



UTTLESFORD DISTRICT COUNCIL

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Dated: 24 January 2022

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

Application Number: UTT/21/3356/FUL
Applicant: Low Carbon Solar Park 6 Limited

Uttlesford District Council **Refuses Permission** for:

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 at Land Near Pelham Substation Maggots End Road Manuden

The refused plans/documents are listed below:

Plan Reference/Version	Plan Type/Notes	Received
LCS-SD-01 REV 01	Floor Plan (proposed)	12/11/2021
LCS-SD-01 REV 02	Elevations (proposed)	12/11/2021
LCS-SD-02 REV 02	Elevations (proposed)	12/11/2021
LCS-SD-03 REV 01	Other	12/11/2021
LCS-SD-04 REV 02	Other	12/11/2021
LCS-SD-05 REV 01	Other	12/11/2021
LCS-SD-06 REV 01	Other	12/11/2021
LCS-SD-07 REV 02	Elevations (proposed)	12/11/2021
LCS-SD-08 REV 02	Elevations (proposed)	12/11/2021
LCS-SD-09 REV 01	Other	12/11/2021
LCS-SD-11 REV 01	Other	12/11/2021
LCS-SD-13 REV 01	Other	12/11/2021

LCS-SD-15 REV 01	Floor Plan (proposed)	12/11/2021
LCS-SD-16 REV 01	Floor Plan (proposed)	12/11/2021
LCS-SD-17 REV 01	Other	12/11/2021
LCS-SD-20 REV 01	Other	12/11/2021
LCS-SD-25 REV 01	Elevations (proposed)	12/11/2021
LCS032-DZ-01 REV 14	Other	12/11/2021
LCS032-PLE-01 REV 20	Block Plan	12/11/2021
LCS032-SP-01 REV 06	Location Plan	12/11/2021

Permission is refused for the following reasons:

- 1 The proposal would introduce a sizeable new development to an area of open countryside and would result in an unnatural extension of built form in the locality. The proposals by reason of its sitting, size and scale would have a harmful impact upon the rural character and appearance of the area.

The proposals would significantly harm the intrinsic character and beauty of the countryside resulting in landscape and visual effects from a number of publicly accessible viewpoints and failing to perform the environmental role of sustainability, contrary to policy S7 of the Adopted Local Plan and the National Planning Policy Framework.

- 2 There are several heritage assets in close proximity of the site including a number of grade two listed buildings and 2 ancient monuments. The Local Planning Authority has a duty under Section 66(1) of the Listed Buildings & Conservation Areas Act 1990 to have special regard to the desirability of preserving the setting and significance of any features of special architectural or historical interest.

The existing site positively contributes to the identified heritage assets setting and significance through being open land with views through to the wider agrarian landscape which preserves their sense of tranquillity. The setting of the heritage assets will inevitably be affected by the proposals which would result in an industrialising effect, contrary to the verdant and rural landscape setting and would result in an erosion of the rural character of the designated heritage assets. The proposals would thereby result in 'less than substantial' through change in their setting. Furthermore, a lack of information was submitted in the supporting heritage statement and thereby the impact of the proposals cannot be accurately assessed as part of this application, and no assessment of the potential impacts of the proposals upon the significance of the heritage assets has been made, thus Paragraph 194 of the NPPF (2021) has not been met.

Having regard to the guidance in paragraph 202 of the National Planning Policy Framework, the Local Planning Authority has considered the public benefits associated with the development but concludes that these would not outweigh the harm caused to the significance and setting of the designated heritage asset. The proposals are thereby

contrary to policy ENV2 and ENV4 of the Adopted Local Plan and the National Planning Policy Framework.

- 3 The Heritage Statement highlights late prehistoric finds and features, including ring ditches, within the vicinity of the site along with the probable sites of two medieval moats within the proposed development area. The proposed development also lies in close proximity to two scheduled sites, The Crump, and Battles Hall. Furthermore, there statement identifies is the potential for the medieval remains of a possible moated enclosure within the site.

Following the guidance within the NPPF at present the application has not provided appropriate consideration of the impact of the development such as a geophysical assessment and photographic evidence of the area to allow for the LPA to assess the historic environment as required by paragraph 194 and policy ENV4 of the adopted local plan.

- 4 High voltage transmission overhead electricity lines and towers cross the site. National Grid's overhead line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect their asset. Statutory electrical safety clearances shall be maintained at all times. No permanent structures are to be built directly beneath National Grid's overhead lines. These distances are set out in EN 43 - 8 Technical Specification for "Overhead Line Clearances Issue 5 (2019).

The proposed works by reason of the poor layout and position of solar panels in and around the towers and below the high voltage overhead electricity lines would not enable appropriate access & maintenance of national important infrastructure and may result in harm to safety contrary to adopted policy GEN2 of the adopted local plan and the NPPF.

- 5 Insufficient information has been submitted in support of the application to demonstrate that there would not be an unacceptable impact to protected and priority species and their habitats particular in relation to great crested newts, bats and hazel dormouse. This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 as updated by the Environment Act 2021 and to be able to properly assess any potential impacts upon protected species. Without this information, the LPA are unable to properly assessed the proposals and impacts on legally protected and priority species. The proposals would thereby be contrary to policy GEN7 of the adopted Local Plan and the NPPF.

- 6 Insufficient information has been provided in support of the proposals to demonstrated that the proposed highway works scheme is acceptable in terms of highway safety, efficiency and accessibility and that the proposed works are indeed deliverable. The proposal is therefore contrary to policy GEN1 of the Adopted Local Plan and the National Planning Policy Framework

- 7 The application is seeking permission for a large solar farm with ancillary works constituting a major development and it is the responsibility of the applicant to accurately demonstrate that the works can be suitably accommodated on the site. Due to a lack of information submitted in support of the proposals to demonstrate its acceptance in respect to drainage and flooding, both the flooding authority and the Council are unable to accurately assess the potential impact that the proposals may have to flooding upon the

site itself or elsewhere. The proposals are thereby contrary to policy GEN3 of the adopted Local Plan and the National Planning Policy Framework.

- 8 The applicant stipulates that following the operation stage, it is proposed that the solar farm is decommissioned, with the solar panels and other infrastructure to be removed and the site to be retained back to its original condition. This requirement would need to be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement had not been prepared or completed. As such, the proposals is contrary to policies GEN6 of the Adopted Local Plan and the National Planning Policy Framework.

In determining this application, the Local Planning Authority had regard to the following Development Plan Policies:

Policy	Local Plan	Local Plan Phase
NPPF4 - National Planning Policy Framework July 2021		
S7 - The Countryside	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN1 - Access	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN2 - Design	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN3 - Flood Protection	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN4 - Good Neighbours	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN6 - Infrastructure Provision to Support Development	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN7 - Nature Conservation	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN8 - Vehicle Parking Standards	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
E4 - Farm diversification alternative use of farmland	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV2 - Development affecting Listed Buildings	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV3 - Open spaces and trees	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV4 - Ancient Monuments and Site of Archaeological Importance	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV5 - Protection of agricultural land	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV7 - The protection of the natural environment designated sites	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005

ENV8 - Other landscape elements of importance for nature	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV10 - Noise sensitive development and disturbance from aircraft	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV11 - Noise generators	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV14 - Contaminated land	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV15 - Renewable Energy	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005



Tracey Coleman
Interim Director Planning and Building Control

Notes:

1 Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an ENFORCEMENT NOTICE, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an ENFORCEMENT NOTICE is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to REFUSE planning permission for a HOUSEHOLDER (HHF) application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a MINOR COMMERCIAL application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse express consent for the display of an ADVERTISEMENT, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice (for those not specifically mentioned above).

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>