

NORFOLK COUNTY COUNCIL

Town and Country Planning Act, 1990

Town and Country Planning (Development Management Procedure) Order 2015

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

To: Arcus Consultancy Services Ltd
1C Swinegate Court East
3 Swinegate
YORK
YO1 8AJ

Particulars of Proposed Development

Location: Aldeby landfill site, Common Road, Aldeby, Beccles, NR34 0BL

Applicant: Infinis Solar Developments Ltd

Agent: Arcus Consultancy Services Ltd

Proposal: Installation of a solar photovoltaic array/solar park with associated infrastructure

The reasons for the grant of permission and for the conditions are also set out on the attached sheets.

Signed: N Johnson Date: 8 April 2022

For EXECUTIVE DIRECTOR OF COMMUNITY AND ENVIRONMENTAL SERVICES

Norfolk County Council
County Hall
Martineau Lane
Norwich
NR1 2SG

SEE NOTES

NOTES

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the District or Borough Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.

Byelaws

- Any planning permission is subject to compliance with the byelaws (Local Acts, Orders Regulations) and any general statutory provisions in force.

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Conditions and Reasons for Conditions:

1. The development hereby permitted shall commence not later than three years from the date of this permission. Within seven days of the commencement of operations, the operator shall notify the County Planning Authority in writing of the exact starting date.

Reason: Imposed in accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development must be carried out in strict accordance with the application form, plans and documents detailed below:

- a) Site Location Planning Drawing 1; Ref. 3757-REP-004; dated 7 December 2020;
- b) Site Layout Plan Planning Drawing 2; Ref. 3757-REP-005; dated 25 October 2021;
- c) Racking and Solar Panel Elevation Planning Drawing 3; Ref. 3757_FIG_REP_0001; dated 19 November 2021;
- d) DNO Switching Station Planning Drawing 4; Ref. 3757_FIG_REP_0002; dated 25 October 2021;
- e) Client Switching Station Elevation Planning Drawing 5; Ref. 3575_FIG_REP_0003; dated 2 December 2020;
- f) Inverter Elevation Planning Drawing 6; Ref. 3757_FIG_REP_0004; dated 2 December 2020;
- g) Battery Elevation Planning Drawing 7; Ref. 3757_FIG_REP_0005; dated 3 December 2020;
- h) General Storage Container Elevation Planning Drawing 8; Ref. 357_FIG_REP_0006; dated 3 December 2020;
- i) Gate, Fence, CCTV, Road Elevation Planning Drawing 9; Ref. 3757_FIG_REP_0007; dated 3 December 2020;
- j) Existing Levels Planning Drawing 10; Ref. 3757_FIG_REP_032; dated 6 July 2021;
- k) Planning, Design and Access Statement dated June 2021 except where amended by the applicant's letters dated 19 November 2021 and 3 December 2021;
- l) Tree Protection Plan; dated November 2021;
- m) Figure 4.9 Landscape Strategy; Ref. 3757-DR-LAN-101; dated 26 October 2021.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to commencement of development, and no earlier than 3 months before commencement of development, a tree protection plan shall be submitted to the

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County Planning Authority for its approval in writing to detail how the trees to be planted as part of the landfill site's restoration scheme, as required by permission reference C/7/2018/7007 (that may not yet be in situ), will be protected during both construction and once the development is operational.

Reason: To protect the amenities of the surrounding area and safeguard planting undertaken as part of the landfill restoration, in accordance with Policies DM12 and DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

4. Prior to commencement of development a scheme of landscaping shall be submitted to and agreed in writing by the County Planning Authority. This shall outline all proposed advanced planting proposed to prevent glare affecting nearby properties. The scheme shall include details of size, species and spacing of trees, hedges and shrubs, arrangements for their protection and maintenance. It shall be implemented prior to installation of the PV panels and make provision for:
- a) the screening of the of the array by trees, hedges (including mature trees where necessary);
 - b) the protection and maintenance of existing trees and hedges which are to be retained on the site;
 - c) re-seeding and re-planting where failures or damage occur within a period of five years from the date of planting; and,
 - d) the replacement of any damaged or dead trees with trees of similar size and species at the next appropriate season.

Reason: To protect the amenities of the surrounding area (including from glare), in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

5. No development shall take place until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the County Planning Authority (CPA). The CEMP shall include the following:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of 'biodiversity protection zones';
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs. If several years have passed since surveys were undertaken, then update surveys may be required at the reserved matters stage and any additional

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mitigation measures that need incorporating into the site's design agreed with the local planning authority.

The approved CEMP shall be strictly adhered to and implemented through the construction phases of the development. A 'statement of good practice' shall be signed upon completion by the competent ecologist, and be submitted to the CPA, confirming that the specified enhancement measures have been implemented in accordance with good practice upon which the planning consent was granted.

Reason: To protect ecology that may be present on site in accordance with Policy DM1 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

6. No development shall take place until an ecological design strategy (EDS) addressing enhancements recommended within Section 5 of the environmental statement, and details of proposed planting) has been submitted to and approved in writing by the County Planning Authority. The EDS shall include the following:
- a) Purpose and conservation objectives for the proposed works
 - b) Review of site potential and constraints
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives
 - d) Extent and location/area of proposed works on appropriate scale maps and plans
 - e) Type and source of materials to be used where appropriate (e.g. native species or local provenance)
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development
 - g) Persons responsible for implementing the works
 - h) Details of initial aftercare and long-term maintenance
 - i) Details of monitoring and remedial measures
 - j) Details for disposal of any wastes arising from works
 - k) Woodland, tree, hedgerow, shrub, wetland and flower planting and establishment
- The EDS shall be implemented in accordance with the approved details and all features will be retained in that manner thereafter.

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

Reason: To protect ecology that may be present on site in accordance with Policy DM1 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

7. Prior to the commencement of development or any works on site, a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the

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County Planning Authority, together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' to ensure no other local roads are used by construction traffic.

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

8. For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the County Planning Authority.

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

9. No development shall take place on site until a Construction Environmental Management Plan has been submitted to and approved in writing by the County Planning Authority in consultation with the District Council's Environmental Health Officer. The scheme shall be implemented as approved during the period of construction.

Reason: To protect the amenity of neighbouring properties, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

10. No lighting shall be used on site outside the construction period without prior written approval of the County Planning Authority.

Reason: To protect the amenities of the surrounding area (including from glare), in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

11. At the point the PV array hereby permitted is no longer used for the purposes of electricity generation, or within 35 years of commencement of development, whichever is sooner, the operator shall notify the County Planning Authority in writing and within three months of the operational requirement ceasing, the PV panels and all associated apparatus, structures, fences and hard surfaces etc shall be removed from the land and the site shall be restored in accordance with the scheme to be agreed by condition 12.

Reason for the condition: In the interests of minimising the impact on the visual amenities of the area in accordance with policies ENV8 and IMP2 of the South

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Norfolk Local Plan and policies DM3.9 and DM4.6 of the emerging Development Management policies document.

12. No later than one year prior to the expiration of the 35-year permission, or if the PV array is no longer used for the purposes of electricity generation, whichever is the soonest, a scheme shall be submitted for the decommissioning of the array at the end of the use of the PV array. The scheme shall make provision for all infrastructure authorised by this permission, removal and replanting of the access track, and replanting of trees and hedgerows displaced by the PV panels from the original landfill restoration approved under application C/7/2018/7007. The approved scheme shall be carried out within 6 months of removal of the PV panels.

Reason: To ensure the proper and expeditious restoration and reinstatement of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

13. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the County Planning Authority (CPA). An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the CPA in consultation with the Local Planning Authority (LPA). Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the CPA in consultation with the LPA. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the CPA.

Reason: To protect and prevent the pollution of groundwater in accordance with Policy DM3 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

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

In accordance with Article 35(4) of the Town and Country Planning (Development Management Procedure) Order 2015, Norfolk County Council confirms that all relevant environmental information has been taken into consideration in reaching this decision.

Positive and Proactive Statement

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015:

The local planning authority has engaged in pre-application discussions with the applicant to ensure that the application contains all required information to enable this to be processed efficiently.

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The local planning authority has worked with the applicant to ensure that the application contains sufficient information to enable this to be validated.

The local planning authority has entered into discussions with the applicant during the application processing period to ensure that sufficient information has been submitted to demonstrate that the proposal is acceptable.

The local planning authority has entered into discussions with the applicant during the application processing period to amend the proposal and thereby ensure that it could be recommended for approval.

The local planning authority has passed on to the applicant specific issues raised by third parties during the application processing period to enable the applicant to be aware of these issues and to address these if necessary.

Reason for pre-commencement conditions

Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 requires planning authorities to provide written reasons for imposing planning conditions that require particular matters to be approved before development can start. In this instance conditions 3, 4, 5, 6, 7, and 9 all require discharging prior to works commencing on site.

The information is being requested by condition, in agreement with the applicant, to ensure the applicant could be determined at the 25 March 2022 Planning (Regulatory) Committee without further delay. The Environmental Statement has demonstrated that the operation can take place without significant impacts on the environment, however this information relates to schemes that are necessary to provide further details and mitigation before development is implemented on site. Furthermore, condition 3 cannot be discharged until a maximum of three months before commencement to ensure an up to date tree protection plan can be provided, based on the topography and landscaping in place situ on the landfill at that time.