

Application Ref: 3/21/2601/FUL

[REDACTED]
DLP Planning Ltd
Unit 107, Clerkenwell Workshops
27-31 Clerkenwell Close
London
EC1R 0AT

Town and Country Planning Act 1990 (as amended)

DECISION NOTICE

**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 Hadham Road Bishops Stortford Hertfordshire CM23 1JG**

In pursuance of their powers under the above mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby

Grant Planning Permission subject to Conditions

For the development proposed in your application received 14th October 2021 and registered on 30th November 2021 and shown on the approved plans.

Conditions:

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.
Reason
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As Amended).
2. The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.
Reason
To ensure the development is carried out in accordance with the approved plans, drawings and specifications.
3. Not less than 12 months before the date when the scheme is required to be removed from the site as required by condition 4 or not less than 6 months following the cessation of the export of electricity (whichever is the sooner), a decommissioning and site restoration scheme, in accordance with the Outline Decommissioning Scheme dated January 2022, shall be submitted to and approved in writing by the local planning authority. The decommissioning and site restoration scheme shall include details of:
 - a) Removal of all above-ground structures, traffic routes and timetable;

- b) Removal of any cabling;
- c) Restoration details of the site including timetable.
- d) Measures to seek to ensure the recycling of the equipment on the site (being panels, supports, housings, fencing, electrical equipment and batteries)
- e) Measures to meet the Outline Decommissioning Scheme (with regard to the Outline Decommissioning Strategy and Decommissioning Financial Strategy)
- f) Measures to ensure adequate control of pollution and management of traffic and vehicles associated with decommissioning

The agreed decommissioning and site restoration scheme shall be fully implemented and within the time agreed.

Reason

To ensure the impact on the landscape is limited and the site is available for agricultural use and traffic safety met.

4. The scheme, as set out in the description of development, shall be removed from the site after a period of 43 years, starting on the date of this permission.

Reason

To ensure that the impacts of the proposal accord with the above assessment, in the interests of the character of the area, visual amenity and landscape character and the protection of best and most versatile land for agricultural production.

5. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan shall include details of:
 - a. Construction vehicle numbers, type, routing;
 - b. Access arrangements to the site;
 - c. Traffic management requirements;
 - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e. Siting and details of wheel washing facilities;
 - f. Cleaning of site entrances, site tracks and the adjacent public highway;
 - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h. Provision of sufficient on-site parking prior to commencement of construction activities;
 - i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, temporary pedestrian routes/signage and remaining road and PROW width for pedestrian and vehicle movements.
 - k. the method for removing the temporary access once construction work has ceased and a timetable from the beginning of construction to the removal of the temporary access

Reason

In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance

6. No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work as set out in the Archaeological Brief (P01/21/2601-2) and in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made.

Reason

The programme is required to be undertaken prior to the commencement of the development to secure the protection of and proper provision for any archaeological remains in accordance with Policy HA3 of the East Herts District Plan 2018 and the National Planning Policy Framework.

7. Development shall not commence until a Landscape Environmental Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall ensure the delivery of the agreed number of habitat and hedgerow units as a minimum (222.41 ha units, 53.39 he units) to achieve a net gain in biodiversity and include the following:
- Description and evaluation of features to be managed
 - Aims and objectives of management
 - Appropriate management options for achieving target condition for habitats as described in the approved metric
 - Prescriptions for management actions, only definitive measures are acceptable
 - Preparation of a minimum 43 year, annual work schedule
 - Details of the body or organisation responsible for implementation of the plan
 - Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met
 - Details of species and mixes selected to achieve target habitat conditions as identified in approved metric
 - Location of bat and bird boxes/structures
 - Compliance with the mitigation measures set out in Section 6 of the Ecological Appraisal
 - Contingency measures should the monitoring reveal that habitat condition targets are not being met

The plan shall be implemented as approved for the life of the development.

Reason

This Management Plan is required to be undertaken prior to the commencement of the development to secure the protection of and proper provision for protected species and habitats of ecological interest in accordance with Policies NE2 and NE3 of the East Herts District Plan 2018 and to ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with Policies DES3 and DES4 of the East Herts District Plan 2018.

8. Prior to any development commencing, an aviation perspective Glint and Glare assessment shall be submitted to and approved in writing in consultation with the aerodrome safeguarding authority for Stansted. The development shall be carried out in accordance with the assessment and retained as such for the lifetime of the development.

Reason

In order to prevent ocular hazard and distraction to pilots using Stansted.

9. Prior to any development commencing on site, details of any external lighting, in accordance with the recommendations set out in 6.1.7 Aspect Ecology Ecological Appraisal 2021, shall be submitted to and approved in writing. The development shall be implemented in accordance with the approved details.

Reason

In the interests of protecting against light pollution in accordance with Policies NE4 and EQ3 of the East Herts District Plan 2018.

10. Prior to the first delivery of the solar panels and associated equipment hereby permitted, a visibility splay shall be provided fully in accordance with the details indicated on the approved drawing number H5234-5PD-002 C. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway during the construction phase.

Reason

To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

11. All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason

To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with Policy DES3 of the East Herts District Plan 2018.

12. No plant or machinery shall be operated on the site during the construction phase of the development hereby permitted before 0730hrs on Monday to Saturday, nor after 1800hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

Reason

To safeguard the amenities of residents of nearby properties, in accordance with Policy EQ2 of the East Herts District Plan 2018.

13. All battery storage containers, transformers, storage container, substations and power stations shall be factory painted matt finish dark green, grey or black in colour prior to their siting on the development site.

Reason

To ensure the infrastructure is a dark muted colour to blend into the landscape.

14. Prior to the installation of any solar panels hereby approved, further acoustic modelling shall be carried out to demonstrate that the level of noise to be emitted from all external fixed plant and equipment at the development hereby approved shall not exceed 5dB below the background noise level (LA90T) when calculated 1m from the façade of the nearest noise sensitive property.

Equipment shall be installed in accordance with the approved specification used in the modelling and maintained in a fashion which does not result in an increase in noise generation for the lifetime of the development.

Reason

To ensure an adequate level of amenity to noise sensitive receptors, in accordance with EQ2 of the East Herts District Plan 2018.

15. Prior to the installation of any solar panels hereby approved, further acoustic modelling shall be carried out to demonstrate that the level of noise to be emitted from all external fixed plant and equipment at the development hereby approved shall not exceed 5dB below the background noise level (LA90T) in any octave band when calculated 1m from the façade of the nearest noise sensitive property.

Equipment shall be installed in accordance with the approved specification used in the modelling and maintained in a fashion which does not result in an increase in noise generation for the lifetime of the development.

Reason

To ensure an adequate level of amenity to noise sensitive receptors, in accordance with EQ2 of the East Herts District Plan 2018.

16. Prior to the to the installation of any solar panels hereby approved, details of the method for a post-completion noise impact assessment shall be submitted to and approved in writing by the Council as local planning authority. Within three months of the first generation of electricity from the site, or such other time period as shall be agreed through the method, the post-completion noise impact assessment shall be submitted to the Council for approval.

Reason

To ensure an adequate level of amenity to noise sensitive receptors, in accordance with EQ2 of the East Herts District Plan 2018.

17. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment and drainage strategy prepared by Sustainable Development and Delivery, DLP Planning Ltd, dated July 2021, and the following mitigation measures:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the greenfield surface water run-off rates for the relevant rainfall events up to and including the 1 in 100 year + 40% climate change event.

2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event in above ground SuDS features.

3. Discharge of surface water from the private drain into a suitable location, such as to ground, an ordinary watercourse or river.

The mitigation measures shall be fully implemented prior to the first generation of electricity and subsequently retained in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To ensure that surface water run off is adequately mitigated, in accordance with WAT1 and WAT5 of the East Herts District Plan 2018.

18. No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details, including a timescale for implementation. The scheme shall include the following:

1. Fully detailed drainage strategy indicating how surface water will be managed on the site including the access road, battery storage, inverters, and transformer areas including all SuDS features, discharge points and watercourses. If discharging to a watercourse, full details confirming the capacity and condition should be provided.
2. Assessment of SuDS management and treatment.
3. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
4. Detailed assessment of existing overland flow routes and demonstration of how these will be managed as part of the development, including during the construction phase.
5. Detailed post-development network calculations for all events up to and including the 1 in 100 year + 40% climate change event with half drain down times.
6. Detailed timescales for the implementation of the drainage scheme and timescales for provision of the details required by condition 19.

Reason

In the interests of sustainable drainage in accordance with policy WAT5 of the East Herts District Plan 2018.

19. Upon completion of the drainage works for the site and in accordance with the timing/phasing agreed under condition 18, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

1. Provision of a complete set of built drawings for site drainage.
2. Photos demonstrating the installation of SuDS features.
3. Details of all maintenance and operational activities for drainage systems on site.

Development Management

➤ 01279 655261
➤ www.eastherts.gov.uk
➤ East Herts Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ

Facebook EastHertsDC
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Instagram easthertscouncil



4. Arrangements for adoption and any other measure to secure the operation of the scheme throughout its lifetime. Confirmation of who will be adopting and maintaining the system will be required.

Reason

To ensure the site is appropriately drained as required by policies WAT1 and WAT5 of the East Herts District Plan 2018.

20. No development shall take place until a detailed surface water management plan for the construction phase of the development is provided and approved in writing by the Local Planning Authority. The strategy should describe how surface water runoff will be held on site and discharged appropriately without increasing flood risk off site.

Reason

To ensure that construction has an acceptable impact on drainage, in accordance with policies WAT1 and WAT5 of the East Herts District Plan 2018.

21. Prior to the commencement of development, a scheme for the protection of soil during the construction and ongoing operation of the site, shall be submitted to and approved in writing by the Council as local planning authority. The development shall be implemented in accordance with the approved scheme.

Reason

In order to protect soil as a valuable natural resource and in accordance with CC2 of the East Herts District Plan 2018.

22. Prior to the commencement of development, full details of the security arrangements for the site, including details of CCTV and other security measures, shall be submitted to and approved in writing by the Council as local planning authority. The development shall be implemented in accordance with the approved details.

Reason

To ensure the security of the site in accordance with policy DES4 of the East Herts District Plan 2018.

23. Notwithstanding the details shown on drawing 7200/ASP01 rev K, prior to commencement of the development hereby approved, full details of the soft landscaping shown on drawing 7200/ASP01 rev K, shall be submitted and approved in writing and shall include details of the species, planting plans, schedules of plants, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.

Reason

To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policies DES3 and DES4 of the East Herts District Plan 2018.

24. Prior to the commencement of development, details of a strategy to communicate to the local planning authority the number of years remaining before the requirement for the scheme to be removed from the site as required by condition 3 shall be submitted to and agreed in writing by the Council as local planning authority.

The agreed strategy shall be implemented as such throughout the lifetime of the development

REASON

In order to secure the good planning of the area and ensure that the scheme is removed in a timely fashion

Informatives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.
2. The Archaeological Officer at the Environment Dept, County Hall, Hertford, should be contacted regarding relevant planning conditions prior to the commencement of the development. Tel:01992 555241.
3. This planning permission gives no entitlement to affect the public rights of way on the application site. Any diversion, extinguishment or creation of a public right of way needs its own legal authority before any works affecting the right of way can be commenced. Applications for this purpose should be made to Development Control, Wallfields, Pegs Lane, Hertford, SG13 8EQ. Telephone number 01279 655261 ext 1571.
4. The applicant's attention is drawn to the new procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>

It is important that any conditions or advice in this response are applied to a planning approval.

Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

5. Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost. Development should proceed with caution, particularly that associated with the roof and any loft spaces. In the event of bats being found, work must stop immediately and advice taken on how to proceed lawfully from any

Development Management

➤ 01279 655261
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of the following organisations: The UK Bat Helpline: 0845 1300 228, Natural England: 0300 060 3900 or Herts & Middlesex Bat Group website: www.hmbg.org.uk.

6. East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.
7. This planning permission is also subject to a Planning Obligation under S106 of the Town and Country Planning Act 1990 (as amended).

This Decision Relates to Plan Numbers:

Plan Ref	Version	Received
D04		14th October 2021
PL.001		30th November 2021
PL.005		22nd November 2021
PL.006		22nd November 2021
PL.007		30th November 2021
PL.010		22nd November 2021
PL.011		22nd November 2021
PL.016		22nd November 2021
H5234 D02	Rev A	10th June 2022
H5234 D03	Rev K	10th June 2022
7200.LSP	Rev K	14th July 2022
SES/EE/WHSF/#1 (Agricultural Land Classification report)		14th October 2021
Ecological Appraisal 5940		14th October 2021
Ecological Addendum 5940		10th June 2022
Biodiversity Net Gain calculator and Assessment		10th June 2022
Great Crested Newts RAAMS		10th June 2022
7200.LVIA.002. Final		10th June 2022
7200.LVIA.005a		10th June 2022
H234-4PD-R1-FRA		14th October 2021
MK0417 Heritage Assessment		14th October 2021
H5234-1PD-R2 Transport Strategy		14th October 2021
H5234-5PD-TN03 Revised Construction Access Scheme		10th June 2022
22-417 Noise Assessment		14th September 2022
22-417-v3 Noise Technical Note		31st October 2022

Notes:

1. Your proposed works may require building control approval. Please contact Hertfordshire Building Control Ltd who will help you through the process. Please contact them on 01438 879990 or email building.control@hertfordshirebc.co.uk.

Dated: 19th December 2023

On Behalf Of Development Management

Signed 

Head of Planning and Building Control

SEE ATTACHED NOTES

TOWN AND COUNTRY PLANNING ACT 1990 PLANNING (LISTED BUILDINGS & CONSERVATION AREAS) ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.*
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.*
- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.*
- As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.*
- As this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.*
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.*
- Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision>
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry, then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Appeals under the Control of Advertisement Regulations

The same provision relating to rights of appeal against the Local Planning Authority's decision applies to advertisements with the following differences:

- Notice of appeal must be given in writing to the Secretary of State within 8 weeks from the date of this notice.
- The notice of appeal must be accompanied by a copy of the following documents:
 - (a) The application forms
 - (b) All relevant plans and particulars
 - (c) This notice of decision
 - (d) All other relevant correspondence with the Authority

The Secretary of State may require a statement of additional matters from either the applicant or the Local Planning Authority and may with the agreement of both the applicant and the authority determine the appeal without affording an opportunity to appear before an Inspector.

Purchase Notices

- If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Section 169 and related provisions of the Town and Country Planning Act 1971.



START NOTICE

IMPORTANT INFORMATION - KEEP THIS WITH YOUR DECISION NOTICE (If you are the agent, please pass on to the home owner)

Please read the decision notice carefully. It should be read together with the application and any approved drawings and documents, and you must ensure that you understand and comply with all the requirements of any conditions imposed on the permission before you start work. The development should then only be carried out only in accordance with the approved plans and conditions.

Failure to comply with the approved plans or with the conditions of a permission could mean that the work that you carry out is unauthorised and at risk of enforcement action, which could have serious consequences. If you do not understand any of the planning conditions please contact your agent or the planning case officer for your application.

Please ensure that you give yourself time to meet the requirements of any planning condition as the Council may need to consult on the detail of the submission and this can take some weeks, depending on the complexity of the requirements. Please also be aware that there is a charge to discharge conditions per request which means you can discharge conditions individually or group details together as a single request.

We strongly recommend that you complete the Start Notice below and return to us (by post or email: planning@eastherts.gov.uk) when you know when work will start.

START NOTICE

Our Reference Number from the Decision Notice: **3/21/2601/FUL**

Site Address:

Date when work is intended to start:

Name:

Address (if different from above):

Telephone:

Email:

Please return to the above address or email the form to, planning@eastherts.gov.uk

