

Hi Elizabeth,

I did review the statement, but it appears I was in a rush (before going on annual leave) and forgot to include the document within my response. I have therefore provided an updated response, which clearly refers to this PEA Update.

The inclusion of this document does not change my response, particularly around Biodiversity Net Gain. This is because the applicant cannot have condition 6 of the previous application (21/00605/FUL) included with this new application, as the development will be required to provide mandatory biodiversity net gains in line with statutory requirement and process set out within Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990.

Happy to discuss if you have any further queries.

Kind regards,

Hamish

Hamish Jackson ACIEEM BSc (Hons)

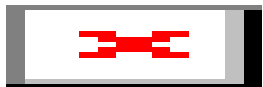
Senior Ecological Consultant

Place Services, E4 Zone 3, County Hall, Chelmsford Essex CM1 1QH

t: 03330 320980 | m: 07740901139

e: hamish.jackson@essex.gov.uk / PlaceServicesEcology@essex.gov.uk

w: www.placeservices.co.uk



From: Elizabeth Milne <Elizabeth.Milne@Rochford.gov.uk>

Sent: Thursday, September 19, 2024 2:05 PM

To: Hamish Jackson - Senior Ecological Consultant <Hamish.Jackson@essex.gov.uk>

Subject: FW: Planning Application Ref: 24/00295/FUL

Importance: High

CAUTION: This is an external email.

Hi Hamish,

Following your consultation response, please can you confirm that your response took the updated information email on 23rd August into account?

Kind regards,
Elizabeth

From: Kenny Dhillon <Kenny.Dhillon@enzygo.com>
Sent: Friday, August 23, 2024 12:16 PM
To: Elizabeth Milne <Elizabeth.Milne@Rochford.gov.uk>; hamish.jackson@essex.gov.uk
Cc: Stuart Davidson <Stuart.Davidson@baywa-re.co.uk>; Neil Halliday <Neil.Halliday@baywa-re.co.uk>
Subject: RE: Planning Application Ref: 24/00295/FUL

Good afternoon Elizabeth and Hamish,

Thanks for your time yesterday, please see attached to this email the PEA Letter as was agreed in our call yesterday afternoon. We now hope that this allows @hamish.jackson@essex.gov.uk to remove his objection.

We are also happy for an extension of time up until the 6th September to issue the approval notice for this planning application.

Any questions or concerns, please just do let us know and we will assist accordingly.

Best and kind regards,

Kenny

Kenny Dhillon BSc (Hons), MRTPI
Director of Planning

Phone: 0114 212 5477 / 07376 365309
Email: kenny.dhillon@enzygo.com
Web: enzygo.com

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From: Kenny Dhillon
Sent: Thursday, August 22, 2024 2:07 PM
To: Elizabeth Milne <Elizabeth.Milne@Rochford.gov.uk>; hamish.jackson@essex.gov.uk
Cc: Stuart Davidson <Stuart.Davidson@baywa-re.co.uk>; Neil Halliday <Neil.Halliday@baywa-re.co.uk>
Subject: RE: Planning Application Ref: 24/00295/FUL

Good afternoon Elizabeth,

Thanks for coming back to us, we would still like our call at 2.30pm to proceed, we consider it to be important to speak with you and go through our application with you too. I will out of courtesy send the Teams invite to Hamish too, as he may be able to jump onto our call at 2.30pm this afternoon.

We look forward to speaking with you at 2.30pm this afternoon – we consider it will be worthwhile for all of us.

Thanks for this,

Kenny

From: Elizabeth Milne <Elizabeth.Milne@Rochford.gov.uk>

Sent: Thursday, August 22, 2024 2:02 PM

To: Kenny Dhillon <Kenny.Dhillon@enzygo.com>; hamish.jackson@essex.gov.uk

Cc: Stuart Davidson <Stuart.Davidson@baywa-re.co.uk>; Neil Halliday <Neil.Halliday@baywa-re.co.uk>

Subject: RE: Planning Application Ref: 24/00295/FUL

Dear Kenny,

Apologies if what I have sent on has overlapped with a phone call that was had, I am not aware of the details of that conversation. I cannot advise on ecological matters and so if there is to be a call I propose that we postpone until a time when Hamish is available, if indeed a further discussion is considered necessary.

In other matters, I have chased up Essex Highways as we are yet to receive a consultation response from them and I will update you as soon as this is received.

Kind regards,
Elizabeth

From: Kenny Dhillon <Kenny.Dhillon@enzygo.com>

Sent: Thursday, August 22, 2024 1:49 PM

To: Elizabeth Milne <Elizabeth.Milne@Rochford.gov.uk>; hamish.jackson@essex.gov.uk

Cc: Stuart Davidson <Stuart.Davidson@baywa-re.co.uk>; Neil Halliday <Neil.Halliday@baywa-re.co.uk>

Subject: RE: Planning Application Ref: 24/00295/FUL

Importance: High

Good afternoon Elizabeth and Hamish,

This is contrary to what I understood and what was discussed in the call that I had with Hamish, therefore it would be great if Hamish could join our call at 2.30pm this afternoon so we can discuss this, as there is no Planning Policy or Legislative requirement to request a further PEA or an updated PEA based on the following:-

1. Planning Condition 3 of the Original Consent has been approved – this planning condition relates to the landscaping scheme;
2. Planning Condition 6 of the Original Consent has been approved – this planning condition relates to BNG and Monitoring Management Plan – which includes the redline area of the hedges which are to be removed – therefore [@hamish.jackson@essex.gov.uk](mailto:hamish.jackson@essex.gov.uk) your standing objection has no legislative or planning policy justification when you have approved the BNG and Monitoring Management Plan – you cannot now require a PEA which will not give you any more or less information

then imposing an Ecological Clerk of Works planning condition relating to the removal of what is a small amount of hedgerow; furthermore;

3. Planning Condition 7 – which required a Licence by Natural England to be approved which it has and what @hamish.jackson@essex.gov.uk has also agreed to in the attached letter.

Therefore, in light of the above, the need for the PEA has not been demonstrated – i.e. what purpose would an updated PEA provide over and above a planning condition requiring a qualified Ecological Clerk of Works to be present on site and to survey the length of hedgerows before their removal? The Ecological Clerk of Works would if required stop works if there would be any contravention of the Section 40 NERC Act 2006 – therefore we are confused why @hamish.jackson@essex.gov.uk is still requiring an updated PEA when such a planning condition would be more beneficial, enforceable and **ultimately be more protective than an updated PEA** which would re-substantiate the original PEA findings and recommend an Ecological Clerk of Works planning condition too.

It is very critical that this application be approved by the 30th August 2024 – a PEA is not required as the Council has agreed to the above which covers the redline area of the approved scheme, and a Ecological Clerk of Works planning condition will ensure that the removal of the hedgerows would be in compliance with Section 40 NERC Act 2006 (as amended) and prevent wildlife crime under Section 17 Crime and Disorder Act 1998.

We do hope that @hamish.jackson@essex.gov.uk is able to join the call so we can move this application forward and address any concerns for both parties concerned.

Thanks so much and we look forward to speaking with you all at 2.30pm this afternoon.

Best and kind regards,

Kenny

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From: Elizabeth Milne <Elizabeth.Milne@Rochford.gov.uk>

Sent: Thursday, August 22, 2024 1:08 PM

To: Kenny Dhillon <Kenny.Dhillon@enzygo.com>; hamish.jackson@essex.gov.uk

Cc: Stuart Davidson <Stuart.Davidson@baywa-re.co.uk>; Neil Halliday <Neil.Halliday@baywa-re.co.uk>
Subject: RE: Planning Application Ref: 24/00295/FUL

Good afternoon,

I apologise as Hamish did clarify this with me last week and I intended to pass this on, however I was on leave and this got missed.

It remains the case that an ecological addendum or updated PEA would be required for this application, as the previously submitted PEA is now out of date.

Kind regards,
Elizabeth

From: Kenny Dhillon <Kenny.Dhillon@enzygo.com>
Sent: Thursday, August 22, 2024 11:22 AM
To: hamish.jackson@essex.gov.uk
Cc: Stuart Davidson <Stuart.Davidson@baywa-re.co.uk>; Neil Halliday <Neil.Halliday@baywa-re.co.uk>; Elizabeth Milne <Elizabeth.Milne@Rochford.gov.uk>
Subject: FW: Planning Application Ref: 24/00295/FUL
Importance: High

Good morning Hamish,

We trust that you are well. I have just called you and left a voice message regarding this planning application. We have a call later this afternoon with Elizebeth the planning officer at 2.30pm and we are very keen to resolve the issue regarding your Objection, and we consider that a planning condition requiring a Qualified Ecological Clerk of Works who will undertake an ecological watching brief and survey the lengths of hedgerows which are to be removed 48hrs, 24hrs before removal and on the day of removal of the hedges to ensure no protected species are harmed – therefore this resolves any issues with regard to Section 40 NERC Act 2006 (as amended) and prevent wildlife crime under Section 17 Crime and Disorder Act 1998.

This would ultimately be more useful, proportionate and reasonable given the fact that the length of hedgerows which are to be removed is very modest and that the original consent proposes to plant over 3km of replacement hedgerow, that this small and insignificant loss of hedgerow would be more than compensated for. Furthermore, this application for the vehicular access points also includes the replacement planting of hedgerows as shown in the plans which accompany this application and an updated BNG assessment too.

We hope this assists you in removing your objection so we can start work on site on the 2nd September 2024.

Any issues or concerns, please feel free to call me on 0114 212 5477.

Thanks so much for this,

Kenny

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From: Kenny Dhillon

Sent: Tuesday, August 13, 2024 11:31 AM

To: Elizabeth Milne <Elizabeth.Milne@Rochford.gov.uk>

Cc: Stuart Davidson <Stuart.Davidson@baywa-re.co.uk>; Neil Halliday <Neil.Halliday@baywa-re.co.uk>

Subject: RE: Planning Application Ref: 24/00295/FUL

Good morning Elizabeth,

Thanks for coming back to us, we agree that it would be great to have a call on the 22nd August – just please let us know a time.

We are happy to agree to an extension of time until the 30th August 2024, however, it imperative that we get our approval by this time as we will be starting works on site on the 2nd September 2024. This date is **project critical date and it cannot be delayed.**

Furthermore, we can confirm that we would be happy to agree in principle a planning condition requiring a Qualified Ecological Clerk of Works who will undertake an ecological watching brief and survey the lengths of hedgerows which are to be removed 48hrs, 24hrs before removal and on the day of removal of the hedges to ensure no protected species are harmed – therefore this resolves any issues with regard to Section 40 NERC Act 2006 (as amended) and prevent wildlife crime under Section 17 Crime and Disorder Act

1998. This would ultimately be more useful, proportionate and reasonable given the fact that the length of hedgerows which are to be removed is very modest and that the original consent proposes to plant over 3km of replacement hedgerow, that this small and insignificant loss of hedgerow would be more than compensated for. Furthermore this application for the vehicular access points also includes the replacement planting of hedgerows as shown in the plans which accompany this application.

The key fact here is, that Hamish advised me that he had responded to the formation of the 2no. vehicular accesses (ref: 24/00295/FUL) (this planning application) before responding to the discharge of planning condition application reference 24/00486/DOC, hence his holding objection – **otherwise he would not have objected.**

To summarise, this is a very minor planning application for which the Council and the statutory consultees have approved the discharge of conditions application relating to the BNG scheme, Landscaping and we have secured the Licence from Natural England too – therefore there are

no grounds to refuse this planning application or to delay an approval – **there are no reasonable or legislative grounds for you to further delay the approval of this application.**

We look forward to speaking with you on your return.

Best and kind regards,

Kenny

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From: Elizabeth Milne <Elizabeth.Milne@Rochford.gov.uk>

Sent: Friday, August 9, 2024 9:08 PM

To: Kenny Dhillon <Kenny.Dhillon@enzygo.com>

Subject: RE: Planning Application Ref: 24/00295/FUL

Dear Kenny,

My apologies for the delay in coming back to you.

I have contacted Hamish today in light of your follow up emails to confirm whether or not the contents of the letter you have sent would alter the consultation response. I am now on leave for a week but wondered if we could perhaps arrange a call on my return – are you available on Thursday 22nd August?

Re. an extension of time, would you be happy to agree an initial extension of time to the 30th August while we are addressing this holding objection?

Kind regards,
Elizabeth

From: Kenny Dhillon <Kenny.Dhillon@enzygo.com>

Sent: Friday, August 9, 2024 3:49 PM

To: Elizabeth Milne <Elizabeth.Milne@Rochford.gov.uk>; hamish.jackson@essex.gov.uk; Mike Stranks <Mike.Stranks@Rochford.gov.uk>

Cc: Stuart Davidson <Stuart.Davidson@baywa-re.co.uk>; Neil Halliday <Neil.Halliday@baywa-re.co.uk>; planning applications <planning.applications@Rochford.gov.uk>

Subject: RE: Planning Application Ref: 24/00295/FUL

Importance: High

Good afternoon Elizabeth and Hamish,

We trust that you are both well. I thought I would email you both regarding this planning application for the two vehicular access points, as I have tried to call you both and I am unable to get through to you.

We appreciate that today is the determination date, however, as per my earlier email as below, we are happy to agree to an extension of time, so that the contents and the explanation in the attached letter can be further considered and acted upon.

In light of this, can you please Elizabeth let us know what you consider and how much further time you require to approve our planning application, we are very keen to start works hence the recommendation of an Ecology Clerk of works planning condition to be attached to any approval to ensure that the short length of hedgerow will not harm any protected species.

I have also included @Mike.Stranks@Rochford.gov.uk just to ensure that you all know we are happy for an EOT on this vehicular access planning application, and a quick call to go through any matters would be hugely appreciated as we do not want this planning application to be refused.

I look forward to speaking with you @Elizabeth.Milne@Rochford.gov.uk very soon.

Have a lovely weekend all,

Best and kind regards,

Kenny

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From: Kenny Dhillon

Sent: Wednesday, August 7, 2024 5:21 PM

To: Elizabeth.Milne@Rochford.gov.uk

Cc: Stuart Davidson <Stuart.Davidson@baywa-re.co.uk>; Neil Halliday <Neil.Halliday@baywa-re.co.uk>; planning.applications@rochford.gov.uk

Subject: RE: Planning Application Ref: 24/00295/FUL & 24/00486/DOC

Good afternoon Elizabeth,

I apologise in advance with the emails, however, I am just trying to push things along which benefit you the Council and the applicants who are my clients.

I have been in liaison with Stuart Davidson, and we would like to initially agree to an extension of time for 1 week from the 9th August which would take the determination period to the 16th August, if you require more time due to consultation with the Ecology team at County Council then we would be happy to entertain this for so long as you let us know, we are keen to work with you and hence why I have been asking for a phone call, I have no intention of being confrontational, I am just after a call so I can better understand your position and we can help each other in getting this relatively simple planning application approved.

Just for some background, I was the original planning consultant appointed by BSR to work on South Farnham and I worked on the pre-application, planning application and I presented the original scheme at planning committee too, so I have an excellent knowledge of this project and of the site too – so please do not hesitate to ask any questions regarding this.

I look forward to speaking with you,

Best and kind regards,

Kenny

Kenny Dhillon BSc (Hons), MRTPI
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From: Kenny Dhillon

Sent: Wednesday, August 7, 2024 11:14 AM

To: Elizabeth.Milne@Rochford.gov.uk; Richard.Kilborne@Rochford.gov.uk; Stuart Davidson <Stuart.Davidson@baywa-re.co.uk>; Neil Halliday <Neil.Halliday@baywa-re.co.uk>

Cc: hamish.jackson@essex.gov.uk; planning.applications@rochford.gov.uk

Subject: RE: Planning Application Ref: 24/00295/FUL & 24/00486/DOC

Importance: High

Good morning Elizabeth and Richard,

I trust that you are both well, I have just tried to call you again via your front desk, and they have taken a message and sent an email to you.

@Elizabeth.Milne@Rochford.gov.uk I would like to talk to you about the extension of time for the vehicular access planning applications, we would be happy to agree to an EOT for this application, the applicants [@Stuart Davidson](#) and [@Neil Halliday](#) from BayWa are included in this email chain in case you require confirmation from them that ADAS is no longer involved with both applications references 24/00295/FUL & 24/00486/DOC as I have been appointed as their agent with regards to South Fambridge Solar.

A call would be most appreciated so we can discuss next steps and see if there is anything else we can do to assist you in approving the respective applications.

Thanks so much,

Kenny

Kenny Dhillon BSc (Hons), MRTPI
Director of Planning

Phone: 0114 212 5477 / 07376 365309

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From: Kenny Dhillon

Sent: Tuesday, August 6, 2024 9:56 AM

To: Elizabeth.Milne@Rochford.gov.uk; Richard.Kilborne@Rochford.gov.uk

Cc: Stuart Davidson <Stuart.Davidson@baywa-re.co.uk>; Neil Halliday <Neil.Halliday@baywa-re.co.uk>; hamish.jackson@essex.gov.uk; planning.applications@rochford.gov.uk

Subject: RE: Planning Application Ref: 24/00295/FUL & 24/00486/DOC

Importance: High

Good morning all,

I hope that you are all well, I have just left another message with your front desk colleagues @Elizabeth.Milne@Rochford.gov.uk and @Richard.Kilborne@Rochford.gov.uk for a quick call regarding this project and the respective planning applications – i.e.

@Elizabeth.Milne@Rochford.gov.uk - Formation of 2no. Vehicular Access – 24/00295/FUL; and

@Richard.Kilborne@Rochford.gov.uk - Discharge of Planning Conditions - 24/00486/DOC.

I have also left a voice message on Hamish's mobile phone regarding my clarification for Ecology matters and the fact that the Council can enforce the BNG improvements as the

aforementioned planning condition discharge relates to the same redline and consent, and the fact the 2 vehicular accesses are only required for the Solar PV development which has already been approved, and an appropriately worded condition regarding an Ecology Clerk of works can be conditioned should the Council be concerned of any impact regarding the very modest removal of a hedge that would be required and the considerable significant BNG improvements and landscape planting will be implemented which has already been improved, therefore in principle there should be no holding objection from Ecology.

Therefore, with regards to this, @Elizabeth.Milne@Rochford.gov.uk we are happy to agree an extension of time for this application, and @Richard.Kilborne@Rochford.gov.uk as all of the consultees have written to you to confirm their acceptance that they have no objections and are happy with the information supplied, that this now allows you to discharge the remaining pre-commencement planning conditions.

I am happy to discuss this over the phone too – I am available for a call from now until 1pm and then I am free from 4pm onwards today – my phone numbers are 0114 2125477 or 07376 365309.

I look forward to hearing back from you,

Best and kind regards,

Kenny

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From: Kenny Dhillon

Sent: Friday, August 2, 2024 3:54 PM

To: Elizabeth.Milne@Rochford.gov.uk; Richard.Kilborne@Rochford.gov.uk

Cc: Stuart Davidson <Stuart.Davidson@baywa-re.co.uk>; Neil Halliday <Neil.Halliday@baywa-re.co.uk>; hamish.jackson@essex.gov.uk

Subject: RE: Planning Application Ref: 24/00295/FUL & 24/00486/DOC

Good afternoon Elizabeth and Richard,

I trust that you are both well. I thought I would just drop you both a quick email, I just left a message with your colleagues on the phone for a quick call to discuss the letter and next steps in progressing the discharge of each of these planning conditions.

It would be great to have a quick call to go through everything to make sure you have everything that you need to discharge these outstanding planning conditions.

I look forward to speaking with you both.

Have a good weekend,

Best and kind regards,

Kenny

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Director of Planning

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From: Kenny Dhillon

Sent: Tuesday, July 30, 2024 12:16 PM

To: hamish.jackson@essex.gov.uk; Elizabeth.Milne@Rochford.gov.uk;
Richard.Kilborne@Rochford.gov.uk

Cc: Stuart Davidson <Stuart.Davidson@baywa-re.co.uk>; Neil Halliday <Neil.Halliday@baywa-re.co.uk>

Subject: Planning Application Ref: 24/00295/FUL & 24/00486/DOC

Good afternoon Ms. Milne and Mr Kilborne,

I trust that you are well. I have been appointed to by BayWa to act as their Planning agent on the following applications:

1. Discharge of Planning Conditions - 24/00486/DOC; and
2. Formation of 2no. Vehicular Access – 24/00295/FUL.

I have cc'd in the applicants and my clients into this email, they have instructed me to ask you to stop all correspondence to ADAS as I am now their appointed Planning agent with regards to this project.

I had a call with Hamish Jackson this morning and it was very helpful. Hamish advised me that he had responded to the formation of the 2no. vehicular accesses (ref: 24/00295/FUL) before responding to the discharge of planning condition application reference 24/00486/DOC, hence his holding objection. He advised that I write in with an explanation, I have written a letter as attached to this email to explain that all of the landscaping enhancements, biodiversity monitoring and management plan and the Natural England licencing is also applied to the same redline area as the vehicular access planning applications too – i.e. as the discharge of

conditions application relate to the same redline area as the original approval for the Solar farm under 21/00605/FUL, the Council can enforce the agreed landscaping enhancements and biodiversity monitoring and management plan (which have all been agreed) to the redline areas for the vehicular access which are required for the Solar farm.

Therefore, Hamish advised, that subject to this explanation as per my attached letter, he would be willing to remove his holding objection.

I also note @Richard.Kilborne@Rochford.gov.uk that Gemma Parson has advised that planning condition 17 on the original consent can now be discharged – please see the attached PDF Document 3275696 to confirm this, I have also attached the Lead Local Flood Authorities confirmation letter too.

I now trust that this allows the Council to formally approve both planning applications. Any questions or concerns, please do not hesitate to contact me and I will be happy to advise accordingly.

Best and kind regards,

Kenny

Kenny Dhillon BSc (Hons), MRTPI
Director of Planning

Phone: 0114 212 5477 / 07376 365309

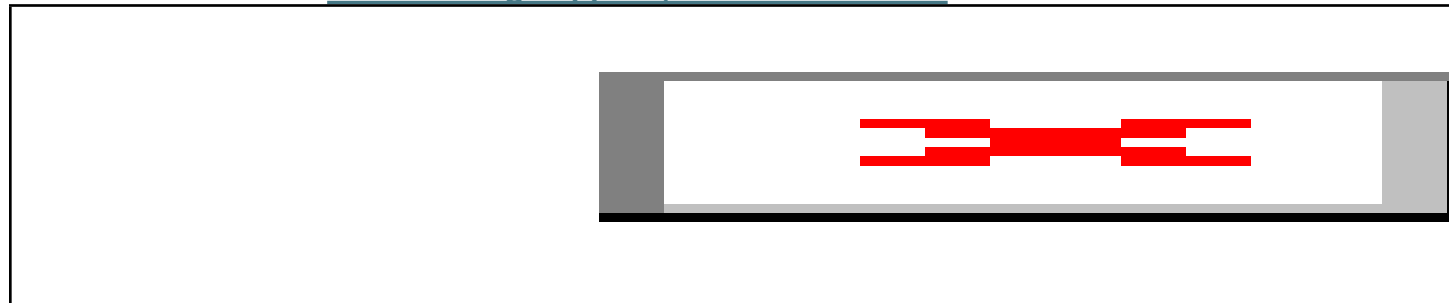
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