

**Uttlesford District Council**

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)**

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 2017, (as amended)**

**ENVIRONMENTAL IMPACT ASSESSMENT**

**SCREENING APPLICATION: UTT/21/2664/SCO**

**PROPOSAL:** Request for Screening Opinion for proposed solar farm

**LOCATION:** Land East of Coopers End Road Takeley

**SCREENING OPINION**

Under Regulation 5 of the above Regulations the authority is required to adopt an opinion (a **SCREENING OPINION**) as to whether an Environmental Impact Assessment (an **EIA**) is required in relation to the above planning application that has been submitted to it.

The Local Planning Authority (LPA), Uttlesford District Council, has considered the proposals and its **SCREENING OPINION** is that:

**AN EIA IS NOT REQUIRED**

The considerations, in coming to this decision are as follows:

**Schedule 1**

The proposal does not fall within Schedule 1 of the Regulations that would require mandatory Environmental Impact Assessment (EIA).

**Schedule 2**

Schedule 2 identifies 13 different categories, of which Class 3 is 'Energy Industry' and a) relates to 'Industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1)'. The proposal exceeds the thresholds. The proposal is not, however located in wholly or partly within a 'sensitive area' as defined by the Regulations.

Uttlesford DC as Local Planning Authority conclude that the proposal does constitute a Schedule 2 form of development as defined by the Regulations. Under these circumstances it is necessary to establish whether the proposal is likely to give rise to 'significant effects' on the environment by virtue of its nature, size or location.

### **Schedule 3 – Criteria for Column 2 of Schedule 2**

Schedule 3 of the Regulations sets out selection criteria which must also be taking into account in determining whether the development is likely to have significant effects on the environment.

These criteria are identified under 3 separate headings and I shall deal with each in turn.

#### **Characteristics of Development**

The site consists of approximately 22.5ha of agricultural land. The application shows the general heights and indicative layout of the solar panels.

A project of this scale would require the use of natural resources, most notably the use of agricultural land and an application of this proposal is of such a scale that Natural England have been consulted on the loss of best and most versatile agricultural land, and the impacts of the proposal on the landscape, geodiversity and biodiversity receptors; the LPA would draw to your attention to the Natural England response to this Request dated 1<sup>st</sup> September 2021.

The location of the site and the current use of the land the proposals are likely to result in less than significant impacts in respect of biodiversity. However, it is noted that a strip of Woodland to the east and northwest corner, which borders the site. The hedgerows bordering the arable fields are likely to meet the criteria for Priority habitat.

Furthermore, the ECC Place Services Ecology have been consulted. Their comments are available online. The Ecology Team have stated that it is unclear whether the Ecological Impact Assessment has been done in conjunction with Essex Field Club & Essex Wildlife Trust Biological Records Centre and should be shared and completed with these parties. An Ecology Statement and Assessment is required as part of the planning application and suitable mitigation measures are required.

In Highways and Transportation terms, the application needs to be supported by a Transport Statement (TS); further, Essex County Council as Local Highway Authority have their own pre-application. It is advisable to engage the Highway

Authority separately. The Highways have commented that any application submitted needs to be supported with a Transport Statement. This should also include:

1. The operational traffic and the daily and peak hour construction traffic forecast to be generated by the proposal including likely size of vehicles, frequency, construction operational hours etc.
2. Details of the access including visibility splays and vehicle swept path analysis.
3. A detailed traffic Construction Management Plan (CMP) to consider and control the impact of construction of the proposal including but not limited.
  - a. Routing of vehicles
  - b. Safe access into the site.
  - c. The parking of vehicles of site operatives and visitors.
  - d. Loading and unloading of plant and materials.
  - e. Storage of plant and materials used in constructing the development.
  - f. Wheel and underbody washing facilities.
  - g. Before and after survey and subsequent repair of any damage to the highway
4. An assessment of the visibility of the solar farm from the highway and an assessment of glint and glare pertaining to highway safety should be carried out.

In terms of cumulative developments, this proposal would need to be considered in relation to the adjacent developments, especially the developments south of the site, across the A120 and other existing landscape features surrounding the site. In addition, landscape character assessments for cumulative impacts will also need to consider, particularly for users of the public rights of way networks, both within and surrounding the footpath network.

The production of waste is unlikely to be significant. Noise, dust and vibration nuisances are highly probable during the construction phase. Some of the impacts can be mitigated by way of a Construction Environmental Management Plan, although this hasn't been stated in the Screening Opinion. Noise would be generated as part of the operational phase, but this is unlikely to be significant.

The risks of accidents should be low given the nature of the development. However, the Safeguarding Authority have commented that there are two areas of concern that will need to be addressed:

1. The potential for the solar array to create a Glint and Glare hazard to pilots – we will need the developer to supply a Glint and Glare assessment from an aviation (Stansted Airport) perspective.
2. Solar arrays are known to be attractive sites for birds, we would appreciate sight of the plans to mitigate against this problem.

The site is not located within or adjacent to a Flood Zone and therefore, subject to

appropriate mitigation measures, should not give rise to increased flooding risks. The risk of accidents is low. The risks to human health are required to be considered as part of the application. Whilst risks arising from potential pollution or water contamination are likely to be low, the main impact is likely to arise from noise during the operational phase. As noted above, the impacts are likely to be low. The working hours (both construction and operational) do not appear to be specified; however, these can be controlled through conditions should a planning application be submitted, and planning permission be granted.

It is considered that even though the scheme exceeds the thresholds on balance the size of the proposal, the accumulation of it with other developments and its surroundings, the use of natural resources, the production of waste, the likelihood of significant additional pollution or other nuisances and the risk of accidents are such that there will not be a significant effect on the environment; this is considered particularly the case as the traffic associated with the proposed development, which has current capacity and air quality issues.

However, this would be further justified and demonstrated through the submission of specialist reports, refer to section below on Characteristics of Potential Impact.

### **Location of Development**

The proposed development site is located outside the Development Limits of Takeley, and it is located within countryside.

The proposed site is used for arable agricultural purposes. There would be a loss of agricultural land, although at this time it is not known if it constitutes Best and Most Versatile Land There are various levels of landscaping around the perimeter of the site.

The proposed development would result in change of visual appearance from an area that appears rural, together with the possible creation of new and transferred habitats as part of a landscaping scheme, new water features/wetland creation and possible removal of trees.

The subject area falls within a sensitive area by reason of the following.

The site falls within Flood Risk Zone 1 which has a low risk of flooding. The area falls within a ground water protection zone and any works would need to adhere to British Standards.

The site as a whole falls within building height restriction zones due to flight paths in connection with London Stansted.

The area falls within the open countryside. Due to the sites rural farm complex appearance the site would appear to form part of the wider countryside. The proposed development is likely to have a visual impact upon the countryside and, west to east and possibly the site viewed across the fields from the north and south.

The site falls within a SSSI consultation zone, together with a Local Wildlife zone at Priors Wood. Public Rights of Way cross the site

The application site lies east of a designated Air Quality Management Area (AQMA).

No technical documents have been submitted, such as:

- Transport Assessment
- Phase 1 Contaminated Land Report
- Noise Assessment
- Landscape and Visual Impact Assessment
- Flood Risk Assessment
- Economic Benefit Assessment
- Ecology Report
- Air Quality Assessment
- Heritage Statement
- Glint and Glare assessment
- Power line asset assessment
- Legacy planting

### **Characteristics of Potential Impact**

There are recognised sensitive areas of the site and of the proposed development. There would be possible wildlife habitats as a result of trees and hedges on site's margins, and the changing ground levels. The associated intensification as a result of the proposed development is likely to have impact in terms of noise and disturbance, with possible litter/pollution.

As part of any application submission a ***Tree survey, arboriculture implication assessment and method statement***, must be undertaken and submitted. A Landscape and Visual Impact Assessment has to be assessed. The site is open fields and therefore would be visible from long views. The objective within the Scoping Opinion is to provide a response on whether an Environmental Impact Assessment is needed or not. There are no details of scale and massing nor layout of the estate within the Visual Impact Assessment and this would need further development.

The applicant is reminded that the Council declared a **Climate and Ecology Emergency** at its full council meeting on 30 July 2019. A Climate Change Strategy has been adopted by the Council. The link below provides details of this: [CLIMATE CHANGE STRATEGY.pdf \(moderngov.co.uk\)](#)

The applicants will have to address the issues raised and a **Sustainability Statement** will be required to show this.

An **Ecological Report** will be required. The Ecology Team and Natural England have been consulted. The Ecology Team and Natural England have responded. Their comments are online and they confirmed that the site is not within any protected designation.

Whilst the Screening Opinion Request notes that an assessment of heritage assets will need to be undertaken as part of the application, it should be noted that the proposed development area contains potentially significant archaeological remains.

Initially a desk-based assessment will be required and, depending on its results, there is the potential that a programme of archaeological ground truthing evaluation will be needed to assess the significance of any heritage assets on the site to inform the planning application.

As part of the desk-based assessment it is recommended that the cropmarks be digitally rectified as part of this process. Also, there should also be an assessment of the proposed construction technique to be used for the solar farm and how much ground disturbance is proposed. The retention of all cables above ground can significantly reduce the heritage impact on below ground deposits for instance.

Whilst Uttlesford DC note your identification of Heritage Assets, as sites close to the site have been subject to Screening Opinions and archaeological finds are shown, Essex County Council Place Services Heritage have not to date responded to the Uttlesford DC consultation request within the agreed extended timeframe. In any event, I note that you will be submitting a Heritage Assessment, which should include reference to built Heritage Assets and Archaeology.

The site is located adjacent to an accessible village at Takeley. However, the proposed scheme would still result in the creation of additional traffic within the locality due to the new dwellings with public open space being proposed

A **Transport Assessment** has not been submitted and the Highway Authority have not commented. One of the main concerns that would need to be addressed is the level of predicted vehicle movement as part of the proposed development, junction capacity and the related air quality impact, particularly on the adjoining Air

Quality Management Area. This does not warrant the requirement of an EIA.

Due to the scale of the proposed development this would need to be demonstrated through an **Air Quality Assessment**, both in terms of construction works and daily vehicle movement resulting from this development and the cumulative impact from other committed developments.

Both the Transport and the Air Quality Assessment would need to take into account the cumulative impact of other committed developments.

The Environment Health have commented that the proposal should including lighting and construction management plan in any application. This would not necessarily mean that an Environmental Impact Assessment is required.

With regards to any visual impact as a result of the development a **Design and Access Statement** and **Visual Landscape Assessment** would need to be submitted as part of any application submitted and is an aspect that would be assessed as part of any application determination.

The proposal is in a open area and planting for the site will be critical for the site in long term. The issue of legacy planting will require long term views of providing planting for the term of the project.

**Waste Management** in terms of methods of reducing, re-using and recycling waste in accordance with national legislation, together with a **Sustainability Strategy** outlining various energy saving features that have been adopted within the design and proposed to be used would need to be considered as part of the application. This should outline how it would reduce the developments carbon footprint in line with emerging Interim Council Policy and national legislation.

A **Flood Risk Assessment** is required as part of the planning submission due to the size of the site area. It would need to be demonstrated that the proposed scheme would create a neutral affect or betterment and that it would not increase the risk of flooding to other areas, which could also be achieved through proposed mitigation measures.

Due to the agricultural use of the site and the neighbouring commercial activities there is the potential for contamination on the subject site. An investigation of the site has been undertaken and submitted as part of **Phase 1 Desktop Study**.

The proposed development falls within building height restrictions, however relevant airport authority bodies may need to be consulted of any landscaping scheme so as to not impact upon airstrikes.

Historical impact, ecology, nature conservation, noise, traffic, sustainable drainage including flooding and sustainable construction, would need to be assessed and monitored during the course of assessing the application and possibly during the duration of the works should planning permission be granted. There are a number of points which could be suitably addressed through the imposition of conditions should planning permission be granted in the future.

The **Historic Environment Record** indicates that the proposed development lies within a sensitive area of heritage assets. A Heritage Statement has not been supplied. The County Council Archaeology have commented that the area is subject to Historical Archaeological remains. A desk-based study should be submitted as part of the planning application. The details should include construction techniques to be used for the development.

The subject area does not fall within an environmentally sensitive area as outlined in Regulations and supporting guidance. The proposed development is not one with complex and potentially hazardous effects and hence is not considered that it would not have complex, long term or irreversible impacts as outlined in Regulations and supporting guidance for the reasons discussed above.

The potential impact of the development has been considered considering of planning policy requirements, which would mitigate the environmental impact. After considering the above factors it is the Council's opinion that the development **does not** require an EIA provided the measures listed above are undertaken during the designing and construction of the proposed scheme.

The Local Planning Authority has considered the 'selection criteria' in Schedule 3 of the Regulations and has concluded that the proposal **would not be likely to have a significant effect on the environment both in isolation and cumulative combination of other committee development.**

Signed: Amit Patel

Dated: 20 September 2021