



APPENDIX 1

Screening Opinion issued by Colchester Borough Council
in July 2020, in response to application by Low Carbon
for permission to construct a 49.9MW solar “farm” on
land at Layer De La Haye

Response to Environmental Statement
in relation to
Berden Hall Solar Farm
(Pelham Solar)

PINS Reference: S62A/22/0006

Colchester Borough Council

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Your ref:

Our ref: 201412

Date: 27 July 2020

Dear Sir or Madam,

SCREENING OPINION

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2017 (AS AMENDED)**

Colchester Borough Council is of the opinion that the Proposed Development does not constitute Schedule 1 development as for energy projects, this applies to thermal power stations with a heat output of 300 MW or more and nuclear power stations.

Colchester Borough Council considers that the Proposed Development constitutes Schedule 2 of development under Section 3(a) of Schedule 2:

“industrial installation for the production of electricity, steam and hot water (unless included in Schedule 1)”

Having taken into account the selection criteria in Schedule 3 of the Regulations, the Borough Council considers that an Environmental Impact Assessment is **required** by virtue of factors such as the nature, size or location of the proposal for the following reasons:

Statement of Reasons

The proposal is for development of around 130ha hectares of agricultural land, located outside the settlement boundary of Layer De La Haye. The potential environmental impacts of the proposal include transport and highways issues, contamination, historic environment, and biodiversity (including trees and hedgerows). The Council has also assessed the cumulative impacts of the scheme in conjunction with other applications in the vicinity.

With regards to schedule 3 part 1, the size of the proposal is significant in scale at 130ha. It would be one of the largest applications for development the LPA has received in recent years and being a solar farm, the majority of the site area will be developed or would be subject to change (it is acknowledged that it is not yet known precisely how much of the site will be utilised). It will result in the considerable development of greenfield land and associated soils and ecosystems. The impact on biodiversity is not yet fully known. The sheer scale of the development proposed leads the LPA to conclude that on a precautionary basis the scheme is

Environmental Impact Assessment (EIA) development requiring an Environmental Statement (ES).

With regards to schedule 3 part 2, The site is not located within an area designated statutorily for its landscape, visual, wildlife or geological importance. The site therefore does not fall within a 'sensitive area' as details within the Regulations, but the site is located close to the Abberton Reservoir located approximately 270 m to the south east of the Site at its closest point. This is a Ramsar Site, a Special protection Area ('SPA') and a Site of Special Scientific Interest ('SSSI'). There are also Local Wildlife Sites, primarily comprising woodland, located adjacent to the Site.

This scheme does have the potential to impact upon the ecology of Abberton Reservoir and the magnitude of that impact is not currently known. Adopting the precautionary approach, the Council considers that a significant environmental effect cannot be ruled out. It is therefore considered that adopting the precautionary principle, the scheme is EIA development requiring an ES.

Due to the nature of the site, and its proximity to local wildlife sites, it is possible that certain sensitive habitats and protected species are present on site including ground nesting birds. The impact of the proposal upon biodiversity will need to be formally assessed with the benefit of further surveys which should make up a dedicated chapter of the ES.

In terms of heritage impact, there are a number of designated heritage assets in close proximity to the Site. The Grade II North Lodge to Birch Hall is located adjacent to the northern parcel of land with a further group of Grade II Listed Buildings located approximately 200 metres to the north west in Heckfordbridge. Part of the Scheduled Monument forming the prehistoric Gosbecks Iron Age and Romano-British Site is also located approximately 200 metres to the east of the northern parcel and directly adjacent to the north of the middle parcel. The Grade II* Listed Building and Scheduled Monument Remains of St Mary's Church is located approximately 200 metres south of the northernmost parcel and 250 metres north west of the middle parcel, along with further Grade II Listed Buildings. There are a number of other Grade II Listed Buildings in close proximity to the Site and the Grade I listed Church of St John the Baptist located 150 metres west of the southernmost parcel. The scheme therefore has the potential to have a significant effect on Heritage Assets by virtue of its siting and scale, thus warranting an ES.

This very large proposal is located in an area of very high archaeological potential, and the red-line boundary contains multiple archaeological remains currently recorded in the Historic Environment Record – for example, cropmarks indicative of below-ground archaeological remains are recorded by aerial photography that are indicative of archaeological remains (HER Monument nos. MCC7416, MCC7725 and MCC7764). However, these have not been the subject of systematic investigation. The proposed development area(s) is also adjacent to a Scheduled Monument – Oliver's Dyke, this forms part of the greater Gosbecks Iron Age and Romano-British site (NHLE no. 1002180). This monument cuts across the proposed development area as a below-ground archaeological feature (HER Monument no. MCC7284). The location is also topographically favourable for early occupation of all periods, within the valley of Roman River. The scheme therefore has the potential to have a significant effect on yet unknown below ground heritage assets by virtue of its siting and scale, thus warranting an ES.

The scheme will remove a significant amount of agricultural land from production, but the quality of the agricultural land and associated soils is not currently known to any level of detail. A detailed assessment of the agricultural land quality should be included within the ES.

The proposal is likely to increase traffic flows in the area during the construction phase and a Transport Assessment will be required as part of any future planning application. Whilst the proposal is likely to increase traffic flows in the area, these are not likely to be significant during the operational phase and therefore it is unlikely to be so significant as to justify an ES. The highway impacts can be adequately assessed as part of a planning application in consultation with the Local Highway Authority and the Transport Assessment should form a chapter of the ES notwithstanding this.

It will be necessary for a land contamination desk study and initial risk assessment, with some site investigation as necessary, to be carried out and submitted as part of an application. This should lead to appropriate mitigation as necessary, but it is not anticipated this would be to a level that would require an ES. Once again, this could form a chapter in the ES however.

In terms of noise and pollution, the local authority notes that there are a number of noise sensitive receptors in the form of residential properties which are to be separated by the solar arrays by a buffer. It is not considered that the scheme will cause a significant impact in terms of pollution/air quality. The council considers that any noise and air quality reports prepared by the developer could help inform the Environment Statement, but the impacts are not likely to be so great they would justify an ES in their own right.

The majority of the site is within a flood zone 1 which is considered to be unlikely to be susceptible to flooding. According to the Councils records, the south eastern section of the north western land parcel clips flood zones 2 and 3 however. The proposal would increase the amount of impermeable surfacing on site and, as such, surface water run-off will be a particular consideration in terms of potentially leading to flooding elsewhere. Due to the scale of the development, the impacts could potentially be significant and therefore on a precautionary basis the development warrants an ES for this reason.

With regards to schedule 3 part 3, due to the scale of the development it is held that the magnitude of any impacts could be significant as per criterion (a).

It is noted that the cumulative impact of this development with other major schemes is not held to be a matter that would require an ES in this instance, nor are there held to be trans-frontier impacts.

Conclusion

The scheme is held to have the potential to cause significant environmental effects in terms of its scale and siting/location. Therefore, adopting a precautionary approach, **the proposal is held to be 'EIA development'**. Any planning application must therefore be accompanied by an Environmental Statement. The Environmental Statement must contain, for the purpose of assessing the impact on the environment, the information specified in the above regulations. It is recommended that the regulations are referred to before and during the preparation for the Environmental Statement.

Yours sincerely



James Ryan
Principal Planning Officer

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