

20th July 2022

By email

Dear Planning Inspectorate,

Re. Uttlesford Application: UTT/22/1474/PINS

PINS Application: S62A/22/0000004

Location: Land East Of Parsonage Road, And South Of Hall Road Takeley

Proposal: Consultation on S62A/22/0000004 -The erection of a 14.3MW solar photovoltaic farm with associated access tracks, landscaping, supplementary battery storage, and associated infrastructure

This letter forms the Applicant's (Stansted Airport Limited) response the consultation comments received, as requested by the Planning Inspectorate on 11 July 2022. We have reviewed the following consultees comments, as available on the Section 62a website:

- Essex County Council, Place Services – Ecology (dated 20th June 2022)
- NATS (dated 9th June 2022)
- Thames Water (dated 10th June 2022)
- Cadent Gas (dated 7th June 2022)
- Gigaclear (dated 7th June 2022)
- National Grid (dated 7th June 2022)
- UK Power Networks (dated 7th June 2022)
- National Highways (dated 23rd June 2022)
- Environment Agency (dated 28th June 2022)
- Essex County Council – Historic Environment (dated 28th June 2022)
- Historic England (dated 27th June 2022)
- Essex County Council, Place Services – Flood Risk (dated 29th June 2022)
- Takeley Parish Council (dated 4th July 2022)
- Uttlesford District Council (dated 6th July 2022)
- Aerodrome Safeguarding (dated 7th July 2022)
- Affinity Water (dated 11th July 2022)
- Essex County Council, Place Services – Energy and Low Carbon (dated 8th July 2022)
- Essex County Council – Highways (dated 8th July 2022)
- Essex County Council – Green Infrastructure Environment and Climate Action (dated 12th July 2022)
- Natural England (dated 12th July 2022)

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The following sections of this letter, set out our response where such is required and is informed by appropriate technical advice where necessary.

Essex County Council, Place Services – Ecology

The Ecology Officer within Essex County Council's (ECC) Place Services department issued a holding objection on 20th June 2022.

The holding objection is due to a lack of sufficient information regarding the mitigation for Skylarks. It is claimed that ECC is uncertain that Skylarks will forage and nest between solar panels, as research suggests that ground nesting birds often require an unbroken line of sight and therefore Skylarks may actively avoid nesting at solar farms, and therefore the proposed development would result in a loss of nesting habitat for this priority species.

Four Skylark territories were recorded within the application boundary when breeding bird surveys were undertaken in 2021.

RPS, our Ecology Consultant, met with ECC Place Services on 6th July 2022 and it is agreed that mitigation in the form of the provision of two skylark plots per recorded territory (eight in total) will be provided on farmland under the control of the Applicant but outside the application red line. Skylark plots would comprise standard agreed size and treatment (4m x 4m in size, to be left unsown at a density of no more than 2 plots / hectare¹).

The farmland available for provision of Skylark plots is shown on the plan appended to this letter. The detail comprising locations and management would be provided via the production of a Skylark Mitigation Strategy document. It is agreed that this document should be secured as a pre-commencement condition.

Other points in the consultation response refer to pre-commencement conditions for a Lighting Strategy, a Biodiversity Enhancement Strategy, a Landscape and Ecological Management Plan and a Construction and Environment Management Plan. We confirm that the use of conditions to secure the production of these documents is accepted.

National Highways

National Highways (NH) also issued a holding objection on 23rd June 2022, until 19th August 2022.

We understand that NH's interest is in the A120, part of the Strategic Road Network. NH have requested information of whether there will be abnormal loads associated with the construction and if so, what their impacts will be.

NH has also advised that it may be necessary to manage the construction traffic to avoid generating additional peak hour movements at specific sensitive junctions on the Strategic Road Network, and therefore the CTMP should be updated.

In response to these two points, the levels of construction traffic to be generated formed part of the pre-application discussions with the local highway authority and it was agreed that the levels would

¹ <https://www.gov.uk/countryside-stewardship-grants/skylark-plots-ab4>

be so low as to not require any further transport assessment. HGV movements have been assessed as likely to amount to 1.6 per day for the construction phase, with a corresponding 3 – 4 LGV movements during the same period. This level of movements is clearly far removed from the significant levels that would require further testing through a transport assessment. However, as the Construction Traffic Management Plan is in outline only at this stage, a final version is highly likely to be conditioned and so there will ample opportunity to specify delivery times avoiding peak road movements. Once operational, the traffic generated by the site will be even lower and restricted to occasional maintenance visits. The HGV movements to the site during construction will not constitute abnormal loads and no special highway arrangements will be required to be put in place to allow them to access the site.

Additionally, NH noted that the Glint and Glare Assessment, prepared by Pager Power, only focuses upon the possible impact upon aviation activities. However, considering the size, angle, orientation and layout of the PV panels, NH request that the Glint and Glare Assessment is assessed for drivers on the nearby A120 to demonstrate that there will not be a severe impact upon the SRN. Pager Power have carried out this additional assessment, which was submitted and circulated 19.07.22. The additional assessment concludes there will be no glint and glare effects on road traffic using the A120. NH has been forwarded this assessment.

Essex County Council – Historic Environment

Whilst ECC's Historic Environment office has not raised an objection to the proposed development, three conditions have been suggested. It is identified that extensive archaeological work has been undertaken previously, during the proposed development of Stansted G2, comprising trial trenching over the area.

We confirm that the proposed conditions are agreed.

Essex County Council – Flood Risk

ECC's Flood Risk Officer does not raise an objection to the proposed development, subject to 4no. conditions. Having reviewed these conditions with our Flood Risk consultant, RPS, we confirm that conditions 2, 3 and 4 are accepted, however recommend that condition 1 be reworded.

RPS consider the vegetation present in between the solar panels to be adequate at reducing the formation of channelised flows as the roots will keep from erosion. Therefore, there would not be the need to install filter strips/trenches. We would recommend that Condition 1 would be rephrased as described below:

"1. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Sustainable Drainage Strategy, document HLEF78850, v3, of January 2022, by RPS and the following additional mitigation measures:

Soil Management

- *Chisel ploughing between array rows shall be carried out as required to break up ground compaction.*

SuDS Features

- *Measures shall be provided to actively prevent the development of channelised flows.*
- *Measures shall be provided to intercept the run-off from the sub-station hardstanding"*

Uttlesford District Council

Planning Officers at Uttlesford District Council (UDC) presented the application to Planning Committee on 6th July 2022. The Officers report defined the issues to Members, and in UDC's consultation response to PINS UDC resolved to neither object to nor support the scheme but asked that the Inspector's attention be drawn to the following planning merits in their assessment:

- That the proposal is contrary to Policy S8 (Countryside Protection Zone) of Uttlesford Local Plan (2005)
- That the proposal conflicts with the requirements of Policy ENV5 (Protection of Agricultural Land) and E4 (Farm Diversification) of the Uttlesford Local Plan (2005).
- Asks the Inspector to weigh these conflicts against the benefits of the scheme
- Notwithstanding the consultation response to PINS from Historic England and the ECC Place Services Historic Environment Consultant, the Inspector is asked to assess the impacts of the proposal upon the setting of a Grade II listed building to the west of the site (Le Knells Cottage).
- That the Inspector is asked to endorse the Heads of Terms of a suggested S106 Agreement to future-proof the decommissioning of the proposal.

Whilst there is an extent of conflict with selected policies of the adopted Local Plan, the wider benefits of the scheme and compliance with other policies within the adopted Local Plan should all be weighed in the planning balance. As we set out in our Planning Statement, we consider that the benefits of the scheme weigh strongly in favour of the proposed development and therefore should be approved. There is, in our view compliance with the development plan despite its vintage and more tellingly recent policy and guidance in respect of developments such as this definitely tilts the balance. This is the conclusion that was reached by Council Officers in their report to the Planning Committee applying the principle of 'tilted balance'. However, the Committee resolved to abandon that consideration of the planning balance and asked officers to submit a 'neutral response' but to draw the Inspector's attention only to policy areas that the proposal might conflict with.

Taking the Officer's report to Planning Committee first, there are points within it which require correction and / or clarification and we would like to draw the Inspector's attention to these because the Committee's consideration of the scheme raised some of the errant points that went uncorrected at Committee and have been used to frame their response to the consultation.

The front page of the report does not bode well. In the Notation section the case officer refers to "Stansted Airport (BAA)". The Airport has been in MAG ownership since 2013 and 'BAA' had not been

a recognised descriptor for the airports remaining as part of that previous grouping since before that UDC has been informed of this since MAG's acquisition, yet still haven't altered their description of the airport's operator.

Paragraph 3.2 refers to '72 panels'. It is unclear where this information is derived from. It is both an underestimation of the individual rows of panels and an underestimation of the number of individual solar panels.

Paragraph 6.1 states there has been 'no community consultation'. Section 9 and appendix 3 of the submitted planning statement detail the consultation that was conducted, including with local Members, the Chair of Planning Committee, immediately adjoining properties, press publicity et cetera and details the dedicated website and responses received to the questions posed on that website. To report that 'no consultation' took place was misleading and inaccurate.

Paragraph 13.1.1 correctly identifies that the Uttlesford Local Plan is "old and pre-dates both the original NPPF (2012) and the latest version (2021)." The NPPF places great store on up-to-date plans and reiterates that it is a legal requirement that such plans should be reviewed every 5 years. The Uttlesford Local Plan dates from 2005 and its policies have not been tested against the NPPF. Members of the Committee were reminded of the 'tilted balance' in such instances but believed this only applied to housing developments.

Paragraph 13.4.14 states that most of the land of the site is identified as Grade 2 Agricultural Land. Grade 2 Agricultural Land only accounts for 6% of the application site as detailed in the submitted RPS Agricultural Resources Report. 70% of the site is Grade 3a and 24% is grade 2b. MAFF ALC guidance 1988 states that Best and Most Versatile agricultural land is that of Grades 1, 2 and 3a, so most of the site comprises the lowest within this category as Subgrade 3a land.

It is claimed in paragraph 13.4.16 that the "applicant has failed to assess whether the proposed development could be accommodated elsewhere within the substantial land-holding of Stansted Airport." Section 5 of the submitted Planning Statement goes into detail about alternative locations, so this statement is false. An assessment of the airfield environs was undertaken by Pager Power and is one of the documents submitted in support of the application. The Committee were keen to see that alternative locations had been assessed and the fact that the officers did not relay that those alternatives had been explored weighed heavily in the Committee's decision. If officers had said that alternatives had been explored but they didn't agree with the conclusions is one thing, but to say that the applicant "had failed to assess" is incorrect and misleading.

By the same token, paragraph 13.4.11 states that "it has not been demonstrated that the viability of the agricultural holding would not be harmed." Again, we would refer the Inspector to the submitted RPS Agricultural Resources Report, Section 6, which does in-fact address this point.

In assessing the impact on the closest heritage asset, Le Knells, the report at paragraph 13.8.2, suggests that the proposal will not result in "any significant harm to the setting of the heritage asset." This is

significantly different from the conclusion put forward in the RPS Built Heritage Statement in support of the application which found that far from any harm “there would be no impact on the significance” of the heritage asset. No evidence has been provided of harm in the officer report, yet the Committee picked up on the word ‘harm’ and suggested that any harm was unacceptable. It is significant to note that neither ECC Place Services nor Heritage England raised any disagreement with the RPS Built Heritage Statement on this point.

In terms of the points that UDC have drawn the Inspector’s attention to, the Committee’s consideration, the draft minutes and the formal response do not fully explore the planning balance in the way that the Officer’s report did. The likelihood of any proposal being able to comply with all of the development plan’s proposals is slim, which is why there is a need to consider the development plan as a whole and to weigh other material considerations in reaching a decision about planning balance, especially where a Local Plan is not up to date.

In respect of Policy S8, the Committee suggested that the Countryside Protection Zone (CPZ) was ‘sacred,’ yet the policy wording does allow for development in exception, if it did not promote coalescence between the airport and existing development or it wouldn’t adversely affect the open nature of the zone. As pointed out in paragraph 4.27 of the submitted Planning Statement recent appeal decisions (APP/C1570/W19/3234530 and APP/C1570/W/19/3234532) have tested the CPZ policy and concluded that whilst constituting some harm to the CPZ the developments did not undermine its purpose because, *inter alia*, the physical separation afforded by the A120 would prevent any perception of coalescence between the appeal sites and the airport. The same A120 and further intervening fields would prevent this proposal in hand from coalescing with existing development.

In respect of whether the proposal has an adverse impact on the open nature of the zone it is important to reflect on guidance within the NPPF and National Planning Policy Guidance in respect of low carbon energy production and solar installations in particular. Paragraphs 6.3 to 6.9 of the submitted planning statement set out the most recent guidance and clearly demonstrate that planning applications should be approved if their impacts are, or can be made, acceptable (NPPF para 158). National Planning Policy Guidance offers yet further guidance in respect of solar installations stating that the visual impact of an installation can be mitigated through a well-planned and well-screened development. The UDC Officer’s report goes on to explore these issues in paragraphs 13.4.4 - 13.4.13 and concludes that “the openness of...the CPZ would be partially mitigated and offset,” so we would suggest that UDC’s drawing the Inspector’s attention to paragraphs 13.4.1 - 13.4.3 when looking at Policy S8 is not looking at the policy in the round and certainly does not encompass the most recently expressed guidance when it comes to decision-making about solar installations.

The Inspector’s attention is drawn to Policy ENV 5 of the Local Plan as another test of the proposal’s merits. It is clear from the agricultural land classification that the majority of Uttlesford District is Best and Most Versatile agricultural land being grades 1, 2 and 3a. As stated above, the Officer’s report was misleading to suggest that this policy hadn’t been complied with as the application didn’t include an assessment of alternative locations. Section 5 and paragraphs 6.21 - 6.27 of the Planning Statement amply demonstrate that Policy ENV5 has been complied with.

The Department for Transport's "Decarbonising Transport: A Better, Greener Britain" (2021) states at paragraph 121 "Airports represent a small, but material share of emissions from aviation. Several airports...have already achieved carbon neutrality and many are now setting more ambitious targets...aiming for net zero emissions." This is the position with Stansted Airport, as part of MAG's commitment to net zero carbon for its operations by 2034, as set out in the application material. National Guidance is clear that it should not be necessary for an applicant to demonstrate the need for renewable or low carbon energy and that applications should be approved if its impacts are, or can be made, acceptable. Government released its Jet Zero Strategy "Delivering Net Zero Aviation by 2050" in July 2022 which reiterated that "We will target airport operations to be zero emission by 2040 and support further reductions within the existing aviation system. In the short term, improvements in the operational efficiency of our existing aviation system will play an important role in reducing emissions and we want airports to play a key role in this..." In the absence of clear and unequivocal policy position from UDC in respect of the most recent policy positions relating to both airports and renewable energy we believe that we have demonstrated a clear lack of alternatives and have chosen a site location as close as it can be to the main airport distribution network whilst being positioned in such a way that can offer appropriate landscape mitigation.

UDC also draw the Inspector's attention to Policy E4 Farm Diversification. It is not apparent from the UDC consultation response or the Officer's report as to how this policy has not been accorded with when it is clear that it will not have a material impact on the viability of the agricultural holding, have any noise or other adverse impacts and the traffic levels will not exert pressure on the rural road network.

UDC has suggested that the proposal is in conflict with policies S8, ENV5 and E4 but we feel this may in part be due to only being given partial and in some incidences incorrect information within the Officer's report. We believe that the Planning Statement addresses all of the points made in respect of these policies and in fact demonstrates that the proposal meets the policy tests set out in these policies.

Moving on to the suggestion that a Section 106 Agreement is required to give certainty to the authority regarding the decommissioning of the scheme at the end of its life. This is contrary to National Planning Policy Guidance which states that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use. We feel that a Section 106 Agreement in this instance is not fairly and reasonably required when a planning condition could suffice. A condition requiring the removal of all panels and associated infrastructure and the land restored to agricultural use in accordance with a programme of works and a timetable to be submitted to and agreed in writing by the Local Planning Authority. This could be further strengthened by stating that if the solar installation fails to produce any electricity for a continuous period of 6 months the programme of works specified above will come into effect and it will be the responsibility of the landowner and operator to carry these works out.

The UDC response also suggests conditions that might be applied. In certain instances, these presuppose the responses of other statutory consultees on specialist issues and we would defer to the subject specialists recommended conditions. We have no issue with suggested conditions 1 – 3. Condition 4 could form a part of the programme of works to be agreed in a wider decommissioning condition. We have no issue with proposed Conditions 5, 9 and 14. We would suggest that Conditions 6 – 8 would be replaced by those recommended in the ECC Flood Risk response. Condition 10 should be replaced by those suggested by ECC Historic Environment response and Conditions 11 – 13 cover very similar ground to those proposed ECC Ecology and could easily be combined.

Takeley Parish Council

Takeley Parish Council objects to the proposed development on the following grounds:

- For its harmful impact on the open characteristics of the countryside gap between the airport operations and the village of Takeley.
- The need for the solar farm to be placed in this location does not outweigh the need to preserve the best and most versatile agricultural land.
- There would also be a harmful impact on the character and setting of a listed building.
- Conflicts with UDC development plan policies S7 (countryside), S8 (countryside protection zone), ENV5 (protection of agricultural land).
- There is no evidence that Stansted Airport cannot include the solar park within its own boundary. Major development is proposed to the Northside of the airport which states that further land is available.

The response of the Parish Council covers very similar ground to that of the District Council and the points made in response to the District apply equally.

Aerodrome Safeguarding

Manchester Airport Group's Aerodrome Safeguarding Officer identifies no objection subject to two conditions: one requiring a Bird Hazard Management Plan, and one requiring strict adherence to the layout detailed in the Glint and Glare assessment.

We confirm that these proposed conditions are accepted.

Essex County Council – Energy and Low Carbon

ECC's Energy and Low Carbon department set out the Essex Climate Action Commission's aspiration to make Essex a net zero County by 2050. Whilst the proposal is welcomed and supported, further information would be welcomed to understand the proposals better, including wanting to understand how the local supply chain can best be used, understanding how embedded carbon in the construction process can be reduced or offset and understanding the lifetime emissions of the scheme. The response does recognise that schemes such as this one generally have a positive impact on emissions reductions by dint of the fact that the proposal delivers renewable electricity. It is not really clear what the response is seeking in planning terms. Most of the issues raised go to the heart of our own

procurement process and align with our Corporate Social Responsibility objectives, but currently there is no guaranteed supply chain that would make any planning obligation or conditional reasonable to secure these impacts. We would include the matters within the tender process to build and operate the facility

Essex County Council – Highways

ECC Highways department have requested further information before a formal recommendation can be issued. The following information has been requested:

ECC Highways Requested Information	Applicant Response
Glint and Glare assessment should assess the impact on the local highway network in respect of highway safety and propose any necessary mitigations.	Pager Power have completed a further Glint and Glare Assessment, as set out in our earlier response to National Highways, which concludes that the impacts on traffic utilising Parsonage Road is low and capable of mitigation.
A level 1 Road Safety Audit of the proposed access is required.	The requirement was not identified as per of the highways pre-application / EIA scoping discussions, and therefore not prepared. We would be happy to accept a pre-commencement condition to secure this.
Visibility splays should be increased to the desirable minimum distances.	The visibility splays have been provided in accordance with Manual for Street 2 guidance and have been accepted many times by ECC for other access arrangements. Manual for Streets 2 is the nationally recognised guidance for non-trunk road and the application of the DMRB is not, in our opinion, appropriate in this location. We do not consider that wider visibility splays are required, but we would accept a condition to secure these if the Inspector deemed it necessary.
The dimensions of the junction should be altered to prevent large vehicles entering the site encroaching significantly on the opposing lane.	The site will only generate 1-2 HGV movements a day and these will be controlled by a booking system to ensure that they do not enter or exit the site at the same time. It is not unusual for large vehicles to be required to use the width of a site access. The site access is not going to be a busy junction so utilising the maximum width of the access will not be an issue.
The roundabout on Parsonage Road / Hall Road is subject to a weight limit, and information should be provided on how this will be addressed during the period of construction.	The weight limit is in place for environmental reasons to avoid HGV routing from Elsenham towards Takeley to the south and was imposed by Stansted Airport as highway authority. The

<p>Vegetation should be cut back at the roundabout prior to commencement and through construction to obtain maximum viability. Appropriate signage should also be provided.</p>	<p>powers convened to the airport as highway authority allow for exceptions to be made to this restriction and this is an instance where such an exception would be acceptable to ensure no traffic impacts are felt in Takeley. We would not be averse to agreeing a condition with ECC Highways to achieve the requisite sightlines through vegetation management in the vicinity of the mini-roundabout on Parsonage Road.</p>
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Essex County Council – Green Infrastructure

The Green Infrastructure Officer at ECC raises no objection subject to a 4no. Conditions relating to the prior submission of a detailed Green Infrastructure Strategy / Landscape Strategy, Green Infrastructure Plan, a landscape ecological management and maintenance plan.

We confirm that these proposed conditions if combined with the suggested UDC conditions to remove duplication are accepted.

Other Consultees

The following consultees made no comments nor requested any conditions, and therefore do not require a response from us:

- Affinity Water Ltd
- Historic England
- Environment Agency
- National Grid
- Gigaclear
- Cadent Gas (requested informative on Decision Notice)
- Thames Water
- NATS
- Natural England

Yours Sincerely



Andrew Murray, MRTPI
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