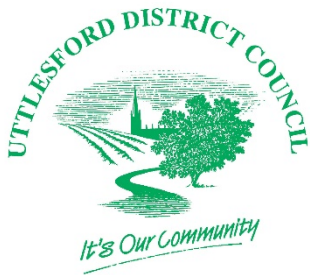


# Agenda Item 6



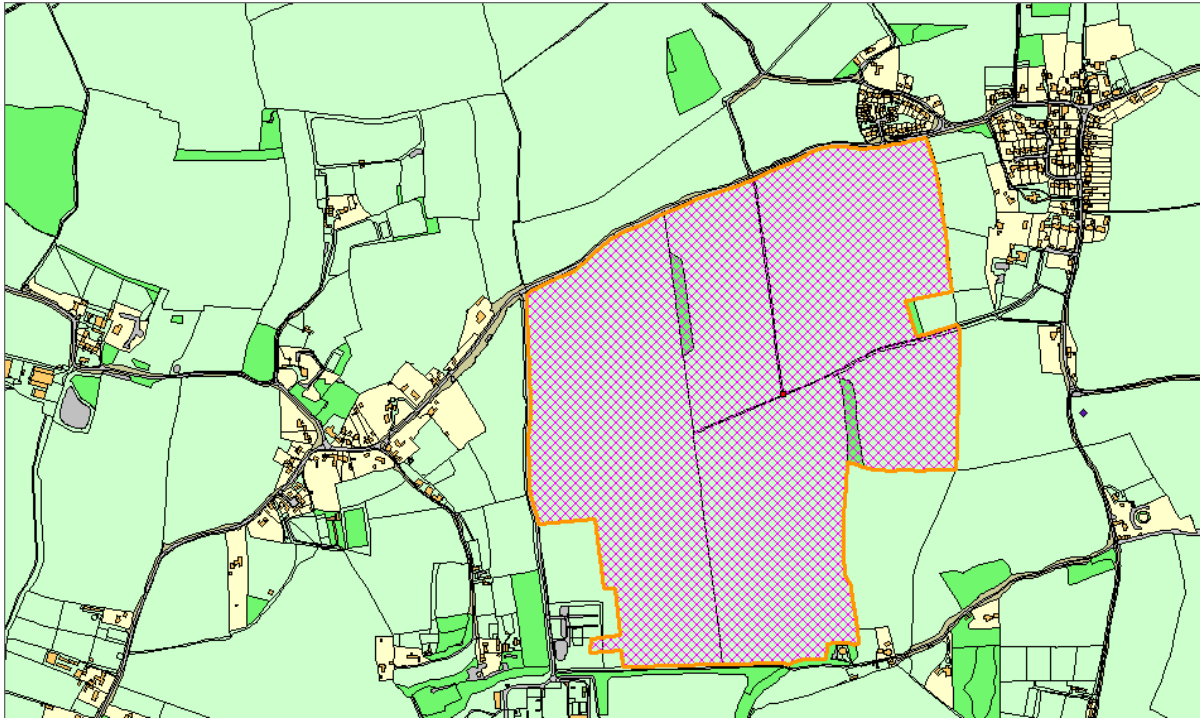
**ITEM NUMBER:** 6

**PLANNING COMMITTEE DATE:** 31 August 2022

**REFERENCE NUMBER:** S62A/22/0006

**LOCATION:** **UTT/22/2046/PINS**  
Land At Berden Hall Farm, Dewes Green Road,  
Berden

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: August 2022**

**PROPOSAL:** Consultation on S62A/22/0006 - Development of a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping.

**APPLICANT:** Ms K Cassie

**AGENT:** N/A

**Date Consultation Response Due:** 5 September 2022

**CASE OFFICER:** Laurence Ackrill

**NOTATION:** Consultation of Stansted Airport (BAA), Consultation of National Air Traffic Services (NATS), Important Woodlands (Arnold's Spring), Within 100m of Local Wildlife Site (Park Green, Arnol's Spring & Pelham Centre Meadow), Outside Development Limits.

**REASON THIS APPLICATION IS ON THE AGENDA:** This is a report in relation to a major planning application submitted to the Planning Inspectorate (PINS) for determination.

Uttlesford District Council (UDC) has been designated by Government for poor performance in relation to the quality of decision-making on major applications.

This means that the Uttlesford District Council Planning Authority has the status of a consultee and is not the decision maker. There is limited time to comment. In total 21 days.

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1. **RECOMMENDATION**

Request that PINS **APPROVE** the application subject to:

- (A) Completion of a s106 Obligation Agreement in accordance with Heads of Terms**
- (B) Conditions**

As set out in sections 15 of the report.

2. **SITE LOCATION AND DESCRIPTION:**

**2.1** The site consists of approximately 71ha of a mix of grade 2 and grade 3 agricultural land. Made up of four large fields, divided by hedges, the site is located to the south-west of Berden outside of the boundary of any recognised development limits.

**2.2** The land is arable, agricultural land interspersed with ditches, hedgerows, and trees. There is an existing electricity substation to the south-west corner and access to the site would be from the existing farm entrance off Ginns Road. There are a number of Public Rights of Way that traverse the site.

### **3. PROPOSAL**

**3.1** The construction and operation of a ground mounted solar farm with a generation capacity of up to 49.99MW together with associated infrastructure, access and landscaping.

**3.2** The development would comprise of the installation of approximately 100,368 photovoltaic solar panels mounted on a metal frame and constructed from non-reflective glass. They would have a front edge height of approximately 0.9m above ground and the rear edge of 2.5m (a 20-degree slope). Rows would run west to east, following the existing contours of the ground with the panels facing south, with spacing between rows varying between 7.9m and 9.8m, depending on topography.

**3.3** Associated infrastructure would include 10 inverter units distributed among the panels and accessed via a combination of existing and proposed farm tracks (formed from crushed stone). Inverter units are typically the size of standard shipping containers, shown as being around 2.3m in height when measured from the ground.

**3.4** A small substation protected with a palisade fence to be built in the southwest corner, adjacent to the battery storage facility. This would be accessed via the internal track network from the main access to the solar farm on the Ginns Road.

**3.5** The facility will be enclosed by new 2.5m high fencing, with deer fencing around each field to exclude large mammals and humans from the facility. Gates to allow the passage of small mammals such as badgers and foxes will be provided at intervals along the fence, aside from the sections of fence alongside Protected Rights of Way.

**3.6** The location has been chosen due to its proximity to the existing Pelham Substation and the high solar irradiance associated with the area. The proposal would provide a clean, renewable and sustainable form of electricity and would also provide a contribution to the generation of electricity at a local level and would meet the annual equivalent electricity demands of approximately 15,200 homes.

3.7 The proposal also includes the establishment of a new permissive footpath to benefit the local community. The footpath will run along the northern edge of the site following the Ginns Road.

3.8 The submitted site plan includes boundary planting to complement existing around the site and also in between the fields, including 1ha of new woodland planting proposed between the village of Berden and the siting of the Solar PV Panels. The estimated lifespan of the proposed development is up to 40 years and as such the proposed development and associated infrastructure is long-term temporary and reversible.

#### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 An application for a screening opinion for the above proposal under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), under Regulation 5 of the stated Regulations, was submitted under application UTT/21/2158/SCO (appendix A).

4.2 The 2017 Regulations provides guidance regarding procedures which are required in establishing whether an EIA is required. This guidance requires the Local Planning Authority (LPA) to consider whether the proposed development is described in Schedule 1 or 2 of the Regulations. Schedule 2 identifies 13 different categories, of which Class 3 is 'Energy Industry' and a) relates to 'Industrial installations to produce electricity, steam and hot water (unless included in Schedule 1)'. The proposal is not, however located in wholly or partly within a 'sensitive area' as defined by the Regulations.

4.3 It was concluded 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.

4.4 Given the location of the proposed development and taking into consideration the potential of cumulative impacts arising, it was considered that the proposals would not give rise to significant adverse effects. Therefore, an Environmental Impact Assessment was not required to be submitted with the application.

#### **5. RELEVANT SITE HISTORY**

5.1 UTT/22/1203/FUL - Construction and operation of a Battery Energy Storage System and associated infrastructure. Cross Boundary Application in conjunction with East Herts District Council (ref. 3/22/0806/FUL) - access only in Uttlesford District - Land Off Pelham Road Berden. - Not yet determined.

#### **6. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

6.1 Other than the screening opinion as mentioned in Paragraph 5.1, there has been no other pre-application advice sought from the Local Planning Authority.

6.2 A public exhibition was held at the Berden Village Hall by the applicant on the 21<sup>st</sup> March 2022, in accordance best practice and the Statement of Community Involvement.

## 7. **STATUTORY CONSULTEE RESPONSES**

7.1 All statutory consultees will write directly to PINS within the 21 days period being the 5<sup>th</sup> September 2022 and are thereby not mentioned within this report.

## 8. **PARISH COUNCIL COMMENTS**

8.1 These should be submitted by the Parish Council directly to PINS within the 21-day consultation period being the 5<sup>th</sup> September 2022 and are thereby not informed within this report.

## 9. **CONSULTEE RESPONSES**

9.1 All consultees' comments should be submitted directly to PINS within the 21-day consultation period being the 5<sup>th</sup> September 2022 and are thereby not informed within this report.

## 10. **REPRESENTATIONS**

10.1 The application was publicised by sending letters to adjoining and adjacent occupiers and by displaying a site notice. Anyone wishing to make a representation (whether supporting or objecting) are required to submit their comments directly to PINS within the 21-day consultation period ending the 5<sup>th</sup> of September 2022. All representations should be submitted directly to PINS within the 21-day consultation period.

10.2 UDC has no role in co-ordinating or receiving any representations made about this application. It will be for PINS to decide whether to accept any representations that are made later than 21 days.

## 11. **MATERIAL CONSIDERATIONS**

11.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the "Considerations and Assessments" section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 11.2** Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to:
- (a) The provisions of the development plan, so far as material to the application:
  - (a) a post-examination draft neighbourhood development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.

- 11.3** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or the Secretary of State, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

**11.4 The Development Plan**

- 11.4.1** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made Feb 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)  
Stebbing Neighbourhood Plan (made July 2022)

**12. POLICY**

**12.1 National Policies**

- 12.1.1** National Planning Policy Framework (2021)

**12.2 Uttlesford District Plan 2005**

- S7 – The Countryside
- GEN1- Access
- GEN2 – Design
- GEN3 – Flood Risk
- GEN4 – Good neighbourliness
- GEN5 –Light Pollution
- GEN6 - Infrastructure Provision
- GEN7 - Nature Conservation
- ENV2 - Development affecting Listed Buildings
- ENV3 - Open Space and Trees,
- ENV4 - Ancient monuments and Sites of Archaeological Importance
- ENV5 - Protection of Agricultural Land

E4 - Farm Diversification  
ENV7 - The Protection of the Natural Environment  
ENV8 – Other Landscape Elements of Importance for Nature Conservation  
ENV11 – Noise Generators  
ENV14 - Contaminated Land  
ENV15 - Renewable Energy

### **12.3 Supplementary Planning Document or Guidance**

Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards (2009)  
Supplementary Planning Document- Accessible homes and play space  
homes Essex Design Guide  
Uttlesford Interim Climate Change Policy (2021)

## **13. CONSIDERATIONS AND ASSESSMENT**

**13.1** The issues to consider in the determination of this application are:

**13.2 A) Whether the use of the site for the purpose of a solar farm would be appropriate in terms of land use and impacts on the character of the area**

**B) Impacts on biodiversity**

**C) Access and highway safety**

**D) Aircraft Safety**

**E) Heritage and Archaeology**

**F) Impact on Neighbouring Residential Amenity**

**G) Land Contamination**

**H) Flood Risk and Surface Water Drainage**

**I) Benefits of the scheme and the Planning Balance**

**J) Other Matters**

**13.3 A) Whether the use of the site for the purpose of a solar farm would be appropriate in terms of land use and impacts on the character of the area**

**13.3.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the planning policies set out in the Adopted Development Plan unless material considerations indicate otherwise. The planning policies contained within the National Planning Policy Framework (the Framework) are also a material planning consideration, particularly where the policies in the Adopted Development Plan are out of date whereby the NPPF (2021) provides the statutory guidance for determining planning applications at a national level. The adopted development plan for Uttlesford comprises the Uttlesford Local Plan which was adopted in January 2005 and is therefore now over 16 years old and pre-dates both the original NPPF (2012) and the latest version (2021).



- 13.3.2** The proposal cannot be tested against a fully up-to-date Development Plan. Therefore, Paragraph 11 of the NPPF (2021) is fully engaged and the proposal is assessed in line with Paragraph 8 of the NPPF (2021) to judge the sustainable merits of the scheme.
- 13.3.3** Paragraph 11 of the NPPF (2021) requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are any adverse impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.
- 13.3.4** Paragraph 11 therefore advocates that a planning balance be made. Such a planning balance is undertaken by way of a wider assessment of the proposal against all relevant material considerations to determine if there are adverse impacts that would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.

*Visual Impact of the Proposed Development*

- 13.3.5** The application site is located outside the development limits of Berden & Berden (Gawlers) and is therefore located within the Countryside where ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 13.3.6** Policy S7 is only partially compatible with the current NPPF, as it has a more protective rather than positive approach towards development in rural areas. Policy S7, however, is still a saved local plan policy and carries some weight.
- 13.3.7** The applicant has submitted a Landscape and Visual Impact Assessment, which concludes that the proposed development would result in some adverse landscape and visual effects. The significant effects would be confined to a relatively small area of countryside which is already significantly influenced by electrical infrastructure. Once mitigation is effective the impact to the majority of receptors would be either Negligible or Minor with only those using the footpaths which pass through the proposed solar farm experiencing Moderate adverse effects.
- 13.3.8** In June 2019, the Government raised the UK's commitment in tackling climate change by legislating a net-zero gas emissions target for the economy by 2050. Following the Climate Change Committee's advice in the Sixth Carbon Budget, there is an agreement to legislate a new target to reduce national emissions by 78% by 2035, with the target due to be enshrined in law. This builds on the nation's new Nationally Determined Contribution (NDC) to the Paris Agreement, which will see the UK reduce emissions by 68% by 2030 compared to 1990 levels. Decarbonising the

power sector is integral to achieving these targets and requires major investment into renewable technologies, such as solar power, which are supported by planning policy at both local and national levels.

- 13.3.9** Following the above, at a local level, Uttlesford District Council voted to declare a climate emergency and are currently in the process of preparing a climate change action plan that will set out realistic, measurable, and deliverable targets that define how the Council will achieve net-zero carbon by 2030. It is anticipated that the action plan will be adopted in April 2023. Further, in February 2021 Uttlesford District Council adopted its Interim Climate Change Planning Policy.
- 13.3.10** Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. Local planning authorities are responsible for renewable and low carbon energy development of 50 megawatts or less installed capacity (under the Town and Country Planning Act 2008 Section 15 (2c) significant contribution towards the district and County's renewable energy production. The applicant has advised that it is estimated that the proposed development would generate approximately 49.99MW of renewable energy, which could provide approximately enough energy to power over 15,200 homes and displace approximately up to 47, 000 tonnes of CO2 per annum.
- 13.3.11** Paragraphs 152 and 155 of the NPPF (2021) advocate the transition to a low-carbon future including support for renewable energy production and its associated infrastructure, whereby development may draw its energy supply from renewable systems and the benefits the scheme provides need to be weighed against the impacts. The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes, however, the visual impact of a well-planned and well screened solar farm can be properly addressed within the landscape if planned sensitively. Conditions are suggested to ensure that a robust soft-landscaping scheme would off-set the visual impact of the proposed development.

#### *Loss of Agricultural Land*

- 13.3.12** Local Plan Policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.
- 13.3.13** The application site is located outside the Development Limits and includes Subgrade 3a (35%), Subgrade 3b (28%) and Grade 2 land (37%) agricultural land according to the MAFF Agricultural Land Classification Guidelines 1988. The development is not invasive or permanent and

does not damage the land. The land will maintain its agricultural designation and can be returned to arable or grazing at the end of the development. Therefore, it is considered that the proposed development is unlikely to lead to significant and irreversible long-term loss of best and most versatile agricultural land, as a resource for future generations.

- 13.3.14** There is partial conflict with the requirements of Policy ENV5 as the applicant has failed to assess whether the proposed development could be accommodated elsewhere within the District, which may prove to be more sustainable or of a poorer quality of agricultural category. However, it is noted that the majority classification of agricultural land of the application site is classed as subgrade 3a/b. In addition, the site has been chosen based on the capacity of the national grid connections that are suitable for Solar PV development, due to the levels of solar irradiance and its proximity to the existing Pelham Substation to minimise the losses associated with the transmission of electricity over long distances. As such, it could be argued that the site location would represent an increased level of sustainability over other potential sites within the District, in accordance with Local Plan Policy ENV5.

*Proposed Farm Diversification*

- 13.3.15** Local Plan Policy E4 allows for alternative uses of agricultural land provided the development includes proposals for landscape and nature conservation enhancement, the development would not result in a significant increase in noise levels or other adverse impacts beyond the holding, the continued viability and function of the agricultural holding would not be harmed, and that the development would not place unacceptable pressures on the surrounding rural road network.
- 13.3.16** Some conflict is identified with Policy E4 in terms of the scale and character of the development being sensitive to the character of the setting. However, there would be some landscape impact mitigation and biodiversity enhancements resulting from the scheme, there would not be any adverse impacts beyond the holding or the rural road network and the land could be returned to arable or grazing at the end of the development.
- 13.3.17** 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. Noise would be generated as part of the construction phase, but this is unlikely to be significant and temporary.
- 13.3.18** In overall terms, it is not considered that the development would meet the requirements in full of Policies S7, E4 or ENV5 of the Local Plan and that, therefore the proposal is contrary to those policies. However, the applicant has stated that the solar farm shall be in existence for a lifespan of 40 years. Solar Farms tend to have a limited lifespan due to the reduction of efficiency of the solar panels and the expected progress of technology that may render the site unviable. This, coupled with the

effectiveness of proposed landscape mitigation, are factors that are given weight in the planning balance against the identified harm to the character and appearance of the area. It is expected that any final decision would include appropriate mitigation for the decommissioning and removal of the development and the re-instatement of agricultural land by way of a S106 Agreement.

**13.3.19** The impacts on the landscape and the proposed mitigation measures shall ultimately be assessed by the Landscape Officer at UDC who shall directly provide written advice of their findings and conclusions directly to PINS.

#### **13.4 B) Impacts on biodiversity**

**13.4.1** An application for a screening opinion for the above proposal under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), under Regulation 5 of the stated Regulations, was submitted under application UTT/21/2158/SCO, where it was decided that an Environmental Impact Assessment was unnecessary.

**13.4.2** Paragraph 180 of the National Planning Policy Framework (2021) states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for, then planning permission should be refused.

**13.4.3** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

**13.4.4** The application is supported by an Ecological Appraisal Report which recognises that the site comprises arable farmland, The site consists of arable fields, two of which are currently fallow, hedging and a dry ditch system and two small copses. There are no SSSI's or European Protected Species licenses issued within 2km of the site. There are two local wildlife sites situated close to the development. The first is known as Stocking Pelham Field Centre and is designated for neutral grassland. The second is Crabbs Green Common and is designated for being common land on the edge of a rural village.

**13.4.5** Surveys were undertaken for Great Crested Newts (GCN), reptiles, bat activity and roosts, breeding birds, invasive species and badgers. No evidence of GCN were found and that the site overall provides low potential for GCN in the hedgerows and ditches for commuting. A badger sett and trees suitable for roosting will be fully retained in the development. A buffer of no less than 30m will be required around the badger sett, in order to prevent any damage or further survey works. However, a skylark nesting habitat will be lost in the development.

- 13.4.6** The applicant has submitted a Biodiversity Net Gain Assessment, which highlights that there is scope for biodiversity net-gain on site with the details indicating that the development proposals could provide area-based habitats with a net gain of 82.87% and hedgerows with a net gain of 126.39%. Therefore, the proposed development would comply with the requirements of Paragraph 180 of the NPPF (2021) and Local Plan Policies GEN2 and GEN7.
- 13.4.7** The proposal has not been supported by a tree survey. However, the applicant has stated that no trees or hedges would be required to be removed to facilitate the build of the solar farm. It is noted that trees covered by Tree Preservation Orders are found on adjacent land. However, these trees would be a sufficient distance from the site as not to be affected. A condition could be added to ensure that detailed tree survey information and relevant protective measures are installed prior to the commencement of development at the site.
- 13.4.8** The acceptance of the proposals shall be assessed by Essex County Council Place Services (Ecology) who are the lead authority in respect to matters of biodiversity, protected species, and their habitats. Place Service will directly provide written advice of their findings and conclusions directly to PINS.
- 13.5 C) Access and highway safety**
- 13.5.1** Paragraph 110 (b) of the NPPF states that ‘safe and suitable access to the site can be achieved for all users’, whilst Paragraph 112 (c) asks that development should ‘create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.’
- 13.5.2** Local Plan Policy GEN1 relates to safe access and states that development will only be permitted where a) Access to the main road network must be capable of carrying the traffic generated by the development safely and c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
- 13.5.3** The applicant has submitted a Construction Traffic Management Plan and identifies the proposed use of an existing agricultural field access off Ginns Road to provide access for construction traffic and ongoing maintenance vehicles. The operational site would require little maintenance and any impacts from maintenance vehicles would be negligible due to activity limited to occasional visits.
- 13.5.4** The existing access track is currently gated at a point approximately 7m back from the edge of carriageway. It is proposed that this existing access be upgraded to facilitate vehicle access during construction of the Solar

Farm. It will also be retained post completion of the construction operations to allow for future maintenance access to the Solar Farm site.

- 13.5.5** During construction the Site will be accessed via a Site Security Checkpoint located at the entrance to the construction site. A temporary compound area will be established next to the site to allow for the set down of HGVs and materials relating to the construction of the site.
- 13.5.6** The total number of HGVs is estimated to be 350, over the 6-month construction period this averages at 2.2 HGVs per day (over a 6-day week), however this number is likely to be higher during the enabling and ground works phases and lower during the commissioning period.
- 13.5.7** The Site Manager or deputy would be responsible for supervising, controlling and monitoring vehicle movements to and from the site as well as whilst the vehicle is on site. Ensuring that there are suitable arrangements for the safe delivery and collection of the vehicle load. All plant, delivery/collection vehicles and cranes will be supervised by a Banksman when reversing. Height Restriction Barriers (Goal Posts) will be installed where there is a potential for accidental contact with overhead infrastructure.
- 13.5.8** Non-local workforce will stay at local accommodation and general operatives will be transported to the site by minibuses to minimise the impact on the local highway network. The number of car trips to the site will be minimised to those senior staff such as project managers and the Health and Safety Executive.
- 13.5.9** Arrangements would be made with other users of the access road to ensure that in times of peak traffic movements that no-one will be overly inconvenienced. These arrangements will be organised locally by the Site Manager.
- 13.5.10** The acceptance of the proposed vehicle access point and the Construction Management Plan will ultimately be assessed by the Highway Authority in respect to matters of highway safety, traffic congestion, intensification, and accessibility. The Highway Authority will directly provide written advice of their findings and conclusions directly to PINS.

## **13.6 D) Aircraft Safety**

- 13.6.1** The location of the site is approximately 9km due north-west of Stansted Airport and the applicant is reminded that action may be taken against anyone found in contravention of the Air Navigation Order ("Order"). In contravention of the following provisions under that Order: -  
Part 10: 240: A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft.  
Part 10: 241: A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.

- 13.6.2** The proposed solar panel development is accompanied by a ‘Solar Photovoltaic Glint and Glare Study’ to assess any possible impacts upon aviation activity associated with Stansted Airport.
- 13.6.3** No significant impacts upon road users on the surrounding roads, observers in the surrounding dwellings, or aviation activity associated with London Stansted Airport and Nuthampstead Airfield, Langley are predicted. No mitigation requirement beyond the currently proposed area of intervening screening identified as part of that report.
- 13.6.4** The acceptance of the submitted ‘Solar Photovoltaic Glint and Glare Study’ will ultimately be assessed by the safeguarding authorities at Stansted Airport, NATS (En Route) Public Limited Company and MAG Aerodrome Safeguarding who will directly provide written advice of their findings and conclusions directly to PINS.

## **13.7 E) Heritage and Archaeology**

- 13.7.1** Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the decision maker to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This responsibility is enshrined in Section 16 of the National Planning Policy Framework, and subsequently transposed into Local Plan Policy ENV2 which requires that development affecting a listed building should be in keeping with its scale, character, and surroundings, adding that development proposals that adversely affect the setting and alterations that impair the special characteristics of a listed building will not be permitted.
- 13.7.2** The site is near to a range of Listed Buildings, including Grade 1 (Church of St Nicholas), II\* (Berden Hall) and a number of Grade II. The Crump, a ‘ringwork’ south of Berden, is a Scheduled Monument (SM). The site was Scheduled in 1954 and the Scheduling amended in 1992.
- 13.7.3** Local Plan Policy ENV4 ensures the protection of Ancient Monuments and Sites of Archaeological Importance, whether they are scheduled or not. Development will not be permitted until satisfactory provision has been made for a programme of archaeological investigation and recording prior to commencement of the development.
- 13.7.4** Whilst the site is not located within a designated Archaeological Site, the applicants submitted Heritage Statement highlights the potential for archaeological deposits on the site, being confirmed through desk-based assessment, itself informed by analysis of historic aerial photography and geophysical survey of the site. A Written Scheme of Investigation will be prepared setting out a programme of archaeological evaluation in areas of archaeological potential as identified in this assessment. This

evaluation would be undertaken ahead of the construction of the proposed development. This could be adequately dealt with by way of condition.

- 13.7.5** No designated heritage assets would be physically impacted by any part of the proposed development. There would be 'less than substantial' harm to the significance of one Scheduled monument, as a result of change within its setting. The harm would be fully reversible. The application should therefore be considered against the balancing process identified in paragraph 202 of the NPPF.
- 13.7.6** The submitted heritage assessment considers that the significance of the majority of the built heritage assets proximate to the Site would not be affected by the proposed development. There are two built heritage assets which may be affected by the proposals, The Crump and Former Barn Adjoining to north-west and the Church of St Nicholas. However, due to the limited contribution of the Site towards the significance of these assets and that the Site will retain its open character, combined with the additional planting proposed within the Site the proposals are considered to result in a neutral impact on the significance of these two assets.
- 13.7.7** The Local Authorities Heritage Consultant has provided comments on the submitted detail and considers that the proposed development is considered to result in a more industrial character contrary to the prevailing rural character of the site. Whilst this impact could be mitigated, this would not remove the harm from the proposal. In particular, there are concerns regarding the setting of the Grade I listed Church of St Nicholas and Berden Hall, which shares a historic connection to the site. The proposed development is considered to result in several impacts including the change to general character, views to and from the heritage assets and the experience of the heritage assets. Furthermore, there are concerns upon proposed mitigation of additional planting (woodland) which is not considered to be appropriate given that the site historically has been open agrarian land. The proposals are considered to result in a level of less than substantial harm to the setting of the Church of St Nicholas, Berden Hall and the Scheduled Monument, The Crump, Paragraph 202 of the NPPF being relevant. This harm is towards the lowest end of the scale. This harm should be weighed against the public benefits of the proposal.
- 13.7.8** Given the above, the level of harm to the significance of the aforementioned heritage assets, as a result of the change within its setting, would be 'less than substantial' and towards the lower end of the scale of 'less than substantial'.
- 13.7.9** Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.



**13.7.10** It is likely that any harm identified would be of a low magnitude which would be sufficiently outweighed, in line with the NPPF, by the public benefit of providing a large-scale renewable energy scheme, that would be afforded significant weight, along with the associated levels of employment and the potential biodiversity net gain on the site, that would be afforded moderate weight.

**13.7.11** The acceptance of the submitted archaeological assessment, the suggested archaeological conditions, and the impact of the development on the setting of nearby listed buildings and Ancient Monuments will ultimately be assessed by the Planning Inspectorate and weighed against the public benefits of the proposed development.

## **13.8 F) Impact on Neighbouring Residential Amenity**

**13.8.1** Paragraph 130 of the NPPF states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

**13.8.2** Local Plan Policy GEN2 requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties.

**13.8.3** The closest residential areas within the district located to the application site are at Berden (Gawlers), due north of the application site on the other side of Ginns Road and the residential area of Berden, due east of the site would be located around a minimum of approximately 75m away from the site. The closest part of the site to both residential areas would comprise of new planting and landscaping to off-set the visual impact of the proposal. The proposed solar panels would not be of a scale that would result in a material detrimental impact on the living conditions of the occupants and future occupants of nearby dwellings, by way of an overshadowing or overbearing impact and the proposal would therefore comply with Local Plan Policy GEN2.

**13.8.4** A Noise Impact Assessment has been submitted which concludes that there is a low risk that sound from the development may result in adverse impacts. The combined noise rating levels of the proposed plants would be at least 5 dB below the measured background noise levels and that levels of sound arising from the operation of the facility would not result in any significant adverse impacts at any of the nearby Noise Sensitive Receptors. The Local Authorities Environmental Health Team have reviewed the submitted detail and recommend that mitigation measures are investigated to ensure that there is no increase to the background noise levels. Therefore, a request for a more detail is to be requested by way of a suggested planning conditions.

**13.8.5** The impacts of the development on Environmental Health and subsequent amenity shall ultimately be assessed by the Environmental

Health Officer at UDC who shall directly provide written advice of their findings and conclusions directly to PINS.

### **13.9 G) Land Contamination**

**13.9.1** ULP Policy ENV14 considers the impact of contamination of the site and its impact to the proposed development. Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with Policy ENV14 of the adopted Local Planning condition should be included if contamination found during construction. As such it is considered the development will not result in any harmful impact due to contamination risks and the proposal accords with ULP Policy ENV14.

**13.9.1** The impacts of the development on Environmental Health and subsequent amenity shall ultimately be assessed by the Environmental Health Officer at UDC who shall directly provide written advice of their findings and conclusions directly to PINS.

### **13.10 H) Flood Risk and Surface Water Drainage**

**13.10.1** The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. A check of the Environmental Agency's website and the Council's Policy maps has identified the site is within a fluvial Flood Zone 1 and therefore at a Low Risk of flooding.

**13.10.2** Major developments must include sustainable drainage details to ensure that the risk of flooding is not increased to those outside of the development and that the development is future proofed to allow for increased instances of flooding expected to result from climate change.

**13.10.3** The applicant has submitted a Flood Risk Assessment and Drainage Assessment. No significant risk of flooding has been identified and the assessment concludes that there would neither exacerbate existing flooding problems nor increase the risk of flooding on Site or elsewhere. The bottom of the proposed solar panels would be elevated 900mm above surface level to help mitigate any risks.

**13.10.4** The submitted assessment is not intended to provide formal details of the final drainage design for the development. However, it provides information regarding the capabilities of the conceptual surface water drainage strategy to meet the requirements of the NPPF. Therefore, a request for a more detailed strategy is requested by way of a suggested planning condition. This may then be reviewed by the Local Lead Flood Authority and the Environment Agency.

**13.10.5** The impacts of the development on the flood risk, any increase in surface water and its drainage and mitigation shall ultimately be assessed by the Local Lead Flood Authority at ECC who shall directly provide written advice of their findings and conclusions directly to PINS.

**13.11 I) Benefits of the scheme and Planning Balance**

**13.11.1** It is accepted that the proposal would result in some adverse landscape and visual effects causing harm to the character and appearance of the area, contrary to Local Plan Policy S7, that is afforded moderate weight and that there is also conflict with Local Plan Policies ENV5 and E4. It would also result in less than substantial harm to the significance of a designated heritage assets, contrary to Policies ENV2 and ENV4. However, within the assessment of the accordance of the proposal towards these policies, it is recognised that the proposed solar farm has a limited lifespan and the levels of harm caused by the development could be adequately mitigated through the use of conditions, such as enhanced levels of planting and the eventual remediation of the site.

**13.11.2** Paragraph 8 of the NPPF (2021) outlines the aspects of development whereby a scheme may be classified as sustainable. These reflect the social, environmental, and economic roles that the scheme may play or deliver. In other words, the benefits of the scheme, which are in this case weighed against the harm and conflict identified.

**13.11.3** Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

**13.11.4** The development would not result in the permanent loss of agricultural land and the land will be returned to full agricultural use. During the operational stage of the development, the land will have time to assist in the soils to 'rest' thus enhancing the quality of land for future agricultural use following the decommissioning of the solar farm.

**13.11.5** The public benefit of providing a large-scale renewable energy scheme, which would be afforded significant weight, along with the associated levels of employment and the potential biodiversity net gain on the site, which would be afforded moderate weight.

**13.11.6** It is considered the harm arising from the development would be of a lesser magnitude than the public benefits. Consequently, taking into account the Framework as a whole, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits.

**13.12 J) Other Matters**

**13.12.1** Section 62A Process

From 1 October 2013 the Growth and Infrastructure Act inserted two new provisions into the Town and Country Planning Act (1990) ('the Act'). Section 62A allows major applications for planning permission, consents and orders to be made directly to the Planning Inspectorate (acting on behalf of the Secretary of State) where a local planning authority has been designated for this purpose.

The Planning Inspectorate will appoint an Inspector to determine the application. The Inspector will be provided with the application documents, representations and any other relevant documents including the development plan policies. Consultation with statutory consultees and the designated LPA will be carried out by the Planning Inspectorate.

The LPA also must carry out its normal notification duties, which may include erecting a site notice and/or writing to the owners/occupiers of adjoining land.

The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days, in this case by 05.09.2022. This should include a recommendation, with reasons, for whether planning permission should be granted or refused, and a list of conditions if planning permission is granted.

The Planning Inspectorate will issue a formal decision notice incorporating a statement setting out the reasons for the decision. If the application is approved the decision will also list any conditions which are considered necessary. There is no right to appeal.

## **14. CONCLUSION**

**14.1** As set out in this report, the proposed development will cause some harm to the character and appearance of the countryside and is contrary to Local Plan Policy S7, however there is a case for the landscape mitigation of such impacts. Further, the proposal conflicts with other Local Plan policies relating to the use of agricultural land. These impacts would be long-term, with a lifespan of 40 years, but ultimately temporary due to the future decommissioning of the site.

**14.2** However, the proposed benefits of supplying enough renewable energy are considered to outweigh the temporary and reversible harm caused by the proposed solar installation. As such, when assessed against the criteria of Paragraph 11 (d) of the Framework, the application of policies in the Local Plan and the Framework provides no clear reason for refusing the development and the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits of the supply of renewable energy, when assessed against the policies in the Framework.

**14.3** The proposal is in accordance with other Local Plan policies which, although they are attributed with varying weightings, they closely reflect the requirements of the NPPF (2021) as a whole. Where there is conflict

with Local Plan policies, adequate mitigation measures are proposed. As such, the 'tilted balance' weighs towards the approval of this application, subject to suggested Section 106 details and planning conditions.

**15. S106 / Conditions**

**15.1 SUGGESTED S106 HEADS OF TERMS TO PIN's**

- 15.2**
- i. Decommissioning of the PV Plant and associated infrastructure securing of bond
  - ii. Pay the Council's reasonable legal costs
  - iii. Pay the monitoring fee

**15.3 SUGGESTED CONDITIONS TO PIN's**

- 1** The development hereby permitted shall be begun before the expiration of 3 years from the date of the final decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

- 2** Prior to the commencement of the development, precise details of the layout of the site(s), including the layout of the Solar Arrays, buildings, security infrastructure, fencing, and associated infrastructure shall be submitted to and approved in writing by the local planning authority. The works thereafter shall be carried out in accordance with the submitted agreed details.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S8 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2021.

3

Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CEMP thereafter.

REASON: To ensure safe access and egress of vehicles to and from the site, that on-street parking of vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and control of environmental impacts in accordance with ULP Policy GEN1.

**4** Prior to any decommissioning of the site a Decommissioning Transport Management Plan shall be submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the decommission period. The Plan shall provide for;

I Safe access to the site and subsequent reinstatement of the highway

II vehicle routing,

III the parking of vehicles of site operatives and visitors,

IV loading and unloading of plant and materials,

V storage of plant and materials used in constructing the development,

VI wheel and underbody washing facilities.

VII Protection, treatment, and reinstatement of the PROW network

VIII Before and after condition survey to identify defects to highway network in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense were caused by developer.

REASON: To ensure that impact of decommissioning of the site on the highway network is mitigated in the interests of highway safety and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

**5** Prior to the commencement of the development hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall thereafter be carried out as approved. These details shall include [for example]:-

proposed finished levels or contours;

legacy planting proposals

means of enclosure;

car parking layouts;

other vehicle and pedestrian access and circulation areas;

hard surfacing materials;

minor artefacts and structures (e.g. storage units, signs, lighting, etc.)

proposed and existing functional services above and below ground (e.g. drainage power communications cables, pipelines etc. indicating lines, manholes, supports.)

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

REASON: The landscaping of this site is required to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2 and S8 of the Uttlesford Local Plan (adopted 2005).

- 6 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

REASON: To ensure an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 7 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and to prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with Policy GEN3 of the Adopted Local Plan and the NPPF.

- 8 No works shall take place until a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.



REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policy GEN3 of the Adopted Local Plan and the NPPF. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 9** If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, the applicant/developer shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to ensure that the site is made suitable for its end use.

REASON: To protect human health and the environment and in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 10** A mitigation strategy detailing the excavation/preservation strategy for the proposed development and the protection of underground archaeological deposits shall be submitted to the local planning authority.

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

11

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 12** A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 13** A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the NPPF.

- 14** No works shall take place until a tree survey and tree protection measures, in accordance with BS 3998:2010, has been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to the commencement of development and retained throughout the construction phases of development. No storage of materials, supplies or plant machinery shall be stored, parked, or allowed access beneath the branch spread of the trees or within the exclusion fencing.

REASON: To ensure the protection of the protected trees on the site in accordance with Policy ENV3 of the Adopted Local Plan and the NPPF.

- 15** Before the development hereby approved is brought into use, a manned measured noise survey must be carried out and a report of the findings shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the residential amenity of neighbouring occupiers in accordance with Local Plan Policies GEN4 & ENV11 (adopted 2005).

- 16** The noise emitted by the combined operation of all plant hereby permitted (including power inverter units, battery storage units, transformer station & generators etc) shall have a rating level that does not increase the background measured background noise level expressed as LA90 during the night-time period and the day-time period when the all plant is operating at the boundary of the nearest residential premises. Measurement parameters must include the LA90, LAeq, LA Max and 1:1 frequency analysis, and appropriate corrections shall apply in accordance with BS4142:2019.

REASON: To protect the residential amenity of neighbouring occupiers in accordance with Local Plan Policies GEN4 & ENV11 (adopted 2005).

- 17** Should the plant fail to comply with this condition at any time, it shall be switched off and not used again until it is able to comply. The use of the equipment must not re-commence until a fully detailed noise survey and report has been submitted to and approved in writing by the Local Planning Authority and approved mitigation measures such as acoustic screening or silencers have been implemented. The plant shall be serviced in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained at all times.

REASON: To protect the residential amenity of neighbouring occupiers in accordance with Local Plan Policies GEN4 & ENV11 (adopted 2005).

- 18** Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure, and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

REASON: To protect the residential amenity of neighbouring occupiers in accordance with Local Plan Policy GEN4 (adopted 2005).

## Appendix A



### UTTLESFORD DISTRICT COUNCIL

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Kirsty Cassie  
Statera Energy  
1st Floor 145 Kensington Church  
Street  
London  
W8 7LP

14<sup>th</sup> October 2021

Our ref: UTT/21/2158/SCO

Please ask for Mr Lindsay Trevillian on ( [REDACTED] )  
email [REDACTED]

Dear Madam,

#### **TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017.**

**PROPOSAL: Request for a Screening Opinion in relation to a proposed solar energy  
scheme**

**SITE: Land Adj. Pelham Substation, Park Green Lane, Berden.**

I write further to the request for a screening opinion in respect of a development proposal on the above site. The site comprises around 67ha of agricultural land. The proposal relates to the erection of a solar farm along with upgraded access and landscaping. This letter provides a screening opinion for the above proposal under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) under Regulation 6 of the stated Regulations.

The 2017 Regulations provides guidance in regard to procedures which are required in establishing whether an EIA is required. This guidance requires the Local Planning Authority (LPA) to consider whether the proposed development is described in Schedule 1 or 2 of the Regulations.

Schedule 1 identifies 20 different categories of development of which none relate to the proposed development in the LPA's opinion.

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 or not the proposal is likely to give rise to 'significant effects' on the environment by virtue of its nature, size or location.



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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 67ha of grade 2 agricultural land. At the present time, only an indicative plan of the proposal's layout has been provided and there are no details of drawings referring the scale or design other than descriptions of the proposed equipment contained within the supporting letter.

A project of this scale would require the use of natural resources, most notably the use of Grade 2 agricultural land and an application of this proposal is of such a scale that Natural England would be consulted on the loss of best and most versatile agricultural land, and the impacts of the proposal on the landscape, geodiversity and biodiversity receptors.

Soil surveys should be commissioned to assess the grading of the land. The results should be presented in a report that will accompany any future planning application. However, due to the large amount of BMV land within the authority and clear unprecedented need to rapidly increase the amount of renewable energy schemes, this helps to provide weight in support of the proposals.

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 mature hedgerows and trees are position centrally within and along the boundaries of the site. The hedgerows bordering the arable fields are likely to meet the criteria for priority habitat.

The site is located 4.8km to the west of Quendon Wood (SSSI) and 2.5km to the north of Hill Collins Pit (SSSI) and 3.2km to the north of Patmore Heath (SSSI). Impacts on these sites should be avoided and biodiversity including any species it supports e.g., bats, reptiles, should be conserved and enhanced where possible.

In Highways and Transportation terms, the application needs to be supported by a Transport Statement (TS); further, Essex County Council as Local Highway Authority recommend early pre-application consultation with them, in order to scope out the TS. Furthermore, any future planning application should be accompanied by a Construction Traffic Management Plan.

In terms of cumulative developments, this proposal would need to be considered in relation to similar applications that are currently being assessed for solar farms by the Local Planning Authority. These include application UTT/21/0688/FUL- Land At, Cole End Farm Lane, Wimbish and application UTT/21/2846/FUL- Chesterford Park, Little Chesterford, Essex.

In addition, landscape character assessments will also need to consider the existing the wider landscape impacts of the proposals and particularly for users of the public rights of way networks, both within and surrounding the footpath network.



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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 construction phase, but this is unlikely to be significant.

The risks of accidents should be low given the nature of the development. 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 considered to be 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 construction phase. As noted above, the impacts are likely to be low.

### **Location of development**

The site consists of approximately 67 hectares of grade 2 agricultural land, which provides habitat for certain species of birds.

As identified above, the site is in reasonable proximity to a number of SSSI's and residential properties. The impacts of the proposals on these landscape elements will need to be considered as part of the application process, although they are not envisaged to be significant. However, careful consideration of the layout and ensuring appropriate buffer zones to the most sensitive areas are likely to mitigate any potential impacts. These are appropriate mitigation measures for these types of impacts.

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. I refer to the response to the Screening Request from Essex County Council as the specialist archaeological advice dated 12th July 2021, which is appendix to this letter.

Whilst Uttlesford DC note your identification of Heritage Assets within the submitted Screening Request, Historic England have confirmed that the development has the potential to impact both designated and non-designated heritage assets and it is noted that the development is potentially within the setting of four schedule monuments and 55 listed buildings within 2km from the centre of the site. The impact of the proposal development on the setting and significance of the designated heritage assets will require a robust assessment. A detailed heritage impact assessment will be required to support the





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application. I refer to the response to the Screening Request from Historic England dated 9th July 2021, which is appendix to this letter.

In any event, I note that you will be submitting a Heritage Assessment, which should include reference to built Heritage Assets and Archaeology.

### **Types and characteristics of the potential impact**

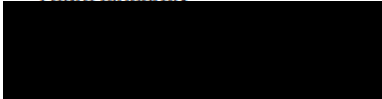
The impacts are predicted to be localised, although cumulative visual impacts could arise from various vantage points within the landscape, in particular from the public rights of way. If the development is granted planning permission the impacts would be semi-permanent (40 years) and highly likely to take place. The most significant impacts are likely to be visual but not significant in terms of EIA impacts. No transboundary effects are envisaged.

### **Conclusion**

Given the location of the proposals and taking into consideration the potential of cumulative impacts arising, it is considered that the proposals would not give rise to significant adverse effects. Therefore, an Environmental Impact Assessment is not required to be submitted with the application. This Screening Opinion is given on the basis of the documents listed in the Screening Opinion request being submitted with the application. A Transport Statement, together with a Construction Environmental Management Plan, Heritage Statement, Flood Risk Assessment, shall be submitted alongside the Technical Assessments you identify within the Scoping Request.

In addition, you should ensure that you submit the documents required to be submitted in line with the Uttlesford District Council's Validation Checklists.

Yours sincerely



**Tracy Colemon**  
Director of Public Services