



**ITEM NUMBER:** 6

**PLANNING COMMITTEE DATE:** 8 March 2023

**REFERENCE NUMBER:** PINS: S62A/22/0011 &  
UDC: UTT/22/2624/PINS

**LOCATION:** Land Near Pelham Substation, Maggots End Road, Manuden

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council February 2023**

**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.

**APPLICANT:** Low Carbon Solar Park Limited

**AGENT:** Pegasus Planning Group Ltd

**DATE** 20 March 2023

**CONSULTATION**

**RESPONSE**

**DUE:**

**CASE OFFICER:** Mr Lindsay Trevillian

**NOTATION:** Outside Development Limits, Adjacent Ancient Monuments, Adjacent Listed Buildings, Adjacent Ancient & Important Woodlands, Adjacent Country Wildlife Sites.

**REASON THIS CONSULTATION IS ON THE AGENDA:** This is a report in relation to a major planning application submitted to the Planning Inspectorate (PINS) for determination.

Uttlesford District Council (UDC) has been designated by Government for poor performance in relation to the quality of decisions making on major applications.

This means that the Uttlesford District Council Planning Authority has the status of a consultee and is not the decision maker. There is limited time to comment. In total 21 days.

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## **1. RECONMENDATION**

That the Director of Planning be authorised to advise the Planning Inspectorate that Uttlesford District Council make the following observations on this application:

- The proposal will lead to a change in the character and appearance of the landscape, which could be argued to lead to a change in the quality of the landscape and thus detrimental harm upon the openness and character of this part of the countryside.
- The proposals would result in adverse effects when considering the cumulation of effects of the proposals with other existing and/or

potential approved projects. This would result in an extensive area of the surrounding landscape being affected resulting in an intensive change over the surrounding locality.

- There is strong sense of historic integrity in the locality consisting of ancient monuments, listed buildings, and potentially important archaeological remains. The proposals may lead to 'less than substantial harm' upon the surrounding heritage assets, and it has yet to be concluded as to whether any further mitigation is required to make the proposals acceptable to ensure the preservation of locally important archaeological remains.
- To ensure that there is no detrimental harm regarding highway safety for all users including those utilising the PROW's and to avoid unwanted traffic congestion on the surrounding highway network during both the construction and operational stages of the development.
- Advise that all protected species and their habitats are suitable protected and that net biodiversity gain of at least 10% as mandated by the new Environment Act 2021 is provided.
- Recommended that appropriate flood and drainage mitigation is provided to ensure there is no risk of flooding within or outside of the application site.
- 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.
- To take into account all statutory and non-statutory comments and those representations made by the public.

## **2. DESCRIPTION OF THE SITE:**

- 2.1** The area of land subject to this full planning application relates to the land known as 'Land Near Pelham Substation, Maggots End Road, Manuden, Essex.' The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.
- 2.2** The application site falls within the administrative boundary of Uttlesford District Council.
- 2.3** The site is located on agricultural land located between the villages of Stocking Pelham to the northwest, Berden to the north, and Manuden to the south east.
- 2.4** 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 site contains undulating slopes throughout with slight variation in levels, but overall, the site generally falls from north to south.

- 2.5** The sites boundaries and internal fields are made up of either linear tree groups or managed hedgerows and ditches. The local landscape can be described as rural with the occasional domestic dwellings, farmsteads and associated agricultural buildings.
- 2.6** The site is bounded by agricultural land to the north beyond Blakings Lane, a mixture of woodland and agricultural land to the east; agricultural land to the south; and a mixture of woodland and agricultural land to the west. The Pelham Spring Electricity Substation is located to the west. The nearest group of dwellings is in the hamlet of Brick House End to the west. Battles Hall and other properties in Maggot's End sit to the southeast of the site, and along Maggot's End Road leading west from Manuden to East End and then Stocking Pelham.
- 2.7** There are no designated heritage assets located within the site. Battle's Hall is a Grade II Listed building with the associated Moated Site at Battle's Manor designated a Scheduled Monument. The neighbouring properties to the north, The Crump and associated former barn are designated as Grade II listed buildings. The adjacent ringwork The Crump is also Scheduled Monument. Several further Grade II Listed Buildings are recorded in the surrounds of the site.
- 2.8** 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. The site is not adjacent to any statutory or non-statutory landscape designations and the Environmental Agency Flood Risk Maps identifies the whole of the site lying within 'Flood Zone 1'.
- 2.9** There are several Public Rights of Way which bisect the site in places or pass in very close proximity, linking Battle's Hall and Maggot's End Road with Brick House End.
- 2.10** Currently, vehicle access is via existing farm tracks from the farm to the east of the site. These unmade tracks are currently limited to the southern region of the site.

### **3. DETAILS OF THE PROPOSAL**

#### **Proposal**

- 3.1** This application seeks full planning permission for the construction, operation, maintenance and decommissioning of a ground-mounted solar farm with battery storage alongside associated works.
- 3.2** It is estimated that the proposed development would generate up to 49.99 MW of renewable energy, which could provide approximately enough energy to power over 16,500 homes and displace up to 11,000 tonnes of CO2 per annum. The electricity would be sold to the National Grid as part of a commercial enterprise.

- 3.3** The Applicant has confirmed that they are unable to fix all of the design details of the proposed development at this stage. This is due to the need wait until a final investment decision is made and an appropriate contractor appointed by the applicant if planning permission is granted.
- 3.4** Following the award of the contract, the appointed contractor would then need to carry out a number of detailed studies to inform the technology selection for the proposed development and also to optimise its layout and design before starting work at the Site.
- 3.5** The Applicant has therefore sought to incorporate sufficient design flexibility as part of this application. This relates to the dimensions and layout of the structures forming part of the proposed development, including the precise layout of the site and the height of the solar panels.
- 3.6** The design approach involves defining development zones, rather than having a defined layout as shown on drawing ref: LCS032-DZ-01 REV 20 titled 'Zoning Layout Plan'. It has been submitted this way to 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.
- 3.7** In all, 6 zones have been identified with each one defining where certain infrastructure should be located across the site to accommodate the works, however, there is flexibility in terms of the layout within each zone.
- 3.8** The proposed development would include the construction and operation of the following equipment:
- 3.9**
- 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.
- 3.10** The solar panels would be laid out in straight south-facing arrays from east to west across the field enclosures. There will be a gap of approximately 3-4m between each row. 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 and would be angled at 29.5 degrees, the optimum position for absorbing year-round solar irradiation. The solar panel modules are made from photovoltaics which are blue, grey or black in colour and constructed of anodized aluminium alloy. A galvanised steel frame mounting system will support the solar array. Indicative dimensions of the proposed panels and frame are shown on the PV detail provided within the submitted application drawings (DWG no. SD-17)

- 3.11** The proposed inverters will comprise containerised units or small cabin type structures and will be situated across the site either towards the centre of each solar section, or, aligned with existing hedgerow boundaries. The proposed inverters will measure approximately 12.2m long, 2.5m wide and 2.9m high. The containerised batteries will be located across the site, alongside the inverter units.
- 3.12** The proposed compound area will be in the centre of the site (as shown in orange on the Proposed Site Layout) and 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.
- 3.13** 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 the future if permission is approved for the development.
- 3.14** The proposals will also include perimeter fencing that will be installed at a height of approximately 2m along the outer edges of the separate parcels of fields. In addition to the fencing, it is proposed to install pole mounted CCTV security cameras that would be positioned at intervals along the inside face edge of the fencing at a height of 2.5m.
- 3.15** 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 southeast of the site will be utilised and upgraded to provide operational access, off the unnamed road to the south of the site.
- 3.16** **Operation, Construction and Decommissioning**
- 3.17** 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 of the structures and equipment removed, and the land would revert to its present undeveloped agricultural condition.
- 3.18** During the operational phases, activities would amount to the maintenance, cleaning and servicing of plant and equipment, plus vegetation management.
- 3.19** A temporary construction compound would be set up with the site development boundary during construction. The compound would contain temporary portable buildings, containerised storage containers, parking, temporary hardstanding, temporary gated compound and wheel washing facilities.
- 3.20** Construction working hours would typically be 07:00 – 18:00 Monday to Friday and 0800 – 13:00 on Saturdays.

**3.21** 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 under delegated powers. Further information is provided in full in Section 5 of this report.

#### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

**4.1** An Environmental Impact Assessment (EIA) Screening Opinion was requested from the Council on 25th February 2021 by the Applicant. Unfortunately, due to staff shortages and a high case load placed on planning officers at the time, a screening opinion was not formally prepared in response to this request.

**4.2** However, at the time of submission of the previous application that was refused ref: UTT/21/3356/FUL, the Applicant submitted a further screening opinion which confirmed that the planning application boundary had materially changed from that originally applied for to that identified outlined in red as part of the application proposals.

**4.3** The Council under ref: UTT/21/3379/SCO 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.

**4.4** However, it should be acknowledged that when the Council issued their opinion, no other applications had been submitted to the Council for solar farms or similar schemes within the vicinity of the application site and thereby it was deemed at the time the proposals would not result in potential cumulative impacts.

**4.5** Turning to this application, on 23 September 2022, the applicant submitted a Non-EIA planning application to the Secretary of State. On 5 October 2022, the Planning Inspectorate, on behalf of the Secretary of State, confirmed in a letter to the Applicant that they have considered the application in accordance with Regulation 12(3) of the EIA Regulations.

**4.6** The Inspector considered that the visual effects due to the change of use from agriculture to solar infrastructure and the scale of such development are likely to be significant. The Inspector also confirmed that there is also potential for adverse effects when considering the cumulation of effects with other existing and/or approved projects, namely, UTT/16/2316/FUL (Land North of Pelham Substation), S62A/22/0006 (Land at Berden Hall Farm), 3/21/2601/FUL (Land at Wickham Hall Estate), UTT/21/0688/FUL (Land At, Cole End Farm Lane, Wimbish), UTT/21/2846/FUL (Chesterford Park, Little Chesterford, Essex) and 3/22/0806/FUL (Land off Crabbs Lane and Pelham Substation).



- 4.7** The Inspector on behalf of the Secretary of State confirmed that based on the information provided, the proposed development has the potential to give rise to significant visual effects and significant cumulative effects including those on the local landscape through an increase in the amount of electrical infrastructure within the locality. The Inspector concluded that the submission of an Environmental Statement (ES) is required by the Applicant under regulation 12(3) of the EIA regulations.
- 4.8** It is important to acknowledged that the Inspectors opinion on the likelihood of the development proposed having significant environmental effects is reached only for the purposes of this Directive and is not a conclusion on the merits of the scheme.
- 4.9** An Environmental Impact Assessment was submitted to the Secretary of State on 9th February 2023 with confirmation of the application be valid on the 12 February 2023.

## **5. RELVENT SITE HISTORY**

### **5.1** Application Site:

**5.2** A search of Council's records indicates the following relevant recorded planning history:

**5.3** UTT/21/3356/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.

**5.4** The above application was refused for 8 reasons of refusal under delegated powers in January 2022. The reasons of refusal can be summarised as per below:

- 5.5**
1. The proposals by reason of its sitting, 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.

**5.6** This application forms a resubmission of the previously refused scheme whereby the Applicant has made revisions to address the previous reasons of refusal. The main revision includes the removal of two areas (development zones) from southwestern part of the eastern site parcel and to the north of the site in order to reduce and lessen the harm on both the character and openness of the countryside and the upon surrounding heritage assets.

**5.7** Surrounding Sites:

**5.8** 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).

**5.9** 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 northeast of Pelham Substation. The land subject to this application is situated approximately 500m to the northwest of the site. At the time of the assessment of this application, neither a hearing date or a decision has been made by the Secretary of State.

**5.10** UTT/22/1203/FUL - Construction and operation of a Battery Energy Storage System and associated infrastructure. Cross Boundary Application in conjunction with East Herts District Council (ref. 3/22/0806/FUL) - access only in Uttlesford District - Land Off Pelham Road Berden. - Not yet determined.

## **6. PRE-APPLICATION ADVICE & COMMUNITY CONSULTTION**

### **6.1 Pre-application:**

**6.2** Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and that good quality pre-application discussions enable better coordination between public and private resources, and improved results for the community.

**6.3** 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 14th March 2022. This included formal discussions between the applicant, planning & landscape officers from the Council and Conservation Officers from Essex County Council.

**6.4** The Council issued their written advice 27<sup>th</sup> June 2022 which concluded that any 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 in addition to overcoming those technical concerns.

**6.5** 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.

### **6.6 Community Consultation:**

**6.7** Prior to the submission of the previous refused planning application, the Applicant has undertaken a consultation exercise with the public and other stakeholders in their preparation of the application. This was conducted between March and July 2021 before a public exhibition event was held at Manuden Village Community Centre on the 2nd August. This included sending letters and consultation packs to neighbours, writing to relevant Parish Councils and advertising in the local press.

**6.8** The Applicant submits that they listened to all views expressed by consultees, the public and Parish Council, during the duration of the consultation and has made appropriate changes to the proposed development to address and mitigate concerns raised where possible.

**6.9** To confirm, it has not been indicated whether any further community consultation has been held prior to the submission of this application to the Secretary of State.

## **7. STATUTORY CONSULTEES:**

**7.1** All statutory consultees will write directly to PINS within the 21 period being the 20 March 2023 and are thereby not informed within this report.

## **8. PARISH COUNCIL COMMENTS**

- 8.1** Any comments made by the Parish Council's in relation to the proposals will be required to be sent directly to PINS within the 21 period being the 20 March 2023 and are thereby not informed within this report.

## **9. CONSULTEE RESPONSES**

- 9.1** All consultees' comments should be submitted directly to PINS within the 21-day consultation period being the 20 March 2023 and are thereby not informed within this report.

## **10. REPRESENTATIONS**

- 10.1** The application was publicised by sending letters to adjoining and adjacent occupiers and by displaying site notices. Anyone wishing to make a representation (whether supporting or objecting) are required to submit their comments directly to PINS within the 21-day consultation period ending the 20 March 2023. All representations should be submitted directly to PINS within the 21-day consultation period.

- 10.2** UDC has no role in co-ordinating or receiving any representations made about this application. It will be for PINS to decide whether to accept any representations that are made later than 21 days.

## **11. MATERIAL CONSIDERATIONS**

- 11.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the "Considerations and Assessments" section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 11.2** Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to:
- (a) The provisions of the development plan, so far as material to the application:
  - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.

- 11.3** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or the Secretary of State, in considering whether to grant planning permission for development

which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## **12. THE DEVELOPMENT PLAN**

- 12.1** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made Feb 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport & Quendon & Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)  
Stebbing Neighbourhood Plan (made 19 July 2022)  
Saffron Walden Neighbourhood Plan (made 11 October 2022)  
Ashdon Neighbourhood Plan (made 6 December 2022)  
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

## **12.2 POLICIES**

- 12.3** Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with planning applications, local authorities should have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In deciding planning applications, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan unless Material Considerations indicate otherwise. The relevant development plan documents comprise:

## **12.4 Uttlesford District Local Plan 2005**

- 12.5** Relevant development plan policies

S7 – Countryside  
GEN1 – Access  
GEN2 – Design  
GEN3 – Flood Protection  
GEN4 – Good Neighbourliness  
GEN5 – Light Pollution  
GEN6 – Infrastructure Provision  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards  
E4 – Farm diversification: Alternative Use to Farmland  
ENV2 – Development Affecting Listed Buildings  
ENV3 – Open Spaces and Trees  
ENV4 – Ancient Monuments and Sites of Archaeological Interest  
ENV5 – Protection of Agricultural Land  
ENV7 – Protection of the Natural Environment  
ENV8 – Other Landscape Elements of Importance  
ENV10 – Noise Sensitive Developments

ENV11 – Noise Generators  
ENV12 – Groundwater Protection  
ENV14 – Contaminated Land  
ENV15 – Renewable Energy

**12.6 Supplementary Planning Document/Guidance**

**12.7** Supplementary Planning Documents of relevance to this application:

Energy Efficiency and Renewable Energy (October 2007)  
Essex County Council Adopted Parking Vehicle Standards (2009)  
Solar Farms (July 2021)

**12.8 National Planning Policy Framework**

**12.9** 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.

**12.10** Solar farm proposals with a generating capacity of greater than 50MW, under the Planning Act 2008, are classified as a National Strategic Infrastructure Projects (NSIP) requiring a Development Consent Order (DCO). Smaller solar farm proposals with a generating capacity of below 50MW can be determined by the relevant Local Planning Authority (LPA) through the normal planning application process.

**13. CONSIDERATION AND ASSESSMENT:**

**13.1.1** The issues to consider in the determination of this application are:

- A) Principle of Development**
- B) Context of presumption in favour of sustainable development**
- C) Countryside Impact**
- D) Heritage Assets**
- E) Archaeological**
- F) Neighbouring Amenity**
- G) Loss of Agricultural Land**
- H) Transport, Access, and Public Rights of Way**
- I) Trees, Arboriculture & Landscaping**
- J) Nature Conservation & Biodiversity**
- K) Flooding and Drainage**
- L) Construction Considerations and Site Restoration**
- M) Planning Obligations**
- N) Cumulative Impacts**
- O) Other Issues**

**13.2 A. Principle of Development**

- 13.2.1** Proposals for development of solar farms are assessed against national and local planning policies including National Planning Policy Statements (NPS), National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the statutory Development Plan for Uttlesford District Council.
- 13.2.2** The principle of solar development is supported in the National Planning Policy Framework (NPPF) which states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.
- 13.2.3** The Government expects future low cost, net zero consistent electricity to be made up of prominent on shore and offshore wind and solar, complemented by technologies which provide power or reduce demand when the wind is not blowing, or the sun does not shine.
- 13.2.4** Renewables now account for over one third of all UK electricity generation, up from 7 per cent in 2010, driven by the deployment of wind, solar and biomass. Electricity demand is predicted to double in the UK by 2050, driven in part by the electrification of vehicles and increased use of clean electricity replacing gas for heating. The Government has set a target to cut greenhouse gas emissions compared to 1990 levels in the UK by 100% by 2050.
- 13.2.5** More widely, the UK is committed to meeting a target of net-zero by or before 2050. This means that across the UK, emissions of Green House Gas for all sources will have to reduce from the current figure of 4352 million tonnes. The UK Government industrial and green growth strategies have made further pledges to invest in green growth low carbon infrastructure and investment in efficiency.
- 13.2.6** In August 2019, Uttlesford District Council declared a Climate and Ecological Emergency. The declaration represented a commitment to take appropriate action to make the Council's activities net-zero carbon by 2030.
- 13.2.7** The NPPF talks generally about renewables within the context of planning for climate change and makes no specific reference to solar farms. It favours sustainable energy systems as long as any impacts are (or can be) made acceptable, and states that local planning authorities should approach these as part of a positive strategy for tackling climate change.
- 13.2.8** Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-

scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

- b) approve the application if its impacts are (or can be made) acceptable.

**13.2.9** Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

**13.2.10** All planning proposals and decisions should contribute and enhance the natural and local environment. NPPF paragraphs 174a and 174b require proposals to:

- a) protect and enhance the valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

**13.2.11** The NPPG outlines guidance on the specific planning considerations that relate to large scale ground-mounted solar PV farms. It states that one consideration amongst others should be whether land is being used effectively; recommending that large scale solar farms are focused on previously developed and non-agricultural land.

**13.2.12** There are several local policies that are relevant to the consideration of a solar farm application. Those being Policies S7 and ENV15 of the Adopted Local Plan.

**13.2.13** The application site is located outside the development limits of nearby villages and settlements within open countryside and is therefore located within the Countryside where Policy S7 applies.

**13.2.14** This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances 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. A review of Policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas.

**13.2.15** 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 is capable of handling any additional traffic generated by the proposal.

**13.2.16** In July 2021, the Council published guidance on preparing and submitting proposals for solar farms. It also gives guidance on how planning applications should be considered in light of national and local requirements.

**13.2.17** The approach in the NPPF, local planning policies and Uttlesford's guidance is to be supportive to the principle of solar energy developments provided that the environmental impacts can be appropriately managed.

**13.2.18** A key environmental benefit is that the proposal has capacity to 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 11,000 tonnes of CO<sub>2</sub> per annum.

**13.2.19** This in-principle support and the environmental benefit has to be weighed against any environmental and other impacts of the proposal in a balancing exercise. The balancing exercise is a matter of planning judgement.

**13.2.20** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

**13.2.21** The "Planning Balance" is undertaken further below, but before doing so we have undertaken a wider assessment of the proposal against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.

### **13.3 B. Context of presumption in favour of sustainable development.**

**13.3.1** The NPPF considers that achieving sustainable development means that the planning system has three overarching objectives which are independent and need to be pursued in mutually supportive ways so that

opportunities can be undertaken to secure net gains across economic, social and environmental objectives.

**13.3.2** The proposal is a renewable energy project which in principle is supported by national and local planning policies due to the benefits it would deliver in reducing greenhouse gas emissions. It would also deliver moderate social and employment benefits by providing employment in the construction and operational phase and generally contributing to sustaining jobs in the wider solar per industry. There would be significant habitat and biodiversity net gains associated with the development arising from a 100% habitat gain from habitat retention, creation and enhancement from the change of arable fields into grassland when managed as a wildflower meadow.

**13.3.3** However, the proposals will no doubt change the character of the site from one of arable fields to one of which appears more unitarian comprising of a substantial amount of electrical infrastructure, and thereby result in a significant change to the visual qualities of the landscape. There may also be other harm that has yet to be identified by statutory or non-statutory consultees that may influence the balance of the proposals one way or the other which will need to be considered. Concerns regarding the previous refused application consisted of harm upon heritage assets, highway safety, biodiversity, and flood risk.

**13.3.4** As such, without all the available information from relevant statutory consultees, one can't conclude at this stage whether the proposals would amount to sustainable development or not when applying a balance assessment.

#### **13.4 C. Landscape and Visual Impact.**

**13.4.1** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

**13.4.2** Landscape character assessment is not a tool designed to resist all change within the landscape, rather, it recognises that landscapes are continually evolving. Understanding of character will aid decision-making in the planning sphere and can be used to ensure that any change or development does not undermine whatever is valued or characteristic in a particular landscape. It is linked to the idea of a sustainable environment in which our social and economic needs, and natural resources, are recognised.

**13.4.3** Although not formally adopted as part of the Local Plan or forms a Supplementary Planning Document, the Council as part of the preparation of the previous Local Plan prepared a character assessment which provides the detailed 'profiles' of Landscape Character Areas within

Uttlesford District, known as 'Landscape Characters of Uttlesford Council'.

- 13.4.4** The Landscape Character of Uttlesford District Assessment identifies the site as falling within the 'Berden and Farnham Chalk Upland' landscape character area with extends from Ford End in the north to the environs of Farnham in the south.
- 13.4.5** The character assessment stipulates that this area is an extremely varied with the open wide vistas on the higher ground contrasting with the more intimate feel of the steep slopes descending to the Bourne Brook. The field pattern varies in the same way - rather large and regular in the northern and middle part of the area, becoming more irregular and smaller in scale towards the south. There are quite a few pedestrian footpaths crisscrossing the area, and a double row of pylons dominates the skyline on the plateau outside Berden, where there is also a highly visible national grid electricity station.
- 13.4.6** Further to the above the site is located within the South Suffolk and North Essex Clayland (National Character Area 86), as identified by Natural England. The 'Summary' section of the published assessment describes the NCA86 as: *"It is 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 smallscale river valleys that dissect the plateau. There is a complex network of old species-rich hedgerows, ancient woods and parklands, meadows with streams and rivers that flow eastwards. Traditional irregular field patterns are still discernible over much of the area, despite field enlargements in the second half of the 20th century."*
- 13.4.7** 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 with effective screening and appropriate land topography the area of a zone of visual influence could be limited. Although solar farms often cause changes to the landscape and whilst they may not be able to achieve a limited visual influence, they should be minimised as far as possible.
- 13.4.8** The skyline of the site and the surrounding slopes are visually sensitive to potential new development, with open views possible along across and the wider countryside. There is strong sense of historic integrity, resulting from a wealth of historic buildings and a historic settlement pattern comprising dispersed hamlets and villages, which are connected by a series of winding lanes.
- 13.4.9** It is acknowledged that previous application ref: UTT/21/3356/FUL it was concluded that due to the excessive size and scale of the proposals, it would result in detrimental harm to the openness and character of the countryside. To reduce the visual harm of the proposals, the applicant

has revised the scheme reducing the size of the proposals by way of removing a couple of development zone to the north and south of the eastern parcel of the site. No indication has been provided by the Applicant as to the amount of land that this quantifies from that of the proposals that were previous refused.

- 13.4.10** As with previous scheme, the development would be located across a series of agricultural fields with gently sloping gradients. The fields within the site are delineated and divided by existing tree belts woodland, and some hedgerows. The majority of the site is on sloping land which falls away from Battles Wood (an ancient woodland) down towards Brick House End.
- 13.4.11** Although it is acknowledged that two development zones have been removed thereby reducing the number of solar arrays and their associated infrastructure, the proposal will still lead to a change in the character and appearance of the landscape, which could be argued to lead to a change in the quality of the landscape and loss of agricultural character. However, the green energy equipment such as solar arrays and wind turbines are rapidly becoming features that are becoming an integrated part of the agricultural landscape.
- 13.4.12** This is none so more evident by the acceptance of local Policy ENV15 which generally accepts renewable energy schemes of a small scale by their very nature and them likely to result in some adverse impact upon the character and appearance of the countryside. As such they are not precluded from rural areas. However, in this case, the proposals result in a significant large renewable energy scheme outside the aims and guidance of Policy ENV15 which accepts smaller scheme subject to meeting certain criteria.
- 13.4.13** The proposal would retain the original field pattern in situ. Within the site, the panels would be sat on the rolling slope and flat land within east-westerly arrays (rows).
- 13.4.14** The applicant has provided a Landscape and Visual Impact Assessment (LVIA). This document describes the baseline qualities and current condition of local landscape character. It identifies several locations (visual receptor viewpoints) from which the site can be viewed. The LVIA also identifies steps that would be taken to mitigate against any harm that would likely to arise from the implementation of the development.
- 13.4.15** The application site does not form part of any designated landscape. However, the Framework also requires the intrinsic character and beauty of the countryside to be recognised when assessing development proposals.
- 13.4.16** This 79 hectares of land is situated within an area of very attractive open countryside. The proposed solar panels and associated infrastructure,

including the access track and security fencing would be new elements within the landscape.

- 13.4.17** Whilst the countryside can accommodate many forms of development, 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.
- 13.4.18** For the duration of the development (40 years) the proposal would markedly alter the character of the site. Although the panels would in part be semi screened by natural existing and proposed vegetation, they would be seen from the public realm and wider distance views. The likely arrays of dark grey coloured panels would disrupt the harmonious pattern of open fields and would appear as a discordant element amongst the patchwork of green and yellow coloured fields.
- 13.4.19** The proposal would detract from the pleasing rural scene and erode the qualities of the 'lower rolling farmed and settled undulating slopes'. As the solar panels are 3m high, it will not be possible to completely mitigate the effects of this development.
- 13.4.20** The area is popular with locals and visitors utilising PROW's within and surrounding the site and, as a consequence, even small-scale changes are likely to be apparent to those who spend their time enjoying / relaxing in this attractive rural area. The proposal would result in moderate adverse visual impacts rather than 'negligible' visual change as described within the appellant's Landscape and Visual Impact Assessment.
- 13.4.21** The adverse effect upon the character and appearance of the area weighs against the development.

## **13.5 D. Heritage Assets**

- 13.5.1** Where any development may have a direct or indirect effect on designated heritage assets, there is a legislative framework to ensure the proposals are considered with due regard for their impact on the historic environment.
- 13.5.2** There are no designated heritage assets located within the site, however, there are several heritage assets in proximity in which the proposals may harm. These 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 southeast 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 south east of Peyton Hall, Grade II listed (list entry number: 1233141).

- 13.5.3** At the time of preparing this report, the Council are not in receipt of any consultation response from either Historic England or Place Services Conservation Officer. However, it should be noted that both consultees raised concerns with the previous scheme ref: UTT/21/3356/FUL which led to reasons of refusal being imposed on the decision.
- 13.5.4** Historic England previously confirmed in their formal response that whilst they do not object to this type of development in principle, they have concerns in relation the impact of the scheme on the historic environment and consider it would result in harm and they recommend that further, more detailed assessments should be undertaken to establish the impact of these proposals on the significance of heritage assets.
- 13.5.5** This was also raised by Place Services Conservation Officer who stated that they do not consider that the maximum level of mitigation has been realised through the design of the current scheme as there may be the potential for a no harm scheme to be realised. Furthermore, the Heritage Statement does not provide clear and convincing justification to demonstrate the harm arising from the proposals, contrary to Paragraph 200 of the NPPF (2021).
- 13.5.6** Amongst the concerns raised by both Historic England and the Conservation Officer was the potential impact on the setting of the Scheduled Monuments known as 'The Crump: a ringwork 600m south of Berden' and 'Moated site at Battles Manor' and the surrounding Grade II listed buildings within a 1500m radius of the site.
- 13.5.7** It was suggested by both Historic England and the Conservation Officer 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.
- 13.5.8** It was concluded that this would result in harm to the significance of the heritage assets and that further comprehensive documentation from the applicant that establishes the likely impacts and visibility of the scheme from these assets is required to allow for the development to be fully assessed and for the balance to be weighed proportionally by the Council.
- 13.5.9** Concerns were also raised in relation to the assessment of the impact of the development on the setting of designated heritage assets. It was noted that the approach taken and considered that the Landscape Visual

Impact Assessment (LVIA) provides primarily generic landscape views and does not include heritage-specific viewpoints.

- 13.5.10** Both Historic England and the Conservation Officer consider that previous scheme had the potential to cause ‘less than substantial harm’, moderate in scale to the significance of the designated heritage assets of both the schedule monuments and a number of Grade II listed buildings as identified above.
- 13.5.11** As mentioned above in this report, the Applicant has revised the scheme by reducing the number of development zones, and thus reducing the spread of solar arrays to the northern and southern sections of the eastern parcel of the site. The Applicant also submits that they have provided more details in their supporting LVIA and Heritage Statement providing further justification of the acceptance of the proposals from a conservation view.
- 13.5.12** Whether the revisions and further documentation submitted as part of the scheme overcome both Historic England and the Conservation Officers previous concerns is one of which we will have to wait and see once the Council are in receipt of their formal comments. Nevertheless, it could be reasonably assumed that both Historic England and the Conservation Officer could conclude that the proposals would lead to ‘less than substantial harm’ given their previous comments. However, the level of harm could be reduced from one of moderate to high harm, to one of a low level on the spectrum of the scale of harm. Any harm as per the Frameworks would need to be weighed against the benefits of the scheme.
- 13.5.13** With regards to the case for public benefit for the historic environment, there is no doubt that there is likely to be a clear public benefit because of the proposals being able to generate up to 49.9 MW of renewable energy. However, the decision maker, and in this case the Inspector acting on behalf of the Secretary of State, will need to provide a balance assessment between any potential identified harm and the benefits of the proposals.

## **13.6 E. Archaeological**

- 13.6.1** In accordance with Policy ENV4 of the adopted Local Plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing, and enabling informed and reasonable planning decisions to be made.
- 13.6.2** Once again, the Council is not in receipt at the time of the preparation of this report either informal or formal comments from Essex County

Council's Historic Environment Officer regarding the acceptance of the proposals in respect to archaeology. However, it should be acknowledged that the Historic Environment Officer raised concerns which led to a reason of refusal on the previous application ref: UTT/21/3356/FUL.

- 13.6.3** Previously the Historic Environment Officer stipulated that given the extent of the recorded archaeology on the Historic Environment Record and that identified within the Applicant's supporting heritage statement in an area where little previous development has been undertaken there is a high potential for previously unknown significant archaeological deposits to be identified within the development area.
- 13.6.4** It was thereby previously recommended that the Applicant undertakes a geophysical assessment and provide an assessment of aerial photographic evidence of the area to support their application to establish the nature and complexity of the surviving archaeological assets. This work would enable due consideration to be given to the historic environment implications and would lead to proposals for preservation in situ and/or the need for further investigation.
- 13.6.5** Following the guidance within the NPPF as required by paragraph 194, the Historic Environment Officer stipulated that this work should be undertaken prior to a planning decision being made.
- 13.6.6** A geophysical survey has since been undertaken within the site in March 2022 following the previous application being refused and the comments made by the Historic Environment Officer. A full copy of the survey is provided in Appendix 9 of the Heritage Statement.
- 13.6.7** The survey recorded anomalies indicative of archaeological activity at three locations within the site which have been interpreted as possible settlement activity.
- 13.6.8** It also 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.
- 13.6.9** The geophysical survey identified three sides of a possible enclosure of potential post medieval 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 geophysical survey concluded that the potential for significant archaeological remains of post-medieval to modern date is considered to be low.

**13.6.10** The works undertaken by the applicant and the findings as concluded within the supporting geophysical survey will need to be fully assessed by Essex County Council's Historic Environment Officer as to the acceptance of the proposals or whether any further mitigation is required to make the proposals acceptable to ensure the preservation of locally important archaeological remains.

## **13.7 F. Neighbouring Amenity**

**13.7.1** Policy GEN2 and GEN4 of the Local Plan states that development will not be permitted unless its design meets a variety of given criteria, including that it minimises the environmental impact on neighbouring properties by appropriate mitigating measures and that it will not have a materially adverse effect on the reasonable occupation and enjoyment of residential property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

**13.7.2** The nearest group of dwellings are located in the hamlet of Brick House End to the west. Battles Hall and other properties in Maggot's End sit to the southeast of the site, and along Maggot's End Road leading west from Manuden to East End and then Stocking Pelham.

**13.7.3** The arrays themselves are passive during operation, they have no running parts and emit no carbon, noise smell or light. Once installed, the system itself needs minimum maintenance and will be unmanned.

**13.7.4** The proposal would be visible from several nearby residential properties. The panels themselves, at a maximum of 3 metres in height are not considered to be overbearing in relation to proximity from existing residential properties. The impact of residential first floor views would only offer a more expansive viewpoint and would not be unacceptable given their separation distance and the inclusion of substantial planting boundaries.

**13.7.5** In relation to glint and glare, the solar panels are designed to absorb light, rather than reflect light. Although the surface is glass, it is not reflective in the same way as a mirror or window.

**13.7.6** Many residential receptors already benefit from existing vegetation which removes views of the reflective area. For those receptors where there is no existing screening, mitigation in the form of planting, secured by the Landscape and Ecological Management Plan (LEMP), is recommended to reduce any perceived impact in this regard.

- 13.7.7** The solar panels are not considered to harmfully affect nearby residential amenity by way of adverse glint or glare to warrant significant concerns or a reason for refusal on this ground.
- 13.7.8** The substations, control buildings, inverters and transformer stations will be acoustically rated and can produce sound, but this can be managed and rated such that acceptable noise levels are achieved.
- 13.7.9** Council's Environmental Health Officer raise no objections to the previous scheme that was refused, and although no revised comments have been provided to date, it is anticipated that Environmental Health Officer will not raise objections to the revised proposals in respect to noise/disturbance.
- 13.7.10** It is acknowledged that during the construction phases, there will be periods when works are likely to be audible to at nearby receptors. A Traffic Construction Management Plan will be required to minimise against these temporary impacts.
- 13.7.11** Construction/delivery hours will also be restricted to 8am – 6pm (Monday to Friday) and 8 am – 1pm (Saturday) to ensure compliance with the Council's standard working times and to reduce any impact upon nearby residents.
- 13.7.12** Conditions relating to construction traffic management plan and hours of operation would control the impacts of the proposal during the assembly of the site. The use of the site is not considered to result in unacceptable noise and disturbance.
- 13.7.13** Precise details of the location of CCTV can be secured by condition so that it does not lead to loss of privacy.

**13.8 G. Loss of Agricultural Land and Farm Diversification.**

- 13.8.1** Paragraph 174(b) of the Framework states "Planning policies and decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland".
- 13.8.2** One of the concerns raised within representation letters from the public during the assessment of the previous refused scheme ref: UTT/21/3356/FUL was the potential for a loss of Best and Most Versatile' (BMV) agricultural land which now doubt will be raised again under this revised application. It was previously found by Officers that on balance the proposals would not lead to a permanent loss of 'BMC Land'.
- 13.8.3** Annex 2 of The Framework defines "Best and Most Versatile Land" as land in grades 1, 2 and 3a of the Agricultural Land Classification".

- 13.8.4** Local Policy ENV5 states that where agricultural land is required, developers should seek to use areas of poorer quality except where other sustainable considerations suggest otherwise.
- 13.8.5** Most of the land in Uttlesford District Council is classified as best and most versatile land. Indeed, most of the sites that are being identified for development within the emerging Local Plan are on such land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of previously developed land within the district is very restrictive. Virtually all agricultural land in the district is classified as Grade 2 or 3a with some areas of Grade 1.
- 13.8.6** An Agricultural Land Classification (ALC) site survey was conducted and submitted in support of this application which 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'.
- 13.8.7** There are no defined thresholds for assessing the effects of non-agricultural developments on agricultural land, however, one measure that can be considered as a threshold is that local authorities should consult Natural England where possible proposed developments would lead to the loss of 20 hectares or more of BMV agricultural land.
- 13.8.8** The previous refused application ref: UTT/21/3356/FUL was consulted to Natural England who acknowledged that the site was over 20 hectares in size and thereby the proposals may lead to harm upon best and most versatile land. However Natural England confirmed that:
- 13.8.9** *We consider that the proposed development is unlikely to lead to significant long-term loss of best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.*
- 13.8.10** Given the above comments, and the similarities between the previous scheme that was refused, and this revised application, it can be reasonably assumed that Natural England will once again have no objections to the proposals.
- 13.8.11** 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.

- 13.8.12** However, it is acknowledged that during the life of the proposed development consisting of up to 40 years that there is likely that there will be a reduction in agricultural productivity over the whole development area including food production.
- 13.8.13** As the global human population continues to rise, more land will need to be committed to agricultural production to meet a likely rise in demand for food. This also has the potential to increase or to intensify agricultural activities on land already used for food productions such as the existing field subject to these proposals.
- 13.8.14** However, it is also recognised that the production of agriculture has over the course of time been associated with the loss of vegetation, biodiversity loss and with reductions in presence of wildlife as a consequence of post-war agricultural intensification thereby resulting in environmental harm.
- 13.8.15** Given the above, a balance must be found on farms and agricultural land which allows for the needs of vegetation renewal and wildlife without impacting on the potential for food production.
- 13.8.16** Farming is and will continue to be an important economic activity in the district whereby the quality of the land provides a high basis for crops. However, it is recognised that farms also need to diversify which may include non-agricultural activities to offset the falling trend of falling prices for crops.
- 13.8.17** However, the size and scale of permitting non-agricultural activities will need to be sensitive to the character of it setting, protect or enhance the land in question.
- 13.8.18** ULP Policy E4 states that alternative uses for agriculture land will be permitted subject to certain criteria. This criterion is set out below,
- a) The development includes proposals for landscape and nature conservation enhancement;
  - b) The development would not result in a significant increase in noise levels or other adverse impacts beyond the holding;
  - c) The continued viability and function of the agricultural holding would not be harmed;
  - d) The development would not place unacceptable pressures on the surrounding rural road network (in terms of traffic levels, road safety countryside character and amenity).
- 13.8.19** In respect to the above, it is considered that the proposals would meet criteria as set in Policy E4. The proposals would present considerable opportunity for landscape and biodiversity mitigation and enhancement by providing habitat and landscape enhancements through new planting

and the creation of extensive grassland areas to replace arable land and species diverse wildflower meadow grassland.

**13.8.20** As confirmed previously by Council's Environmental Health Officer, the proposals will not result in significant increase in noise levels or other adverse impacts beyond the holding subject to appropriate mitigation measures. Once again, it can be reasonably assumed that the same conclusions will be reached by the Environmental Health Officer in this respect.

**13.8.21** The development would not result in the permanent loss of agricultural land and the land will be returned to full agricultural use. During the operational stage of the development, the land will have time to assist in 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.

**13.8.22** It was considered previously that in respect to potential unacceptable pressures on the surrounding rural road network, this was found to result in a negligible impact on the surrounding highway network. However, one must now consider the cumulative harm of both construction and operation vehicles from both the proposals and those developments similar in nature that are currently being assessed and could be constructed at the same time.

**13.8.23** On balance it is thereby considered that weight should be given to the benefits of the scheme, and it would not result in a significant loss of BMV agricultural land or harm the agricultural industry.

## **13.9 H. Transport, Access & Public Rights of Way.**

**13.9.1** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must not compromise road safety and to take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than the car.

**13.9.2** Vehicular access to the site during the construction phase is proposed via an existing agricultural/farm access from Manuden Road to the east of the site. The access currently serves farmland and agricultural buildings. The applicant submits that this access point will be upgraded with improved visibility splays to serve construction vehicles.

**13.9.3** The application is supported by a Highways Statement that concludes that there are no highway reasons why planning permission for the proposed development should be withheld.

- 13.9.4** In assessing the proposals of the previous scheme that was refused ref: UTT/21/3356/FUL, concerns were raised by Essex County Council who are the Lead Local Highway Authority which led a reason for refusal being imposed as part of the previous decision.
- 13.9.5** The Highway Authority confirmed that the previous application lacked a considerable amount 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.
- 13.9.6** Since the previous application was refused, the Applicant stipulates that they have undertook extensive pre-application discussions with the Highway Authority and have submitted a Construction Traffic Management Plan (September 22) in support of the proposals.
- 13.9.7** The acceptance of the proposals will need to be assessed by the Highway Authority from a Transportation and Highways perspective regarding highway safety for all users and to avoid unwanted traffic congestion on the surrounding highway network for both the construction and operational stages of the development.
- 13.9.8** In terms of vehicle parking, developments are expected to provide off-street vehicle parking in accordance with the Council's adopted parking standards as provided by Policy GEN8 of the adopted Local Plan and Supplementary Planning Guidance 'Vehicle Parking Standards'.
- 13.9.9** A temporary compound area is proposed around 1.4 kilometres to the west of the proposed construction access with Manuden Road. A temporary car parking area (including spaces for minibuses) will be provided on the site within the compound. Parking will therefore be contained within the site and no unnecessary parking will occur on the local highway network.
- 13.9.10** Any Public Rights of Way (PROW) through or surrounding the site should remain usable, retain their recreational amenity and character, and be integrated as part of the development proposal. They should remain accessible by the general public during construction and through the operational stage of the development to ensure the continued safe passage of the public on the definitive right of way.
- 13.9.11** It is also acknowledged that PROW as amenities for local communities to improve their mental and physical health and wellbeing is important recognised. The character and amenity value of retained PROW should be maintained and buffers between paths and solar arrays should be used. For example, for retained PROW not enclosed by hedges/tree line i.e. those passing within a field used for solar panels and passing between them, a width of 5m for the footpath would be required to provide openness and to avoid walkers feeling hemmed in.

- 13.9.12** The public PROW within the site include PROW 39\_34, PROW 5\_14, and PROW 39\_4. A footpath also runs along the northern and western site boundaries. The proposed development will retain all rights of way. The applicant submits that 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.
- 13.9.13** The Applicant confirms that vehicles will need to cross several PROW's during the construction phase. The current landowner already uses these routes with agricultural vehicles. For the duration of the construction phase, the Applicant suggest that appropriate mitigation and management procedures will be put in place for the crossing points. This will include signage, fencing, banksmen and ensuring that users of the PROW's always have priority.
- 13.9.14** The Applicant confirms that the PROWs will be maintained within the site once it is operational with 5 to 10 metre buffers. This will ensure that the proposals still remain to some extent a sense of openness and to avoid walkers feeling hemmed in as per the above guidance.
- 13.10 I. Trees, Arboriculture & Landscaping.**
- 13.10.1** The application is supported by an Arboriculturally Impact Assessment (AIA) which has provided an assessment of the potential impact of the proposed development on the site's arboricultural resources. In total, 113 trees, groups of trees, hedgerows and areas of woodland were surveyed. Most of the trees and hedgerows are located around the periphery of each field that make up the site, however there are some larger mature trees as well a number of wooded areas of varying sizes. Also to the east is Ancient Semi-Natural Woodland (ASNW) known as Battlers Wood.
- 13.10.2** The AIA confirms that proposals result in none of the survey items being removed in their entirety. However, sectional removals of low/moderate-quality hedgerows (H2) and tree groups (G9) may be required to allow new access tracks to be constructed.
- 13.10.3** It is also recommended that Category U trees/tree group T45, T50 and G23 are removed as these trees were identified as standing dead which pose a safety risk if the land-use changes. It is recommended that these trees are removed in accordance with proactive, appropriate tree management rather than direct result of the development proposals. Therefore, the significance of the removals is considered negligible. Furthermore, the loss of the vegetation will be offset by way of proposed new planting.
- 13.10.4** The AIA stipulates that retained trees can be adequately protected by tree protection fencing during construction activities to sustain their health and longevity.

- 13.10.5** Subject to the implementation of the advice contained within the AIA, the AIA suggests that the proposed development is acceptable from an arboricultural perspective.
- 13.10.6** Ensuring the protection of ancient woodland, ancient trees and veteran trees from development is a material planning consideration that is taken into account when making decisions on planning applications.
- 13.10.7** Paragraph 180(c) states development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists.
- 13.10.8** Natural England and Forestry Commission provides guidance (known as 'standing advice') to help decide on development proposals that may affect ancient woodland, ancient trees, and veteran trees.
- 13.10.9** In this instance the applicant has applied a design strategy to provide appropriate mitigation measures in the form of a buffer zone.
- 13.10.10** The purpose of this zone is to protect ancient woodland and individual ancient or veteran trees. The size and type of buffer zone should vary depending on the scale, type, and impact of the development. The standing advice stipulates that for ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage.
- 13.10.11** The standing advice also states that the area within the buffer zone should contribute to wider ecological networks, and only be planted with local and appropriate native species. The proposals will have a buffer of 30 to 50m as indicated within the supporting Planning Statement from the ancient woodland and this area is to consist of semi-natural habitats such as a mix of scrub, grassland and wildflower meadow. The proposals in this respect comply to the standing advice and the NPPF.
- 13.10.12** Taking all the above into consideration, it is concluded that the proposals would not result in significant harm to existing vegetation, including individual and groups of hedgerows, trees and nearby woodlands of importance. If permission were to be approved, conditions would be imposed that the works to be carried out in accordance with the AIA including all suggested mitigation measures to ensure the adequate protection of vegetation during both the construction and operational phases of the development.
- 13.11** **J. Nature Conservation and Biodiversity.**
- 13.11.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.



- 13.11.2** Development sites should lead to net biodiversity gain of at least 10% as mandated by the new Environment Act 2021. Although there is a minimum mandatory 10% biodiversity net gain (BNG), the Council should encourage proposals to aim for a higher BNG taking into consideration that larger sites and sites of higher agricultural value should naturally seek greater BNG.
- 12.11.3** Although formally consulted, at the time of preparing this report, as with other consultees, the Council does not have receipt of either an informal or formal consultee response from Essex County Council Place Services Ecology Officer. However, it is advised, that in respect to the assessment of the previous refused application ref: UTT/21/3356/FUL, Place Services Ecology Officer confirmed in their formal response that in respect to BNG, they supported the reasonable biodiversity enhancements as proposed.
- 13.11.4** As outline in the Ecological Impact Assessment undertaken by Clarkson and Woods, BNG includes the installation of bat, bird, and dormouse boxes and three hibernacula, the creation of grazing grassland, tussocky grassland, wildflower meadows and a ditch and the planting of native, species-rich hedgerows.
- 13.11.5** It is not unreasonable to suggest that the Ecologist will once again confirm that the proposed BNG will be appropriate, which will meet the requirements of Paragraph 174d of the National Planning Policy Framework 2021.
- 13.11.6** Although Place Services Ecologist considered the enhanced mitigation to be appropriate, they raised concerns regarding the lack of information submitted in support of the scheme in relation 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. This led to a further reason of refusal imposed on the decision notice as the proposals did not 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.
- 13.11.7** The applicant has provided an updated Ecological Impact Assessment which will be fully assessed by Place Services Ecologist. At this stage, and without formal comments from the Ecologist, it can't be confirmed whether the proposals would have an adverse impact to protected species of their habitats.
- 13.12** **K. Flooding and Drainage.**

- 13.12.1** Solar farms have the potential to interrupt overland flow routes, reduce the amount of rainfall absorbed into the ground and increase the rate and volume of surface water runoff.
- 13.12.2** The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 13.12.3** Most of the development is solar panels which are supported on piled struts, and thereby the surface area of the site is comparatively small in comparison to the overall development site area.
- 13.12.4** A check of the Environmental Agency's website and the Councils policy maps has identified the site as being located in Flood Zone 1. The Framework indicates that all types of development are appropriate in this zone and hence there is no requirement for sequential or exception testing.
- 13.12.5** The previous 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. The lack of information included:
- Provide verification of the suitability of infiltration of surface water for the development. 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.
  - If configuring the solar panels parallel to contours is not possible then consideration must be given to the inclusion of additional cut off trenches to manage the risk of channelisation.
  - Limit discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
  - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 2 40% climate change event. It is anticipated that the runoff response of the site will increase due to the proposed solar panels, therefore use at least 5% of the solar panel area towards the calculation of the SUDS storage volume.
  - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. If the half drain down time is more than 24 hours then demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
  - Incorporate bunds to help slow and interrupt the surface water flows.

- Provide an enforceable and robust soil, grass, and/or land management plan to keep land in good condition. If the ground becomes bare due to lack of maintenance the peak discharge has the potential to increase significantly.
- Sites should be configured or selected to avoid the need to impact on existing drainage systems and watercourses. Culverting existing watercourses/drainage ditches should be avoided. Where culverting for access is unavoidable, it should be demonstrated that no reasonable alternatives exist and where necessary only temporarily for the construction period.
- Demonstrate the appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Provide engineering site layout of the proposed drainage network at the site. This should include the following details: manholes cover levels, invert levels of swales or filter drains, invert levels of inlet and outlets of basins/ ponds, top and base levels of basins/ ponds. Storage volume of various SUDS features.
- Detailed engineering drawings of each component of the drainage scheme.
- Provide a drainage plan which details exceedance and conveyance routes, FFL levels of sub stations, levels of battery units, and ground levels.
- A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution should be provided.
- Provide a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.
- The applicant in their submission should also state that they or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
- Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.

**13.12.6** Due to a lack of information submitted in support of the previous proposals a reason of refusal was imposed on the decision as both the Flooding Authority and the Council were unable to accurately assess the potential impact that the previous proposals may have to flooding upon the site itself or elsewhere.

**13.12.7** 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 either on the site or off-site.

### **13.13 L. Construction Considerations and Site Restoration.**

**13.13.1** Construction methods should minimise disruption to land e.g. intrusive groundworks, such as trenching and foundations, should be minimised and the use of concrete avoided where possible and should be detailed through a CEMP. On agricultural land, frames should be pile driven or screw anchored and not concrete-based, and capable of easy removal, allowing the ground to be fully restored. If permission were to be approved, a pre-comment condition requiring a CEMP should be imposed.

**13.13.2** A restoration plan should be identified at the earliest stage of planning. Solar farms are temporary developments and should be capable of removal and reversible i.e. at the end of the life of the development, the land can be return to its pre-development use. After the use of the site as a solar photovoltaic farm, land should be restored to its previous state including removal of all panels, supporting infrastructure and other temporary structures onsite. This can be secured by way of a Section 106 Agreement as suggested below.

### **13.14 M. Planning Obligations.**

**13.14.1** Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

**13.14.2** Following the operation stage, it is proposed that the solar farm is decommissioned, with the solar panels and other infrastructure will be removed and the majority of the site will be retained as grassland back to its previous condition.

**13.14.3** The restoration process is intended to ensure that the site is restored to the same quality as existing, and the Applicant has confirmed within their supporting documentation that this can be secured with the Council through the use of a Section 106 agreement. It is considered that an appropriately worded planning condition would not be strong enough in respect to ensuring the site is returned back to its original state in 40 years' time, and therefore a legal agreement is required. An agreement can appropriately secure and set out limitations on what kinds of obligations should be entered into.

**13.14.4** At the time of issuing this assessment, a S106 Agreement had not been prepared or completed, however, it is suggested that the Council in their consultation response to the Secretary of State that the decommissioning of the proposals and its restoration back to its former land use should be secured via a legal agreement.

**13.15 N. Cumulative Impacts**

**13.15.1** Each application should be considered on its own merits, however, there are occasions, when other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. The Council or in this instance the Inspector on behalf of the Secretary of State, should have regard to the possible cumulative effects arising from any existing or approved development.

**13.15.2** Within the locality there are several other existing and/or applications that are pending decisions, namely:

- UTT/16/2316/FUL - Development of a 49.99MW Battery Storage Facility connected to Pelham Substation. The development will support Enhanced Frequency Response (EFR) which is a new service required by National Grid to help it balance the frequency fluctuations on the grid system. (Land North of Pelham Substation) – Approved October 2016.
- UTT/21/0688/FUL - Construction and operation of a ground mounted solar farm together with associated infrastructure, including inverters, customer switchgear, DNO substation, medium voltage power station, security cameras, perimeter fence, access tracks and landscaping (Land At, Cole End Farm Lane, Wimbish) – Pending Decision.
- UTT/21/2846/FUL - The construction of a Green Energy Hub for the Chesterford Research Park comprising solar array development, a battery energy storage system, associated transformers, underground cabling and other electrical equipment, related landscaping scheme, fencing and CCTV. (Chesterford Park, Little Chesterford, Essex) – Approved December 2022.
- UTT/22/1203/FUL - Cross Boundary Application in conjunction with East Herts District Council (ref. 3/22/0806/FUL) (Land off Crabbs Lane and Pelham Substation) – Pending Decision
- UTT/22/2046/PINS (PINs ref: S62A/22/0006) - Development of a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping. (Land at Berden Hall Farm) – Pending Decision

- 3/21/2601/FUL - Erection of a solar photovoltaic farm with an output capacity not to exceed 49.9MW of energy, with supporting infrastructure and battery storage, inverters and transformers, fencing and landscaping works (Land at Wickham Hall Estate) – Pending Decision.

**13.15.3** Cumulative effects are not only experienced between developments of the same type, i.e. multiple solar farms, they can also be experienced in combination with other development in the surrounding landscape, including industrial buildings and other forms of renewable energy.

**13.15.4** Within the Screening Direction issued by the Inspector on behalf of the Secretary of State, it concluded that the submission of an Environmental Impact Assessment (EIA) is required by the Applicant under regulation 12(3) of the EIA regulations. When determining the extent of issues to be considered in the assessment and reported in the Environmental Statement, the Inspector confirms that there is the potential for adverse effects when considering the cumulation of effects of the proposals with other existing and/or approved projects and recommended that the Applicant as part of their EIA provide comprehensive details regarding Cumulative Impacts.

**13.15.5** The EIA must contain the information specified in regulation 18(3) and must meet the requirements of regulation 18(4). The EIA must include the information that may reasonably be required to enable the Council or Secretary of State to come to a reasoned conclusion on the significant effects of the proposed development on the environment.

**13.15.6** The applicant has provided an assessment of the potential cumulative impacts within Chapter 5 (Landscape and Visual Assessment) within their EIA.

**13.15.7** The assessment has identified and considered existing and/or potential similar developments within the locality and specifically refers to the proposed solar farm near Stocking Pelham which is pending a decision by PINs ref: S62A/22/0006, and Stocking Pelham BESS which was approved under application ref: UTT/16/2316/FUL.

**13.15.8** The assessment stipulates that *“assuming the cumulative Solar Farm near Stocking Pelham and Stocking Pelham BESS have already been constructed, and large scale pylons exerting a strong influence over the local landscape, the addition of the Proposed Development would bring about a highly localised high degree of change and major significant effects. Such effects would be limited to the landscape associated with the Proposed Development, the two cumulative sites, and the existing infrastructure, i.e., the landscape between Stocking Pelham and the existing Stocking Pelham Substation”*.

**13.15.9** *Beyond this immediate area, the landscape has been assessed as not subject to any significant effects.*

- 13.15.10** The cumulative assessment has also included the visual receptors: viewpoints and PROWs associated with the Application Site. The assessment has concluded that there is no potential for any simultaneous or in succession views of the Proposed Development and the identified cumulative schemes from the local PROWs due to the lack of any inter-visibility.
- 13.15.11** When one takes into account the cumulative effects of the size and scale of the proposals including the potential of the construction of the solar farm near Stocking Pelham, it is considered an extensive area of the general landscape being 150 hectares in total will be affected resulting in an intensive change over the surrounding locality. As the Applicant identifies above in the EIA, the cumulative sites would *“bring about a highly localised high degree of change and major significant effects”*. Although this change would decrease over time due to mitigation in the form of additional planting, localise harm would still be apparent in the short to medium term whilst time is taken for planting to mature and help soften the development from visual receptors.
- 13.15.12** People who will perceive the change include surrounding residents, recreational users – walkers horse riders, cyclists with an interest focused on the landscape. Sequential cumulative views will occur for those users of PROW’s that travel across the local landscape between the sites and nearby settlements.
- 13.15.13** One should also reference the proposal solar farm to the land known as ‘Land at Wickham Hall Estate’. Although this site falls outside the administrative boundary of Uttlesford District Council and lies within the jurisdiction of East Herts District Council, this site is only approximately 4km south of this application site and proposes a large 49.9MW solar farm of a site covering 79 hectares. If this were to be approved by East Herts District Council, there would be approximately 229 hectares of solar panels and associated infrastructure all within 4km.
- 13.15.14** It is acknowledged that the submitted EIA provides a cumulative assessment of the potential long term cumulative effects on the landscape character and visual receptors, however the short to medium harm is limited. Furthermore, an assessment during the construction phase is not included, being of short duration and likely to be lower or like those assessed at the operational stage.
- 13.15.15** Although the Applicant indicates that the construction phase of the development would be approximately 20 weeks (5 months), it is considered that the Applicant should have taken this into account as part of their assessment. Whether the construction phase is short or not, if the construction stage of the both the solar farms happens simultaneously or overlap each other, one would expect to 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.

**13.15.16** 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. It is regarded that the development proposal in association with the existing relevant development creates the 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.

**13.15.17** However, one must take into account that the visual effects can be wholly reversed (when the proposal is decommissioned) the proposals reinstatement will not create residual adverse effects upon the landscape character after the life span of the development ceases. Nevertheless, the proposals during the lifetime and operation phase will provide medium to long term harm until the site is decommissioned.

**13.16 O. Other Issues**

**13.16.1** General Procedures:

**13.16.2** From 1 October 2013 the Growth and Infrastructure Act inserted two new provisions into the Town and Country Planning Act (1990) ('the Act'). Section 62A allows major applications for planning permission, consents and orders to be made directly to the Planning Inspectorate (acting on behalf of the Secretary of State) where a local planning authority has been designated for this purpose.

**13.16.3** The Planning Inspectorate will appoint an Inspector to determine the application. The Inspector will be provided with the application documents, representations and any other relevant documents including the development plan policies. Consultation with statutory consultees and the designated LPA will be carried out by the Planning Inspectorate.

**13.16.4** The LPA also must carry out its normal notification duties, which may include erecting a site notice and/or writing to the owners/occupiers of adjoining land.

**13.16.5** The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days, in this case by 05.09.2022. This should include a recommendation, with reasons, for whether planning permission should be granted or refused, and a list of conditions if planning permission is granted.

**13.16.6** The Planning Inspectorate will issue a formal decision notice incorporating a statement setting out the reasons for the decision. If the application is approved the decision will also list any conditions which are considered necessary. There is no right to appeal.



**13.16.7** Site Selection:

**13.16.8** The Applicant has undertaken an appraisal of the site selection process. The application site has been chosen for a combination of reasons including that the site is of a suitable area to accommodate the solar PV arrays, is located in close proximity to an existing grid connection point, it is served by an appropriate access and is well located geographically for solar gain. Other land, including previously developed and the physical capacity constraints of available rooftops is considered by the Applicant to be unviable to the scale of the development proposed.

**13.16.9** Health and Safety:

**13.16.10** There is no substantiated evidence to demonstrate that the proposal would lead to any other impacts on health of residents nor interference with radio waves, tv reception and WiFi.

**13.16.11** National Grid:

**13.16.12** It is acknowledged that the Council are not in receipt of all consultee responses at the time of preparing this report, however it should be recognised that the National Grid previously raised concerns which led to a reason of refusal being imposed as part of the previous refused application ref: UTT/21/3356/FUL.

**13.16.13** Concerns were raised by National Grid in respect to the layout of the proposals and particular the position of solar panels in and around the towers and overhead electricity lines. National Grid advised for safety reasons, access and maintenance that the panels inside 4YL190 tower stand-off (green zone) need to be moved, and to provide amended drawings with this adjustment. Furthermore, it was requested for confirmation that 5.3m shall be maintained to all proposed installations in still air and conductor swing. It is advised that the proposals should conform to National Grids previous requests to ensure that their assets can be properly operated and maintained which meets the reasonable needs of all potential users in accordance with paragraph 97(b) of the Framework.

**13.16.14** Secure by Design:

**13.16.15** During the assessment of the previous scheme, Essex Police advise that following an increase in solar farms being targeted by thieves in other counties, consideration must be given to providing suitable site security for the proposal. This will be a matter for the developer.

**13.16.16** Other legislation:

**13.16.17** The Council is aware that there may be services within the area and has consulted with relevant stakeholders. Services, including Cadent, and

Essex and Suffolk Water previously raised no objection to the proposal. There may be separate arrangements outside of the planning process for the applicant to notify utilities stakeholders separately.

## **14. EQUALITIES**

**14.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **15. CONCLUSION**

**15.1** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

**15.2** In respect to addressing the benefits of the development, the proposal for a large-scale renewable and low carbon energy scheme would assist in tackling climate change and provide a valuable contribution to cutting greenhouse gas emissions. There is also general support within the Framework for renewable energy schemes. In addition, the proposal would secure some limited ecological enhancement in terms of new tree planting and the creation of a wildflower meadow and biodiversity enhancements. The development would assist in increasing the security of electricity supply and contribute towards replacing the UK's dated fossil-fuel based energy infrastructure. It would also deliver moderate social and employment benefits by providing employment in the construction and operational phase and generally contributing to sustaining jobs in the wider solar per industry.

**15.3** The above economic and environmental benefits can be given considerable weight in the overall planning balance. Thus, taken these together, moderate weight to the benefits of the development have been considered.

**15.4** However, the proposals will no doubt change the character of the site from one of arable fields to one of which appears more unitarian comprising of a substantial amount of electrical infrastructure, and

thereby result in a significant change to the visual qualities of the landscape. There may also be other harm that has yet to be identified by statutory or non-statutory consultees that may influence the balance of the proposals one way or the other which will need to be considered. Concerns regarding the previous refused application consisted of harm upon heritage assets, highway safety, biodiversity, and flood risk.

**15.5** As such, without all the available information from relevant statutory consultees, one can't conclude at this stage whether the proposals would amount to sustainable development or not when applying a balance assessment.

**15.6** Nevertheless, it is concluded that as a minimal, that as part of the Uttlesford District Councils consultation response to the Secretary of State, advice should be given to those observation highlighted in Section 1 (Recommendation) that should be given full consideration in the decision-making process.