.

Given the provisions of NPPF (Chapter 15) Paragraph 188, Officers consider that the proposed Earthing System Design would be sufficient to reduce any risks of health and safety impacts on adjacent uses including COMAH sites, residential dwellings, and businesses as its implementation and ongoing use would be governed by existing operational health and safety frameworks and regimes.

Given the above assessment into the potential amenity impacts and pollution minimisation, the proposal is considered to be in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy and NPPF (Chapter 15) Paragraph 185.

8. Flooding Risk and Drainage

Policy EN 10 requires that most new development should be located in Flood Zone 1, as defined by the Environment Agency. The policy further requires land in Flood Zone 1 that is surrounded by areas of Flood Zone 2 or 3 to be treated as if it is in the higher risk zone and will require a Flood Risk Assessment. Details of appropriate surface water drainage arrangements for dealing with surface water run-off from new development is also required.

Policy EN 11 requires that, in any location, development proposals that are likely to increase coastal erosion as a result of changes in surface water run-off will not be permitted.

Flooding Risk

The site lies in Flood Zone 1, but is boarded to the north by an area of Flood Zone 3. Officers recognise, however, that this area of Flood Zone 3 is located below the cliff edge and is associated with the beach. Environment Agency mapping shows the site to be at very low risk of surface water (with small areas of low risk at the north west and is associated with one in 100 and one in 1000 year flooding events) and the Council's Strategic Flood Risk Assessment shows the site to be at low risk (< 25%) groundwater flooding.

The applicant has submitted a Flood Risk Assessment (FRA) in support of this application. This details that the proposal would accord with the sequential test as laid out in Chapter 14 of the NPPF as a 'less vulnerable' use within Flood Zone 1. The submitted FRA further identifies that the site and proposal would be a low risk of surface and groundwater flooding and would not likely exacerbate any known flooding risks and, as such, no flood mitigation measures would be required.

The Lead Local Flood Authority (LLFA) have reviewed the application and have raised no specific comments. However, previous LLFA comments highlighted the need for the sequential test to be satisfactorily undertaken and a Construction Environmental Management Plan (CEMP) to be secured by conditions. Officers consider that the submitted FRA is appropriate in assessing flooding risks and shall secure the relevant conditions. With regard to flooding risk, the proposal is considered to be in accordance with Policy EN 10 of the adopted North Norfolk Core Strategy and NPPF (Chapter 14).

Surface Water Drainage

The submitted Flood Risk Assessment details the proposed method of surface water drainage on the site. It states that an impermeable area of c. 0.606ha would be introduced to the site,

but acknowledges that this would predominantly be formed by raised solar panels and would therefore not remove c. 0.606ha of existing open ground (save for an area of c. 20 sqm associated with the proposed transformer and its enclosure). The FRA states that the quantum of permeable ground would therefore be largely unaffected and would still be able to satisfactorily accommodate and drain the same amount of rainwater as it currently does.

As noted in Section 6 of this report, an on-site landscape scheme has been proposed. In order to establish new plant growth, a small scale drip-pipe irrigation scheme is proposed to be secured via conditions. This would introduce additional new water onto the site, but with the expectation that this water would be taken up by the proposed landscaping and would not likely increase the quantum of water needing to be drained on the site.

Coastal Management Officers have been consulted on the suitability of the imposition of a drip irrigation condition and raise no objections. They do note, however, that drip irrigation should preferably only be used during establishment of the landscaping and in the drier summer months. Officers note these comments and shall secure a drip irrigation system by conditions.

The LLFA have also reviewed the surface water drainage strategy and note that the proposed strategy would likely be appropriate. They suggest enhanced landscaping and well-maintained grass and wildflower planting to prevent an increase in surface water run-off rates and increase biodiversity. Officers are content with this approach and shall secure the relevant conditions.

Given the above, the proposal is considered to be in accordance with Policies EN 10 and EN 11 of the adopted North Norfolk Core Strategy and NPPF (Chapter 14) with regards to surface water drainage.

9. Highways Safety and Public Rights of Way

Highways Safety and Parking

Policy CT 5 requires that developments will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location. NPPF (Chapter 9) Paragraph 111 further states that developments should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy CT 6 requires that adequate vehicle parking facilities will be provided by the developer to serve the needs of the proposed development.

The applicant has submitted information pertaining to the potential highways safety impacts of the proposal. This details that once operational, any impact on highway safety would be negligible as the development would be *largely autonomous, with the exception of infrequent servicing/maintenance trips which will likely be facilitated using LGVs in order to transport the relevant technical equipment.*

The submitted information further details that the site would be accessed via the existing 'Gate 4' to the immediate west of the Bacton Gas Terminal complex, off the B1159. The applicant recognises the potential temporary impacts on highways safety during the construction phase of the proposal and has submitted a Delivery Access and Parking Plan.

The Highway Authority has reviewed the application and note the temporary increase in construction traffic, but also the relatively short construction timescales for this type of development. As such, they have raised no objections subject to a recommended pre-commencement condition to secure construction parking and access routes to the site.

Officers are in agreement with the Highway Authority with regards to highways safety and parking provision, and consider the proposal to be in accordance with Policies SS 6, CT 5, and CT 6 of the adopted North Norfolk Core Strategy and NPPF (Chapter 9).

Public Rights of Way

NPPF (Chapter 8) Paragraph 100 states that proposals should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

The site is bounded to the north and the east by the England (Norfolk) Coast Path as a permissive right of way with the agreement of the landowner. There are also a non-permissive rights of way which run along the southern and western boundaries which are used by local dog-walkers.

This application proposes to maintain and improve the permissive route of the England Coast Path, and formalise the non-permissive routes into permissive rights of way. The proposal would also provide an interpretation board about the scheme. Norfolk County Council's National Trail Officer has raised no objections to the proposal and welcomes the public rights of way improvements. The abovementioned improvement works shall be secured by conditions. In this regard, the proposal is considered to be in accordance with NPPF (Chapter 8) Paragraph 100. The public benefits of improving the local rights of way offer shall be considered further in the Planning Balance at Section 12 of this report.

Officers note the mentions of a new car park in Bacton and improvements elsewhere along the England Coast Path within Bacton in the submitted Design and Access Statement. However, these do not form part of this application and, therefore, cannot be considered under the overall planning balance.

10. Heritage and Archaeology

Heritage

Under the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and NPPF (Chapter 16) Paragraph 200, special attention is to be paid to the desirability of preserving or enhancing the character or appearance and settings of Listed Buildings or any features of special architectural or historic interest, and the character of the Conservation Area.

In considering development proposals affecting heritage assets, Core Strategy Policy EN 8 sets out that development that would have an adverse impact on special historic or architectural interest will not be permitted. However, this element of Core Strategy Policy EN 8 is now not fully consistent with the guidance set out in the National Planning Policy Framework which is more permissive towards allowing development affecting heritage assets, but only where there are clear and convincing public benefits in favour, in accordance with the statutory requirements set out above.

The proposal is located within the vicinity of the following designated heritage assets:

- Grade I Listed Church of St Margaret (c. 1.2km west)
- Grade II* Listed Paston Great Barn (c. 1.3km west)
- Grade II* and Grade II Listed Church of St Andrew and memorial complex (c. 665m south)
- Grade II Listed Barn at Church Farm (c. 767m south)

- Grade II Listed Barn at Hall Farm (c. 850m south)
- Grade II Listed Manor House complex (c. 830m south east)

The applicant has submitted a Heritage Impact Assessment in support of this application. This identifies the Church of St Andrew as a key consideration due to its wider setting. The report concludes that the proposal would have the potential for low adverse less than substantial harm on the setting of St Andrews Church, but notes that this could be mitigated against through suitable on-site landscaping.

Conservation and Design Officers have reviewed the proposal and conclude that it would not adversely affect any of the nearby Listed heritage assets. Given the above, Officers consider that the proposal would not have an adverse effect on the significance of nearby designated heritage assets due to the relative separation distances, asset enclosure, the evolving contribution of Bacton Gas Terminal on their settings, and introduction of a mitigative landscaping scheme as detailed in Section 6 of this report.

As such, having given due regard to the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposal is in accordance with Policy EN 8 of the adopted North Norfolk Core Strategy and NPPF (Chapter 16), particularly Paragraph 200.

Archaeology

The submitted Heritage Impact Assessment also details the potential presence of non-designated archaeological assets on the site, including a possible ring barrow and remains of military installations. It recommends archaeological investigations could be appropriately dealt with by conditions.

Norfolk County Council's Historic Environment Service has been consulted on the application and note the potential archaeological interest on this site spanning a number of epochs; from pre-history to World War Two. They further consider that without sufficient assessment of the potential archaeological remains, their significance would be adversely affected by the condition. In light of this, a pre-commencement condition is proposed for an archaeological written scheme of investigation and the publication and dissemination of its findings.

Officers note this position and the potential impacts on the significance of buried archaeological remains, and shall secure the relevant archaeological investigations via pre-commencement conditions. In this regard, the proposal is considered to be in accordance with NPPF (Chapter 16), particularly Paragraphs 200, 203, and 205.

11. Other Material Considerations

Major Hazards

NPPF (Chapter 4) Paragraph 45 requires Local Planning Authorities to consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them. The proposal lies in the vicinity of, and is underlain by, several pipelines and major hazard consultation areas.

Given this, the Health and Safety Executive and the National Grid (Cadent Gas) have been consulted on this application. Neither of these consultees have raised any objections to the proposal subject to informative notes for commencement works guidance. As previously mentioned in Section 7, Bacton Gas Terminal is also a COMAH site and, as such, NPPF (Chapter 15) Paragraph 188 is considered to be applicable in determining this application.

Representations have been received from a neighbouring business about the 'Major Hazard Zone' detailed in an Environmental Statement for Bacton Gas Terminal from 1997. This is considered by the businesses to also represent the 'buffer zone' between the terminal complex and the village. Officers note this designation, but also note the changing designations and HSE major hazard consultation zone requirements in the subsequent 25 years. It is also noted that the neighbouring business also falls within the 1997-defined zone.

Given the above, the proposal is considered to be in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

Minerals Safeguarding

NPPF (Chapter 17) Paragraph 212 states that Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.

Norfolk County Council is the Minerals and Waste Authority for Norfolk. As such, Policy CS16 of the Minerals and Waste Core Strategy is applicable as part of the development plan. This outlines the provisions for safeguarding existing, permitted and allocated mineral extraction and associated development and waste management facilities within a number of different parameters.

The Minerals and Waste Authority note that the proposal site is underlain by a Mineral Safeguarding Area (Sand and Gravel). Due to the temporary nature of the proposal, the Minerals and Waste Authority have raised no objections, subject to conditions for the lifespan of the development, its decommissioning, and informative notes in relation to any subsequent planning applications, as temporary use of the site would not lead to the sterilisation of the underlying material.

Pre-Commencement Conditions

The recommendation proposes pre-commencement planning conditions. Therefore, in accordance with Section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, the Local Planning Authority served notice upon the applicant to seek agreement to the imposition of such conditions. Notice was served on 13/09/2022 and confirmation of the agreement to the imposition of pre-commencement conditions is still awaited. An update will be provided to members at the committee meeting.

12. Planning Balance and Conclusion

This application proposes the erection of a ground mounted solar photovoltaic array with associated infrastructure. The proposal is considered to be in accordance with Policies SS 1, SS 2, SS 4, SS 6, EN 1, EN 2, EN 3, EN 4, EN 6, EN 8, EN 9, EN 10, EN 11, EN 13, CT 5, and CT 6 of the adopted North Norfolk Core Strategy. As a result of this compliance with the relevant Development Plan policies, the proposal is also considered to be in accordance with Policies EN 7 and EC 3.

Policy EN 12 is not considered to be applicable in this instance.

Officers also consider that the proposal contains a number of public benefits which weigh in favour of the proposed development. These are considered to be:

- Renewable energy generation to support a nationally important energy infrastructure establishment
- Small scale boost to the local economy during the construction phase
- Improvements to, and permission for, non-permissive and permissive rights of way
- Providing biodiversity net gain and habitats for a range of BoCC amber and red list species
- Improving understanding of the on-site archaeology and heritage

Given the above, Officers consider that the proposal is in accordance with adopted Development Plan policies and relevant national development policies and guidance.

RECOMMENDATION

Delegate authority to the Head of Planning to **APPROVE** subject to:

1) The imposition of the appropriate conditions to include:

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason:

As required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans, except as may be required by specific condition(s):
 - Plan ref: 109678 PA01 Revision B (Location Plan), dated 11/05/2022 and received by the Local Planning Authority on 27/06/2022.
 - Plan ref: 109678 PA02 Revision C (Site Plan), dated 15/08/2022 and received by the Local Planning Authority on 18/08/2022.
 - Plan ref: 109678 PA03 Revision A (Frame Elevation Plan), dated 15/03/2022 and received by the Local Planning Authority on 27/06/2022.
 - Plan ref: 109678 P-03 Revision A (Delivery Access and Parking), dated 24/06/2022 and received by the Local Planning Authority on 08/07/2022.
 - Plan ref: 109678 PA06 Revision A (Transformer and Enclosure Detail), dated 15/07/2022 and received by the Local Planning Authority on 17/07/2022.
 - Plan ref: LAS 234-01 Revision E (Planting Plan), dated 12/08/2022 and received by the Local Planning Authority on 12/08/2022.

Reason:

For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner in respect of landscape, design, and amenity, in line with Policies EN 2 and EN 4 of the adopted North Norfolk Core Strategy.

Lifespan and De-Commissioning

3. The development hereby permitted is only for a temporary period of 30 years and shall cease on or before 30th September 2052. At the end of this period the development hereby permitted shall cease and all buildings, materials and equipment brought on to the land in connection with the development shall be removed.

Reason:

To ensure that the Local Planning Authority can retain control over use of the land in the long term and to ensure the removal of the equipment when electricity is no longer

being generated on the site in the interests of ecology and the visual amenities of the area, in accordance with Policies EN 2, EN 3, and EN 9 of the adopted North Norfolk Core Strategy.

4. Not less than 12 months prior to the 30th September 2052 or within 3 months of the permanent cessation of electricity production from the solar panels (whichever is sooner) a scheme of works for the decommissioning of the solar farm and associated equipment which shall include; a timetable for works, decommissioning traffic management plan, access, access route including provision for addressing any abnormal wear and tear to the highway and a decommissioning plan to address noise and dust shall be submitted and agreed in writing with the Local Planning Authority.

The subsequent decommissioning of the site shall be carried out in accordance with the agreed details prior to the expiry of this permission or within 6 months of the permanent cessation of the production of electricity production (whichever is sooner).

Reason:

To ensure that the Local Planning Authority can retain control over use of the land in the long term and to ensure the removal of the equipment when electricity is no longer being generated on the site in the interests of the visual amenities of the area and to ensure safe and free flow of traffic and the protection of the amenities of surrounding properties during decommissioning, in accordance with Policies EN 2, EN 3, and CT 5 of the adopted North Norfolk Core Strategy.

5. Not less than 12 months prior to the 30th September 2052 or within 3 months of the permanent cessation of electricity production from the solar panels (whichever is sooner) a scheme of works for the reversion of the site back to its current use shall be submitted and agreed in writing with the Local Planning Authority.

The subsequent decommissioning of the site shall be carried out in accordance with the agreed details prior to the expiry of this permission or within 6 months of the permanent cessation of the production of electricity production (whichever is sooner).

Reason:

To ensure that the Local Planning Authority can retain control over use of the land in the long term and to ensure the removal of the equipment when electricity is no longer being generated on the site in the interests of ecology and the visual amenities of the area, in accordance with Policies EN 2, EN 3, and EN 9 of the adopted North Norfolk Core Strategy.

Pre-Commencement

6. A) There shall be no commencement of the development hereby permitted until an archaeological written scheme of investigation has first been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include an assessment of significance and research questions; and:

- 1) The programme and methodology of site investigation and recording;
- 2) The programme for post investigation assessment;
- 3) Provision to be made for analysis of the site investigation and recording;
- 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- 5) Provision to be made for archive deposition of the analysis and records of the site investigation;
- 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation; and,

7) Any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.

B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A) and any addenda to that WSI covering subsequent phases of mitigation.

C) There shall be no use of the development until the site investigation and post investigation assessment has first been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

In the interests of recording and preserving items of archaeological interest, in accordance with Policy EN 8 of the adopted North Norfolk Core Strategy and its pre-commencement as works involving the breaking of ground could potentially impact on archaeological deposits.

7. There shall be no commencement of the development hereby permitted until a detailed noise, dust and smoke management plan to protect the occupants of residential dwellings surrounding the site from noise, dust and smoke, has been first been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include;

- a) Communication with neighbours before and during works.
- b) Contact arrangements by which residents can raise any concerns and, issues.
- c) The mechanism for investigation and responding to residents' concerns and complaints
- d) Management arrangements to be put in place to minimise noise and dust (including staff training such as toolbox talks).
- e) Hours during which noisy and potentially dusty activities will take place.
- f) Measures to control loud radios on site.
- g) Measures to be taken to ensure noisy activities take place away from residential premises where possible such as a separate compound for cutting and grinding activities.
- h) Measures to control dust from excavation, wetting of soil; dust netting and loading and transportation of soil such as minimising drop heights, sheeting of vehicles.
- i) Measures to control dust from soil stockpiles such as sheeting, making sure that stockpiles exist for the shortest possible time and locating stockpiles away from residential premises.
- j) Measures to control dust from vehicle movements such as site speed limits, cleaning of site roads and wetting of vehicle routes in dry weather.
- k) Measures to minimise dust generating activities on windy and dry days
- l) Measures to control smoke from burning activities.

The approved plan shall remain in place and be implemented throughout each phase of the development.

Reason:

To control the noise emitted from the site in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

8. There shall be no commencement of the development hereby permitted (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has first been submitted to and approved in

writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.

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

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and for the undertaking of the council’s statutory function under the Natural Environment and Rural Communities Act (2006) in order to safeguard the ecological interests of the site.

9. There shall be no commencement of the development hereby permitted until a Landscape and Ecological Management Plan (LEMP) has first been submitted to, and approved in writing by, the Local Planning Authority.

The content of the LEMP shall include the following:

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

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

The approved plan shall thereafter be implemented in accordance with approved details for the lifetime of the development.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and for the undertaking of the council’s statutory function under the Natural Environment and Rural Communities Act (2006) in order to safeguard the ecological interests of the site.

10. There shall be no commencement of the development hereby permitted until the indicated construction worker parking provision and access routes are in place and available for use.

The parking and access routes shall be implemented throughout the construction period.

Reason:

To ensure adequate off-street parking during construction in the interests of highway safety, in accordance with Policies CT 5 and CT 6 of adopted North Norfolk Core Strategy.

Prior to First Use

11. There shall be no implementation of the landscaping scheme hereby approved until details of a drip irrigation strategy to assist with the establishment of new planting have first been submitted to and approved in writing by the Local Planning Authority.

The approved details shall thereafter be implemented on-site prior to the implementation of the landscaping strategy and retained in place for a minimum of five years following planting.

Reason:

To protect and enhance the landscaping and ecology of the site and visual amenities of the area, in accordance with the requirements of Policies EN 2, EN 3, EN 4, and EN 9 of the adopted North Norfolk Core Strategy.

12. There shall be no use of the development hereby permitted until a scheme for rights of way improvements and installation of an interpretation board for education about the development have first been submitted to and approved in writing by the Local Planning Authority.

The improvements shall be based on those indicated in Section 2 of the Addendum Planning, Design and Access Statement, dated 29/06/2022.

The rights of way improvements and installation of an interpretation board shall be carried out prior to the first use of the development and retained and maintained in accordance with the approved details thereafter for the lifetime of the development.

Reason:

In the interest of facilitating public access along a National Trail and improving local amenities, in accordance with Policies SS 6 and EN 4 of the adopted North Norfolk Core Strategy.

13. The development hereby approved shall be carried out in strict accordance with the ecological mitigation and enhancement measures outlined in Section 4 of the Preliminary Ecological Appraisal, dated June 2022 and received by the Local Planning Authority on 27/06/2022.

The specific details of all of the required mitigation and enhancement measures, including dimensions, location and construction methodology together with a scaled plan or drawing illustrating the requirements, shall first be submitted to and approved in writing by the Local Planning Authority prior to installation.

The mitigation and enhancement measures shall be carried out in accordance with the approved details prior to the first use of the development and thereafter retained

in a suitable condition to serve the intended purpose for the lifetime of the development.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006) in order to safeguard the ecological interests of the site.

14. The development hereby approved shall be carried out in strict accordance with the surface water drainage strategy and maintenance strategy outlined in Section 4 of the Flood Risk & Drainage Assessment, dated June 2022 and received by the Local Planning Authority on 27/06/2022.

The surface water drainage strategy shall be implemented in accordance with the approved details prior to the first use of the development and thereafter retained in a suitable condition to serve the intended purpose for the lifetime of the development.

Reason:

To ensure satisfactory surface water drainage is provided, in accordance with Policies EN 10 and EN 11 of the adopted North Norfolk Core Strategy.

15. The development hereby approved shall be carried out in strict accordance with the earthing system design outlined in Section 8 of ref: ERM R2112 Issue 1 (Earthing System Design for the New Ground Mounted Solar Photovoltaic (PV) Installation), dated 09/06/2022 and received by the Local Planning Authority on 13/07/2022.

The earthing design strategy shall be implemented in accordance with the approved details prior to the first use of the development and shall thereafter be retained in a suitable condition to serve the intended purpose for the lifetime of the development.

Reason:

In the interests of health and safety and amenity, in accordance with Policies EN 4 and EN 13 of the adopted North Norfolk Core Strategy.

Other

16. There shall be no external lighting used on the site unless an external lighting scheme has first been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of reducing landscape impacts and maintaining high levels of ecological and residential amenities, in accordance with Policies EN 2, EN 3, EN 4, EN 9, and EN 13 of the adopted North Norfolk Core Strategy.

17. Any tree, shrub or hedgerow forming part of an approved landscape scheme which dies, is removed or become seriously damaged or diseased, within a period of thirty years from the date of planting, shall be replaced during the next available planting season following removal with another of a similar size and species as that originally planted, and in the same place.

Reason:

To protect and enhance the ecology of the site and visual amenities of the area, in

accordance with the requirements of Policies EN 2, EN 3, EN 4, and EN 9 of the adopted North Norfolk Core Strategy.

Notes to Applicant

1. The applicant's attention is drawn to the fact that the above conditions (if any) must be complied with in full. Failure to do so may result in enforcement action being instigated.
2. This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.
3. The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks. However, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. The fee chargeable is £116 or £34 where the related permission was for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse. A fee is payable for each submission made, regardless of the number of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.
4. In accordance with Paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:-
 - Seeking further information following the receipt of the application;
 - Seeking amendments to the proposed development following receipt of the application;
 - Considering the imposition of conditions and/or the completion of a Section 106 Agreement (in accordance with Paragraphs 54 – 57).

In this instance:

- The applicant was updated of any issues after the initial site visit;
- Considering amended plans;
- The application was subject to the imposition of conditions.

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

5. In the event of future planning applications to consider the permanence of the development permitted, the following information will need to be addressed to the satisfaction of the Local Planning Authority and Minerals and Waste Authority:
 - i. The applicant carries out investigations to identify whether the resource is viable for mineral extraction, and
 - ii. If the mineral resource is viable, the applicant considers whether it could be extracted economically prior to development taking place.

6. All works in the vicinity of National Grid high-pressure gas pipeline(s) should be carried out in accordance with British Standards policy:
 - BS EN 13509:2003 - Cathodic protection measurement techniques
 - BS EN 12954:2001 - Cathodic protection of buried or immersed metallic structures – General principles and application for pipelines
 - BS 7361 Part 1 - Cathodic Protection Code of Practice for land and marine applications
 - National Grid Management Procedures
7. A brief for the archaeological works to be covered under Condition 8 can be obtained from Norfolk County Council's Historic Environment Service. The applicant is advised that this is a chargeable service.
8. The Local Planning Authority considers that it has worked positively and proactively with the applicant to address any arising issues in relation to determining this planning application in order to secure a policy compliant proposal.

And any other conditions considered to be necessary by the Assistant Director of Planning.