

**Town and Country Planning (Environmental Impact Assessment) Regulations
2017**

Regulation 29 Statement – Information to Accompany Decisions

This Statement sets out the main reasons and considerations on which the decision is based, as well as a description of any features of the development, and where necessary, any measures to avoid, reduce and offset any significant adverse effects of the development. It also details any monitoring measures considered appropriate arising from the development having taken into account the findings of the Environmental Statement, dated June 2021 (as amended/updated), when determining the planning application for:

FUL/2021/0015: Installation of a solar photovoltaic array/solar park with associated infrastructure

Regulation 29 (2) (a) – information regarding the right to challenge the validity of the decision and the procedures for doing so

The validity of the Council's decision can be challenged by application to the Planning Court for Judicial Review. Further advice about making a High Court Challenge can be obtained from the Administrative Court Office at: The Royal Courts of Justice, Strand, London, WC2A 2LL (Tel. 020 7947 6655 / Website: www.gov.uk/courtstribunals/planning-court).

In accordance with Regulation 29 (2) (i) (aa) – the reasoned conclusion of the planning authority on the significant effects of the development on the environment, taking into account the results of the examination referred to in regulation 26(1)(a) and (b)

Taking into account the environmental information contained within the Environmental Statement dated June 2021, Members of the Planning (Regulatory) Committee resolved to grant planning permission on 25 March 2022 for application reference FUL/2021/0015 which comprised the 'project' which the ES assessed.

The committee report assessing the application presented to Members is available to view at <http://eplanning.norfolk.gov.uk/> by searching application reference FUL/2021/0015. Included as part of the report is the reasoned conclusions of the Planning Authority which was endorsed by Members of the committee on the significant effects of the development on the environment, under the 'Appraisal' section (paragraphs 3.11 – 3.70). Below is an overall statement of the reasons for the decision to approve the application:

Whilst the site is adjacent to the Broads Authority Executive Area, it is not actually within it, nor is it within one of the County's Core River Valleys that are afforded a higher level of protection in the NMWDF when considering new development. Given the elevated profile of the closed landfill the PV array would be visible from the Broads and would therefore have an adverse impact however the extent of the

array has been reduced to lessen this impact and allow much of the landfill restoration planting to be implemented. Furthermore, although this is a long-term development, ultimately it is a temporary one and any landscape impacts are not permanent and would be reversible.

Although the land has returned to greenfield status, with restoration to a state suitable for pasture grassland, it would provide an opportunity to generate renewable energy on land that can never be returned to Best and Most Versatile (BMV), and therefore without taking it out of productive agricultural use.

This is a very finely balanced application but great weight is given to the renewable energy the PV array would provide in a low-lying area of Norfolk that would be most at risk from global heating and associated rising sea levels. The NMWDF Core Strategy states it seeks to help reduce emissions of greenhouse gases and thus mitigate climate change. Along with this plan, minimizing the contributors to climate change is also embedded in the both the JCS and SNDM Policies that are also both part of the development plan for this application. Although the Planning Practice Guidance (PPG) is clear that the need for renewable energy does not automatically override environmental protections, in this instance it is considered that the harm to the setting of the Broads is outweighed by the benefits of renewable energy generation and therefore the proposal is compliant with SNDP Policy DM 4.1.

On this basis the proposal is considered to accord with the development plan. There are not sufficient material considerations that warrant determining the application otherwise than in accordance with the development plan and therefore the application is recommended for approval subject to conditions. In accordance with Regulation 26 of the EIA Regulations the reasoned conclusion of the CPA is that there would not be significant impacts on the environment subject to conditions set out in the report.

Regulation 29 (2) (i) (bb) – any conditions to which the decision is subject which relate to the likely significant environmental effects of the development on the environment

The sole planning application that comprises the project is subject to a schedule of conditions within the decision notice and can be viewed at <http://eplanning.norfolk.gov.uk/> by searching application reference FUL/2021/0015.

Regulation 29 (2) (i) (cc) – a description of any features of the development and any measures required in order to avoid, prevent, reduce and offset, likely significant adverse effects on the environment

The proposals have been the subject of an Environmental Impact Assessment (EIA). The environment of the application area and the surrounding area has been assessed and based on the assessment, and the design of the proposed

development, predictions are made in respect of the likely impact of the proposal on the environment.

The EIA in this case concluded that there are no significant effects with regards to ecology, traffic and access or hydrology/hydrogeology. With regards to the impact on the landscape, and specifically on the setting of the Broads (a sensitive area), the proposal would result in a change in view (from the Broads) but this change, with mitigation, would not be harmful.

Reference under each topic area below is made to the relevant part of the Environmental Statement, the corresponding part of the Council's assessment within the Planning Regulatory Committee report and/or, as appropriate, when conditions and/or legal agreements have been imposed to avoid, prevent, reduce or offset the impact.

Landscape and Visual Impact

- Chapter 4 of the Environmental Statement (ES)
- Section 3 (paras 3.18 - 3.25) of the Planning (Regulatory) Committee Report dated 25 March 2022;
- Conditions 2 (development in accordance with details), 3 (updated Tree Protection Plan), 4 (Scheme of Landscaping), 11 (removal of array after 35 years) and 12 (Scheme for decommissioning of array and replanting/reinstatement of land and landscaping displaced) of permission reference FUL/2021/0015.

Ecology

- Chapter 5 of the Environmental Statement (ES)
- Section 3 (paras 3.33 - 3.37) of the Planning (Regulatory) Committee Report dated 25 March 2022;
- Condition 2 (development in accordance with details), condition 5 (submission of a Construction Environmental Management Plan) and condition 6 (submission of ecological design strategy) of permission reference FUL/2021/0015.

Hydrology & Hydrogeology

- Chapter 7 of the Environmental Statement (ES)
- Section 3 (paras 3.59 - 3.64) of the Planning (Regulatory) Committee Report dated 25 March 2022;
- Condition 13 (Reporting and remediation of unexpected contamination) of permission reference FUL/2021/0015.

Noise

- Noise Impact Assessment requested, and submitted, under Regulation 25 of the Town and Country (Environmental Impact Assessment) Regulations 2017
- Section 3 (paras 3.27 - 3.30) of the Planning (Regulatory) Committee Report dated 25 March 2022;

Transportation

- Chapter 6 of the Environmental Statement (ES)
- Section 3 (paras 3.43 - 3.49) of the Planning (Regulatory) Committee Report dated 25 March 2022;
- Condition 7 (submission of Construction Traffic Management Plan) and 8 (compliance with Construction Traffic Management Plan) of permission reference FUL/2021/0015.

Regulation 29 (2) (i) (dd) – any monitoring measures considered appropriate by the relevant planning authority

Refer to the decision notice for application FUL/2021/0015 which permits the 'Installation of a solar photovoltaic array/solar park with associated infrastructure'.

Landscaping and decommissioning

- Condition 4 requires submission of a detailed landscaping scheme to screen help screen the development from the Broads and to prevent glare affecting nearby properties. It also must include provision to re-seed and re-plant any tree failures within the next planting season;
- Condition 12 requires the submission of detailed restoration and aftercare plans that will need to be implemented when the array is decommissioned.

Ecology and Biodiversity

- Condition 5 requires the submission of a construction environmental management plan to mitigate impacts during constructing and will include when specialist ecologists need to be present to monitor works on site.
- Condition 6 requires submission of an ecological design strategy including details of ongoing monitoring and remedial measures.

Transport

- Condition 8 requires the developer's adherence with a Construction Traffic Management Plan during the construction of the development that must first be approved in accordance with condition 7.

Groundwater/contamination

- Condition 13 requires to the notification of the County Planning Authority if unexpected contamination is found and the necessary remediation.