



UTTLESFORD DISTRICT COUNCIL

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Mr Jack Ellis
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Almondsbury
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BS32 4QL

27th June 2022

Your ref:

Our ref: UTT/22/0679/PA

Please ask for Mr Lindsay Trevillian on 01799 510462

Dear Mr Ellis,

PROPOSAL: CONSTRUCTION AND OPERATION OF A SOLAR FARM COMPRISING GROUND MOUNTED SOLAR PHOTOVOLTAIC (PV) ARRAYS AND BATTERY STORAGE TOGETHER WITH ASSOCIATED DEVELOPMENT INCLUDING INVERTER CABINS, DNO SUBSTATION, CUSTOMER SWITCHGEAR, ACCESS, FENCING, CCTV CAMERAS AND LANDSCAPING.

SITE: LAND NEAR PELHAM SUBSTATION, MAGGOTS END ROAD, MANUDEN

I refer to your preliminary enquiry submitted to Uttlesford District Council on the 14th March 2022 and our subsequent meeting on the 8th April 2022 to discuss possible ways forward following the recent refused planning application ref: UTT/21/3356/FUL. Following the meeting revised plans were submitted to the Council on the 25th May 2022. I have now examined your submitted documents, including all indicative drawings which inform the submitted proposal.

Site Description

A detailed assessment of the site and surrounds were provided in the officer's delegated report for application UTT/21/3356/FUL and as such is not repeated here to avoid duplication.

The Proposal

The proposals forming part of these pre-application submission relates to the construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and landscaping. Further revised plans were submitted to the Council for review on the 25th May 2022 following formal pre-application discussions.

It is acknowledged that the applicant seeks clarification with officers of Uttlesford District Council and Essex County Council Place Services in how the previous concerns that formed part of the reason of refusal may be overcome and addressed if a revised planning application were to be submitted.

Planning History

UTT/21/356/FUL - Construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and landscaping.

The above application was refused by the Council on 24th January 2022 for nine reasons of refusal. The reasons of refusal are on the decision notice in which the applicant has a copy of and thereby are not repeated here.

Development Plan Documents

Uttlesford Local Plan (2005) – Provides the basis for all planning decisions within the district. It contains policies relating to the location of development and protection of environmental features.

Below is a list of the most relevant Development Management Policies in relation to this proposal the subject of this pre-application.

- Policy S7 (The Countryside)
- Policy GEN1 (Access)
- Policy GEN2 (Design)
- Policy GEN3 (Flood Risk)
- Policy GEN4 (Good Neighbourliness Policy)
- Policy GEN6 (Infrastructure Provision to Support Development)
- Policy GEN7 (Nature Conservation)
- Policy GEN8 (Parking)
- Policy ENV4 (Ancient Monuments and Sites of Archaeological Importance)
- Policy ENV7 (The Protection of the Natural Environment Designated Sites)
- Policy ENV8 (Other Landscape Elements of Importance for Nature Conservation)
- Policy ENV11 (Noise Sensitive Development and Disturbance from Aircraft)
- Policy ENV13 (Exposure to Poor Air Quality)
- Policy ENV14 (Contaminated Land)
- Policy ENV15 (Renewable Energy)

Emerging Local Plan

Although, the Council was in the process of preparing a new Local Plan to cover the period up to 2033, the Inspector who undertook the examination of the Emerging Local Plan sent a letter to the Council on the 10th January 2020 which described the strategy of the Plan as unsound. As a consequence, the Council took the decision on 30th April 2020 to withdraw the draft Uttlesford Local Plan 2019. There are therefore no draft Local Plan policies at this present time.

The Council have been working on a revised draft Local Plan and it is anticipated that (Regulation 18) Local Plan is scheduled for consultation in November 2022.

Supplementary Planning Documents

- Urban Place Supplement to the Essex Design Guide (March 2007)

- Uttlesford Adopted Parking Standards
- Essex County Council Parking Standards (September 2006)
- Interim Climate Change Planning Policy (February 2021)

National Planning Policy Framework

The National Planning Policy Framework (hereafter “the NPPF”) was first published in 2012 and was revised in July 2021. It sets out the Government’s national planning policies for England. It identifies the Government’s vision, objectives and goals for the planning system and provides a series of aids in the determination of planning applications.

Planning Assessment

The full details of the reasons in which why the previous application ref: UTT/21/3356/FUL was refused are clearly outlined in the officers delegated report and thereby this is a useful document to refer to the main concerns raised by the Council. In addition to our meeting whereby we discussed each of the reasons of refusal in detail and how these may be overcome, it is important to refer to all representations made by those relevant statutory consultees.

To avoid the Council repeating themselves as to the information contained within the officers delegated report, officer’s including those for Essex County Council Place Services (conservation) and Uttlesford’s landscape officer have reviewed the revised drawings submitted on the 25th May 2022 and wish to make the following comments.

I note that during our conversations, it was recommended that the size and scale of the proposals would need to be reduced to lessen the harm on both the character and openness of the countryside and the upon surrounding heritage assets. It was suggested by both the landscape and conservation officers to remove as a minimum the two areas of panels in the south western part of the eastern site parcel and removed further panels from the north of the site in proximity to the existing public rights of way. If a revised application were to be submitted, it would be advisable to highlight within the supporting documentation as to what infrastructure has been removed as a result of the revised proposals to clearly demonstrate how the scheme has or will lessen the potential impact. As discussed, the more infrastructure that is removed/reduced from the previous refused scheme, the better chances of a favourable recommendation from officers.

The key question therefore remains, is whether the proposals at this stage would overcome the previous concerns. I would suggest that to further improve the chances of success, the need for the removal of further panels from the northern section of the site where the topography of the site is more visually apparent would be a step in the right direction.

You will also recall that the Council’s landscape officer suggested the potential for including legacy woodland planting within the area within the north of the site from where panels have now been removed as a further benefit to the scheme.

However, we understand that the archaeological potential of this part of the site, as identified by your geophys results, the County Archaeologist has advised that woodland planting in this area would not be acceptable, however, a small border of planting, similar to that originally proposed is potentially acceptable.

The Council’s landscape officer has concluded that the revised scheme is an improvement on the previously table proposals and takes onboard some of the issues which we discussed in our meeting, but noted that they were disappointed that the suggested legacy woodland has not been taken up.

The landscape officer is mindful that at the last planning committee (22nd June 2022) for a similar solar farm development that the issue of legacy woodland was raised by one of the committee members in relation to the solar farm then under consideration. The landscape officer once again advises that such a woodland provision is likely to be looked for by members of the planning committee as potential mitigation.

The Landscape officer advised that the proposed solar farm would have a significant and detrimental impact on the existing bucolic character of the site; and that there will be an impact on the surrounding landscape. The proposed mitigation measures will to some extent reduce the wider impact as new planting becomes established and matures over the lifespan of the development. It was acknowledged that the landscape harm would need to be assessed against the benefits of the scheme and whether these benefits would outweigh the harm when one applies the tilted balance in the assessment of the scheme.

It was also recognised by the landscape officer that the existing electrical infrastructure adjacent to the site does weigh in favour of the proposed development at this location compared to other locations in the district.

In addition to the above, and to overcome reason for refusal 4 of the previous application, it was also suggested to review the location and siting of the panels in and around the high voltage transmission overhead electricity lines and that towers cross the site. Further work to the layout of the proposals (which may result in a further reduction) would need to be reviewed prior to any revised submission to ensure that the National Grid's overhead line/s are protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair, and inspect their assets.

In respect to heritage, as highlighted in the original officers delegated report it is reminded that there are several heritage assets in the surrounding locality that include:

- The Crump and Former Barn, Grade II listed (list entry number: 1112471),
- Scheduled Monument, The Crump (list entry number: 1009308),
- Scheduled Moated Site at Battles Manor (list entry number: 1011630),
- Battles Hall, Grade II listed (list entry number: 1276720),
- Cart Lodge 30 metres south east of Battles, Grade II listed (list entry number: 1239353),
- Dovecote 30 metres north west of Battles, Grade II listed (list entry number: 1239462),
- Hillview, Grade II listed (list entry number: 1276749),
- Rose Garth, Grade II listed (list entry number: 1322443),
- Brick House, Grade II listed (list entry number: 1170302),
- Peyton Hall, Grade II listed (list entry number: 1233139) and
- Barn to southeast of Peyton Hall, Grade II listed (list entry number: 1233141).

The application site is an area of several irregular agricultural fields set within the rural landscape which make a positive contribution to the rural character of the adjacent heritage assets. In line with guidance from Historic England, The Setting of Heritage Assets (GPA Note 3), it is considered given the scale of the proposals that there would be several impacts to the setting of the heritage assets and fundamental impacts to the rural landscape.

It is also understood that part of the application site shares a functional link with the adjacent heritage assets, this being the south of the site and the historic Battles Hall site, therefore raising the sensitivity of the heritage assets to change.

Going forward, the formal application should include a Heritage Impact Assessment which includes key viewpoints identifying where there is intervisibility between the site and the heritage assets, including any shared views between heritage assets such as View Point 2 and along the Public Rights of Way. It would also be helpful to include indicative views and

sketches of the proposed development for a fully informed assessment as to the potential level of harm with regards to the setting of the heritage assets.

The proposed site layout has been reduced in size from the previously refused application, removing the area to the north and to the far south of the eastern section of the site. It is considered that the western portion of the proposed application site would not result in harm to the significance of the heritage assets. Furthermore, it is also considered that the revised site layout would not result in harm to the significance of the Scheduled Monument, The Crump, or the statutory listed building The Crump and former barn. In addition, it is considered that the proposed development would not result in harm to Hillview and the historic farmstead of Peyton Hall.

With regards to the potential impact of the proposed development upon the setting and significance of the heritage assets within the historic site of Battles Hall, Brick House and Rose Garth. Given the intervisibility and the shared historic functional link to the application site it is considered that there would be a low level of harm to the setting of these heritage assets. Furthermore, the use of security fencing and CCTV cameras across the site would contribute to the industrialising effect of the development upon the agrarian landscape. These impacts could potentially be mitigated such as through native planting and minimising where possible the quantity of CCTV cameras. However, it should be noted that mitigation cannot remove harm.

To conclude, the proposed development is considered to result several impacts to the setting of several designated heritage assets. The level of harm is considered to be less than substantial and at the low end of the scale, Paragraph 202 being relevant. This harm should be weighed against the public benefits of the proposal.

We also discussed in short at our meeting other technical reasons of refusal in respect to a lack of information provided in support of the proposals to demonstrate that there would be no harm caused biodiversity, drainage and flooding, and highways. I note from our conversations that these issues are being picked up by your relevant consultants to address these outstanding issues with revised documentation submitted as part of the proposals.

Summary and Conclusions

In light of the above appraisal and for the reasons highlighted, it is officers' opinion that the principle of the development of the site could be considered appropriate when one applies the tilted balance.

However, this would involve the applicant to provide substantial evidence as part of the submission to clearly demonstrate that the benefits of the proposals would outweigh the potential harm that the proposals may cause. At this stage, it is understood that further work is being undertaken in the background in the preparation of the supporting documentation to help illustrate that any perceived/potential negative harm is avoided, reduced, or offset as well as the benefits that the scheme will manufacture.

As such, officers are not in the position as to the potential recommendation as all final information and documentation would need to be viewed individually and collectively so that a thorough and quality assessment can be carried out.

Core application statements and reports to include in your application

The following core statements and reports should accompany any planning application submitted to inform the proposal:

- Planning Supporting Statement
- Design and Access Statement

- Archaeological Assessment
- Heritage Statement
- Landscape and visual impact appraisal
- Statement of Community Involvement
- Tree Survey and Arboricultural Report
- Preliminary Ecology Assessment (PEA)
- Biodiversity Checklist
- Transport Assessment
- Travel Plan
- Flood Risk Assessment
- Statement on Sustainable Drainage Systems
- Foul sewage and utilities statement
- Land Contamination Assessment
- Noise Impact Assessment
- Draft Heads of Terms

You will appreciate that the views expressed in this letter are those of an officer which do not bind any Members of the Council's planning committee should an application come before them for formal consideration.

Yours sincerely

Mr Lindsay Trevillian
Principal Planning Officer

