

## **Land at Berden Hall Farm, Ginns Road, Berden**

### **DRAFT SCHEDULE OF CONDITIONS**

#### **Time limit**

1. The development hereby permitted shall begin no later than three years from the date of this permission.

REASON: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **Plans**

2. The proposed development hereby approved shall be constructed in accordance with the approved plans [to be confirmed at the Hearing] unless otherwise agreed in writing by the Local Planning Authority.

REASON: To allow compliance with the approved plans and mechanism for formal amendment if it is required.

#### **Decommissioning**

3. Within 1 month of the date of first export of electricity to the National Grid confirmation shall be given in writing to the local planning authority the date of first export. The development hereby permitted shall then cease on or before the expiry of a 40 year period from the date of the first export of electricity. The land shall thereafter be restored to its former condition (allowing for any appropriate enhancements) in accordance with a scheme of decommissioning work (a Decommissioning Scheme), which will include: a Transport Management Plan to address transport routes; all landscape restoration works needed; measures to address all environmental effects of decommissioning; an Ecological Assessment Report; and the landscape and ecological features on the site to be retained.

The Decommissioning Scheme shall be submitted to and approved in writing no later than 40 years from the date of the first export of electricity from the site, and subsequently implemented as approved.

REASON: To ensure that the site is properly restored in the interests of: visual amenity including the protection of heritage assets; protecting ecology and biodiversity; and to ensure the effects of site decommissioning on the highway network are adequately mitigated in accordance with Policies S7, S8 and GEN1 of Uttlesford Local Plan (2005).

4. In the event the site ceases to generate electricity for a period of 6 months prior to the end of the 40 year period, a scheme of earlier decommissioning works (an Early Decommissioning Scheme) which shall include a Transport Management Plan and an Ecological Assessment Report, as required by Condition 3, shall first be submitted to the local planning authority and approved in writing no later than 3 months from the end of the 6 month period. The decommissioning shall be carried out strictly in accordance with the approved scheme details.

REASON: To ensure that the site is properly restored in the interests of: visual amenity including the protection of heritage assets; protecting ecology and biodiversity; and to ensure the effects of site decommissioning on the highway network are adequately mitigated in accordance with Policies S7, S8 and GEN1 of Uttlesford Local Plan (2005).

#### **Landscape, Ecology and Biodiversity**

5. The development permitted by this planning permission shall be carried out in full accordance with the details contained within the Landscape and Ecological and Management Plan by Sightline Landscape Plan Document Ref: 458\_Pelham Solar unless the Planning Authority give written consent to any variation.

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

6. Prior to the commencement of the development hereby approved, a Biodiversity Enhancement Strategy, for protected and Priority Species and other wildlife shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

The works shall be fully implemented in accordance with the approved details prior to operation of the site and shall be retained in that manner thereafter.

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

7. Following commencement of the development hereby approved, the content of the submitted Skylark Mitigation Strategy, dated 9 November, shall be fully implemented unless the Local Authority give written consent to any variation.

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

8. No external lighting shall be installed before, a lighting design scheme for biodiversity is submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for wildlife and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed.

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

## **Highway Safety**

9. Notwithstanding the Construction Traffic Management Plan (CTMP) already submitted with the application, prior to the commencement of the development hereby approved, including any ground works or demolition, a detailed revised CTMP shall first be submitted to, and approved in writing by, the local planning authority. The approved revised CTMP shall then be fully adhered to throughout the construction period.

REASON: To manage construction traffic in the interests of highway safety in accordance with Policy DM 1 of Development Management Policies, Essex County Council (February 2011) and to ensure adequate mitigation of associated environmental impacts in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

### **Fire Risk**

10. Prior to first use of the solar farm, a Safety Management Plan (SMP), including emergency fire access, shall first be submitted to and approved in writing by the Local Planning Authority. The SMP must prescribe measures to facilitate safety during the construction, operation and decommissioning having regard to fire risk and human safety. The SMP shall be fully implemented as approved.

REASON: To ensure safe operation of the battery storage system and avoid fire risks and pollution in accordance with Policies ENV12 and ENV15 of the Uttlesford Local Plan (2005).

### **Drainage/ Flood Risk / Soil & Pollution Management**

11. The development permitted by this planning permission shall be carried out in accordance with the document "Stratera Pelham Solar Farm Flood Risk Assessment and drainage" HLEF81444, ver001 dated May 2022, by RPS Consultants. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for all rainfall events up to the 1 in 100 year + 40% cc event. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Final modelling and calculations for all areas of the drainage system.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- Clarification of the discrepancies between the text of the FRA concerning the absence of poured concrete foundations to the ancillary structures, and the drawings, which indicate their presence.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with Policy GEN3 of Uttlesford Local Plan (adopted 2005) and paragraph's 167 and paragraph 174 National Planning Policy Framework.

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

REASON: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with Policy GEN3 of Uttlesford Local Plan (adopted 2005) and paragraph's 167 and paragraph 174 National Planning Policy Framework.

13. The development hereby permitted shall not be commenced until a Soil Management Plan (SMP) has been submitted to, and approved in writing by, the Local Planning Authority. The SMP should cover, but not be limited to:

- Construction phase soil protection during, for example, piling and array installation.
- Temporary loss of vegetation cover during/immediately following construction.
- Operational phase monitoring of vegetation within the SMP shall be implemented as approved.

REASON: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with Policy GEN3 of Uttlesford Local Plan (2005) and paragraph's 167 and paragraph 174 National Planning Policy Framework.

### **Heritage/Archaeology**

14. No development or preliminary groundworks of any kind shall take place until: a) a programme of archaeological evaluation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority; b) the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.

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

15. A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation. The agreed mitigation strategy once approved shall be fully implemented.

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

16. No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

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

### **Unexpected land Contamination**

17. If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, it must be reported in writing immediately to the Local Planning Authority. The contamination shall be investigated by a competent person in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and The Environment Agency Land Contamination Risk Management (LCRM) and other current guidance deemed

authoritative for the purposes, to the satisfaction of the Local Planning Authority, to ensure that the site is made suitable for its end use. Where remediation is necessary, a remediation scheme must be prepared and submitted for the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with Policies GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (2005).

### **Construction/Dust Management**

18. Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following: a) The construction programme and phasing b) Hours of operation, delivery and storage of materials c) Details of any highway works necessary to enable construction to take place d) Parking and loading arrangements e) Details of hoarding f) Management of traffic to reduce congestion g) Control of dust and dirt on the public highway h) Details of consultation and complaint management with local businesses and neighbours i) Waste management proposals j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour. k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures. The CEMP shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. All works shall be carried out in accordance with the approved CEMP thereafter.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (2005).

### **Draft Informative(s)**

1. The applicant should refer to the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found at <https://www.essex.gov.uk/protectingenvironment>
2. The applicant's attention is drawn to the new procedures for crane and tall equipment notifications issued by London Stanstead Airport.
3. Cadent Gas Ltd own and operate the gas infrastructure within the area of the development. Prior to carrying out works the applicant is advised to register relevant details of any planned works for Cadent's further review, to ensure their requirements are adhered to.

**The above Draft Condition Schedule is issued without prejudice to the determination of the application.**

**Other conditions inclusions or amendments necessary to the Draft Conditions Schedule/ and or any informative outlined above will be subject to further discussion at the Hearing.**

**Additional, Hearing discussion points are likely to be:**

- **Solar array maintenance and any related replacement measures proposed.**
- **Historic England's recommendation.**

