

## 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)

Mark Boulton  
Operations Manager – Plans, Inquiries and Costs  
The Planning Inspectorate  
Room 3/J Kite Wing, Temple Quay House  
2 The Square, Temple Quay  
Bristol  
BS1 6PN

15<sup>th</sup> March 2023

Your ref: S62A/2022/0011

Our ref:  
UTT/22/2624/PINS

Please ask for Lindsay Trevillian on [REDACTED]  
email: [REDACTED]

Dear Sir,

**LOCATION:** Land East of Pelham Substation, Maggots End, Manuden.

**PROPOSAL:** Town and Country Planning Act 1990 (Section 62A Applications) - Consultation on S62A/2022/0011 - 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

Thank you for your letter of 12<sup>th</sup> February confirming that the Planning Inspectorate has received an application seeking planning permission for the development of a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping at the site known as Land East of Pelham Substation, Maggots End, Manuden.

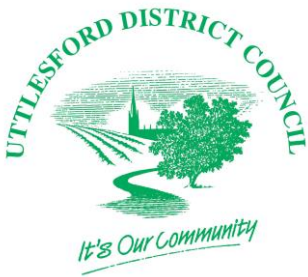
The Council has now had the opportunity to review all the documentation that was submitted by the Applicant in respect to the proposals and wishes to make representations in respect of this application, incorporating comments from internal/external non-statutory consultees and including observations in respect of the manner in which the application is to be determined.

The application was presented to Members of the Planning Committee on the 8<sup>th</sup> March 2023. In addition to the issues defined in the officers' Committee report, the main planning issues in respect of which the Council would like the Inspector to consider as part of their assessment of the proposals include:

### Planning History

As confirmed by the Applicant in their supporting Planning Statement and within the Councils Committee Report, the application site has been subject to previous planning history that is relevant to the merits of this application.

Planning application UTT/21/3356/FUL sought full planning permission for 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*'. This



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application was submitted to Uttlesford District Council in November 2021 and subsequently refused on 24 January 2022 under delegated powers for 8 reasons of refusal. The full decision is attached to this letter at Appendix 1; however, the reasons of refusal can be summarised as per below.

1. The proposals by reason of its siting, size and scale would have a harmful impact upon the rural character and appearance of the area.
2. The proposals would result in 'less than substantial' to nearby heritage assets through change in their setting. Furthermore, a lack of information was submitted in the supporting heritage statement and thereby the impact of the proposals could not be accurately assessed as part of this application.
3. The application had not provided appropriate consideration of the impact of the development such as a geophysical assessment and photographic evidence of the area to assess the historic environment.
4. 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.
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.
6. Insufficient information has been provided in support of the proposals to demonstrate that the proposed highway works scheme is acceptable in terms of highway safety, efficiency, and accessibility and that the proposed works are indeed deliverable.
7. 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.
8. A lack of a s106a was provided to secure the decommissioning of the solar farm following its 40-year operation.

The Council acknowledged that this revised application has been submitted to the Secretary of State in which further information and revisions have been made in the attempt to address and overcome the reasons of refusal as imposed on the decision notice ref: UTT/21/3356/FUL.

The Council also recognised that the Applicant held pre-application discussions with the officers of both Essex County Council and Uttlesford District Council prior to the submission of this application to the Secretary of State.

Furthermore, the Council have taken into full consideration of the revisions between the previous scheme that was refused under delegated powers and the now submitted proposals. As confirmed by the Applicant in their submission, the main physical revisions include the removal PV arrays from the southern and northern part of the eastern parcel of the site as highlighted in blue by the Council in Figure 1 below.



**Figure 1: Areas of Solar Arrays highlighted in blue that previously formed part of refused application ref: UTT.21.3356.FUL. These areas have now been removed from the proposed scheme.**

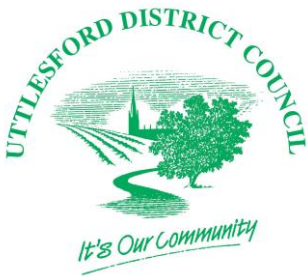
The Applicant confirmed that in total, approximately 10% of the developable area containing the solar arrays have been removed from the site. It is also acknowledged that other associated infrastructure, including containerised inverters and containerised battery storage units have been reduced in numbers because of the reduction of solar arrays.

The Council notes the reduction in the solar arrays and associated infrastructure, however, for the reasons further explained below, the Council confirm that the revisions are not sufficient to overcome the previous reasons of refusal. The Council submits that the proposals will still amount to excessive harm upon the character and openness of this part of the countryside and its historical landscape setting, and that the Applicant has failed to appropriately justify that they have undertaken a detailed 'alternative site assessment' to demonstrate why the proposal needs to take place on 'best and most versatile' agricultural land.

### **Renewable Energy Generated**

It is acknowledged that the previous application that was refused 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.

As detailed above, the proposals have reduced the number of solar arrays by approximately 10% from that of the previous refused scheme, however, the Applicant states that the scheme would still generate 49.9 MW of renewable energy and enough to power 16,500 homes.



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The Council questions as to the amount of renewable energy that the proposals will produce. Removing 10% of the number of arrays would therefore mean that the proposals would generate approximately 45 MW of renewable energy.

It is acknowledged that the proposals are submitted via the Rochdale Principles. Thereby one may reasonably assume that as a result in the reduction of arrays, the arrays thereby could be arranged closer together within the proposed development zones, and thus result in a denser/tighter arrangements. This would lead to additional harm upon the character of the area. The Council seeks clarification on this matter.

### **Temporary Permission**

Temporary planning permission is sought, with the solar farm having an operational lifespan of 40 years. After this, the scheme would be decommissioned with all the structures and equipment removed, and the land would revert to its present undeveloped agricultural condition.

The Council wish to confirm that 40 years (covering many decades and generations) is not regarded as being temporary and thereby is regarded as a permanent development. For the duration of the development (40 years) the proposal would markedly alter the character of the site.

### **Countryside and Landscape Impact.**

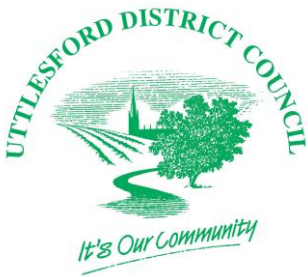
Landscape and visual effects, including recreational users of the public right of way network Chapter 15 of the NPPF (2021) contains overarching policies for conserving and enhancing the natural environment. It indicates that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Paragraph 13 of Section 5 of the PPG acknowledges that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes.

Uttlesford Policy S7, in requiring the appearance of development “to protect or enhance the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there”, is broadly consistent with NPPF paragraphs 130 and 174b and should be given moderate weight.

The skyline of the site and the surrounding slopes are visually sensitive to potential new development, with open views across the wider countryside and from public rights of ways. There is strong sense of historic integrity, resulting from a wealth of historic buildings, ancient monuments and a historic settlement pattern comprising dispersed hamlets and villages, which are connected by a series of winding lanes.

The development would be located across a series of agricultural fields with gently sloping gradients. The proposed solar panels and associated infrastructure, including the access track and security fencing would be new elements within the landscape.



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The Council confirm that the deployment of a large-scale solar farm in this location will have a negative impact on the rural environment, lead to a change in the character and appearance of the landscape, and lead to a change in the quality of the landscape and loss of agricultural character. The long rows of panels, internal access track and ancillary buildings would comprise a rather utilitarian form of development that would contrast awkwardly with the unspoilt open qualities of the site and thus detract from the pleasing rural scene and erode the qualities of the surrounding countryside.

Moreover, 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.

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 can handle any additional traffic generated by the proposal.

In this case, the proposals result in a significant large renewable energy scheme outside the aims and guidance of policy ENV15 which accepts smaller schemes subject to meeting certain criteria. Even when considering the presence of existing electrical infrastructure, the scale of the solar array, the proposal would result in an adverse visual impact causing harm to the landscape character and appearance of the area.

The Council considers that the proposal, due to the adverse effect upon the character and appearance of the area, particularly when viewed from the PRoW, would be contrary to policies S7, and ENV15 of the Uttlesford Local Plan (2005).

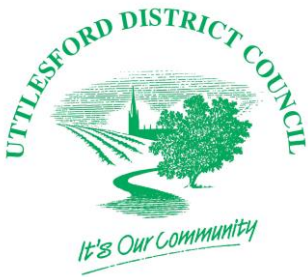
### **Heritage Assets**

Both the Applicant and the Council acknowledged that there are no designated heritage assets located within the site, however, there are several heritage assets in proximity as listed with the Committee Report and the Applicants Heritage Statement.

The Council acknowledges the removal of solar arrays from the northern and southern parts of the eastern parcel in the attempt to reduce the spread of built form and to provide a larger buffer/separation distance to nearby listed buildings and from the Scheduled Monument, 'The Crump' to the north of the site, and the Scheduled Moated Site at Battles Manor to the south.

ECC Place Services Conservation Officer concluded that the proposals would result in 'less than substantial harm' to several designated heritage assets at the lowest end of the spectrum for Rose Garth and Brick House. The Council agrees with these conclusions and submits that the proposals would also result in harm the setting of the Schedule Monuments.





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The Council advises that Historic England previously confirmed in their formal response that whilst they do not object to this type of development in principle, they had concerns in relation to the impact of the scheme on the historic environment and considered it would result in harm to the significance of heritage assets.

Amongst the concerns raised by Historic England was the potential impact on the setting of the Scheduled Monuments. It was suggested by Historic England that the proposed Solar Farm 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 Council submits that comments from Historic England should be given full weight to the assessment of this scheme prior to any determination.

Furthermore, although the Council recognises that a scheme of mitigation is proposed by the Applicant to lessen the harm upon the surrounding heritage assets, it is submitted that no justification has been provided in how the proposals would enhance or better reveal their significance of the assets as required by paragraph 200 of the Framework.

In accordance with Paragraph 202 of the Framework, the Council submits that the benefits of the proposals do not outweigh the harm upon the heritage assets caused by the development.

As per the previous refused application, the Historic Environment Consultant suggests that Archaeological trial trenching evaluation in advance of a planning decision should be undertaken because of a high potential for previously unknown significant archaeological deposits to be identified within the development area as identified by the supporting documentation and as required by paragraph 194 of the Framework.

The proposals are contrary to Policies ENV2 and ENV4 of the Adopted Local Plan and the National Planning Policy Framework.

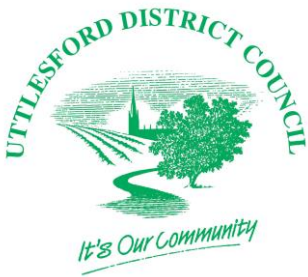
### **Loss of Best and Most Versatile (BMV) Agricultural Land**

Policy ENV5 of the Uttlesford Local Plan states that development of the best and most versatile agricultural land will only be permitted when options for accommodating development on previously developed sites or within existing development limits have been assessed. Where development of agricultural land is required, developers should seek to use areas of poorer quality land except where other sustainability considerations suggest otherwise.

On 25 March 2015 the former Secretary of State, Eric Pickles MP, published a ministerial statement on solar farms, in which he emphasised that proposals for a solar farm involving best and most valuable agricultural land ("BMVAL") would need to be justified by "the most compelling evidence" albeit that each application must be considered on its merits, in the light of material considerations.

The site area is approximately 79 hectares in overall size and is made up of several irregular shaped agricultural fields which are used for a mix of crop production and pasture.

The appellants' Agricultural Land Classification Report provides a breakdown of the grading of land within the site. Some 64.5 hectares (81.3 percent) would be BMV, comprising of Grade



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2 (very good) and subgrade 3a (good). The remainder is classified as moderate quality agricultural land (Grade 3b) which amounts to 13.1 hectares (16.6 percent).

The Applicant has stipulated within the supporting 'Alternative Sites Assessment' (September 2022) that the search area for alternative sites has been focused to a 4km area from the grid connection point with a more limited focus across the entire district. This is on the basis that a grid connection is fundamental to the solar farm and given the lack of grid connections points that are available from National Grid.

The Assessment concludes that no reasonable alternative sites of appropriate size have been identified which could accommodate the development proposal within 4km of the point of connection. It further continues to state that there are no brownfield sites or 'non-agricultural' sites of adequate size that can accommodate the proposal. Furthermore, consideration at a wider District level found no evidence that a suitable area of lower quality non-BMV land exists.

The Council disagrees with these conclusions. The Applicant has primarily focused on a 4km radius around Pelham Substation and only touched lightly on alternative sites within the wider district of Uttlesford Council. Furthermore, no other sites have been considered outside of the district.

The Council submits that the alternative site search area should not be based around the availability of a grid connection, as this is exclusively based around the need for the applicant to reduce the need for connection costs and the viability of a commercial scheme. This in the Council opinion has resulted in narrowing the scope of an Applicant's search considerably.

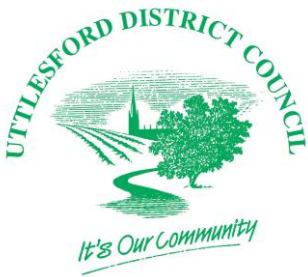
The Council submits that the Applicant has not shown that they have considered and discounted other sites within a proportionate search area on the grounds of land quality or unsuitability.

In some instances, it may be common practice for some form of agricultural use to continue alongside such schemes, usually in the form of sheep grazing. No information has been provided by the Applicant as to whether part of the site would be used for agricultural purposes, however, the Council submits that other mitigating factors, such as sheep grazing which may be relevant when considering whether the loss of agricultural is not appropriate.

The application therefore fails to demonstrate that it would be necessary for the proposals to be located within the site, or that poorer quality land would be used in preference to higher quality land, as required by the Adopted Local Plan, NPPG and the Framework.

The Council thereby submit that the loss of BMV throughout the lifetime of the proposed development has not been justified by the most compelling evidence, as required by the Adopted Local Plan, NPPG and the Framework. This amounts to a site-specific impact that would conflict with Policy ENV5 & ENV15 which brings the proposal into conflict with Policy S7, as this refers to the impacts of locating new development outside of settlement limits.

### **Traffic and Highway Issues**



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At the time of submission of this consultation response from the Council to the Secretary of State, a formal response has not been provided by Essex County Council who are the Lead Local highway Authority.

The Council wish to advise that within their assessment of the previous refused application ref: UTT/21/3356/FUL, concerns were raised by Highway Authority which led a reason for refusal being imposed as part of the previous decision.

The Highway Authority confirmed that the previous application lacked a considerable amount of information to justify the acceptance of the proposals from a highways and transportation aspect. Missing information included a construction management plan and road safety audit to assess how the proposals could potentially impact the public rights of way (PROW) that intersect the site and the proposed access.

The Council respectfully request the Inspector acting on behalf of the Secretary of State to ensure that all appropriate and relevant information and documentation has been provided by the Applicant and that this has been reviewed in detail and accepted by the Highway Authority to ensure that there will be no detrimental harm to highway safety upon those utilising the surrounding highway network including those using the existing PROW's.

### **Nature Conservation and Biodiversity.**

The Council would like to refer that in the assessment of the previous refused application ref: UTT/21/3356/FUL, Place Services Ecology Officer confirmed in their formal response raised concerns regarding the lack of information submitted in support of the scheme in relation to protected and priority species and their habitation. They confirmed that following the review of all supporting documentation supplied by the Applicant, it was deemed that there was insufficient ecological information available for determination of the application regarding Great Crested Newts, Bats, Hazel Dormouse, and hedgerows.

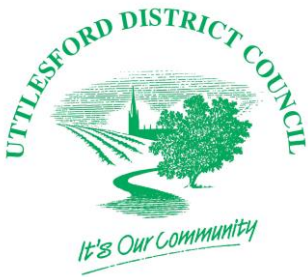
In their latest response specifically referring to the revised proposals, the Council notes that once again the Ecologist from Place Services has concerns in that they are not satisfied that there is sufficient ecological information available for determination of this application. Further information is required to provide certainty of the impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or as a condition of any consent.

The proposals are thereby currently contrary to Policy GEN7 of the Adopted Local Plan, the statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998 and the National Planning Policy Framework.

### **Flooding and Drainage.**

The previous refused application was consulted to both the Environment Agency and Essex County Council who are the Lead Local Flooding Authority. Although no comments were received from the EA, the Flooding Authority did issue a holding objection as a lack of information was provided to justify the acceptance of the proposals. For the sake of the Council repeating themselves, the lack of information of concern raised by the flooding authority is provided in full within the Committee Report.





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It is recognised that the Applicant has provided an updated Flood Risk Assessment following the previous application being refused in support of this revised application. At this stage, and without formal comments from the Flooding Authority, it can't be confirmed whether the proposals would have an adverse impact upon the risk of flooding/drainage either on the site or off-site.

The Council thereby submits that the Inspector acting on behalf of the Secretary of State to ensure that all appropriate and relevant information and documentation has been provided by the Applicant and that this has been reviewed in detailed and accepted by the Flooding Authority to ensure that there will be no increase of risk of flooding either within the site or elsewhere.

### **Cumulative Effects**

The Council appreciates that each application should be considered on its own merits, however, in this case, the Council feels that it is necessary in this instance that the Inspector on behalf of the Secretary of State, should have regard to the possible cumulative effects arising from any existing or approved development.

The Council wish to advise that there is a considerable number of other existing and/or similar applications that are pending decisions within the locality and the district as a whole as reference in the Committee Report.

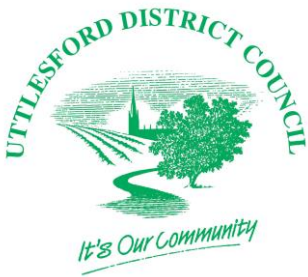
The Council accepts that the Applicant has provided an assessment of the potential cumulative impacts within Chapter 5 (Landscape and Visual Assessment) within their EIA submitted in support of the proposals.

The Council disagrees with the conclusions as set out within the EIA in that the proposals would only result in limited localised harm whilst time is taken for planting to mature and help soften the development from visual receptors.

The cumulative effects of the size and scale of the proposals including the potential of the construction of the solar farm near Stocking Pelham would result in an extensive area of the general landscape being 150 hectares in total being affected, thus resulting in an intensive change over the surrounding locality.

Furthermore, no details have been provided in respect to the potential cumulative effects during the construction phase of the development. The Council are concerned that if both the proposed Solar Farm and the adjacent Solar Farm to the north of the site are constructed simultaneously or overlap each other, there would be a significant amount of heavy traffic vehicles utilising the surrounding highway network which may be detrimental to the safety of all highway users and increase congestion.

The prominence of the development proposal in association with the solar farm near Stocking Pelham, the addition of a further battery energy storage system which are still pending decisions along with the existing 49.9MW battery storage facility and substation is likely to have a high level of cumulative effects if all are constructed. The Council confirms that the development proposal in association with the existing relevant development creates the



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appearance of a large extensive and visually prominent development. The visual appreciation of the landscape is affected as the views will change to a more industrial character rather than agriculture.

Thus, the proposals would be contrary to Policy S7 of the Adopted Local Plan and Paragraph 174(b) and 185 of the National Planning Policy Framework.

### **Fire Risk - Health and Safety**

The Council suggest that the Inspector seeks reassurance from both the Health and Safety Executive and the local Fire Service that no detrimental harm would occur in respect to fire risk or to the health and safety of those occupants adjoining the site during the construction and operational phases of the proposals.

### **Representations**

This application has resulted in a significant amount of public interest from residents of both Uttlesford District Council and East Herts District Council and the Council respectfully requests that the Inspector acting on behalf of the Secretary of State takes the time to review and listen to those comments provided in the representations made by the public and all comments provided by the relevant Local Parish Councils, and statutory and non-statutory organisations.

### **Consultation Documentation**

The following documentation is provided as part of the Uttlesford District Council's consultation response in which should form part of the Inspectors assessment of the proposals.

- Officers Committee Report
- Minutes of the Planning Committee Meeting (8<sup>h</sup> March 2023)
- Uttlesford District Council's Environmental Health Officer
- ECC Specialist Archaeological Advice
- ECC Place Services Ecology Officer Advice
- ECC Place Service Conservation Officer Advice

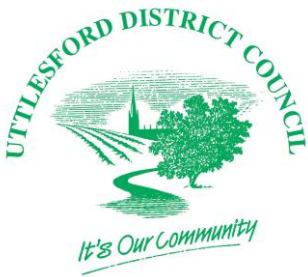
### **Summary**

Based on the above, the Council Objects to the proposals in that they would be contrary to Policies S7, GEN7, ENV2, ENV4, ENV5 and ENV15 of the Adopted Local Plan and the National Planning Policy Framework.

The Council reserves the right to review and provide additional comments if any further documentation is submitted to the Secretary of State and once all statutory or non-statutory consultation have been received during the hearing.

### **Planning Obligations and Conditions:**

Without prejudice to the Council's Statement and case put forward above, if the Inspector is mindful of approving planning permission for the proposed works, a draft list of the suggested



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conditions has been provided by the Council as per below. The Council also submit that the decommissioning of the proposals after 40 years should be secured by the way of a legal agreement rather by way of appropriately worded conditions.

### Planning Obligations:

That all financial or on-site obligations (subject to CIL Regulations) suggested by consultees, are secured through a Section 106 Legal Agreement. This should also secure that following the lifetime of the use of the site as a solar photovoltaic farm, the land should be restored to its previous state including removal of all panels, supporting infrastructure and other temporary structures onsite.

### Conditions:

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

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

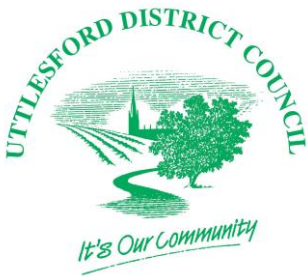
- 2** No power shall be generated on site until the expiration of 21 days from the date written notice is given to the local planning authority of the intention to generate power from the approved works. The temporary use hereby permitted shall be for the period of 40 years from the first day that power is generated by the proposals. The use hereby permitted shall thereafter discontinue and the land restored to its former condition.

Reason: To enable the Local Planning Authority to verify commencement of the operations of the works hereby approved and to establish the period of its temporary use of 40 years prior to the decommissioning of the site.

- 3** The development hereby approved shall be carried out in accordance with the approved plans as listed unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development is built out in accordance with the approved plans and to ensure that the development reflects and maintains the character of the surrounding locality in accordance with Policies GEN2 and S7 of the Adopted Local Plan and the National Planning Policy Framework.

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



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**REASON:** To ensure compatibility with the character of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2021.

**Pre-commencement condition justification:** To ensure that the resulting development does not prejudice the visual qualities of the countryside area or the setting of nearby designated heritage assets.

- 5** Prior to commencement of development, samples of materials to be used in the construction of the external surfaces of any buildings hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

**REASON:** To ensure a satisfactory standard of development in the interests of visual amenity and heritage protection in accordance with ULP Policies S7, ENV2 and GEN2 of the Uttlesford Local Plan (adopted 2005).

**Pre-commencement condition justification:** To ensure that the resulting development does not prejudice the visual qualities of the countryside area or the setting of nearby designated heritage assets.

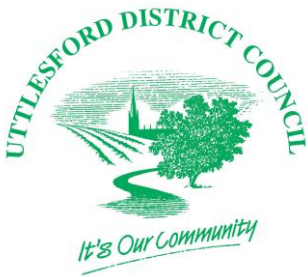
- 6** Before the development hereby approved is brought into use, a manned measured noise survey must be carried out and a report of the findings shall be submitted to and approved in writing by the Local Planning Authority.

**REASON:** To protect the character and amenities of neighbouring areas by ensuring that measures are implemented to avoid any noise nuisance. To comply with Policy ENV10 of the Adopted Local Plan and the NPPF.

- 7** Any fixed plant (including power inverter units, battery storage units, transformers & generators etc) to be used in pursuance of this permission shall be so installed prior to the first use of the premises, and be so retained and operated, so that the noise generated at the boundaries of the nearest noise sensitive locations shall achieve a rating level of 5dB (LAeq) below the typical existing background level (inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics) when measured or calculated according to the provisions of BS4142:2019. Measurement parameters must include the LA90, LAeq, LA Max and 1:1 frequency analysis, and appropriate corrections shall apply in accordance with BS4142:2019.

**REASON:** To protect the character and amenities of neighbouring areas by ensuring that measures are implemented to avoid any noise nuisance. To comply with Policy ENV10 of the Adopted Local Plan and the NPPF.

- 8** Should the plant fail to comply with this condition at any time, it shall be switched off and not used again until it is able to comply. The use of the equipment must not re-commence until a fully detailed noise survey and report has been



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submitted to and approved in writing by the Local Planning Authority and approved mitigation measures such as acoustic screening or silencers have been implemented. The plant shall be serviced in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained at all times.

REASON: To protect the character and amenities of neighbouring areas by ensuring that measures are implemented to avoid any noise nuisance. To comply with Policy ENV10 of the Adopted Local Plan and the NPPF.

**9** Prior to the commencement of 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 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.

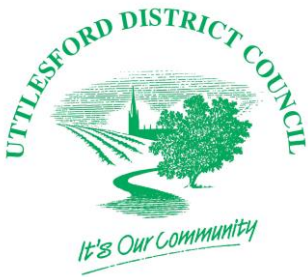
Any works shall be carried out in accordance with the approved CEMP thereafter.

Reason: In the interests of protecting the amenity of nearby residents and businesses in accordance with Local Policy GEN2, GEN4 and the NPPF.

**10** Prior to the commencement of development, a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the local planning authority. The DCEMP shall include the consideration of the following aspects of demolition and construction:

- a) Demolition, construction, and phasing programme.
- b) Contractor's access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures.
- c) Construction/Demolition hours shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation. Prior





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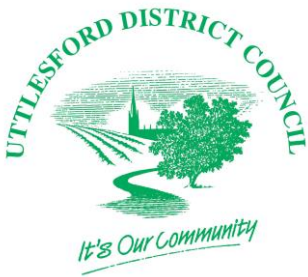
- notice and agreement procedures for works outside agreed limits and hours.
- d) Delivery times for construction/demolition purposes shall be carried out between 0730 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and at no time on Sundays, bank or public holidays, unless otherwise agreed in writing by the local planning authority in advance.
  - e) Noise method, monitoring and recording statements in accordance with the provisions of BS 5228-1: 2009.
  - f) Maximum noise mitigation levels for construction equipment, plant and vehicles.
  - g) Dust management and wheel washing measures in accordance with the provisions of London Best Practice Guidance: The control of dust and emissions from construction and demolition.
  - h) Prohibition of the burning of waste on site during demolition/construction.
  - i) Site lighting.
  - j) Screening and hoarding details.
  - k) Access and protection arrangements around the site for pedestrians, cyclists and other road users.
  - l) Procedures for interference with public highways, including permanent and temporary realignment, diversions, and road closures.
  - m) Prior notice and agreement procedures for works outside agreed limits.
  - n) Complaint's procedures, including complaints response procedures.
  - o) Membership of the Considerate Contractors Scheme.

The development shall then be undertaken in accordance with the agreed plan

REASON: In the interests of the residential and rural amenities of the area, in accordance with the provisions of GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005

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

- a) proposed finished levels or contours;
- b) legacy planting proposals
- c) means of soft landscaping around buildings and perimeter fencing enclosures;
- d) car parking layouts;
- e) other vehicle and pedestrian access and circulation areas;
- f) hard surfacing materials;
- g) minor artefacts and structures (e.g. other storage units, signs, lighting, etc.);
- h) proposed and existing functional services above and below ground (e.g. drainage power),
- i) communications cables, pipelines etc. indicating lines;
- j) retained historic landscape features and proposals for restoration, where relevant.



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

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN7, GEN8, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 12** A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, including legacy planting, shall be submitted to and approved in writing by the local planning authority before development, for its permitted use. The landscape management plan shall be carried out as approved.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

- 13** Prior to the works commencing, a report detailing the lighting scheme and predicted light levels of any external lighting associated with the proposals has been submitted to and been approved in writing by the Local Planning Authority.

Reason: In order to safeguard the amenities of adjoining residential occupiers and the character of the countryside in accordance with Policies S7 and GEN4 of the Uttlesford Local Plan (adopted 2005).

The Council submits that other conditions suggested by Statutory and Non-Statutory consultees including but not limited to the highway and flooding authorities, Place Services ecologist, Stansted Airport, National Grid and other Statutory Undertakers should also be imposed as part of the final decision if the Inspector acting on behalf of the Secretary of State is mindful of granting planning permission. The Council are willing to discuss the imposition of any further necessary conditions at the hearing.

Yours sincerely

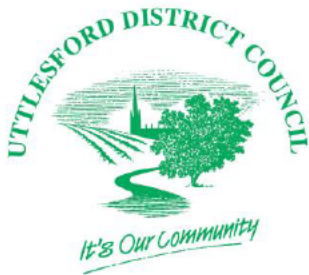
**Mr Lindsay Trevillian**  
**Principal Planning Officer**



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**Appendix 1: Previous refused Decision Notice Ref: UTT/21/3356/FUL**



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**Dated:** 24 January 2022

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

### 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

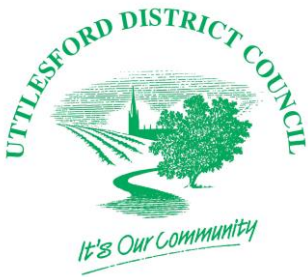
Uttlesford District Council **Refuses Permission** for:

**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





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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-PL-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.

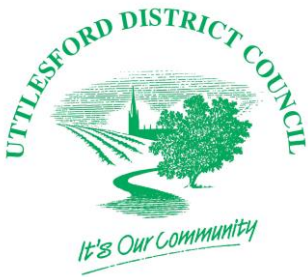
The proposals would significantly harm the intrinsic character and beauty of the countryside resulting in landscape and visual effects from a number of publicly accessible viewpoints and failing to perform the environmental role of sustainability, contrary to policy S7 of the Adopted Local Plan and the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





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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, the statement identifies 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.

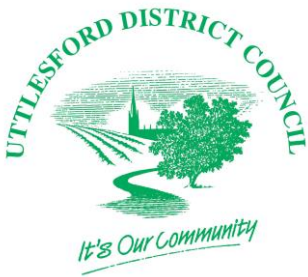
- 4 High voltage transmission overhead electricity lines and towers cross the site. National Grid's overhead line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect their asset. Statutory electrical safety clearances shall 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 assess 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 demonstrate 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



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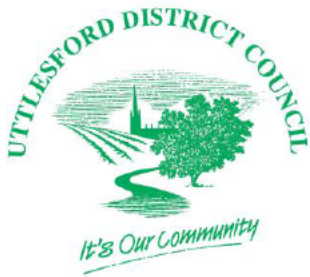
site itself or elsewhere. The proposals are thereby contrary to policy GEN3 of the adopted Local Plan and the National Planning Policy Framework.

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

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

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





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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:

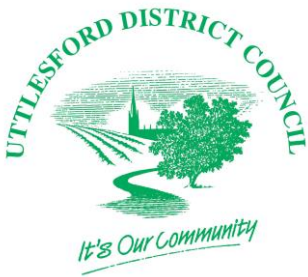
#### 1 Appeals to the Secretary of State

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.



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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).

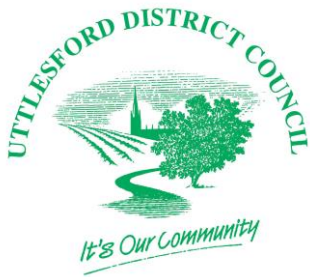
Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>

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>



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