

# PLANNING STATEMENT

## PELHAM SPRING SOLAR FARM

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# **PLANNING STATEMENT**

## **LAND NEAR PELHAM SUBSTATION**

### **ON BEHALF OF LOW CARBON SOLAR PARK 6 LIMITED**

#### **TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED) PLANNING AND COMPULSORY PURCHASE ACT 2004**



## **Pegasus Group**

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## **1.0 EXECUTIVE SUMMARY**

- 1.1 A special purpose vehicle belonging to Low Carbon Limited, ('The Applicant') is seeking planning permission from the Planning Inspectorate in its capacity as the Determining Authority for major applications within Uttlesford District Council following the Council's designation under special measures in February 2022. The proposal is for the construction and operation of a renewable energy scheme comprising ground mounted solar photovoltaic (PV) arrays and battery storage with ancillary equipment on agricultural land located near Pelham Substation, Maggots End. The proposal is referred to collectively as the 'Proposed Development' and the project is referred to as 'Pelham Spring Solar Farm'.
- 1.2 The purpose of this Planning Statement is to set out the planning case for the Proposed Development, including setting out the relevant national and local planning policy context for the Proposed Development. This Planning Statement should be read in conjunction with the other documents that are submitted in support of this planning application, including the numerous environmental and technical reports that have been produced.
- 1.3 The Proposed Development would provide a clean, renewable and sustainable form of electricity generation directly into the local electricity network. The Proposed Development would add to Uttlesford District's progress in meeting its renewable energy target and would also assist in meeting national targets for both energy supply and low carbon energy development. The principle of renewable energy, such as solar power, is supported by both local and national planning policy.
- 1.4 It is estimated that the Proposed Development would generate up to 49.9 MW of renewable energy, which could provide approximately enough energy to power over 16,500 homes and displace up to 11000 tonnes of CO2 per annum.
- 1.5 It is noted that Uttlesford District Council have declared a climate emergency as of August 2019 and have committed to reduce emissions to net zero by

2030, in addition to the commitments of the UK Government that set a legally binding target of net-zero carbon emissions by 2050. Achieving these targets will require significant investment in the development of renewable energy infrastructure both locally and across the UK.

- 1.6 The Government's recently published British Energy Security strategy (7th April 2022), explicitly highlights the urgent need for the UK to rapidly develop not only a decarbonised energy system but one that is more self-sufficient. This strategy provides a direct response by the government to develop an energy system which is not so heavily reliant on imported oil and gas which has seen significant spikes in global cost and the overall cost of living following the impacts of the COVID-19 pandemic and Russia's invasion of Ukraine. As part of this strategy, the increased deployment of ground based solar development is identified by the Government to hold a key role in the realisation of these aims, with the government targeting a fivefold increase in the level of Solar PV development by 2035 (Up to 70GW).
- 1.7 The urgent need for increased energy security and self-sufficient energy system has only been compounded in recent months as leaked UK Government documents have raised the potential need to deploy a Contingency Plan for a reasonable worst-case scenario as reduced electricity imports from mainland Europe, combined with gas shortages, may result in a significant electricity shortfall. The predicted shortfall could be up to a sixth of peak demand during periods of cold weather over the winter 2022-2023 period which could see the government impose four days of power cuts in January as a final resort under a worst case scenario.
- 1.8 This application forms a resubmission of a previously refused scheme (ref: UTT/21/3356/FUL) which was submitted to Uttlesford District Council in November 2021 and subsequently refused on 24 January 2022. The application was determined by the Council within the statutory 13-week period. A number of holding objections subject to requests for further information were raised by statutory consultees during the determination period, however, the Council did not allow an extension of time to provide the requested information. A copy of the Council's Decision Notice and Officer Report is enclosed at Appendix 1.

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**APPENDIX 1 - UTT/21/3356/FUL – DECISION NOTICE AND OFFICER  
REPORT**

1.9 Following the refusal of the previous application, the Applicant has held pre-application discussions (ref: UTT/22/0679/PA) with both Uttlesford District Council and Essex County Council Highways to inform the revised design of the proposed scheme. The received advice is discussed further in sections 4 and 5 of this statement. A copy of the Council's written pre-application advice is enclosed at Appendix 2 of this statement.

**APPENDIX 2 - UTT/22/0679/PA – PRE-APPLICATION ADVICE**

1.10 In addition to the above, the Applicant has undertaken an extensive pre-application consultation exercise in their preparation of this application, including consulting the local community, and other stakeholders. Details of the full pre-application exercise conducted is discussed within the supporting Consultation Report. The applicant has listened to all views expressed by consultees during the duration of the pre-application consultation and has made appropriate changes to the proposed development to address and mitigate concerns raised where possible. Where changes haven't been made, the issues are largely considered to be mitigated. This is discussed in further detail throughout this report and is justified within the relevant technical documents which support the planning application.

1.11 The Proposed Development complies with the relevant planning policy and there are significant benefits associated with the delivery of the scheme. The supporting environmental and technical reports that are submitted with this planning application demonstrate that there will be no unacceptable environmental impacts.

1.12 These factors, when combined with the significant need for renewable energy both locally and nationally, mean that the planning balance (and in particular, when considered against the tests under section 38(6) Planning and Compulsory Purchase Act 2004) is weighted significantly in favour of the proposed development.



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## **2.0 INTRODUCTION**

- 2.1 This Planning Statement accompanies a full planning application submitted by Pegasus Group on behalf Low Carbon Solar Park 6 Limited ('The Applicant'), a special purpose vehicle belonging to Low Carbon Limited, to The Planning Inspectorate under provisions of Section 62A of the Town and Country Planning Act 1990 for the development of a ground mounted solar photovoltaic (PV) arrays and associated infrastructure on land near Pelham Substation. The site comprises a collection of medium scale geometrical and irregular fields located at Maggots End, c. 0.8km to the south of Berden, c.1.2km to the north west of Manuden and c. 6km to the north of Bishop's Stortford.
- 2.2 The application site falls within the administrative boundary of Uttlesford District Council. The proposed solar farm will connect into the Pelham Substation via an underground cable extending from the west of the site. The route of the proposed cable route will be subject to a separate planning application to be submitted to both Uttlesford District Council and East Hertfordshire Council in in the future.
- 2.3 This application seeks planning permission for the construction and operation of a ground mounted solar farm together with associated infrastructure, including battery storage, inverters, customer switchgear, 33-132kV DNO substation, security cameras, perimeter fence, access tracks and landscaping.
- 2.4 Planning permission is sought for a temporary period of up to 40 years from the date of first exportation of electricity from the site.
- 2.5 The purpose of this Planning Statement is to set out the planning case for the Proposed Development and assesses the proposals against the provisions of both local and national planning policy. The issues relevant to the assessment of the application proposal are set out in this Planning Statement. The subsequent sections of this Planning Statement are divided into: -



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### **Section 3: *Need for Development***

- 2.6 The section summarises the key legislative background and support for standalone renewable energy schemes in the UK. The revised National Planning Policy Framework (NPPF) confirms that planning policies and decisions must also reflect relevant international obligations and statutory requirements and the documents are considered relevant to the determination of this application.

### **Section 4: *Site and Surrounds***

- 2.7 This section contains a description of the application site and its environs.

### **Section 5: *The Proposal***

- 2.8 This section contains a description of the Proposed Development.

### **Section 6: *Planning Policy Context***

- 2.9 The planning policy context for the site includes both national policy guidance and the statutory Development Plan which includes the Uttlesford Local Plan 2005, adopted in January 2005. Brief explanations of the key policies pertaining to the development proposal is contained within this section.

### **Section 7: *Planning Assessment***

- 2.10 This section outlines the planning matters that are considered to be important to the determination of the application. Considerations are addressed in turn and explained in the context of the relevant planning policy and the legislative background outlined in the previous section

### **Section 8: *Planning Balance and Conclusions***

- 2.11 This provides consideration of the overall planning balance and the concluding

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comments in relation to the application proposal.

### **Supporting Documentation**

2.12 The application proposal is supported by the following documentation:

- **Completed Application Form and Certificates**
- **Planning Application Drawings**
- **Covering Letter**, prepared by Pegasus Group
- **Design and Access Statement**, prepared by Pegasus Group
- **Planning Statement**, prepared by Pegasus Group [this statement]
- **Consultation Report**, prepared by Pegasus Group
- **Landscape and Visual Impact Assessment**, prepared by Pegasus Group
- **Landscape Plan**, prepared by Pegasus Group
- **Arboricultural Impact Assessment**, prepared by Barton Hyett
- **Construction Traffic Management Plan**, prepared by Pegasus Group
- **Heritage Assessment**, prepared by Pegasus Group
- **Flood Risk Assessment**, prepared by Pegasus Group
- **Agricultural Land Classification Report**, prepared by Askew Soils
- **Ecological Assessment**, prepared by Clarkson & Woods
- **Great Crested Newt eDNA Surveys & Habitat Suitability Index Assessments**, prepared by Clarkson & Woods
- **Noise Assessment**, Prepared by Ion Acoustics

2.13 This document should be considered in conjunction with the planning application package, as listed above, in order to gain a complete understanding of the application proposal. The application documentation demonstrates the diligent approach adopted by the applicant, and their experienced consultant team in delivering a well-considered proposal based on sound environmental and sustainable development considerations.

### **Regulatory Considerations**

2.14 An Environmental Impact Assessment (EIA) Screening Opinion was requested from the Council on 25th February 2021 (Ref: UTT/21/3379/SCO). Uttlesford

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District Council issued their EIA Screening Opinion on 20 January 2022 confirming that the proposal would not give rise to significant adverse environmental effects and therefore an EIA is not required to be submitted with the application. A copy of the Council's EIA Screening Opinion is appended to this statement at Appendix 3.

**APPENDIX 3 - UTT/21/3379/SCO – UTTLESFORD DISTRICT COUNCIL  
EIA SCREENING OPINION**

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## **3.0 NEED FOR DEVELOPMENT**

### **NATIONAL AND LOCAL COMMITMENTS**

- 3.1 There is an abundance of Government legislation, guidance and policy which support the transition to a low carbon future and the continued roll out of renewable and low carbon energy and associated infrastructure. The UK is part of an international effort to combat climate change. The UK is a party to the United Nations Framework Convention on Climate Change (UNFCCC) and as such has signed up to international climate change obligations, such as the Kyoto Protocol and the Paris Agreement.
- 3.2 As part of its contributions to international efforts, the UK also has domestic legislation and policies in place to reduce greenhouse gas emissions. The Climate Change Act 2008 established long term statutory targets for the UK to achieve an 80% reduction in greenhouse gases by 2050 against a 1990 baseline.
- 3.3 To support a prosperous and rural economy, the diversification of agricultural and other land-based businesses is strongly supported by the Government. With the risk of shortfalls resulting from the loss of future subsidies, many farmers are looking to diversify to improve income and provide stability for the agricultural sector. Currently over 60% of farms now employ some form of diversification (according to the 2015/16 Farm Business Survey (FBS)) with diversification ventures ranging from simple building lets, farm shops and installing solar panels for the generation of green energy. The diversification of agricultural land to provide renewable energy generation such as solar is a widely accepted form of agricultural diversification and is acknowledged to provide significant financial stability to existing farmsteads and rural businesses.
- 3.4 Furthermore, there is an explicit need for the deployment of solar farms and other renewable energy generation, which is driven by a plethora of government legislation at both a local and national level in the UK.

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3.5 An Energy Policy Statement is provided at Appendix 4 of this report and should be read in conjunction with this Planning Statement. The statement provides a summary of the context of both local and national energy legislation and policies that set out the commitments the local and national government has made towards tackling climate change and demonstrates how the rapid deployment of renewable energy technologies across the UK, and solar technologies in particular, is key to achieving these targets.

#### **APPENDIX 4 – ENERGY POLICY STATEMENT**

3.6 In June 2019, the Government raised the UK's commitments in tackling climate change by legislating a net-zero gas emissions target for the economy by 2050. Decarbonising the power sector is integral to achieving this target and requires major investment into renewable technologies, such as solar power, which are supported by planning policy at both local and national levels.

3.7 On 12 June 2019, as a direct response to the Climate Change Emergency Declaration, the Prime Minister announced that the UK will achieve net zero in carbon emission by 2050 and The Secretary of State for Business, Energy and Industrial Strategy, MP Greg Clark, tabled the draft affirmative statutory instrument to implement the changes, the Draft Climate Change Act 2008 (2050 target Amendment) Order 2019. The amendment in the Order changes the minimum percentage by which the net UK carbon account for the year 2050 must be lower than the 1990 baseline and is increased from 80% to 100%. The legislation was signed into law in late June 2019, following approval by the House of Commons and the House of Lords.

3.8 At a local level, Uttlesford District Council voted to declare a climate emergency in August 2019. The Council have since prepared a Climate Crisis Strategy which sets out the key themes and priorities for the Uttlesford Climate Change Action Plan which sets out key targets and actions which the Council will deliver to achieve net-zero carbon status by 2030. It is noted that the increase of local renewable energy generation is a key priority of the Climate Crisis Strategy.

3.9 The National Infrastructure Commission (NIC), official advisor to the

Government on Infrastructure, has published a report (Net-Zero Opportunities for the Power Sector, March 2020) setting out the key infrastructure requirements needed to meet the UK's 2050 net-zero target, including the amount of renewable energy development that would need to be deployed.

3.10 The NIC recommends that in meeting these targets, the UK's energy mix needs to be made up of around 90% renewables. At page 18 of the report, it is recommended that across all scenarios, significant levels of solar, onshore wind and offshore wind will need to be deployed with between 129 – 237 GW (gigawatts) of renewable energy capacity in operation by 2050. To achieve this, the report recommends the following split:

- 56-121 GW of solar;
- 18-27 GW of onshore wind; and
- 54-86 GW of offshore wind.

3.11 To achieve the above targets would require a significant increase in installed capacity across the UK, including over nine times the current installed capacity of solar technologies in the UK, which as of September 2021 is around 13.6GW according to the Department for Business, Energy & Industrial Strategy (BEIS)<sup>1</sup>.

3.12 When considering the above figures and applying them to the number of local authorities across the UK, this would mean that there is an additional 107.4 GW of solar capacity required across the 382 local authorities across England, Scotland, Wales and Northern Ireland required to meet the NIC's upper figure for solar.

3.13 The Government's recently published British Energy Security strategy (7th April 2022), explicitly highlights the urgent need for the UK to rapidly develop

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<sup>1</sup> <https://www.gov.uk/government/statistics/solar-photovoltaics-deployment>

not only a decarbonised energy system but one that is more self-sufficient. This strategy provides a direct response by the government to develop an energy system which is not so heavily reliant on imported oil and gas which has seen significant spikes in global cost and the overall cost of living following the impacts of the COVID-19 pandemic and Russia's invasion of Ukraine. As part of this strategy, the increased deployment of ground based solar development is identified by the Government to hold a key role in the realisation of these aims, with the government targeting a fivefold increase in the level of Solar PV development by 2035 (Up to 70GW).

- 3.14 It is therefore reasonable to surmise that every local planning authority, where appropriate developable land allows, should be delivering a significant amount of renewable energy capacity, considering a mixture of landscapes and terrain.
- 3.15 To meet the targets addressed above, the UK is currently undergoing a rapid transformation in the way in which energy is generated with large scale, centralised fossil fuel and older nuclear power stations being phased out and smaller scale, decentralised renewable energy generation taking their place.
- 3.16 Whilst renewable energy output is increasing across the UK, the overall demand for electricity is also increasing through the ongoing electrification of transport and heat sectors and an increasing uptake of plug-in hybrid and electric vehicles.

### **BENEFITS OF SOLAR ENERGY**

- 3.17 One of the most sustainable forms of energy production worldwide is the production of solar electricity through the use of solar PV arrays. Solar energy generation does not require fossil fuel use during generation and, although there is variability in the amount and timing of sunlight over the day, season and year, a properly sized and configured system can be designed to be highly reliable. In the case of the Development, the proposed 49.9 Megawatt (MW) array would offset the annual electricity usage of approximately 16,500 homes.

3.18 Solar power production also generates electricity with a limited impact on the environment as it is temporary and reversible, there is no need for extensive ground disturbing foundations, there are no tall vertical structures with limited moving parts involved and there is no significant noise associated with solar PV arrays during operation. There are opportunities for continued agricultural activities on the site in the form of sheep grazing whilst other areas within the Site can help deliver very significant biodiversity net gains, a requirement for all new Development under the recently implemented Environment Bill. Solar farm development typically does not result in the permanent loss of agricultural land and following cessation of use, the land can be returned to full agricultural use. Introducing a temporary (40-year) fallow period for the land also assists the rebalancing of soil nutrients, re-establishing soil biota, breaking crop pest and disease cycles, and provides a haven for wildlife thus enhancing the quality of land for future agricultural use following decommissioning.

### **BALANCING THE NETWORK**

3.19 Balancing the grid to ensure demand is met by supply is a key requirement which is becoming more challenging as intermittent generation, such as from renewable sources like solar power, becomes a bigger proportion of the overall energy mix.

3.20 The grid has a constant supply of 'extra power' available for use when the power required by customers is not equal to the power generated and a reserve supply is needed. The Balancing Mechanism is used to ensure that the network is in balance and reserve power is then used when the network comes under 'stress'.

3.21 When unforeseen demand is put on the network, such as when a large power station suddenly comes offline, then the National Grid control room need an alternative source of power. This is achieved with rapid responding facilities such as the battery storage proposed as part of the Development which can release or absorb energy from the grid as instructed.

3.22 As an innovative technology, the Development will provide a flexible and rapid



release of electricity to allow the grid to regulate electricity supply and demand without any greenhouse gas emissions. Conversely, the Development will also have the capacity to absorb electricity quickly which will allow for the oversupply of the grid to be managed.

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## **4.0 THE SITE AND SURROUNDING AREA**

- 4.1 The site comprises a collection of medium scale geometrical and irregular fields located at Maggots End, c. 0.8km to the south of Berden, c.1.2km to the north west of Manuden and c. 6km to the north of Bishop's Stortford.
- 4.2 The layout of the solar farm arrays, associated structures and proposed planting will be located entirely within the administrative area of Uttlesford District Council and is not located within the Green Belt.
- 4.3 The application site falls across two parish councils. Most of the site, comprising the southern section, is located within the Manuden Parish. The northern part of the site is located within Berden Parish.
- 4.4 The fields are generally separated by mature hedgerow and tree planting. There is an ancient woodland called Battle's Wood abutting the site to the east. The northern fields are bound by mature trees and views from the north and west will likely be interrupted by tree cover. The land gently undulates on the sites eastern side. Smaller fields separated by woodland belts are located toward the centre of the site.

### **Landscape Designations**

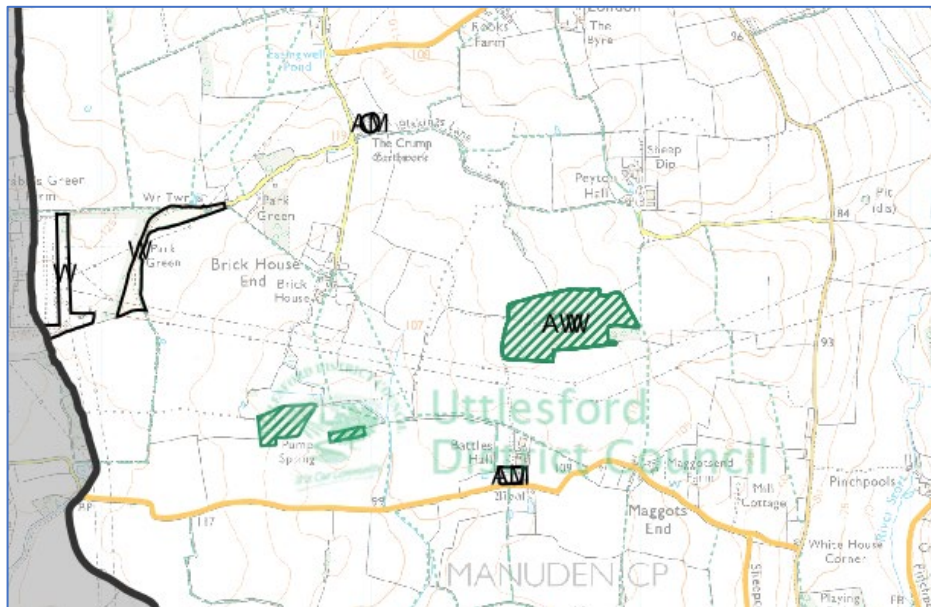
- 4.5 The site is not adjacent to any statutory or non-statutory landscape designations.
- 4.6 Regarding local designations, the site is not within a Countryside Protection Zone or any other protected landscape designation.
- 4.7 The site is located within National Landscape Character Area No. 86: South Suffolk and North Essex Clayland. The NLCA86 is an expanse of an ancient landscape of wooded arable countryside with a distinct sense of enclosure. The overall character is of a gently undulating, chalky boulder clay plateau, the

undulations being caused by the numerous small-scale river valleys that dissect the plateau.

- 4.8 The Proposed Development would provide opportunities to enhance green infrastructure and provide a biodiversity net gain (BNG) through the provision of new hedgerows and trees, the retention of field margins, and wildflower meadow habitats. It will also enable the fields to rest and recover from continuous farming.

### **Environmental Designations**

- 4.9 There are no environmental designations within the site's boundaries or within a 3km radius of the site.
- 4.10 In terms of local designations, the site is adjacent to Battles Wood Ancient Woodland, which lies to the east. There are no County Wildlife Sites or any other local environmental designations nearby. This Ancient Woodland can be seen in the extract below, taken from Uttlesford District Council's online planning map.
- 4.11 It is considered that the Proposed Development will allow the land to recover from decades of intensive farming. The land within the solar farm will be carefully managed to encourage the growth of species-rich grass and meadows that will support local wildlife populations.



***Extract from Uttlesford Local Plan***

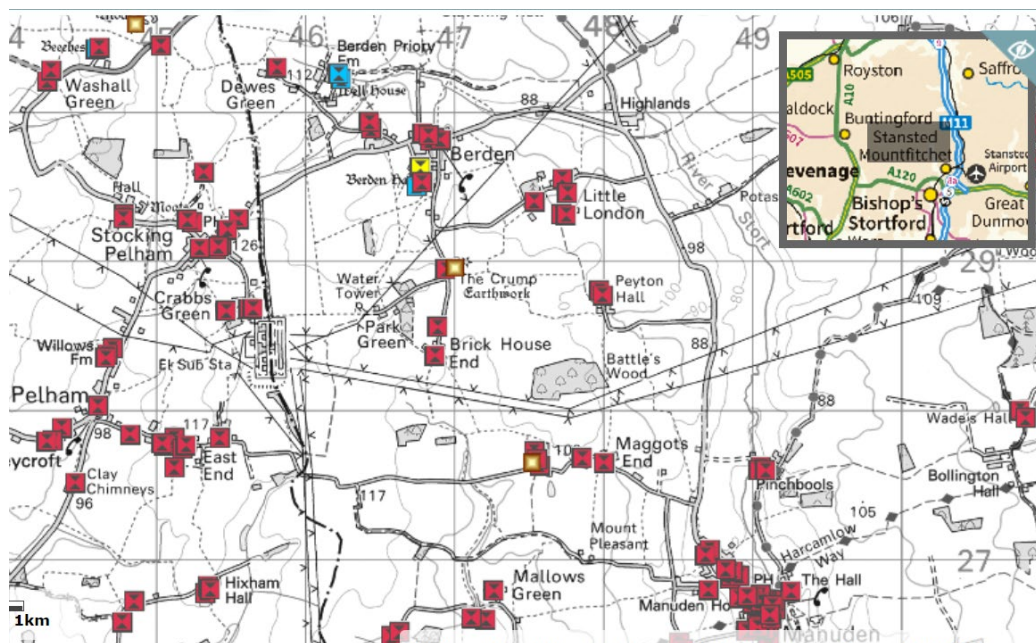
**Hydrology**

- 4.12 The Environment Agency's online flood mapping shows that the site is located within flood zone 1, an area least at risk of flooding.

**Heritage Assets**

- 4.13 In term of heritage assets, there are no Listed Buildings on site. There are some Grade II listed structures in close proximity to the site boundary: The Crump and former barn, Brick House, Rose Garth, Peyton Hall and barn and Battles Hall. The Grade II Listed Battles Hall, approximately 235m south east of the site is also associated with further Grade II listed buildings 'Cart Lodge' and 'Dovecote'. In the wider locality, there are also some further Listed Buildings as shown on the map extract below.
- 4.14 There are two Scheduled Monuments in close proximity to the site. The first being 'Moated Site at Battles Manor' to the south of the site and the other being 'The Crump' to the north of the site boundary.

- 4.15 There are no World Heritage Sites situated within the parcel of land or its surrounds.
- 4.16 There are no Conservation Areas within a 1km radius of the site. The closest Conservation Area is at Manuden, c 1.1km from the site boundary. Within Manuden, there are a number of statutory listed heritage assets.



***Heritage Assets Surrounding Solar Site***

## Agricultural Land Classification (ALC)

- 4.17 With regard to agricultural land classification (ALC), the below extract taken from Natural England Regional Agricultural Land Classification Map shows the site as provisionally as Grade 2 land. Given that Natural England’s online mapping is high level only, the agricultural land has been assessed and graded as part of the final application.



- 4.18 The ALC site survey conducted and submitted in support of this application demonstrates that the separate parcels of agricultural land within the red line are comprised of a mix of Grade 2, Grade 3a and Grade 3b quality land and thus the proposed site is best and most versatile land, as per Annex 2 of the NPPF (2019).

- 4.19 Notwithstanding, the development would not result in the permanent loss of agricultural land. Agricultural activities would coincide with the solar farm, such as sheep grazing and bee keeping, and following cessation of use, the land will be returned to full agricultural use. The development is proposed for a temporary period for up to 40 years after which the site will be restored to its former state to continue agricultural use, therefore there will be no permanent loss of agricultural land as a result of the development. Introducing a 40 year fallow period for the land will also assist the rebalancing of soil nutrients, re-establishing soil biota, breaking crop pest and disease cycles, and provide a haven for wildlife thus enhancing the quality of land for future agricultural use

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following the decommissioning of the solar farm.

### **Public Rights of Way (PRoW)**

- 4.20 There are a number of public rights of way that cross the site, and in the surrounding area. Footpaths PROW 39\_34, PROW 5\_14, and PROW 39\_4 pass through the site. A footpath also runs along the northern and western site boundaries. The revised scheme presented as part of this planning application has since sought to remove areas of panels from particular areas of the site which are crossed or lie in close proximity to the existing PRoWs.
- 4.21 The proposed construction access track will follow the same alignment as PRoW 39\_4. However, the temporary access track will be separated from the PRoW at all times.
- 4.22 PRoW 39\_4 is located around 826 metres to the west of the proposed construction access with Manuden Road. The footpath starts from Maggots End Lane and runs parallel to an existing agricultural farm track, which extends north west from Maggots End Lane towards the south of the application site, before joining the agricultural track to the north of Battles Hall Barns. It is proposed to use the existing agricultural access track for maintenance access during the future operational phase of the solar farm. The proposed permanent use of the access is considered appropriate due to the infrequency of operational vehicles accessing the site and that there is no evidence of a highway safety pattern or problem.
- 4.23 The network of public footpaths stretches beyond the confines of the site boundary, with multiple footpaths existing within the sites immediate context. Further details are provided in the Construction Traffic Management Plan (CTMP).
- 4.24 Crucially, the Proposed Development will retain all rights of way. The CTMP explains how they will be controlled through management, during the construction process.

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## **Planning History**

### On Site Applications

- 4.25 A search of the Local Authority's online planning records shows that the only planning history relating to the site comprises the previously refused scheme (Ref: UTT/21/3356/FUL) and EIA Screening Request (Ref: UTT/21/3379/SCO) submitted by the applicant in November 2021. A Copy of the Decision Notice and Officer Report from the previously refused application is appended to this statement at Appendix 1 and a copy of the Councils EIA Screening Opinion attached at Appendix 3.
- 4.26 As stated above in this statement The application was determined by the Council within the statutory 13-week period. Despite a number of holding objections subject to requests for further information were raised by statutory consultees during the determination period, however, the Council did not allow an extension of time to provide the requested information. A total of 8 reasons for refusal were listed on the Council's Decision Notice, largely relating to the holding objections made by statutory consultees which had requested further information to be provided.

### Relevant Off-Site Applications

- 4.27 Planning permission was granted in October 2016 for the development of a 49.9MW battery storage facility on land immediately to the north of Pelham Substation (ref. UTT/16/2316/FUL). This development was to support Enhanced Frequency Response (EFR) which is a service required by National Grid to help it balance the frequency fluctuations on the grid system. This battery storage technology is a crucial element in the delivery of reliable solar-generated electricity. As such, this planning permission is deemed relevant and establishes that Pelham Substation is a well-equipped electricity generating station for accommodating a solar farm of this scope as proposed.
- 4.28 A further application for the construction of ground mounted Solar Farm with



a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping was submitted to the Planning Inspectorate for determination under Section 62A of the Town and Country Planning Act 1990 in July 2022. The above application was registered by the Planning Inspectorate under reference S62A/22/0006 (Uttlesford Reference: UTT/22/2046/PINS) at land at Berden Hall Farm, Dewes Green Road, Berden, directly to the north east of Pelham Substation. The land subject to this application is situated approximately 500m to the north west of the site.

#### Pre-application Enquiry

- 4.29 Following the refusal of the previous planning application, the applicant submitted a pre-application advice request to Uttlesford District Council (Ref: UTT/22/0679/PA) on 14<sup>th</sup> March 2022 to obtain constructive feedback on a redesign of the proposals to achieve a revised application which would be capable of receiving officer support. Following detailed engagement from the Council's planning, conservation, landscape and archaeology officers, it was considered that a revised design which removed PV arrays from the southern, south eastern and northern part of the eastern parcel of the site could be considered appropriate when one applies a tilted planning balance. A copy of the Council's written pre-application advice is enclosed at Appendix 2 of this statement.
- 4.30 In addition to the above, the applicant has also held separate pre-application discussions with Essex County Council Highways to agree a suitable access construction access strategy for the site.
- 4.31 The development proposals subject to this planning application have subsequently been revised to take on board the pre-application advice received.

#### **Site Selection**

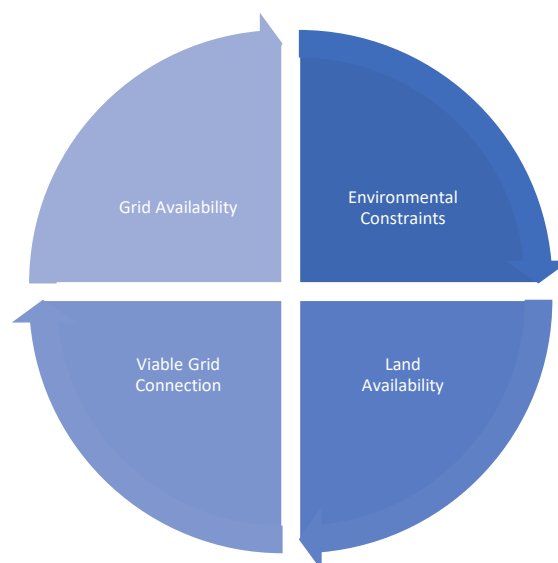
4.32 In identifying the site, the applicant has undertaken a detailed methodical site selection exercise. This exercise has involved the careful consideration of several important design criteria, including technical feasibility, environmental and planning constraints, and land availability. The criteria were determined with reference to relevant planning policy.

4.33 The site selection process was broadly split into the following sequence of activities:

- definition of a search area based on grid capacity;
- analysis of any previously developed land;
- analysis of any lower grade agricultural land;
- analysis of planning constraints; and
- establishment and assessment of a short-list;

4.34 In undertaking their site selection process, the applicant has a number of essential technical requirements, including:

- Suitable site area to accommodate the solar PV arrays; and
- A location in close proximity to an existing grid connection point.



4.35 In addition to the essential technical criteria noted above, which must be

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satisfied to enable an efficient and viable solar farm, there are several other preferential criteria which the applicant have identified to guide the selection of the site. The site should generally:

- Be outside an area at risk of flooding;
- Avoid areas of statutory protection and ecological impact;
- Comprise a relatively level site to minimise the impact of the Proposed Development on the surrounding landscape;
- Be available for development, (i.e. a accommodating landowner and also not constrained by current or future Proposed Development);
- Be near to an existing highway to enable solar panels to be delivered to site.

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## **5.0 DEVELOPMENT PROPOSALS**

- 5.1 The Proposed Development is for the construction, operation, maintenance and decommissioning of a ground-mounted solar farm with battery storage.
- 5.2 An operational lifespan of up to 40 years is sought.
- 5.3 As set out above in this statement, the proposed development comprises a resubmission of a previously refused application (Ref: UTT/21/3356/FUL) which was refused by Uttlesford District Council in January 2022. Following detailed engagement from the Council's planning, conservation, landscape, highways and archaeology officers, the development proposals have been revised to removed PV arrays and supporting infrastructure from the southern, south eastern and northern part of the eastern parcel of the site.
- 5.4 A summary of the revised development proposals and proposed equipment is set out in detail below.

### **Design Flexibility**

- 5.5 The solar farm proposal has employed a 'maximum design scenario' approach which reflects the Rochdale Envelope approach. The Rochdale Envelope provides a 'maximum design' scenario approach to the impact of a project and allows for a broad definition of the project to be framed within a number of set parameters. This approach allows for a project to be assessed on the basis of maximum project design parameters in order to provide flexibility, while ensuring all potentially significant effects (positive or adverse) are assessed within the planning application.
- 5.6 Construction work on the Proposed Development, assuming planning permission is granted, would not commence until a final investment decision has been made by the applicant and a contractor appointed. Following the award of the contract, the appointed contractor would carry out a number of detailed studies to inform the technology selection for the solar farm and also

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to optimise its layout and design before starting work.

- 5.7 It follows that it has not been possible for the applicant to fix all of the design details at this stage. The applicant has therefore sought to incorporate sufficient design flexibility. This relates to the dimensions and layout of structures forming part of the Proposed Development, including the precise layout of the site and the height of the solar panels.
- 5.8 The approach involved assessing the maximum (and where relevant, minimum) parameters for the elements where flexibility is required. For example, the solar panels have been assessed for the purposes of landscape and visual impact as being maximum of 3m high, which is the worst-case. It is actually possible that the panels could be lower.
- 5.9 The approach also involved defining development zones, rather than having a defined layout. This would allow the future contractor to optimise the layout of the solar farm following any grant of planning permission, rather than being bound to a precise layout.
- 5.10 The zones are shown in the Zoning Layout Plan that forms part of the planning application submission.
- 5.11 The zones define where certain infrastructure should be located within the Site, but there is flexibility in terms of the layout within each zone. The infrastructure that is permitted to only be located within each zone is as follows:
- Development Zone 1 – Solar panels, inverters, and battery containers.
  - Development Zone 2 – Solar panels, inverters, and battery containers.
  - Development Zone 3 – Solar panels, inverters and battery containers

- Development Zone 4 – Solar panels, inverters and battery containers
- Development Zone 5 – Solar panels, inverters and battery containers
- Development Zone 6 – DNO 132kV Substation, DNO LV Substation, Transformer Compound, Customer Switchgear and Meter Kiosk

### **Solar Farm and Supporting Equipment**

5.12 The Proposed Development comprises the construction and operation of a solar PV farm with associated infrastructure. The Proposed Development includes the construction and operation of the following equipment:

- Arrays of solar PV panels;
- Approximately 23 containerised inverters;
- Approximately 36 containerised battery storage units;
- 33-132kV Substation compound to include: Transformers, DNO substation and Customer substation/switchgear and meter equipment;
- Internal access tracks;
- Perimeter fence and access gates; and
- CCTV cameras.

### **Main Components**

#### Solar Panels

5.13 The proposed solar panels will be laid out in rows running from east to west across the field enclosures. There will be a gap of approximately 3-4m between each row of arrays. Each Array will be mounted on a frame which will be fixed to spike foundations approximately 1-2m deep that will be driven into the ground with a small plant rig by impaction and this will be guided by localised

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ground conditions.

- 5.14 The proposed solar panels are typically mounted in horizontal rows of four, with one row directly fixed above the other and angled at 29.5 degrees, the optimum position for absorbing year-round solar irradiation. At the lowest edge, the arrays would be approximately 0.9m above ground level, and up to 3m above ground level on the top edges of the array.
- 5.15 The solar photovoltaic modules will convert solar irradiance into direct current (DC) electricity. A solar PV module consists of a layer of silicon cells, an anodised aluminium frame, a glass casing, and various wiring to allow current to flow from the silicon cells. Silicon is a non-metal with conductive properties that allow it to absorb and convert sunlight into electricity. When light interacts with a silicon cell, it causes electrons to be set in motion, which initiates a flow of electric current.
- 5.16 The insulated DC cables from the solar modules will be routed in channels fixed on the underside of the framework. The DC string cables will run along the entire underside of each row. The electrical cabling from each array will be concealed through shallow trenches linking the modules to the inverter cabins and then to the customer switchgear and DNO substation.
- 5.17 Indicative dimensions of the proposed panels and frame are shown on the PV detail provided within the submitted application drawings (DWG no. SD-17) that forms part of the planning application submission.

#### Inverters

- 5.18 The proposed inverters will comprise containerised units or small cabin type structures, as shown in pink on the submitted Proposed Site Layout (DWG no. PLE-01). The proposed inverters will measure approximately 12.2m long, 2.5m wide and 2.9m high and each unit will be site upon a hardcore base.
- 5.19 The proposed inverters will convert the direct current (DC) generated by the proposed solar arrays into alternating current (AC). Within the proposed

inverter cabins will also be transformer units which will in turn convert the low voltage AC output from the inverters into high voltage output which is suitable for export to the local distribution network.

- 5.20 Indicative elevations and dimensions of the proposed inverter cabins and associated infrastructure are provided with the planning application submission.

#### Batteries

- 5.21 Approximately 36 containerised batteries will be located across the site, alongside the inverter units.
- 5.22 Each battery unit is made up of a number of battery racks which have their own battery management system and interfaces with a centralised control management system.
- 5.23 The batteries would be available to store energy from the solar farm and release electrical energy to the local electricity network.

#### District Network Operator Substation and Customer Switchgear

- 5.24 A Customer Switchgear will be constructed adjacent to a substation compound area within the centre of the site (as shown in blue on the Proposed Site Layout), which will measure approximately 10m long, 4m wide and 3m high.
- 5.25 The proposed substation compound area will contain both a 132kv DNO substation and transformer which will step up the voltage of the energy before exporting it to the point of connection at Pelham Substation. The proposed substation will feature some limited vertical elements up to 6m in height, however, the substation has been carefully sited in the centre of the site within an area that benefits from significant visual containment provided by existing mature vegetation and woodland which surround it.



- 5.26 Also adjacent to the proposed substation compound area will be a DNO LV Substation (as shown in green on the Proposed Site Layout) which will measure approximately 8m long, 6m wide and 4.1m high.
- 5.27 The structures will be sited on a hardcore base. They will receive electricity directly from the proposed inverter cabins before transferring into the local distribution network via the step-up transformer compound and 132kv DNO substation.

### Security

- 5.28 To secure the Proposed Development, stock proof perimeter fencing (open gauge mesh with wooden posts or similar) is proposed around the parcels of arrays proposed within the separate field enclosures. The proposed perimeter fencing will be installed at a height of approximately 2m along the outer edges of the separate parcels of arrays in order to restrict access. The minimum distance between the edge of the arrays and the fence would be 4.5m followed by 4.5m outside the deer fencing to the field boundary. A 30-50m buffer has been retained to the adjacent Ancient Woodland.
- 5.29 The distance between the proposed fencing and existing/proposed hedges would vary across the site and at its minimum distance this would be no less than 4.5m. The buffer area would be used for ecological enhancement measures and the trimming and maintenance of existing and proposed vegetation.
- 5.30 In addition to fencing, it is proposed that pole mounted CCTV and/or infrared security cameras would be positioned at intervals along the inside face edge of the fencing (between the fence and the arrays) at a height of 2.5m and facing into the site to protect privacy.
- 5.31 Badger friendly/small mammal access points will be prescribed at various locations along any fencing to allow the passage of badgers across the site.
- 5.32 Details of the proposed cameras and fencing are shown on the Proposed Site

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Layout in addition to the specific Indicative Deer Fence and CCTV elevations submitted with the planning application.

- 5.33 Gates will be installed at the access point to each separate parcel of arrays within the field enclosures for maintenance access. The design of the proposed gates will be of the same appearance, material and colour as the fencing.

### **Construction Access**

- 5.34 Vehicular access to the site during the construction phase is proposed via an existing agricultural access from Manuden Road to the east of the site. The access currently serves farmland and agricultural buildings and is already in use by large and relatively slow moving vehicles on a regular basis. This access point will be improved to provide a temporary construction access.
- 5.35 From the construction site access, a temporary haul road will be constructed through the field to the north of Mill Cottage. It will continue to the west for around 400 metres past this field and along the southeast site boundary where it will adjoin an existing access track which is shared with PROW 39\_4. The access track will continue for around 350 metres to the northwest and into the site.
- 5.36 Clavering Road Stables, situated immediately east of Manuden Road and north of the proposed construction access point, is served by a separate access junction from Manuden Road which lies directly to the north of the proposed construction access. It is understood that they are currently derelict but that the Stables will be subject to conversion to residential use in due course. Any movements exiting from the Clavering Stables access junction would be given priority over large HGV movements associated with the solar farm, as per the proposed construction traffic management strategy set out within the submitted CTMP.
- 5.37 The proposed point of temporary access for the site will be from Manuden Road, opposite Pinchpools Farm, east of the Proposed Development. The access point will be upgraded with improved visibility splays to serve construction vehicles.

Internal access tracks within the field enclosures will also be created to provide access across the separate site parcels for both construction and maintenance vehicles.

- 5.38 Temporary signage will be erected in the vicinity of the access track during the construction phase to indicate that heavy construction vehicles are turning. Banksmen with walkie talkies will also be in place at the construction access point to assist HGVs entering and exiting the site from Manuden Road. Banksmen will not direct general traffic but will indicate to heavy and large construction vehicles when it is appropriate for them to enter and leave the site. HGVs will only be permitted to leave the site when Manuden Road is clear of traffic.

### **Construction**

- 5.39 A temporary construction compound will be set up within the development boundary during construction. Any vehicles associated with construction will therefore be contained within the site and no unnecessary parking will occur on the local highway network.

- 5.40 The temporary compound will likely include: -

- Temporary portable buildings to be used for offices, welfare and toilet facilities
- Containerised storage areas
- Parking for construction vehicles and workers vehicles
- Temporary hardstanding
- Temporary gated compound
- Wheel washing facilities

- 5.41 It is anticipated that the solar farm will take approximately 20 weeks (5 months) to complete. This includes the preparation of the site, the temporary access track, erection of security fencing, assembly and erection of the PV

strings, installation of the inverters and grid connection.

5.42 During the 20-week construction period, it is proposed that construction working hours would be as follows:

- 08:00 – 17:00 Monday to Friday; and
- 08:00 – 13:00 Saturday.

5.43 Should work be required to be undertaken outside of these times, this would be agreed in writing in advance with the District Council.

5.44 If required by the highway authority construction traffic and delivery vehicles will also be limited to outside the peak hours on Monday to Friday (1000-1600) and on Saturdays between 0900-1300.

5.45 Please see the CTMP for further details.

### **Biodiversity**

5.46 The Proposed Development is an example of a development which presents considerable opportunity for landscape and biodiversity mitigation and enhancement. The objectives for biodiversity are: -

- Retain and protect existing habitats of local value within and adjacent to the site during construction and operation, specifically hedgerows, woodland, trees and watercourses.
- Identify protected or notable species that may be present and potentially affected by the proposed development, and incorporate suitable avoidance, protection and mitigation measures to ensure their continued favourable conservation status;
- Provide habitat and landscape enhancements through new planting and creation of connected habitat linked to the wider area, using native species appropriate to the locality;

- Provide opportunities for wider species diversity through planting and seeding, including hedgerow creation and infilling and creation of a diverse wildflower meadow/butterfly grassland; and,
- Providing additional nesting and refuge/overwintering habitat for wildlife such as reptiles invertebrates and small mammals with habitat piles/hibernacula, as well as barn owl, bat and bird boxes where appropriate.

5.47 Habitat creation and ongoing management practices are proposed that will enhance the operational site for biodiversity. The design and long-term management of the land seeks to maintain and improve functionality through protecting and enhancing potentially valuable wildlife corridors through strengthening the hedgerow network within and around the site. Habitat enhancement measures include new native species hedgerow planting and gapping up of existing hedgerows, creation of extensive grassland areas to replace arable land and species diverse wildflower meadow grassland. It is proposed to enhance existing hedgerows with supplementary planting of native species where required. The landscape information submitted with the planning application provides more detail in terms of planting and species.

5.48 These, combined with an associated reduction in intensive agricultural management practices such as chemical spray applications and ploughing, will provide dispersal, breeding, foraging and overwintering habitat for a variety of wildlife including invertebrates, birds, small mammals, amphibians and reptiles if present. The grassland creation will include a wildflower meadow, butterfly wildflower meadow and field margins sown with species rich seed mixes. The extensive areas of continuous new grassland habitat under and around the solar panels, linked to the wildflower meadows and species-rich field margins and habitats in the wider area, will provide improved connectivity and opportunities for a range of wildlife to forage, shelter and freely disperse across the site.

5.49 Overall, the proposed suite of ecological and landscape enhancements across the site is calculated to result in a biodiversity net gain of over 100%.

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## **Operation**

- 5.50 An operational lifespan of up to 40 years is sought.
- 5.51 During the operational phase, the activities on site would amount to the maintenance and servicing of plant and equipment, vegetation management and grazing of the land by sheep.. The solar panels will also need to be periodically cleaned to ensure efficient running of the system.
- 5.52 The operational access will be from the unnamed road to the south of the site via an existing farm access track extending to the south east of the site, adjacent to Battles Hall. This is detailed further in the Construction Traffic Management Plan. It is anticipated that under normal circumstances, no more than 4 no. vehicles would need to access the site per week, and most visits to the site would be undertaken by an operative in a van/4x4, except in rare instances where repairs or replacements are required.

## **Decommissioning**

- 5.53 The solar farm would export renewable energy to the grid for up to 40 years. After the 40 year generation period the development would be decommissioned and the land restored back to agricultural use.
- 5.54 When the proposed solar farm is decommissioned, the solar panels and other infrastructure will be removed. Around 90% of materials can be recycled currently and research is ongoing within the industry to increase this figure. Due to the limited quantity of foundations, hard surfacing and heavy infrastructure, combined with the fact that the majority of the site will be retained as grassland, the land will be easier to restore than more intrusive development with more significant foundations.
- 5.55 The restoration process is intended to ensure that the site is restored to the same quality as existing and it is anticipated that this can be secured through the use of a suitably worded planning condition or section 106 agreement as has been secured on other solar developments in the district.

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## **6.0 PLANNING POLICY CONTEXT**

- 6.1 This section of the Planning Statement identifies the national and local planning policy and guidance pertinent to the site and development proposal. The planned approach to development as enshrined by Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires development proposals to accord with the adopted development plan unless material consideration indicate otherwise.
- 6.2 The planning application will be determined in accordance with Section 70(2) of the Town and Country Planning Act 1990 (as amended), which states that in dealing with applications, local planning authorities shall have regard to the provisions of the statutory development plan and other material considerations.
- 6.3 Importantly, the development plan must be understood as a whole. This approach to construing policy is endorsed in case law judgments; notably that of Sullivan J in Rochdale [R v Rochdale MBC ex parte Milne [2001] reported at 81 P&CR 365]. In this case, Sullivan J concluded that in assessing compliance with the development plan it is not necessary to comply with all policies; there will be some core or site-specific policies that take precedence over others<sup>2</sup>. In other words, there will be dominant policies which guide the development proposal.
- 6.4 Councillors decided to withdraw the Draft Uttlesford Local Plan 2019 and start a new Plan at an Extraordinary Council Meeting (ECM) on Thursday 30 April 2020. The decision was in response to the government-appointed Inspector Letter, dated 10 January 2020 and the independent Peer Review report from the East of England Local Government Association, dated 23 March 2020.

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<sup>2</sup> The proper approach in this regard is that articulated by Sullivan J. in R v Rochdale MBC, ex p Milne [2000] Env. L.R. 1 . He said that "[i]t is not at all unusual for development plan policies to pull in different directions ... there may be no clear cut answer to the question: "is this proposal in accordance with the plan?". The local planning authority has to make a judgment bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach ... For the purposes of section 54A it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy therein." Accordingly, there will be some policies that take precedence over others.

Uttlesford District Council remain committed to preparing a new Local Plan that provides for sustainable growth and benefits for the district. Despite the Governments requirement for all authorities to have up-to-date Local Plans in place by December 2023, the Council are now preparing a programme of works and timetable for developing this new Local Plan for adoption by summer 2024.

## **DEVELOPMENT PLAN**

### **Uttlesford Local Plan 2005**

- 6.5 The Local Plan was adopted in January 2005 and represents the latest planning policy expression put forward by Uttlesford District Council.
- 6.6 The Local Plan sets out the following key policies pertinent to the development proposal:
- **Policy S7** – The Countryside
  - **Policy GEN1** – Access
  - **Policy GEN2** – Design
  - **Policy GEN3** – Flood Protection
  - **Policy GEN4** – Good Neighbourliness
  - **Policy GEN7** – Nature Conservation
  - **Policy E4** – Farm Diversification: Alternative Use of Farmland
  - **Policy ENV2** – Development Affecting Listed Buildings
  - **Policy ENV4** – Ancient Monuments and Sites of Archaeological Importance
  - **Policy ENV5** – Protection of Agricultural Land



- **Policy ENV7** – The Protection of the Natural Environment – Designated Sites
- **Policy ENV8** – Other Landscape Elements of Importance for Nature Conservation
- **Policy ENV11** – Noise Generators
- **Policy ENV15** – Renewable Energy

### **NATIONAL PLANNING POLICY FRAMEWORK**

- 6.7 The 4th edition of the NPPF was published in July 2021 (as amended) and includes minor changes. Material for this application is how Government has placed a greater emphasis on the delivery of infrastructure, including energy and how this is integral towards fulfilling the economic arm of achieving sustainable development:
- 6.8 The Framework is clear that planning decisions must be made in accordance with Planning Law. **Paragraph 2** states that planning law requires that applications for planning permission must be determined in accordance with the Local Plan, unless material considerations indicate otherwise. Paragraph 2 continues that: *"Planning policies and decisions must also reflect relevant international obligations and statutory requirements"*.
- 6.9 **Paragraph 8** of the Framework identifies how the planning system has three overarching objectives towards achieving sustainable development.
- 6.10 The revised NPPF stated how these objectives are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.
- 6.11 **Paragraph 8(a)** 'an economic objective' has been strengthened and the NPPF now makes it clearer how "identifying and coordinating provision of infrastructure" is integral towards fulfilling the economic arm of achieving sustainable development.

6.12 The three overarching objectives are listed as:

a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

6.13 **Paragraph 9** advises how these overarching objectives should be delivered through the preparation and implementation of plans and the application of policies in the Framework. **Paragraph 10** states *"So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development"*.

6.14 **Paragraph 15** of the Framework sets out how the planning system should be genuinely plan-led. It goes on to state how succinct and up-to-date plans should provide a positive vision for the future of each and provide a framework for assessing the economic, social and environmental priorities. **Paragraph 16** set out how plans should be prepared with the objective of contributing to the achievement of sustainable development. **Paragraph 20** identifies how, in

line with the presumption on favour of sustainable development, plans should make sufficient provision for the provision of infrastructure and energy.

6.15 The identification and delivery of energy schemes is therefore acknowledged by the NPPF 2nd edition as one of the strategic policies that contributes towards achieving the presumption on favour of sustainable development. **Paragraph 81** confirms the Government's commitment to supporting sustainable economic growth and states (inter alia) ***"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future"***. The application proposal specifically counter and addresses the weakness in the security of electricity supply.

6.16 **Paragraph 84**, supporting a prosperous rural economy, is also pertinent as the Development Plan identifies the site as being located in open countryside, it states how planning decisions should enable the sustainable growth of all types of businesses in the rural areas; and the development and diversification of agricultural and other land-based rural businesses.

6.17 Section 14 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. **Paragraph 155** of the NPPF sets out the planning policy perspective with regards to increasing the use and supply of renewable and low carbon energy. Through the paragraph, Government requires the decision maker to:

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| <p>a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);</p> <p>b) consider identifying suitable areas for renewable and low carbon energy</p> |
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sources, and supporting infrastructure, where this would help secure their development; and

c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

- 6.18 Section 15 of the NPPF relates to conservation and enhancement of the natural environment. **Paragraph 174** highlights that new development should be prevented from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. It identifies how decisions should provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.19 Footnote 58 states ***"Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality"***. Annex 2 of the Framework provides a glossary of terms and defines 'best and most versatile agricultural land' as land in grades 1, 2 and 3a of the Agricultural Land Classification.
- 6.20 **Section 16** of the NPPF is concerned with 'Conserving and enhancing the historic environment'. It identifies heritage assets as 'an irreplaceable resource' and notes that they should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 199 of the NPPF states that where development proposals are likely to affect a designated heritage asset, great weight should be given to the asset's conservation and any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justifications. Paragraphs 201 and 202 continue to state:

***"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:***

- a) the nature of the heritage asset prevents all reasonable uses of the site; and***
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and***
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and***
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.***

***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".***

- 6.21 Overall, the Framework confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Authorities should approach development management decisions positively - looking for solutions rather than problems so that applications can be approved wherever it is practical to do so.

### **PLANNING PRACTICE GUIDANCE (PPG)**

- 6.22 Government's Planning Practice Guidance is a web-based resource that provides planning guidance on various planning policy and development management topics. The key topics relevant to this application proposal are:

- Climate Change 15 March 2019;
- Renewable and Low Carbon Energy;
- Historic Environment;
- Natural Environment;
- Open Space, Sports and Recreation Facilities, Public rights of Way and Local Green Space; and
- Strategic Environmental Assessment and Sustainability Appraisal.

### **Renewable and Low Carbon Energy**

- 6.23 This guidance reaffirms Government's commitment towards increasing the amount of renewable energy and low carbon technologies within the UK.
- 6.24 **Paragraph 007** of the guidance considers the role of criteria based policies in planning for renewable energy and states: -

Policies based on clear criteria can be useful when they are expressed positively (i.e. that proposals will be accepted where the impact is or can be made acceptable). In thinking about criteria the National Policy Statements published by the Department of Energy and Climate Change provide a useful starting point. These set out the impacts particular technologies can give rise to and how these should be addressed. In shaping local criteria for inclusion in Local Plans and considering planning applications in the meantime, it is important to be clear that: the need for renewable or low carbon energy does not automatically override environmental protections; cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases; local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas; great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their

setting; proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration; protecting local amenity is an important consideration which should be given proper weight in planning decisions.

6.25 **Paragraph 013** of the guidance sets out the planning considerations that relate to large scale ground-mounted solar photovoltaic farms. It states: -

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. Particular factors a local planning authority will need to consider include:

encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;

where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013 and Written Ministerial Statement – Solar energy: protecting the local and global environment – made on 25 March 2015.

that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and

the land is restored to its previous use;

the proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;

the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;

the need for, and impact of, security measures such as lights and fencing;

great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;

the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;

the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.



6.26 Importantly, the guidance acknowledges the appropriate use of agricultural land for renewable energy provided it allows for continued agricultural use and/or encourages biodiversity improvements around arrays; and the use of the agricultural land has been demonstrated as necessary. The guidance also identifies how ground mounted solar schemes are temporary structures whereby planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.

### **Practical Guidance on Climate Change**

6.27 Government's Practical Guidance on Climate Change identifies how addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin in both plan-making and decision-taking. Paragraph 3 sets out examples of mitigating climate change by reducing emissions, these include (i) Providing renewable and low carbon energy technologies and (ii) providing opportunities for decentralised energy. The proposal would achieve both.

6.28 Paragraph 5 of the guidance identifies how impacts of climate change needs to be taken into account in a realistic way. It goes on to state that local planning authorities should consider identifying no or low-cost responses to climate change that also deliver other benefits. In this instance the proposal is landowner and developer led; and as such there is no financial costs associated with the delivery of this response to climate change for the Local Planning Authority. Furthermore, the development proposal would deliver other climate change benefits such as biodiversity and hydrological enhancements.

### **OTHER GUIDANCE**

6.29 The National Policy Statements (NPSs) provide the planning policy framework for examining and determining Nationally Significant Infrastructure Projects (NSIPs). Whilst the proposed development fall below the threshold of a NSIP (50MW installed capacity) and thus the NPSs are not directly relevant, they do form a material consideration in the determination of the planning application.

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6.30 The Following NPSs are considered to be relevant to the development proposals:

- EN-1 – Overarching NPS for Energy;
- EN-3 – NPS for Renewable Energy Infrastructure; and
- EN-5 – NPS for Electricity Networks Infrastructure;

6.31 Following the publication of the Energy White Paper in December 2020, the Government announced that they would review the existing National Policy Statements for Energy to both reflect the strategic approach set out within the Energy White Paper and ensure that we continue to have a planning policy framework which can support the infrastructure required for the transition to net zero. Whilst not currently adopted, the Government have recently consulted on revised draft energy NPSs (September 2021) closing on the 29th November 2021. Following the consultation, the draft NPS will be updated before being finalised and adopted.

6.32 This Planning Statement is supported by an Energy Policy Statement which is provided at Appendix 1 of this report and sets out the other legislative background and guidance supporting the delivery of standalone renewable energy schemes. These documents form key components of central and local Government’s policy and commitments to renewable and low carbon energy and should be considered material to the determination of this scheme.

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## **7.0 PLANNING ASSESSMENT**

7.1 This section of the Statement contains a high-level appraisal of the Proposed Development against the Development Plan and the relevant material planning considerations. These considerations have been derived from an understanding of the site and its surrounds and the policy analysis of the previous section.

7.2 The key issues which are considered pertinent for this assessment are: -

- Need for Development;
- Sustainable Development; and
- Principle of the Development.

7.3 Each issue is discussed in turn below.

### **Need for Development**

7.4 As set out in the supporting Energy Policy Statement at Appendix 1 of this report, there is a plethora of Government legislation, guidance and policy which support the transition to a low carbon future and the continued roll out of renewables and low carbon energy and associated infrastructure.

7.5 The Clean Growth Strategy, published in October 2017, provides the Government's latest position on solar parks and sets out a comprehensive set of policies and proposals that aim to accelerate the pace of "clean growth", i.e. deliver increased economic growth and decreased emissions. The application proposal would contribute towards this requirement.

7.6 The National Infrastructure Commission ('NIC'), official advisor to the Government on infrastructure, has recommended that in order to meet the 2050 target the energy generation mix is up to around 90% renewables, including 56–121 GW of solar. To achieve the upper bracket of this target would require a significant increase in installed capacity across the UK, including over nine times the current installed capacity of solar technologies in the UK, which

as of October 2020 is around 13.4GW. This would mean that there is an additional 107.6 GW of solar capacity required across the 382 local authorities across England, Scotland, Wales and Northern Ireland required to meet the NIC's upper figure for solar. This would essentially mean that each local authority across the UK would need to deploy over 9 solar farms of the same size of the Proposed Development in order to meet this target.

- 7.7 In June 2020, the Government's Committee on Climate Change (CCC) identified how current policy, including planning policy, is insufficient to meet existing targets and a net zero target for 2050 would not be credible unless policy is ramped up significantly. The CCC concluded that the delivery of renewable energy generation must continue to progress with great urgency in order to meet the UK's next carbon budget. Consistently strong deployment of low-carbon generation is crucial to meeting the Net Zero target.
- 7.8 Uttlesford District Council declared a climate change emergency in August 2019 whereby the Council committed to reduce its own emissions to net zero by 2030. It is established that to achieve these targets, significant investment in proven renewable technologies is required to decarbonise the energy sector. It is therefore considered that there is a clear demonstrable need both locally and nationally for the delivery of decentralised renewable energy schemes and solar development in particular, such as that proposed, if both national and local net-zero targets are to be met. Given typical development lead-in times, good progress needs to be made now, if the 2030 target is to be met.
- 7.9 Through the British Energy Security Strategy, published in April 2022, the Government acknowledges that accelerating the transition from fossil fuels depends critically on how quickly we can roll out new renewables. As part of this strategy, the increased deployment of ground based solar development is identified by the Government to hold a key role in the realisation of these aims, with the government targeting a fivefold increase in the level of Solar PV development by 2035 (Up to 70GW). The strategy identifies how "For ground-mounted solar, we will consult on amending planning rules to strengthen policy in favour of development on non-protected land, while ensuring communities continue to have a say and environmental protections remain in place".

- 7.10 On Monday 30 May 2022, an article in the Express identifies how six million UK householders face blackouts this winter as energy crises deepens. The article identifies how the UK could ration electricity mostly during peaks in the morning and evening. It goes on to state how these planned cuts could last for over a month and would likely cause energy prices to rise further and leaving the UK's GDP lower than forecasted. The application proposal would contribute towards providing much needed decentralised power and would thus make an important contribution towards preventing blackouts.
- 7.11 On 10 March 2022, Kwasi Kwarteng, the business, energy and industrial strategy secretary, said on Twitter: *"This is no longer about tackling climate change or reaching net-zero targets. Ensuring the UK's clean energy independence is a matter of national security. Putin can set the price of gas, but he can't directly control the price of renewables and nuclear we generate in the UK"*.
- 7.12 The Planning Practice Guidance confirms that planning applications for solar farms are not required to demonstrate a need.

### **Sustainable Development**

- 7.13 Turning to sustainable development, paragraph 8 of the NPPF confirms there are three dimensions to sustainable development, these are economic, social and environmental gains. Paragraph 8 advises that in order to achieve sustainable development, economic, social and environmental gains should be pursued in mutually supportive ways through the planning system.
- 7.14 The Proposed Development will provide employment and business opportunities for component suppliers / installers and those involved in grid connection, transport and logistics, as well as local bee keepers and shepherds for the long term grazing and enhancement of the site. Where possible, local businesses will be contracted for relevant parts of the scope of works over the period of construction (labour and materials such as hardcore etc), operation and maintenance. There will also be additional induced impacts during the construction period with any incoming construction workers (engineers, project

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managers etc) spending their wages at a local level (restaurants, retail stores etc) and using local accommodation. Further economic benefits also include the payment of business rates, a proportion of which will be retained locally to be spent in the local area. This could amount to millions of pounds over the 40-year lifetime of the development.

7.15 Social gain would be provided through the generation of local electricity that will be connected directly to the local grid; the proposal would also reduce reliance upon overseas energy sources. The energy production would help to meet the national and local need for energy and therefore the development would fulfil an important social role. The payment of business rates throughout the lifetime of the development will also help support local services.

7.16 Turning to environmental gains, these would be secured through carbon reduction and local biodiversity enhancements. The Proposed Development would help support the transition to a low carbon future and produce a significant amount of renewable energy. The introduction of a diverse grassland beneath the array and areas of wildflower meadow would benefit a range of native wildlife for up to a 40 year period. The proposal would therefore deliver on the environmental arm of sustainable development.

7.17 Reflecting on the above, the proposal duly delivers economic, social and environmental benefits and accords with the requirements of paragraph 8 of the Framework and is considered to constitute sustainable development.

### **Principle of Development**

7.18 As set out above, Uttlesford District Council declared a Climate Change Emergency in 2019 whereby the Council committed to reduce its own emissions to net zero by 2030. In setting a net-zero target, one critical delivery requirement is the recognised need to continue to expand rapidly the supply of low-carbon power. Renewables only accounted for 12.3% of the total UK energy consumption in 2019 and this provides clear evidence how the rapid provision of low-carbon energy should be given significant weight in the planning balance.

7.19 The applicant duly acknowledges that the site is located outside of designated settlement boundaries and thus is deemed to lie within the countryside. Where development proposals are deemed to lie within the open countryside, Strategic Policy S7 provides specific support for development that is either needed to be located within the open countryside or is appropriate within a rural area. It is well established that ground mounted solar farms require a large amount of open, undeveloped land in order to provide the required coverage to provide efficient energy generation which can typically only be found outside of defined settlement boundaries. It is widely accepted that ground mounted solar parks are an acceptable form of development within the countryside providing it can be demonstrated that any adverse impacts can be appropriately mitigated.

7.20 A renewable energy scheme of this size can only be positioned in the open countryside as ground mounted solar arrays have specific land take requirements. The site is not located within any sensitive areas as defined by the EIA regulations and as such by virtue of its siting, the proposal has taken into account the need to protect the valuable landscape and ecological resources provided within the surrounding countryside, whilst providing for the sensitive exportation of renewable energy sources in accordance with the policies set out in the NPPF. The local and national targets provide significant weight in favour of the development proposal as significant acceleration of low carbon and renewables will be required to meet these targets. It is considered that the wider environmental benefits associated with the increased generation of renewable energy greatly outweighs any perceived adverse impacts the development may have on the surrounding countryside.

7.21 This support for renewable energy development within the countryside is confirmed by Policy ENV15 of the Uttlesford Local Plan which states that small scale renewable energy development schemes to meet local needs will be supported providing it can be demonstrated that they do not adversely affect:

*i) The character of sensitive landscapes;*

*ii) Nature conservation interests; or*

*iii) Residential and recreational amenity.*

7.22 The supporting text for Policy ENV15 states that schemes should be sited close to settlements or groups of buildings in rural areas and close to the origin of the energy resource. Development will only be permitted in locations where the local road network is capable of handling any additional traffic generated by the proposal.

7.23 Taking the criteria of Policy ENV15 into account, which is the principle planning policy for renewable energy development, the remaining part of this section will be organised into the following subtitles in order to demonstrate full compliance with Policy ENV15 and the other pertinent policies of the adopted Local Plan:

- Highway Considerations
- Landscape Considerations
- Ecology and Wildlife
- The Historic Environment
- Residential Amenity
- Best and Most Versatile Agricultural Land
- Flood Risk and Drainage
- Restoration

**Highways Considerations**

7.24 Once operational, it is anticipated that the site will operate predominantly by remote access and only visited on an occasional basis for management and maintenance purposes, typically in small vans or cars.



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- 7.25 The local highway network generally serves local residential, commercial and agricultural land uses, it is not subject to any weight restrictions and suitable to accommodate all types of vehicles including maximum articulated delivery vehicles.
- 7.26 Access to the proposed solar farm for construction vehicles will be via a new temporary access from Manuden Road, approximately 1.3 kilometres to the north of Manuden village. In addition, an existing farm access track to the south east of the site will be utilised and upgraded to provide operational access, off the unnamed road to the south of the site.
- 7.27 From the construction site access, a temporary haul road will be constructed through the field to the north of Mill Cottage. It will continue to the west for around 400 metres past this field and along the southeast site boundary where it will adjoin an existing access track. The access track will continue for around 350 metres to the northwest and into the site.
- 7.28 Temporary signage will be erected in the vicinity of the site and temporary access track during the construction phase to indicate that heavy construction vehicles are turning. In addition to this, during construction, the contractor will employ banksmen with walkie-talkies along Manuden Road to hold background traffic when an HGV needs to enter or exit the site, if considered necessary by the local highway authority.
- 7.29 During the construction of the proposed development, it is expected that there will be a maximum of around 922 Heavy Goods Vehicles deliveries to the site at an average of 8 per day, or 16 two-way movements per day, over an estimated 20-week period. There will also be construction workers arriving at the site first thing in the morning and departing in the evening, although the numbers involved are forecast to be relatively low on a day-to-day basis.
- 7.30 Construction traffic and delivery vehicles will be programmed to arrive and depart outside of the peak hours, that is between 0800 and 1700 Monday to Friday and on Saturdays between 0800 to 1300.

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- 7.31 An average of 50 construction workers are forecast to be on site during peak times during the construction period. A temporary car parking area will be provided on the site within a contractor's compound. Parking will therefore be contained within the site and no unnecessary parking will occur on the local highway network.
- 7.32 It is proposed to upgrade both the temporary construction access (at Manuden Rd) and operational site access junctions to serve both construction and operational vehicles, with improved visibility splays, to allow vehicles to enter and exit the site safely. All construction and operational vehicles will enter and exit the site in a forward gear.
- 7.33 Once operational there is anticipated to be around four visits to the site per week on average for equipment and site maintenance. This would typically be made by a van or 4x4 type vehicles. Whilst the contractor's compound will have been removed, space will remain within the site for such a vehicle to turn around to ensure that reversing will not occur onto the adjacent highway.
- 7.34 Overall it is considered that the proposed access and traffic management strategy for the site during both the operational and temporary construction stages of the development will have a negligible impact on the surrounding highway network.

### **Landscape and Visual Considerations**

- 7.35 The Proposed Development has been designed to reduce its physical extent and level of inter-visibility. It would physically introduce a new element into the receiving landscape, but its presence would not manifest itself in the landscape due to the relatively high level of enclosure within and around the site, and proposed mitigation measures.
- 7.36 The proposed development would have a minor beneficial effect upon the grassland of the site, due to the change from ephemeral arable crop to permanent pastures. With regard to the hedgerow and tree resource the

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proposals would bring about major beneficial effect. Due to light footprint of the proposed development, the effects upon the site's topography would be negligible neutral. Other landscape features, such as water features and PRowS would be retained and would not be affected.

7.37 Following the pre-application advice received from the Council in June 2022, the proposed development has been re-designed to further reduce its physical extent and level of inter-visibility with the nearby PRowS and surrounding landscape. The proposed development would physically introduce a new element into the receiving landscape, but its presence would not manifest itself in the landscape due to the relatively high level of enclosure within and around the site, and proposed mitigation measures. The underlying agricultural character of the surrounding landscape would be retained with the perceptual and sensory aspects of the landscape also largely retained. The proposed development fits well into the existing field pattern and scale of the landscape, does not negatively alter the field boundaries, and is respectful of the existing landscape features that characterise this part of the landscape. Most importantly the Key Characteristics and visual sensitivities, identified in the published assessments at the county and district level, would not be redefined and would continue to characterise the local landscape. The existing landscape character is considered robust enough to withstand the introduced limited change.

7.38 Based on the viewpoint assessment and site visits it has transpired that the proposed development would be well contained, taking advantage of the topographical variations in the local landscape, vegetative screening such as tree belts and woodlands, and roadside vegetation across the landscape. Therefore visual receptors associated with the majority of the study area would not be affected.

7.39 The identified and assessed visual receptors therefore represent close to very close receptors, often located within the site or near its perimeter. The predicted visual effects are therefore high or medium at year 1 for a number of these receptors. It is important to stress, however, that the built in mitigation measures and planting proposal help achieve a relatively low degree

of change, in visual terms. Out of 16 no of viewpoints only 6 of them have been assessed as subject to moderate adverse effects at Year 5 due to very close proximity and high sensitivity of receptor.

7.40 Overall, it is considered that the proposed development could be effectively integrated and assimilated into the surrounding landscape. The combination of undulating topography and strong landscape framework around the site creates a discrete pocket of land characterised by a limited level of inter-visibility with its wider surroundings. The proposed planting would help contribute to the character of the local area partially offsetting the adverse effects, which only occur locally and affect a very limited number of visual receptors.

7.41 The proposed solar farm has been designed in such a way to comply with the relevant policies set out in the Uttlesford District Council Local Plan relating to biodiversity and geodiversity, trees, hedgerow and woodlands, design criteria, renewable energy and the need to protect and enhance landscape features which are a characteristic of the local landscape character and to improve biodiversity.

### **Ecology and Wildlife**

7.42 This planning application is accompanied by a series of technical studies including an Ecological Impact Assessment undertaken by Clarkson and Woods. This Impact Assessment discusses the likely effects of the Proposed Development on the ecology of the Site using information collected during a suite of surveys by Landscape Science Ltd. and Clarkson and Woods Ltd. in 2021. These surveys comprised:

#### Landscape Science Ltd.:

Great created newts (GCN) eDNA and Habitat Suitability Index (HSI) surveys  
– 28th April 2020

Clarkson and Woods Ltd.:

Initial Extended Phase 1 Habitat Survey – 4th and 5th February 2021 and subsequently 14th June 2021 (additional land to the west and proposed cable route)

Wintering Bird Scoping Survey - 4th and 5th February 2021

eDNA Surveys for Great Crest Newt – 15th April 2021 and subsequently 14th June 2021 (additional land)

Scoping Breeding Bird Survey – 15th April 2021

Additional Breeding Bird Surveys – May to June 2021

- 7.43 The assessment provides a summary of the ecological constraints and opportunities associated with the Proposed Development. It concludes that the majority of the Survey Area comprises large arable fields with little ecological importance. The installation of panels into these areas is unlikely to result in any long-term adverse impacts upon biodiversity and, subject to the establishment of grassland beneath and around the panels, the scheme is likely to result in a positive impact upon biodiversity within the local area.
- 7.44 The cessation of intensive farming is also often an inherent beneficial ecological impact of solar farm developments, resulting in more diverse grassland swards and associated invertebrates with their predatory species across a range of wildlife. The development may therefore have beneficial effects for a wide range of species.
- 7.45 The Ecological Assessment and supporting surveys have been used to inform the design of the development, resulting in a bio-diversity net-gain, including:

- The provision of 9-10m development buffer zones along boundary features including hedges, and 30-50m adjacent to the Ancient Woodland provide a buffer to areas that support greater biodiversity and retain corridors for animals to move freely around the site and surrounding area;
- Conversion of arable fields that will form site boundaries adjacent to solar arrays to wildflower meadow: and,
- A blend of on-Site and off-Site measures will be provided in order to mitigate for the loss of 11 skylark breeding territories identified on site. This will include on-site skylark mitigation areas managed as hay meadow or set aside and provision of off-site 'skylark plots'.
- The retention, enhancement and strengthening of boundary features (hedges and trees) to provide an improved connective habitat resource post-development.
- eDNA surveys were undertaken of 12 waterbodies suitable for breeding great crested newts within 250m of the Site. Five samples were returned positive for great crested newts. In order to adequately compensate for impacts on newts, an agreed conservation payment will be made under Natural England's District Level Licensing (DLL) scheme. An Impact Assessment & Conservation Payment Certificate has been accepted and counter-signed by Natural England on 11/11/2021. The certificate will be issued to the LPA as evidence of the Site's registration under the DLL scheme.
- A suite of ecological enhancement measures have also been recommended, including extensive new tree and hedgerow planting across the site, which ensure that the scheme will have a net positive impact upon biodiversity within the local area. The provision of locally appropriate ecological enhancements also ensures that the scheme is consistent with the requirements of the NPPF.

7.46 Overall, the proposed suite of ecological and landscape enhancements across the site will result in a net gain of 104.84% in Habitat Units and a 56.91% net gain in Hedgerow Units, thus demonstrating a significant biodiversity net gain across the site.

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7.47 By adhering to the recommended avoidance, mitigation and enhancement measures set out in the accompanying Ecological Assessment, the development will be in line with the biodiversity of Policies GEN7, ENV7 and ENV8 of the Uttlesford District Council Local Plan, and the NPPF. The implementation of the recommended ecological enhancements would provide a positive, permanent contribution to biodiversity on the site.

### **The Historic Environment**

7.48 The supporting Heritage Statement provides an assessment of the potential impact of the Proposed Development on the designated heritage assets in proximity of the site, along with the archaeological potential of the site.

7.49 As identified earlier in this report, whilst there are no designated heritage assets within the site, but cropmarks have been identified within the northern extent of the site which may represent a possible moated enclosure, and LiDAR data suggest very slight earthworks in this location. A second potential moat was also recorded in the western extent of the site by HER records although a review of aerial photographs and the processed LiDAR data did not identify it. A very large number of moats are recorded within Essex, and a Scheduled example at Battles Hall lies to the south of the site which has extant remains of the northern and southern arms.

7.50 Following the refusal of the previous application, a Geophysical Survey of the site has been undertaken and the results discussed with the County Archaeologist. The layout of the panels for the resubmission has been altered to take into account the archaeological remains within the site, and also the setting of nearby designated heritage assets. The results of the Geophysical Survey are attached at Appendix 9 of the Heritage Statement submitted in support of this application and are discussed in greater detail below.

7.51 No anomalies suggestive of earlier prehistoric activity were identified during the geophysical survey within the site. There is some evidence for earlier prehistoric activity within the study area in the form of cropmarks indicative of features of this date, and a small quantity material of this date within the site.

A Bronze Age Beaker burial was recorded at Berden to the north and prehistoric pottery was identified during evaluation at Manuden. On this basis, the potential for significant archaeological remains of earlier prehistoric date within the site is considered to be low.

- 7.52 The geophysical survey identified two areas which were suggestive of archaeological activity of possible Iron Age to Romano-British date, in the northernmost extent of the site and in the western extent of the site. These comprised anomalies comprising a series of enclosures which could tentatively be dated to these periods based on their form. There is some evidence for Iron Age to Roman activity in the site, including an apparent loose concentration of findspots of artefacts of Romano-British date in the northern extent of the site. The findspot of a fragment of quern stone was recorded immediately south of the site. A large quantity of findspots of this date have also been identified in the wider area. On this basis, the potential for significant archaeological remains of Iron Age to Roman date within the site is considered to be moderate to high.
- 7.53 The geophysical survey within the site identified anomalies suggestive of activity of medieval date. Three sides of the previously identified moated enclosure as well as some internal features and other ditch-like anomalies and outlying enclosures suggestive of a wider area of fields and enclosures. The series of enclosures located within the northern and western areas of the site may be contemporary with the moated sites and may be of medieval date.
- 7.54 Following the results of the geophysical survey, an informal discussion was undertaken with the Archaeological Advisor, and it was suggested that panels should be removed along the northern extent of the site and to the north of the moated enclosure. This has been taken into account in the revised proposals.
- 7.55 With regards to significance, around 6,000 moated sites are known within England, and are predominantly located in the central and eastern parts of the country. The Scheduling Selection Guide for Settlement Sites to 1500 (Historic England 2018) states that factors which may favour designation include good



quality earthworks, the presence of listed medieval buildings within the moat, and the presence of associated features such as fishponds or ridge and furrow in a contemporary landscape. A very large number of moats are recorded within Essex, and a Scheduled example at Battles Hall lies to the south of the site, which has extant remains of the northern and southern arms. Within the site, where the remains are ploughed down and survive as extremely slight earthworks and below ground remains only, they are not considered to be of a significance commensurate to a Scheduled Monument, but rather are considered as a non-designated heritage asset. As such, any harm resulting from the proposed development to the asset should be weighed against the public benefits of the proposed scheme.

- 7.56 Solar panels are proposed in the area of the possible moated site and the anomalies in the western extent of the site. The piles associated with the solar panels will cause discrete impacts across the area, although a relatively low disturbance overall.
- 7.57 During the mid-19th century, the land within the site was utilised as a mixture of arable, grass and woodland, and its arable use has continued into the 21st century. Cropmarks of field boundaries are visible within the site on modern aerial imagery which are depicted on mapping from the 19th century. The geophysical survey identified three sides of a possible enclosure of potential postmedieval to modern date in the eastern extent of the western area of the site. Development in the study area was focused at Berden to the north and Manuden to the south-east, as well as farmsteads located in the wider landscape. On this basis, the potential for significant archaeological remains of post-medieval to modern date is considered to be low.
- 7.58 As set out in earlier sections of this report, there are a number of designated heritage assets located within the vicinity of the site including the Scheduled moat at Battles Hall to the south east of the site. Overall, the proposed layout has been carefully designed to respect the historic setting of the surrounding heritages assets and their historic relationship with the surrounding agricultural land where possible and includes a detailed and extensive landscaping strategy to provide natural screening to the development where appropriate.

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- 7.59 Following detailed assessment, the Proposed Development within the site is anticipated to result in less than substantial harm at the lower end of the spectrum to the heritage significance of the Grade II Listed Battles Hall, the Grade II Listed Dovecote and the Grade II Listed Cart lodge, with regards to setting.
- 7.60 The Proposed Development is anticipated to result in less than substantial harm at the lowermost end of the spectrum to the heritage significance of the Scheduled moated site at Battles Manor, with regards to setting.
- 7.61 The Proposed Development within the site is anticipated to result in no harm to the heritage significance of the Scheduled The Crump, the Grade II Listed The Crump and former barn (now room) adjoining to north-west, the Grade II Listed Brick House, the Grade II Listed Rose Garth, Grade II Listed Peyton Hall and the Grade II Listed Barn to south-east of Peyton Hall, with regards to setting.
- 7.62 The Proposed Development will result in significant public benefits that outweigh the less than substantial harm, and is therefore in accordance with the obligations of Section 66(1) of the Planning (Listed Buildings and Conservation Area Act) 1990, Section 16 of the NPPF and the heritage provisions of policies ENV2 and ENV4 of the Uttlesford District Council Local Plan.

### **Residential Amenity**

- 7.63 The nature of the Proposed Development is such that it is not likely to cause any form of pollution during its operational stage as there are no significant noise sources, increase in traffic would be low and it would not be illuminated at night.
- 7.64 The noise generated from the development will be minimal. The inverters and accompanying batteries would be located either in the centre of the solar panels in each development zone or to the edge of the development zones to

reduce visual and noise impacts on surrounding receptors. The inverters would have a sound level of 75 dB (A) at a 1 metre distance.

- 7.65 A noise assessment was prepared and submitted in support of the original planning application (ref: UTT/21/3356/FUL) to establish the potential noise impact of the development on surrounding sensitive residential receptors. This noise assessment is resubmitted in support of this application. Whilst the layout of the scheme has since been revised since the preparation of this assessment, the proposed amendments to the scheme have only sought to remove areas of the panels and reduce numbers of inverters and battery units across the site, therefore resulting an overall improvement to the noise output of the development proposal. The specification and positioning of the inverter and battery units have remained the same to the original proposal (other than those removed), and therefore the submitted noise assessment is considered to appropriate to inform this revised application.
- 7.66 Overall, the assessment indicates that the operational noise from the facility during day time and night time periods would be relatively low in absolute terms and would largely comply with the operational noise target at all sensitive residential receptors. Whilst noise levels were modelled to slightly exceed the noise target at one of the receptors, any exceedance is considered to ebb slightly and would not result in any adverse noise impacts.
- 7.67 The Proposed Development includes no plans to divert or close any PRowS. Where views into the site are likely to be experienced from existing PRowS and surrounding residential properties, an appropriate landscaping strategy has been proposed to provide screening of the site.
- 7.68 It is also notable that the Applicant has carried out a comprehensive and meaningful pre-application consultation exercise (as detailed in the supporting Consultation Report) in respect of the Proposed Development, primarily focused on the local community. The Applicant has listened to the views expressed by the local community and has made a number of changes and additions to the Proposed Development as a result.

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7.69 In light of the above, the Proposed Development is considered to be acceptable in terms of its impact upon residential amenity and accords with relevant provisions of Policies GEN4 and ENV11 within the adopted Local Plan.

### **Best and Most Versatile Agricultural Land**

7.70 National policy requires development on agricultural land to steer towards areas of poorer quality agricultural land where this is available, except where this would be inconsistent with other policy and sustainability considerations. The accompanying Agricultural Land Classification (ALC) survey and report concludes that the site does comprise a proportion of Best and Most Versatile agricultural land.

7.71 Uttlesford District has a high proportion of Best and Most Versatile Land and it is a requirement of the scheme that the solar farm be located within relatively close proximity to the point of grid connection, in this case, Pelham Substation.

7.72 The development would not result in the permanent loss of agricultural land and following cessation of use, the land could be returned to full agricultural use. Introducing a 40 year fallow period for the land will also assist the rebalancing of soil nutrients, re-establishing soil biota, breaking crop pest and disease cycles, and provide a haven for wildlife thus enhancing the quality of land for future agricultural use following the decommissioning of the solar farm.

### **Flood Risk and Drainage**

7.73 The site is wholly located within Flood Zone 1, at low risk of flooding. Small localised areas are shown to experience surface water flooding/streaming in extreme events, particularly along the existing watercourse that spans east to west between the northern and southern site parcels,

7.74 As the application site is greater than 1ha in size, the application is supported by detailed Flood Risk Assessment. The supporting Flood Risk Assessment demonstrates that the proposed development will not add any significant areas

of impermeable paving. Surface water runoff will drain partially to ground, as existing, and overland flows collected via new swale systems to slow run-off and improve water quality.

- 7.75 The proposal delivers overall betterment and complies with the guidance given in the NPPF and creates a haven for wildlife and is therefore considered to be consistent with the provisions of Policy GEN3 of the adopted Local Plan.

### **Restoration**

- 7.76 The Proposed Development is for a temporary development with a modelled operational lifespan of 40 years.
- 7.77 Following cessation of energy generation at the site, and as part of the contractual obligations with the landowner, all panels, security fence and inverters will be decommissioned, and all plant and machinery will be removed from the site. The extant use of the site will be restored thereafter.

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## **8.0 PLANNING BALANCE & CONCLUSIONS**

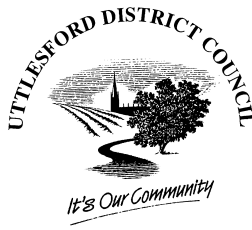
- 8.1 The proposal is for the construction and operation of ground mounted solar farm and associated infrastructure.
- 8.2 The principle of renewable energy, such as solar power, is supported by local and national planning policy. Furthermore, the Council has declared a climate emergency and the UK Government has committed to meeting a legally binding target of net-zero carbon emissions by 2050. Furthermore, with the release of the Governments 'British Energy Security Strategy', and compounding steeply rising energy prices, there is an immediate and urgent need for the rapid deployment of renewable energy generating development, including ground mounted solar development, in order to deliver vital energy security and a national energy system which is more self-sufficient. There is therefore a significant and demonstrable national and local need for the Proposed Development, as set out in Section 2 and Section 6 of this document.
- 8.3 Under the NPPF, one of the core principles is the need to support the transition to a low carbon future in a changing climate; and to encourage the use of renewable resources. Planning is also acknowledged to play a key role in securing reductions in greenhouse gas emissions and in supporting the delivery of renewable and low carbon energy. The NPPF says that applications for renewable energy should be approved if the impacts are acceptable. Although there are visual and heritage setting impacts, these are not considered to be unacceptable. Accordingly, in this case the NPPF favours approval.
- 8.4 Reflecting on the planning balance and turning to sustainable development, it is widely understood in planning that there are three dimensions to sustainable development, these are economic, social and environmental gains. National Policy advises that in order to achieve sustainable development, economic, social and environmental gains should be pursued in mutually supportive ways through the planning system.
- 8.5 The Proposed Development has been shown to achieve the main objectives of

sustainable development (environmental, social and economic) without causing undue detriment to any of these matters. As the NPPF at paragraph 14 directs, in circumstances where the application complies with the Development Plan, the application should be approved without delay.

- 8.6 The environmental and technical reports that form part of the planning application submission demonstrate that there would be no unacceptable environmental impacts, and there are a number of added benefits, including habitat creation and biodiversity net-gains. Overall, the proposals are entirely suitable to the site and its surrounds; broadly consistent with Planning Policy and all relevant material planning considerations; and will achieve a high-quality design as envisaged by the applicant and as required by the Local Planning Authority.
- 8.7 These factors, when combined with the significant need for renewable energy, mean that the planning balance (and, in particular, when considered in the context of the tests under Section 38(6) Planning and Compulsory Purchase Act 2004) is weighted significantly in favour of the Proposed Development.
- 8.8 The Applicant therefore respectfully requests that planning permission is granted for the Proposed Development.

**APPENDIX 1 – UTT/21/3356/FUL – DECISION NOTICE  
AND OFFICER REPORT**





## UTTLESFORD DISTRICT COUNCIL

Council Offices, London Road, Saffron Walden, Essex CB11 4ER  
Telephone (01799) 510510, Fax (01799) 510550  
Textphone Users 18001  
Email [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk) Website [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)

Mr Jack Ellis  
Pegasus Planning Group Ltd  
First Floor, South Wing  
Equinox North, Great Park Road  
Almondsbury  
Bristol  
BS32 4QL

**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:

<b>Policy</b>	<b>Local Plan</b>	<b>Local Plan Phase</b>
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>

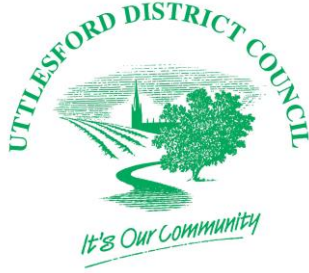
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

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](mailto: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>

## **APPENDIX 2 – UTT/22/0679/PA – PRE-APPLICATION ADVICE**



## UTTLESFORD DISTRICT COUNCIL

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Textphone Users 18001  
Email [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk) Website [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)

Mr Jack Ellis  
Pegasus Planning Group Ltd  
First Floor  
South Wing  
Equinox North  
Great Park Road  
Almondsbury  
Bristol  
BS32 4QL

27<sup>th</sup> June 2022

Your ref:

Our ref: UTT/22/0679/PA

Please ask for Mr Lindsay Trevillian on 01799 510462  
email: [ltrevillian@uttlesford.gov.uk](mailto:ltrevillian@uttlesford.gov.uk)

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 14<sup>th</sup> March 2022 and our subsequent meeting on the 8<sup>th</sup> 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 25<sup>th</sup> 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 25<sup>th</sup> 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 25<sup>th</sup> 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**  
email: [REDACTED]

**APPENDIX 3 – UTT/21/3379/SCO – UTTLESFORD  
DISTRICT COUNCIL EIA SCREENING OPINION**



## UTTLESFORD DISTRICT COUNCIL

Council Offices, London Road, Saffron Walden, Essex CB11 4ER  
Telephone (01799) 510510, Fax (01799) 510550  
Textphone Users 18001  
Email [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk) Website [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)

Mr J Ellis  
Pegasus Group  
First Floor  
South Wing  
Equinox North  
Great Park Road  
Alondbury  
Bristol  
BS32 4QL

Date: 20/01/2022

Our Ref: UTT/21/3379/SCO  
Your Ref: TB/P20-1300

Please ask for: Chris Tyler on  
01799 510547

Email: [REDACTED]

Dear Jack Ellis

### **EIA Screening Opinion,**

#### **Land Near Pelham Substation, Maggots End Road, Manuden**

#### **Request for a screening opinion for a proposed solar farm with battery storage.**

This letter provided a screening opinion for the above proposal, as required by Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) regulations 2017 (as amended). The purpose of the screening opinion is to clarify whether the proposal is "EIA development" requiring the submission of an Environmental Impact Assessment.

The assessment of the proposal outline in this letter is also in conjunction of the details set out in the attached Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Screening Matrix.

It is first necessary to establish whether the proposal is "Schedule 1 development" or "Schedule 2 development". The proposal falls within the description of Schedule 2, paragraph 3(a) Industrial installation for the production of electricity, steam, and hot water (unless in Schedule 1). The proposal exceeds the threshold of 0.5ha as the size of the site exceeds 5ha, however the site is not located in wholly or partly within a sensitive area as defined in the Regulations.

Regulation 6(4) of the Act sets out how a screening request, where relevant, must take into account the criteria set out in Schedule 3 which consider the characteristics of development, the location of the development and the types and characteristics of the potential impacts. Schedule 3 of the Regulation sets out the separate headings and I shall deal with each in turn.

#### **Characteristic of Development**

The site consists of approximately 79 hectares of land near Pelham Substation, Maggots End, Bishop's Stortford. A project of this scale would require the use of natural resources, most notably the use of agricultural land and an application for this proposal is of such a scale that Natural England would likely need to be consulted, specifically on the loss of best and most versatile agricultural land.

In regards to the location of the site and the current use of the land, the proposal is likely to result in may not result in any significant harm to biodiversity however and the proposal may in fact have the opportunity to have significant net increase in biodiversity net gains and when taking into consideration appropriate mitigation of the proposal.

In terms of cumulative developments, this proposal would need to be considered in relation to existing and approved development taking into consideration the location of the development. Although a number of nearby screening opinions have been submitted to the Council the only current nearby solar farm application currently submitted is UTT/21/3356/FUL and the East Herts application 3/21/2781/FUL which considers a small part of the development outside the Uttlesford District.

The production of waste is unlikely to be significant. Noise, dust and vibrations nuisances are highly probable during the construction phase and during the decommissioning of the development. Some of the impacts can be mitigated by way of a Construction Management Plan, although this hasn't been included in the screening opinion. Noise will be generated as part of the operational phase, but 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 a high risk flood zone and therefore, subject to appropriate to mitigation measures, should not give rise to increase flooding risks. Nonetheless due to the area coverage of the site a Flood Risk Assessment would need to be submitted together with any planning application.

The risks of accidents is considered to be low, however the risks to human health are required to be considered as part of the screening process. Whilst risks arising from potential pollution or water contamination are likely to be low, the main impact is likely to arise from noise during the operational phase. As noted above, the impact are likely to be low, but nonetheless considered during the assessment of any planning application.

### **Location of the Development**

The site consists of approximately 79 hectares and comprises mainly of a large agricultural fields which provides habitat for certain species of wildlife particularly along margins of the site. A full Ecological Assessment would need to be submitted as part of any planning application.

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 should be considered to help provide appropriate mitigation of any potential impacts. It is likely it will be necessary to also provide sufficient information on non-significant impacts on Protected and Priority species and habitats at submission. This is necessary in order that the LPA has certainty of all likely impacts, not just significant ones, from the development and can issue a lawful decision with any mitigation and compensation measures needed to make the development acceptable, secured by condition.

It should be noted that the surrounding the development area there are potentially significant archaeological remains and a Scheduled Ancient Monument in relatively close proximity to the site. The known heritage assets would not in its own right require an EIA, however, it is recommended that an Archaeological Desk Based Assessment is undertaken to support any EIA or outline application. As part of this document there should be a detailed assessment of



the proposed construction technique proposed to be used for the development. The retention of all cables above ground can significantly reduce the heritage impact on below ground deposits for instance. This will clarify the significance of any archaeological deposits affected by the development and inform the planning application.

### **Built Heritage Assets**

The location of the site is in close proximity to some built heritage assets and as such it is considered the proposal are likely to not result in any significant impact to heritage assets (listed buildings).

### **Aerodrome Safeguarding**

In regards to aerodrome safeguarding and the proposal has the potential to conflict aerodrome safeguarding, there are two aspects of concern that will need to be scrutinised:

- The potential for the solar array to create a Glint and Glare hazard to pilots – we will need the developer to supply a Glint and Glare assessment from an aviation (Stansted Airport) perspective.
- Solar arrays are known to be attractive sites for birds. Manchester Airport Group (Stansted) would need to be consulted of the plans and any planning application to ensure that this problem is mitigated.

However due to the location of the development site and distance from airports it is likely that may not be any risk of solar glint or glare however statutory advice during the submission of a planning application would be taken into consideration and could be mitigated through the use of planning conditions.

### **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. Although there would be some impact with the use of landscape mitigation this may not significant in terms of EIA impacts. No transboundary effects are envisaged. However nonetheless a Landscape Visual Impact Assessment could be beneficial as part of any application submission.

### **CONCLUSION:**

Given the location of the proposal 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.

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

Yours Sincerely



Interim Director of Planning

## **APPENDIX 4 – ENERGY POLICY STATEMENT**

### **1.0 Introduction**

1.1 This Energy Policy Statement has been prepared by Pegasus on behalf of Low Carbon Solar Park 6 Limited and should be read in conjunction with the supporting Planning Statement and other technical documents that accompany this planning application.

1.2 The purpose of this report is to highlight the legislative background and support for standalone renewable energy schemes, and solar technologies in particular, as part of both local climate change mitigation and wider national targets on the use of renewables in the UK. These documents form key components of central and local Government’s policy and commitments to renewable and low carbon energy and should be considered material to the determination of this scheme.

### **2.0 Background**

2.1 The background to the drive to increase the use of renewable sources of energy has its roots in the recognition that the burning of fossil fuels has an adverse effect on the climate of the world as a whole and that global measures are required to deal with it. The extensive use of fossil fuels that accompanied the industrialisation of the world's economy has released large volumes of CO<sub>2</sub> back into the atmosphere. The accumulation of greenhouse gases in the upper atmosphere reduces the planet's ability to reflect solar radiation back into space, resulting in a gradual increase in mean global air temperature.

2.2 The scientific evidence on climate change is summarised in 'Climate Change Explained' first published on 23 October 2014 by the Department of Energy and Climate Change. To summarise, it states that there is clear evidence to show that climate change is happening. Measurements show that the average temperature at the Earth's surface has risen by about 0.8°C over the last

century. 13 of the 14 warmest years on record have occurred in the 21st century and in the last 30 years each decade has been hotter than the previous one. This change in temperature hasn't been the same everywhere; the increase has been greater over land than over the oceans and has been particularly fast in the Arctic.

2.3 The UK is already affected by rising temperatures. The average temperature in Britain is now 1 Degree Celsius higher than it was 100 years ago and 0.5 Degree Celsius higher than it was in the 1970s.

2.4 Although it is clear that the climate is warming in the long-term, temperatures aren't expected to rise every single year. Natural fluctuations will still cause unusually cold years and seasons. Along with warming at the Earth's surface, many other changes in the climate are occurring:

- warming oceans;
- melting polar ice and glaciers;
- rising sea levels; and
- more extreme weather events.

2.5 Rising levels of carbon dioxide and other gases, such as methane, in the atmosphere create a 'greenhouse effect', trapping the Sun's energy and causing the Earth, and in particular the oceans, to warm. Heating of the oceans accounts for over nine tenths of the trapped energy. Scientists have known about this greenhouse effect since the 19th Century.

2.6 The higher the amounts of greenhouse gases in the atmosphere, the warmer the Earth becomes. Recent climate change is happening largely as a result of this warming, with smaller contributions from natural influences like variations in the Sun's output.

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- 2.7 Carbon dioxide levels have increased by more than 40% since before the industrial revolution. Other greenhouse gases have increased by similarly large amounts. All the evidence shows that this increase in greenhouse gases is almost entirely due to human activity. The main contribution to this is the burning of fossil fuels for energy.
- 2.8 About 43% of the carbon dioxide produced goes into the atmosphere, and the rest is absorbed by plants and the oceans. Deforestation reduces the number of trees absorbing carbon dioxide and releases the carbon contained in those trees.
- 2.9 The Government advises that if action is now taken to radically reduce greenhouse gas emissions, there's a good chance that we can limit average global temperature rises to 2 Degree Celsius. By taking action now we could:-
- Avoid burdening future generations with greater impacts and costs of climate change;
  - Enable economies to cope better by mitigating environmental risks and improving energy efficiency there will be wider benefits to health, energy security and biodiversity; and
  - Benefit economically because if we delay acting on emissions, it will only mean more radical intervention in the future at greater cost.
- 2.10 It is also recognised that taking action now can also help to achieve long-term, sustainable economic growth from a low-carbon economy.
- 2.11 There is a plethora of Government legislation, guidance and policy which support the transition to a low carbon future and the continued roll out of renewables and low carbon energy and associated infrastructure. The UK is part of an international effort to combat climate change. The UK is a party to the United Nations Framework Convention on Climate Change (UNFCCC) and as such has signed up to international climate change obligations, such as the

Kyoto Protocol and the Paris Agreement.

### **3.0 National Legislative Context**

3.1 With regards to the need for development, the explicit need to introduce a step change in how the country deals with climate change was recognised via the UK Government's declaration of an environmental and climate change emergency on 1 May 2019, following the findings of the Intergovernmental Panel on Climate Change (IPCC) who concluded that, to avoid a greater than 1.5°C rise in global warming, global emissions would need to fall by around 45 per cent from 2010 levels by 2030, and reach net zero by 2050 at the very latest.

3.2 The recently published IPCC Sixth Assessment report is a stark warning of the devastation that will be unleashed if we fail to urgently limit global temperature rises, and has been referred to as a "Code Red for Humanity" by the Secretary-General of the UN, António Guterres, illustrating the urgent and desperate need for rapid decarbonisation.

3.3 Through their climate emergency declaration, the Government recognises the need to move swiftly to capture economic opportunities and green jobs in the low carbon economy while managing risks for workers and communities currently reliant on carbon intensive sectors. As part of its contributions to international efforts, the UK also has domestic legislation and policies in place to reduce greenhouse gas emissions. These are focused on a number of key climate change challenges, these include:

- The reduction of CO2 emissions to tackle climate change;
- The promotion of competitive energy markets in the UK; and
- Security of decentralised energy supplies.

3.4 This subsection goes on to summarise the following relevant provisions:

**Committee on Climate Change June 2020**

3.5 The UK Committee on Climate Change advises the government on progress on tackling climate change.

3.6 In June 2020, the Committee on Climate Change published its Reducing UK Emissions report which provides an annual review of UK progress in reducing greenhouse gas emissions. This is the first annual report since the UK set a legally binding 'net zero by 2050' target and was due to be released in the lead up to the UN climate conference COP26 in Glasgow (before this was postponed until 2021).

3.7 The report provides important new advice to Government on framing a recovery from the COVID-19 pandemic that both accelerates the transition to Net Zero and strengthens our resilience to the impacts of climate change, whilst driving new economic activity. The report states that energy networks must be strengthened in order to support the electrification of transport and heating. The report highlights five investment priorities, one of which addresses the UKs energy networks. The paper identifies how: -

- It is 12 months since Net Zero became law, requiring the UK to reduce net emissions of greenhouse gases to zero by 2050. Initial steps towards a net zero policy package have been taken, but this was not the year of policy progress that the Committee called for in 2019. Current policy is insufficient for even the existing targets and a net zero target would not be credible unless policy is ramped up significantly.
- Power sector plans are advancing in line with the large scale required for the net-zero target. The power sector has been a major success story in the past decade. Emissions have decreased around 62% over the period 2008 - 2018 reflecting real decarbonisation of energy produced in the UK.

- This has resulted in a transition from fossil fuel-based power to renewables. For example, in Q3 2019, renewables provided more electricity than fossil fuels for the first time in the UK's history. This has wider importance when considering that electrification will increase demand for electricity over the coming decades.
- The goal to substantially expand supplies of low-carbon power must be accompanied by steps in the Energy White Paper to encourage a resilient and flexible energy system.

### **Climate Change Act 2008 and the Climate Change Act 2008 (2050 Target Amendment) Order 2019**

3.8 As part of its contributions to international efforts, the UK also has domestic legislation and policies in place to reduce greenhouse gas emissions. The Climate Change Act 2008 established long-term statutory targets for the UK to achieve reductions in greenhouse gases by 2050 against a 1990 baseline. The Act originally set a legally binding target of an 80% cut in greenhouse gas emissions by 2050. On 12 June 2019, as a direct response to the climate change emergency declaration, the Government laid the draft Climate Change Act 2008 (2050 Target Amendment) Order 2019 to amend the Climate Change Act 2008 by introducing a target for at least a 100% reduction of greenhouse gas emissions (compared to 1990 levels) in the UK by 2050. This is otherwise known as a net zero target because some emissions can remain if they are offset by removal from the atmosphere and/or by trading in carbon units. The legislation was signed into law on 27 June 2019, following approval by the House of Commons and the House of Lords.

3.9 Following the Climate Change Committee's advice on the Sixth Carbon Budget, Prime Minister Boris Johnson agreed to legislate a new target to reduce national emissions by 78% by 2035, with the target enshrined in law at the end of June 2020. 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.



## **The Energy White Paper (2020)**

- 3.10 The Energy White Paper (“EWP”) was presented to Parliament on 14 December 2020 and builds upon the Prime Minister’s Ten Point plan for a Green Industrial Revolution (which is discussed below).
- 3.11 The EWP sets out ambitious plans offering support for a variety of technologies and committing funds to support the growth of low-carbon green-technologies. It is intended to entirely reshape British industry and the economy. At the core of the EWP is the commitment to achieve Net Zero and tackle climate change.
- 3.12 In the introduction to the EWP (pages 2 and 3), the former Secretary of State for Business, Energy and Industrial Strategy (BEIS), Alok Sharma MP, states (inter alia):

*“The government presents this white paper at a time of unprecedented peacetime challenge to our country. Coronavirus has taken a heavy toll on our society and on our economy. But we will overcome COVID-19 and rebuild our economy, building back better and levelling up the country. As we do so, we must address the intergenerational challenge of climate change. Unchecked, the impact of rising global temperatures represents an existential threat to the planet. So, building back better means building back greener.*”

*This white paper puts net zero and our effort to fight climate change at its core, following the Prime Minister’s Ten Point Plan for a Green Industrial Revolution. The Ten Point Plan sets out how government investment will leverage billions of pounds more of private investment and support up to 250,000 jobs by 2030”.*

*The way we produce and use energy is therefore at the heart of this. Our success will rest on a decisive shift away from fossil fuels to using clean energy for heat and industrial processes, as much as for electricity generation. These are more than academic considerations; the shift to net*

*zero will affect us all. This white paper presents a vision of how we make the transition to clean energy by 2050 and what this will mean for us as consumers of energy in our homes and places of work, or for how businesses use energy to produce goods and services.”.*

3.13 The EWP seeks to put in place a strategy for the wider energy system that transforms energy and supports a green recovery (page 4).

3.14 Page 5 of the EWP sets out the Government’s ‘Compelling case for tackling climate change’. The salient points presented by Government are (inter alia):

- We need to act urgently. The future impacts of climate change depend upon how much we can hold down the rising global temperature. To minimise the risk of dangerous climate change, the landmark Paris Agreement of 2015 aims to halt global warming at well below 2°C, while pursuing efforts to limit it to 1.5°C, increasing measures to adapt to climate change, and aligning financial systems to these goals.
- At the global scale, however, we are not presently on track to reach the temperature goal of the Paris Agreement. Based on current national pledges, and assuming the level of ambition does not change, the world is heading for around 3°C of warming by the end of the century.
- The cost of inaction is too high. We can expect to see severe impacts under 3°C of warming. Globally, the chances of there being a major heatwave in any given year would increase to about 79 per cent, compared to a five per cent chance now. Many regions of the world would see what is now considered a 1-in-100-year drought happening every two to five years.
- To meet the temperature goal of the Paris Agreement, the world must collectively and rapidly reduce global emissions to net zero over the next 30 years. Success will mean we are less exposed to flood and heat risks and preserve our national security, our prosperity, and our natural

world which are threatened by the global disruption of climate change.

3.15 The Government recognises that decarbonising the energy system over the next thirty years means replacing, as far as it is possible to do so, fossil fuels with clean energy technology such as renewables (EWP Introduction, page 9). The EWP identifies how clean energy will become the predominant form of energy, entailing in a potential doubling of electricity demand and consequently a fourfold increase in low-carbon electricity generation (EWP Introduction, page 10). The Government recognises that growing and supporting green jobs across the country in green industries will also support a green recovery from COVID-19 (page 16).

3.16 The EWP, at page 43, identifies how the Government envisages that (inter alia) “While we are not planning for any specific technology solution, we can discern some key characteristics of the future generation mix. A low-cost, net zero consistent system is likely to be composed of predominantly wind and solar. But ensuring the system is also reliable, means intermittent renewables need to be complemented by technologies which provide power, or reduce demand, when the wind is not blowing, or the sun does not shine”. Page 43 goes on to identify batteries as such a technology that can contribute towards the demand side response. Page 45 identifies how “Onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind”. It goes on to state how the Government recognised that sustained growth in the capacity of these sectors is needed over the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios.

### **UK Energy Security Strategy (2022)**

3.17 On 7th April 2022, the Government published the UK Energy Security Strategy, which responds to the current energy market position following the significant spikes in energy prices resulting from the COVID-19 pandemic and Russia's invasion of Ukraine. Following the reopening of the global economy after the impacts of the COVID-19 pandemic, the sudden surge in demand for everything from foreign holidays to new cars has driven a significant spike in

the demand for oil and gas, and consequentially greatly increasing the price of these fossil fuels. This has only been further compounded following the Russian invasion of Ukraine and the restrictions placed on Russian gas to the European market, which has resulted in prices increasing even further. As result of these factors, we have seen the price of European gas increasing by over 200% in the past 12 months, with coal prices increasing by over 100%. This has seen a record increase in global energy prices and had led to an inevitable rise in the cost of living within the UK as our energy mix is highly reliant on natural gas to generate electricity and also to heat the majority of the 28 million homes in the UK.

- 3.18 The published Energy Security Strategy highlights the urgent need to both develop an energy system which is more self-sufficient and further accelerate the Country's transition away from oil and gas. It is acknowledged that this transition is not a fast process and is critically dependant on the speed at which we can deploy new renewable energy technologies. The UK Energy security Strategy outlines the urgent need for the rapid deployment of a range of renewable technologies including on and off-shore wind, nuclear, solar and other technologies. It is acknowledged that net zero targets cannot be sustainably met through the exploitation of only one or a few technologies and requires the exploitation of all available renewable technologies. For ground mounted solar technologies, the new Energy Security Strategy states that the Government will:

*"...consult on amending planning rules to strengthen policy in favour of development on non-protected land, while ensuring communities continue to have a say and environmental protections remain in place.*

*We will continue supporting the effective use of land by encouraging large scale projects to locate on previously developed, or lower value land, where possible, and ensure projects are designed to avoid, mitigate, and where necessary, compensate for the impacts of using greenfield sites."*

### **UK's National Energy and Climate Plan (NECP)**

3.19 BEIS published the UK's National Energy and Climate Plan (NECP) for 2021 to 2030, on 7 June 2021, in order to uphold the Government commitments under the Withdrawal Commitments . The NECP (at page 30) identifies how the EU has a target under the Renewable Energy Directive of 32% of energy coming from renewable sources in 2030, with Member States required to set their own nonbinding contributions to collectively achieve the EU target. As of 31 January 2020, the UK has left the EU and will therefore not contribute to EU targets or be bound by the RED after the Transition Period ends. However, to comply with Government commitments under the Withdrawal Agreement with respect to the NECP, the UK has set out a proportion of renewables in final energy consumption in 2030 of between 22%-29%. This represents a significant challenge as RED progress in 2020 is only 13.6 per cent.

### **Net Zero - Opportunities for the Power Sector**

3.20 The National Infrastructure Commission (NIC) , official advisor to the Government on Infrastructure, has published a report (Net Zero - Opportunities for the Power Sector, March 2020) setting out the key infrastructure requirements needed to meet the UK's 2050 net-zero target, including the amount of renewable energy development that would need to be deployed.

3.21 The NIC recommends that in meeting these targets, the UK's energy mix needs to be made up of around 90% renewables. At page 18 of the report, it is recommended that across all scenarios, significant levels of solar, onshore wind and offshore wind, will need to be deployed in order to ensure that between 129 – 237 GW (gigawatts) of renewable energy capacity is in operation by 2050. To achieve this, the report recommends the following split:

- 56-121 GW of solar;
- 18-27 GW of onshore wind; and
- 54-86 GW of offshore wind.

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- 3.22 To achieve the above targets would require a significant increase in installed solar capacity across the UK, including over nine times the current installed capacity of solar technologies in the UK, which as of September 2021 is around 13.6GW according to BEIS .

**Clean Growth Strategy – Leading the way to a low carbon future (2017)**

- 3.23 The Clean Growth Strategy, published in October 2017, sets out a comprehensive set of policies and proposals that aim to accelerate the pace of “clean growth”, i.e. deliver increased economic growth and decreased emissions. The Executive Summary (page 9) confirms that for the UK to achieve its fourth and fifth carbon budgets (2023 - 2027 and 2028 - 2032) it will be necessary to drive a significant acceleration in the pace of decarbonisation.
- 3.24 To achieve the clean growth, the Government states that the UK will need to nurture low carbon technologies, processes and systems that are as cheap as possible, this includes subsidy-free ground mounted solar farms as per the proposed development. The Government places significant emphasis on securing increased investment across the energy systems whilst minimising, as much as possible, the public costs for securing such investments and makes multiple references to how they are seeking the delivery of solar without subsidy. Moreover, page 99 specifically states that the ‘Government wants to see more people investing in solar without government support’. It estimates that the low carbon economy could grow 11% per year between 2015 and 2030, four times faster than the projected growth of the economy as a whole. The application proposal would clearly contribute to the delivery of the Clean Growth Strategy.

**The Ten Point Plan for a Green Industrial Revolution (November 2020)**

- 3.25 ‘The Ten Point Plan for a Green Industrial Revolution – Building back better, supporting green jobs, and accelerating our path to net zero’, was published on 18 November 2020 and is aimed at delivering a ‘Green Industrial Revolution’

in the UK, with the foreword by the Prime Minister stating that the Ten Point Plan will aim to mobilise £12 billion of government investment and potentially three times as much from the private sector, to create and support up to 250,000 green jobs. The Ten Point Plan is followed on from and built on by the Energy White Paper discussed above. Point ten seeks to accelerate the commercialisation of innovative low-carbon technologies, systems and processes in the power.

### **National Infrastructure Plan (HM Treasury, 2014)**

3.26 The National Infrastructure Plan (NIP) 2014 presents an overview of the Government's policies, investments and record on infrastructure delivery since 2010 and details the Government's approach to ensuring that the Top 40 priority investments remain on track to deliver.

3.27 The report confirms a future pipeline investment of £80bn in energy infrastructure.

3.28 The stated objectives (paragraph 8.1) with regard to energy are to:

- ensure power, heat and transport are affordable for households and businesses
- provide energy security to facilitate day-to-day activities and support economic growth
- reduce carbon emissions in order to mitigate climate change and meet its legally binding targets

### **National Infrastructure Assessment (The National Infrastructure Commission, 2018)**

3.29 The first National Infrastructure Assessment (NIA) set out the Commission's

plan of action for the country's infrastructure over the next 10-30 years.

3.30 The NIA sets out a number of recommendations to a pathway for the UK's economic infrastructure:

- nationwide full fibre broadband by 2033
- half of the UK's power provided by renewables by 2030
- three quarters of plastic packaging recycled by 2030
- £43 billion of stable long term transport funding for regional cities
- preparing for 100 per cent electric vehicle sales by 2030
- ensuring resilience to extreme drought
- a national standard of flood resilience for all communities by 2050.

**National Infrastructure Strategy: Fairer, faster, greener (HM Treasury, 2020)**

3.31 The National Infrastructure Strategy (NIS) was published on 25 November 2020, a week after the Prime Minister's Ten Point Plan. The NIS sets out the Government's plans to deliver an infrastructure revolution in the UK, while "levelling the country up" and achieving its Net Zero target by 2050. The Government's plans to transform the UK's infrastructure networks. It is based around three central objectives: economic recovery (page 11); levelling up and strengthening the Union (page 12); and meeting the UK's net zero emissions target by 2050 (page 13).

3.32 Page 51 confirms (inter alia) "To deliver net zero, the share of generation from renewables needs to dramatically increase. While the UK leads the world in the



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deployment of offshore wind, greater generation capacity will need to come from onshore wind and solar as well".

3.33 Chapter 4 (page 68) recognises that record-breaking levels of investment in UK infrastructure will be required in the coming years to meet the Government's objectives for economic growth and decarbonisation. It goes on to state that the Government remains strongly committed to supporting private investment and maintaining the UK's status as a leading global destination for private investment.

3.34 Chapter 5 (page 78) of the NIS deals with the need to accelerate and improving delivery. It states (inter alia) "The government wants to deliver infrastructure projects better, greener and faster. That means addressing longstanding challenges such as complex planning processes, slow decision-making, and low productivity in the construction sector"

#### **Net Zero Review: Interim report (December 2020)**

3.35 HM Treasury's interim Net Zero Review (NZR) - the first of its kind from a finance ministry - was published on 17 December 2020 to inform next steps in the UK's transition to net zero by 2050. The NZR supports the government's work in maximising opportunities and benefits for the UK over the next 30 years as we transition to net zero and help to ensure an equitable balance of contributions between households, businesses and the taxpayer. The interim report contains initial analysis, rather than policy recommendations, which will guide further work ahead of the publication of the Review's final report next year.

3.36 The NZR (page 24) considers the potential changes in energy process for business and households and states (inter alia) "Costs of wind and solar energy have already seen significant falls, and some forms of renewable electricity generation in the UK, such as onshore wind, are expected to have lower estimated costs per unit than electricity derived from fossil fuels. Lower long-run energy costs and greater energy efficiency could benefit both businesses and households. One of the priorities of the Energy White Paper is keeping

energy bills affordable as the UK decarbonises, especially for the most vulnerable households. Analysis by the National Infrastructure Commission further suggests that household energy bills could be potentially lower or equal to current levels after switching to clean energy”

3.37 The NZR (page 56) identifies how solar is a proven technology where market institutions are well established, and the technology is commercially viable.

#### **4.0 Digest of United Kingdom Energy Statistics (July 2021 Edition)**

4.1 The Digest of United Kingdom Energy Statistics (DUKES) is the annual energy statistics publication produced by the Department for Business, Energy and Industrial Strategy (BEIS). It provides a detailed and comprehensive picture on the production and consumption of individual fuels and of energy as a whole. The digest is published annually and the latest edition was published in July 2021. The salient points of the report are:

- Energy demand in 2020 was at levels last seen in the 1950s as Covid-19 restrictions affected industrial output, work, leisure, and travel. Energy requirements for industrial use and services (e.g. shops, restaurants, offices) are both down 6 per cent on 2019. Despite warmer weather, domestic demand was up as more people stayed at home.
- Total renewables accounted for 13.6 per cent of total energy consumption in 2020, up from 11.7 per cent in 2019. The strong generation figures owe much to the storm activity of the first quarter of 2020. Whilst capacity has grown five-fold since 2010, the growth rate in recent years has been smaller.
- Fossil fuel generation reached a record low, dropping from 75.4 per cent of generation to 37.7 per cent over the last ten years. Coal generation fell to a new record low, generating just 1.8 per cent in 2020 down from 28.2 per cent in 2010.

- The proportion of renewable generation outstripped fossil fuels for the first time in 2020 as a result record renewable generation. Renewable electricity now represents 43.1 per cent of total generation, up from 36.9 per cent in 2019.
- Growth in new renewable capacity continued to slow with just 1.0 GW added in 2020, the lowest since 2007. Covid-19 restrictions are likely to have contributed to the slowdown in growth in 2020 but at just 2.1 per cent, this is the slowest growth rate since 2002.
- Low carbon generation also reached a record high of 59.3 per cent despite a drop in nuclear output due to maintenance outages.
- Energy production dropped 3 per cent in 2020, with falls in petroleum production and nuclear production, the latter dropping to a record low due to maintenance outages. Coal production also reached a new record low, down to 1.7 million tonnes from 18.3 million tonnes in 2010.
- In 2020 net import dependency was 27.8 percent, 7.1 percentage points lower than in 2019, and at the lowest level since 2009.

## **5.0 International Legislative Context**

5.1 This section summarises the following relevant provisions:-

- 1992 United Nations Framework Convention on Climate Change;
- 1997 Kyoto Protocol on Climate Change;
- 2009 Copenhagen Accord;
- United Nations Climate Change Conference, Durban, 2011; and

- Warsaw Conference of the Parties 19 (COP19).

### **United Nations Framework Convention on Climate Change**

5.2 This convention acknowledged the need to protect the global climate. It was opened for signature at the 'Earth Summit' that met in Rio de Janeiro in June 1992, coming into force in March 1994. Recognising that human-induced changes to the atmosphere are affecting the climate, it set out to ensure that atmospheric concentrations of greenhouse gases are stabilised at a safe level.

### **The Kyoto Protocol**

5.3 The Kyoto Protocol to the United Nations Framework Convention on Climate Change (United Nations, 1997) was ratified by the UK in 2002. It sets obligatory targets for committed Annex I countries (including the UK) to take measures aimed at reducing greenhouse gas emissions, such as carbon dioxide (CO<sub>2</sub>), by an average of 5 % against 1990 levels over the five year period 2008 - 2012. Under the Kyoto Protocol, the UK's commitment is for a reduction in greenhouse gas emissions of 12.5 % from 1990 levels by 2012.

### **Copenhagen Accord**

5.4 The Copenhagen Accord, agreed by leaders representing 49 countries, marks a significant step forward, with countries agreeing to limit global temperature increases to no more than 2°C and making substantial commitments to support developing countries to take action. As a party to the Copenhagen Accord, the United Kingdom has agreed a range of proclamations and objectives, including that:

- climate change is 'one of the greatest challenges of our time', which must be combated 'urgently';
- the ultimate objective is to stabilise greenhouse gas concentration in the atmosphere 'at a level that would prevent dangerous anthropogenic

interference with the climate system’;

- any increase in global temperature should be ‘below 2 degrees Celsius’;
- ‘deep cuts’ in emissions are required;
- emissions should peak ‘as soon as possible’; and
- lower emissions are ‘indispensable to sustainable development’.

### **United Nations Climate Change Conference, Durban, 2011**

5.5 The Durban conference considered how to cut emissions to limit global temperature rise to below two degrees to avoid dangerous climate change. Over 120 countries formed a coalition behind the EU’s proposal of a ‘road map’ to a global legally binding agreement, to be put in place by 2015, to curb emissions. The talks resulted in a decision to adopt the second commitment period of the Kyoto Protocol. The conference also agreed to establish a green climate fund to assist poorer countries to make the transition to a low carbon economy.

### **Warsaw COP19**

5.6 At the UN Climate Change Conference in Warsaw 2013, governments took further essential decisions to stay on track towards securing a universal climate change agreement in 2015. The objective of the 2015 agreement is twofold: Firstly, to bind nations together into an effective global effort to reduce emissions rapidly enough to chart humanity's longer-term path out of the danger zone of climate change, while building adaptation capacity; Secondly, to stimulate faster and broader action now.

### **Glasgow COP26**

5.7 More recently, Glasgow was host to the 26th UN Climate Change Conference between 31st October and 12th November 2022. The COP26 climate talks have focused on getting countries to strengthen their emissions-cutting targets by the end of next year in a bid to limit global warming to 1.5 degrees above pre-industrial levels. The talks resulted in not only an official agreement but a series of commitments under the Glasgow Pact to various mitigation and conservation efforts, including but not limited to a pledge to halt and reverse deforestation by 2030, an agreement to end overseas financing of oil and gas projects and an agreement to 'phase down' the use of unabated coal as well as the phasing out of inefficient fossil fuel subsidies.

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