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For and on behalf of
Endurance Energy Wickham Hall Limited

PLANNING STATEMENT

Land at Wickham Hall Estate, Bishops Stortford, Uttlesford, CM23 1JG

**Prepared by
DLP Planning Ltd
London**

May 2024





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1.0 INTRODUCTION

1.1 This Planning Statement has been prepared by DLP Planning Ltd on behalf of Endurance Energy Wickham Hall Limited (“the Applicant”) for the proposed development of a solar-photovoltaic farm on land comprising part of the Wickham Hall Estate, Wickham Hall, Bishops Stortford, CM23 1JG (“the Site”).

1.2 The proposed development (“the scheme”) is described as follows:

“Erection of a Solar Photovoltaic Farm with supporting infrastructure and battery storage, inverters and transformers, fencing, landscaping works and connecting cable.”

1.3 The Site falls within the jurisdiction of Uttlesford District Council (“UDC”). It follows the refusal of planning permission in April 2022 for a similar form of development on the Site, determined under reference UTT/21/3108/FUL (“the first application”). For the purposes of that application the location of the site was described by UDC as ‘*Land to the north west of Bishops Stortford, Farnham Road, Farnham, Essex*’. The current application is submitted under s62A of the Town and Country Planning Act for determination by a Planning Inspector acting on behalf of the Secretary of State for Levelling Up, Housing and Communities.

1.4 Since the refusal of the first application the Applicant has revised the scheme, specifically via a reduction in scale of the proposed development, provision for enhanced woodland planting to the south of the site and significantly more screening of rights of way, and additional biodiversity enhancements. The new scheme therefore builds on the supported merits of the first application whilst responding to the reasons for refusal, where relevant, and affording the opportunity to make other related amendments reflective of consultation comments.

1.5 The first application was made in parallel with a complementary application for a solar farm described at the time of application as providing up to 49.9MW of generated electricity which was submitted to East Hertfordshire District Council (“EHDC”) on land described as ‘*Land At Wickham Hall Estate, Hadham Road, Bishops Stortford Hertfordshire CM23 1JG*’. This application (ref: 3/21/2601/FUL) was granted planning permission in December 2023 subject to a Unilateral Obligation which allows for the extension and maintenance of a series of permissive footpaths within the Wickham Hall Estate, including paths in Uttlesford related to this application. This planning permission (“the approved scheme”) falls wholly within East Hertfordshire and, as determined, allows for up to 35MW of generated electricity. The

Decision Notice and Unilateral Obligation can be found at **Appendix 1**.

- 1.6 The current application has no contiguous boundary with the approved scheme in East Hertfordshire. It is proposed to be, and will be operated independently from, the approved scheme comprising its own Customer Substation and connected to the Bishop's Stortford Substation by its own separate cable connection (which is subject to a separate planning application to East Hertfordshire District Council. The offer of grid connection capacity to which the scheme relates limits the solar farm to a total export of 20MW and the accompanying battery storage to an import and export capacity of 10MW.

The Applicant

- 1.7 The Applicant is Endurance Energy Wickham Hall Limited, part of a Cambridge based property company who have a strong local track record in delivering a range of mixed-use developments. Endurance Energy Wickham Hall Limited is supported in the preparation of the scheme by Infraland Ltd, an experienced infrastructure development company focusing on low carbon technologies with offices in London and Cambridge. The companies have worked jointly with the owner of the Wickham Hall Estate to bring forward this solar photovoltaic scheme (including the approved scheme) as part of the Estate's overall plans for regeneration and diversification.

National Energy Strategy and Net Zero

- 1.8 In June 2019, the UK became the first major economy in the world to pass laws to end its contribution to global warming. This requires the UK to bring all greenhouse gas emissions to net zero by 2050, compared with the previous target of an 80% reduction from 1990 levels. Net zero means any unavoidable emissions will need to be balanced by schemes to offset an equivalent amount of greenhouse gases from the atmosphere, such as planting trees or using technology like carbon capture and storage.
- 1.9 The UK remains a global leader in its legal commitment to achieve Net Zero by 2050. To achieve it requires the substantial deployment of renewable energy as polluting generators are taken offline and energy demand increases with the electrification of the economy. Essential to delivering the strategy is continuing major investment in proven technologies, such as solar, which are supported by planning policy at local and national level.
- 1.10 The Government White Paper 'Powering our Net Zero Future' December 2020 reinforced

the strong policy support for the contribution which will be made by solar generation, setting out that up to 120GW of solar is required to meet the Net Zero target. This echoed analysis published by the Committee on Climate Change, which estimated that between 75-90GW of solar capacity is needed to meet net zero. The National Infrastructure Commission, meanwhile, estimated that 121GW will be needed. Current deployed solar capacity in the UK in 2023 was approximately 14GW There is therefore no doubt that considerable further deployment of solar, and other renewable technologies is required to meet the Government's target.

- 1.11 In October 2021 in the run up to the COP26 Climate Change summit the Government was keen to reiterate its support for clean energy stating an intention for all UK electricity to be powered by clean energy sources by 2035. Former Prime Minister Johnson announced that:

*'And what we are also saying is that by 2035 looking at the progress that we are making in wind power where we lead the world now in offshore wind, looking at what we can do with other renewable sources, carbon capture and storage, with hydrogen potentially. We think we can get to complete clean energy production by 2035.'*¹

- 1.12 On 7 April 2022, set against the backdrop of rising energy global energy costs as demand soared with economies recovering from the Covid 19 Pandemic and pressures placed on energy prices by Russia's invasion of Ukraine, the Government released the *British Energy Security Strategy*. This set out the Government's ambition to invest in Britain's power supply infrastructure to reduce reliance on imported sources of energy, achieving this through investment in green sources of energy. Specific intentions with respect to the role of solar energy, set out at paragraph 5.3 are that:

'With the sun providing enough daily energy to power the world 10,000 times over, solar power is a globally abundant resource. There is currently 14GW of solar capacity in the UK split between large scale projects to smaller scale rooftop solar. The cost of solar has fallen by around 85 per cent over the past decade... We expect a five-fold increase in deployment by 2035.

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

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We will also support solar that is co-located with other functions (e.g., agriculture, onshore wind generation, or storage) to maximise the efficiency of land use. We have also included solar in the latest Contracts for Difference auction round and will include it in future rounds.'

- 1.13 The Strategy reflects clearly and unequivocally the role that solar plays in meeting our net zero targets. It is also one of the easiest and cheapest forms of energy generation to deploy which is of significant importance during the present energy crisis. Importantly, it also recognised that not all solar will be deployed on previously developed land and rooftops but that it has an important role to play alongside (and complementary to) agriculture and other technologies, specifically battery storage.
- 1.14 Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. As we switch away from carbon energy sources to renewable energy, the UK faces a real shortfall in energy supply. To ensure delivery, a variety of renewable resources will be required, of which solar energy is a major element.

International Obligations

- 1.15 At COP26 commitments were made to restrict temperature rises caused by carbon dioxide emissions from non-renewable power sources to 1.5 degrees by 2030 and for countries to achieve net zero carbon emissions by 2050. These targets were combined with the first commitment directed at reducing coal use, a power source responsible for 40% of global annual carbon dioxide emissions.
- 1.16 At the COP27 a key issues discussed included energy security as well as how to enable more clean power generation to try to mitigate impact of climate change. Prime Minister Rishi Sunak reiterated the UK's commitment to measures to tackle climate change stating at the Conference that:

*'Climate security goes hand in hand with energy security. Putin's abhorrent war in Ukraine, and rising energy prices across the world are not a reason to go slow on climate change. They are a reason to act faster.'*²

- 1.17 At COP28, nearly 200 countries agreed to a deal that calls on all nations to transition away

² [REDACTED]

from fossil fuels in energy systems consistent with achieving global net zero by 2050 and preserving the 1.5 degree goal. To achieve this COP28 committed to triple renewables capacity and double energy efficiency by 2030. In his closing speech (13th December 2023), Simon Stiell noted that “*The era of fossil fuels must end... The world cannot afford delays, indecision, or half measures*”.

- 1.18 The European Climate Law writes into law the goal set out in the European Green Deal for Europe’s economy and society to become climate-neutral by 2050. The law also sets the intermediate target of reducing net greenhouse gas emissions by at least 55% by 2030, compared to 1990 levels. The law aims to ensure that all EU policies contribute to this goal and that all sectors of the economy and society play their part. While this does not directly apply to UK policy, the context demonstrates the importance put on renewables at a global scale.

Delivering Solar Energy

- 1.19 Solar Energy UK (formerly the Solar Trades Association) published the ‘*2030 Deployment Forecast*’ reflecting the importance of solar in securing net-zero through a major expansion of renewable power generation to support extensive electrification, particularly of transport and heating.
- 1.20 Wind and solar power are the fastest growing sources of power worldwide. In the UK solar is now one of the cheapest and lowest impact forms of electricity production. The Government has recognised the need to promote significant further increases in onshore generation by allowing solar (and onshore wind) back into the Contracts for Difference (CfD) scheme which is a Government-backed mechanism to support the generation of low and zero carbon electricity.
- 1.21 As outlined above, via the *British Energy Security Strategy*, confirms the expectation that there needs to be a five-fold increase (up to 70GW) in combined ground and rooftop solar deployment by 2035.
- 1.22 Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable (PPG Paragraph: 001 Reference ID: 5-001-20140306).
- 1.23 The Government has further enhanced its commitment to ‘providing affordable clean home-

grown power in Britain’ by announcing their 2023 ‘Powering Up Britain – Energy Security Plan’ (ESP). The ESP published 30 March 2023 commits to the development of a ‘solar roadmap’ which will set out the pathway towards reaching 70GW of solar generation capacity by 2035. The Solar Roadmap is scheduled to be published next year.

- 1.24 The UK’s energy system is undergoing a significant change. A decade ago, the UK relied on a small number of very large fossil fuel and nuclear plants. This has changed rapidly, and the UK has seen deployment of renewable technologies, which now contribute a significant proportion of the energy consumed annually. Research from Carbon Brief has revealed that fossil-fuel generated electricity in the UK fell by 22% in 2023 to its lowest level since 1957, with fossil fuels making up 33% of the UK’s electricity mix for 2023. This decrease is in part attributed to the rapid expansion of renewables, which made up 43% of the UK’s electricity mix for 2023. Nevertheless, this remains a long way from the Government’s ambition for 95% low-carbon electricity by 2030 and a fully decarbonised grid by 2035.
- 1.25 Government policy and white papers consistently cite large-scale solar photovoltaic (PV) as playing a significant role in the UK’s response to both the climate and biodiversity emergencies by supporting healthy ecosystems, whilst avoiding the emissions from fossil fuel burning power stations. This revolution will continue, backed by strong government and international policy, to tackle climate change and move the UK to a greener economy.
- 1.26 More recently (November 2023), the Department for Energy Security and Net Zero (DESNZ) published updated National Policy Statements (“NPS”). NPS EN-1 provides the overarching context, where it states at paragraphs 2.1.3 and 2.1.6 that:
- “To produce the energy required for the UK and ensure it can be transported to where it is needed, a significant amount of infrastructure is needed at both local and national scale. High quality infrastructure is crucial for economic growth, boosting productivity and competitiveness....*
- This energy NPS considers the large-scale infrastructure which will be required to ensure the UK can provide a secure, reliable, and affordable supply of energy, while also meeting our decarbonisation targets.”*
- 1.27 The preparation of this application has had regard to the detailed guidance set out in EN-3 specific to the delivery of solar energy – see section 6 below.

Local Demand for Renewable Energy

- 1.28 Uttlesford Council declared a climate emergency in July 2019 and adopted a Climate Crisis Strategy in March 2021. The Strategy sets out a commitment to achieve net zero carbon status by 2030 and states that:

“The Council needs to prompt an urgent response by the public and it is essential that the communication around the severity of the climate emergency and the action plan to address it is fully engaging the support of residents and businesses”.

Locational criteria and solar irradiance .

- 1.29 The broad choice of sites for field-scale solar development is determined by the capacity of the grid network to accept new connections and by the viability of irradiance levels.
- 1.30 The Bishop’s Stortford Substation (located east of Newland Avenue and north of the Rugby Club within the boundaries of the town) offers potential capacity to connect new energy generation and storage capacity into the national grid network. The Substation principally distributes energy to the town and the wider surrounding area. The availability of a viable grid connection can be limited by the capacity of the network or of individual substations, or may not be available until capacity enhancements have been carried out – often over a period of years. In this instance connection for up to 20MW of export and a capacity of 10MW import (suitable for battery storage) have been secured at the Bishop’s Stortford Substation (in addition to the separate grid offer that will enable the approved scheme in East Hertfordshire to be connected).
- 1.31 In order to viably exploit the available capacity it is desirable to identify potential sites for generation and storage within local proximity. Given that the Substation is within the built up area, the nearest viable sites will be in proximity to the edge of the town, having regard to these factors, the Wickham Hall Estate is, in principle, a location highly suitable for solar photovoltaic development. The prime determinant of the land selected for the proposed development has been a detailed assessment of the potential landscape and other environmental impacts.

The Application Site

- 1.32 The site falls entirely within the jurisdiction of UDC and is as shown on Context **Plan D02**. Wickham Hall Estate comprises about 524ha extending over the boundary between Essex and Hertfordshire to the north and west of Bishop’s Stortford. It is principally an agricultural estate centred on Wickham Hall, one of a number of Grade II and curtilage listed buildings

which are situated in East Hertfordshire immediately adjacent to the Uttlesford boundary.

- 1.33 Extensive restoration works started in 2013 to promote diversification; phase two, including the construction of two new buildings, added to the number of commercial units available for let to local businesses. Existing tenants comprise a yoga & Pilates studio, luxury jewellers, beauty salon, florist, gym & personal training studio and a high quality furniture retailer. There is also a café/restaurant which attracts trade from those using the existing and permissive rights of way network which provide a number of popular circular routes. Recently consent has been granted for a winery and also (in East Hertfordshire) for a vertical farming scheme – see Section 14 below.

Supporting Technical Documentation

- 1.34 The purpose of this Planning Statement is to bring all of the key planning related matters together in one place and to assess the proposal against relevant planning policies and other material considerations and provide the planning balance. However, it is important that the Planning Statement is not read in isolation. It forms one part of a comprehensive suite of documents and drawings, which when considered together support the planning application.
- 1.35 The following plans and reports are submitted in support of this planning application:
1. Application forms and completed Certificate B;
 2. Design & Access Statement prepared by DLP Planning Ltd;
 3. Landscape & Visual Impact Assessment & Landscape Strategy prepared by Aspect Landscape;
 4. Ecological Assessment prepared by Aspect Ecology;
 5. Biodiversity Net Gain Statement prepared by Aspect Ecology;
 6. Heritage Assessment prepared by Cotswold Archaeology;
 7. Geophysical Study prepared by SUMO Geophysics Ltd;
 8. Transport Statement prepared by DLP – Sustainable Development Delivery team;
 9. Flood Risk Assessment/Drainage Strategy prepared by DLP – Sustainable Development Delivery team (SDD);
 10. Agricultural Land Classification prepared by Soil Environment Services Ltd;
 11. Glint & Glare report prepared by Wardell Armstrong;
 12. Outline Decommissioning Plan prepared by DLP Planning Ltd;
 13. Statement of Community Involvement prepared by Meeting Place Communications;

14. Outline Battery Safety Plan

15. Plans as follows:

- Plan D01 Rev H Location Plan;
- Plan D02 Rev D Site Context Plan;
- Plan D03 Rev D Estate Plan;
- Site Plan (7200/ASP6/CLSP)
- Technical Site Plan (PL.001 R18)
- Mounting Structure (PL.004 R0);
- Inverter Transformer Power station (PL.005 R0);
- Customer substation (PL.006 R0);
- Gate, Fence, Construction Road, Camera, Satellite dish (ref. PL.008 R0);
- Storage Container (ref. PL.007 R0);
- BESS Transformer Station (ref. PL.010a R0);
- Energy Storage Container (ref. PL.011);
- DNO Substation (PL.006b R0);
- Proposed Construction Access Arrangement H5234-8PD-001;
- Landscape Masterplan 7200/ASP3/LMP REV M; and
- Cross Sections (7200/ASP5/CS REV B).

2.0 THE SITE AND ITS CONTEXT

- 2.1 The site comprises a gross area amounting to 33.59 hectares identified by the red line shown on **Drawing No Plan D01 Rev F**.
- 2.2 It is situated to the north-west of the Bishop's Stortford bypass to the west of Wickham Hall. It comprises a single large irregular shaped field encompassing a mixture of Grades 2 and 3 agricultural land. The topography of the site is generally level with a slight slope that falls away from the centre of the site to the north east and north western corners.
- 2.3 The Uttlesford District Council Constraints Map shows that the site falls within the Green Belt and that part of it is in an area of interest for archaeology. The Constraints Map also shows that there are areas of Ancient Woodland which are of nature conservation value situated in close proximity including:
- Bloodhounds' Wood & High Wood, situated 70m to the south-west;
 - Bailey Hills Wood, lying to the north east of the site.
- 2.4 Located to the immediate south-west of the site is a large agricultural building which is excluded from the application site. This farm building is accessed via a track forming the southern boundary of the site and dividing it from further arable fields to the south.
- 2.5 Whilst there are no conservation areas that will be directly affected there are a number of listed buildings at Wickham Hall including the Farmhouse itself, albeit that these are all located in East Hertfordshire. Details of these and consideration of any potential impact arising from the development is provided within the accompanying Heritage Assessment.
- 2.6 The Environment Agency flood zones map shows that the site is within Flood Zone 1. Whilst Blackthorn Spring rises on the east side of Bloodhounds' Wood this falls within East Hertfordshire and is not considered to have a material impact on the proposed development or to be affected by the scheme.
- 2.7 The site has a number of public rights of ways (PRoWs) in the form of bridleways. The principal ones run from Wickham Hall westwards to Bloodhounds' Wood (ECC Farnham 020) and then north to a point where it crosses the District boundary (and continues as far as the Upwick Road). This route effectively forms the southern and western boundary of the site. The other route passes around Wickham Hall and then north west along the boundary of

Bailey Hills Wood (ECC Farnham 14). A new permissive footpath along the northern boundary of the site has been created as part of the consent for a solar farm within part of the Wickham Hall Estate falling within East Hertfordshire (application reference 3/21/2601/FUL) – see also the DAS and Transport Statement.

Planning History

- 2.8 Two separate planning applications were submitted on 14 October 2021 for the development of solar farms with a combined output capacity not to exceed 49.9MW. One application was submitted to Uttlesford District Council (UDC), the other to East Hertfordshire District (EHDC). Submission followed Screening Requests submitted to the respective Authorities – see section 5 below. Both Authorities ‘screened out’ the need for Environmental Impact Assessment.
- 2.9 The application falling within the jurisdiction of UDC was validated under reference UTT/21/3108/FUL on 30 November 2021.
- 2.10 Pre-application engagement was undertaken with officers prior to its submission – see section 4 below. Following the submission, a number of statutory consultees expressed no objection to the scheme including:
- Local Flood Authority
 - Environment Agency
 - Historic England
 - Natural England
 - London Stansted Airport
 - NATS Safeguarding
 - UK Power Networks
 - National Grid
 - ESP Utilities
 - Environmental Health Officer
 - Landscape Officer
- 2.11 Despite the extensive post-submission consultation and engagement, the application was refused by the Planning Committee on 13 April 2022 for the following reasons:

1. *The site is identified within the area in Uttlesford's adopted local plan as Metropolitan Green Belt. The Framework defines inappropriate development as being harmful to the Green Belt and further defines exceptions which would not be inappropriate. Consequently, in not complying with the list of exceptions, the proposals would amount to inappropriate development in the Green Belt in which paragraph 147 of the Framework states is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. By reason of the inappropriate size and siting, the proposals by way of the long rows of panels, ancillary buildings and infrastructure would comprise a rather utilitarian form of development not typical of its agricultural context. It would contrast awkwardly with the unspoilt open qualities of the site and would introduce a discordant element of significant scale that would encroach into the local landscape contrary to one of five purposes set out in paragraph 138 of the Framework. As such, the proposal would have an adverse effect of moderate significance on the local landscape and a significant adverse effect on the visual amenity of the area. It is considered that the 'very special circumstance' in this case either individually or collectively do not clearly outweigh the harm that has been identified, and the very special circumstances necessary to justify the development do not exist. The proposals are thereby contrary to policy S6 of the Adopted Local Plan and the National Planning Policy Framework.*
2. *The Historic Environment Record and the desk-based assessment submitted with the application shows that the proposed development lies within an area of known archaeological deposits. These particularly highlighted the potential for Iron Age and Roman occupation, identified in advance of the A120 Hadham Bypass following the completion of geophysical survey as part of the pre application evaluation undertaken on the road line. Following the guidance within the NPPF at present the application has not provided appropriate consideration of the impact of the development such as a geophysical assessment and photographic evidence of the area to assess the historic environment. The proposals are thereby contrary to policy ENV4 of the adopted local plan and the National Planning Policy Framework.*
3. *Insufficient information has been submitted in support of the application to demonstrate that there would not be an unacceptable impact to protected and priority species and their habitats particular in relation to Skylarks. This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 as updated by the Environment Act 2021 and to be able to properly assess any potential impacts upon protected species. Without this information, the LPA are unable to properly assessed the proposals and impacts on legally protected and priority species. The proposals would thereby be contrary to policy GEN7 of the adopted Local Plan and the NPPF.*
4. *Insufficient information has been provided in support of the proposals to demonstrate that the impact on the public rights of way network caused by this proposal will not have unacceptable consequences in terms of highway safety, efficiency and accessibility and that the proposed works are indeed deliverable. The proposal is therefore contrary to policy GEN1 of the Adopted Local Plan and the National Planning Policy Framework.*
5. *The applicant stipulates that following the operation stage, it is proposed that the solar farm is decommissioned, with the solar panels and other infrastructure to be removed and the site to be retained back to its original condition. This requirement would need to be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement had not been prepared or completed. As such, the proposals is contrary to policies GEN6 of the Adopted Local Plan and the National Planning Policy Framework.*

Other relevant Planning History

- 2.12 The application falling within the jurisdiction of EHDC was validated under application reference 3/21/2601/FUL on 30 November 2021.
- 2.13 Following negotiations with EHDC and consequential amendments to the scheme, the application was approved by the EHDC Development Management Committee on 11 January 2023 subject to a Unilateral Undertaking to deal with the provision of permissive footpaths. The planning permission was issued on 19 December 2023.
- 2.14 Whilst the permission continues to refer to provision of up to 49.9MW of solar generation, the results of the amendments to the approved scheme reduce the maximum output to 35MW. The approved scheme provides for a construction access direct to the A120 (within East Hertfordshire), for future maintenance and decommissioning.

3.0 THE PROPOSED DEVELOPMENT

3.1 The proposed development comprises:

“Erection of a Solar Photovoltaic Farm with supporting infrastructure and battery storage, inverters and transformers, fencing landscaping works and cables.”

3.2 The Site comprises a gross area amounting to 33.59 hectares, identified by the red line location plan, Plan D01. This includes the necessary land for that part of the construction access and potential cable route connections within Uttlesford and for landscaping and planting areas. The net area of the operational development is 25.28 hectares.

Layout

3.3 The layout of the proposed development is shown on **7200/ASP6/CLSP**. The proposed layout shows that the development overall will comprise:

- 862 full tables and 38 half table arrays to be mounted south facing in rows spaces approximately 4.4m apart; panels to be angled at approximately 25° with a minimum height from the ground of 1m and a maximum height of 3m;
- 7 No. AC Boxes/Inverters, Transformers and Switchgear units (MV Power Stations);
- Operational Compound comprising
 - 1 No DNO Substation;
 - 1 No Customer Sub-station;
 - 1 No Storage Container;
 - 1 No Control and Welfare Unit
 - 10 No Battery storage units;
 - 3No DC Combiner boxes
 - 3No PCS units
 - 2No Transformer/Switch Rooms
- Enclosure of the solar arrays by deer-proof fencing;
- Secure compound fencing to the electrical infrastructure comprising 2.5m weldmesh fencing; and
- CCTV cameras located to provide surveillance to the site’s boundaries, mounted on poles not to exceed 3m height.

3.4 Proposed landscape and ecological enhancements encompass:

- Protection and enhancement of the existing hedgerows and mature trees;
- Introduction of 30m wide broadleaf woodland belt comprising 1.717 ha;
- New boundary native hedgerow (2.026km);

- A new multi-functional wildlife area comprising 2.32ha (including scrub and wildflower planting - minimum 1.104ha - wetland, further broadleaf planting);
- Enhanced footpath corridors with new hedgerows and wildflower planting;
- Bolstering of boundary hedgerows to be managed to a height of 3m;
- Foraging areas for skylarks;
- Habitat boxes and ecological features for a range of fauna species; and
- Interpretation boards are to be used as a useful tool to explain the components and function of both the solar farm and the wildlife area;

3.5 By extending and joining up the existing screening provided by Bloodhounds Wood (located to the south west) and Bailey Hills Wood (located to the north east), the proposed new woodland belt and wildlife area will provide a continuous belt of significant and contextually sympathetic landscaping around the entire western and southern boundaries of the application site, which provides legacy landscape and ecological benefits, in addition to providing additional screening of the development proposal in short distance views

Comparison with the refused application

- 3.6 Compared to the previously refused application, the overall area of the Site has been reduced from 35.77ha to 33.59ha.
- 3.7 A field parcel of 8.8ha to the west of the proposed scheme extending as far as the District boundary has been excluded (although a small part of this land is shown to include the construction access and cable route. This creates a clear separation between the scheme and the approved scheme in East Hertfordshire.
- 3.8 Additional land has however been included to the east and south east to provide a landscape belt and a wildlife area amounting to over 4ha.
- 3.9 The gross site area of this application also includes the provisions for access to the boundary of the District but, overall, reflects a significant reduction in the net developable area of some 18% as well as providing significantly enhanced landscape and biodiversity elements.

Construction

- 3.10 The proposed development will be temporary and reversible. The wildlife area and new hedgerows will be permanent as a legacy to the natural environment.
- 3.11 The solar panels will be mounted on metal frameworks which are secured by their own weight

– **Dwg PL.004.** Conventionally, the frames are driven into the ground to a depth of between 1.0 and 1.5m at regular intervals. Cabling can be laid on the surface but is normally in shallow trenches which do not exceed the regular depth of ploughing - the land is presently in arable use.

- 3.12 In areas where there may be archaeological sensitivity an alternative form of foundation for the panels would be to mount them on shallow concrete pads which do not require excavation to a depth greater than that arising from ploughing, thereby avoiding disturbance to buried historic assets. Such concrete pads are capable of being easily broken up and removed on cessation of the use.
- 3.13 The fixed infrastructure comprising the AC inverters, transformers, customer substation and the battery storage containers are also all mounted on similar shallow concrete pads regardless of location.

Fencing and Security

- 3.14 It is proposed that the development be enclosed by deer-proof fencing comprising a light wire mesh mounted on wooden poles to a maximum height of 2.5m and intended to exclude larger mammals. This would not provide restrictions for smaller mammals such as badgers and foxes.
- 3.15 Areas where electrical switchgear or other apparatus is installed and from which it is necessary to exclude access will be enclosed with a weldmesh type fence, typically of 2m maximum height but not to exceed 2.5m with suitable gate access (**Drawing No PL007**).
- 3.16 **Dwg PL.007** also gives details of the pole mounted security camera system proposed.
- 3.17 The application is accompanied by a draft Construction Transport Management Plan (provided within section 6 of the Transport Statement) which provides an outline of the key principles to control the impacts of construction traffic.
- 3.18 The Applicant invites a condition which would require the submission and approval of final construction management details prior to any construction taking place, which would include the hours of operation and vehicle routing and measures to protect users of public rights of way in the area.

Access

- 3.19 For the purposes of construction a temporary access will be created between the southern edge of the proposed development and the boundary of Uttlesford District west of Bloodhounds' Wood. The temporary access will run parallel to existing farm tracks so as not to conflict with the use of these tracks for agricultural purposes and where they form part of the network of rights of way and permissive footpaths.
- 3.20 Beyond the District boundary the construction route is intended to follow the construction route approved in principle in connection with the approved application for development in East Hertfordshire, providing a connection with the local highway network via the A120 / Old Hadham Road located approximately 200m west of the A120 / A1250 / A1184 roundabout. Whilst the details of this construction access are subject to Condition 5 of the approved application a full planning application has been submitted to EHDC for this temporary construction route including its connection to the Uttlesford boundary. This application follows pre-application discussion with the Case Officer for the approved development and includes a Unilateral Obligation to ensure that the construction route is available for the development of the application site. A copy of the application and of the Draft Unilateral Obligation is at **Appendix 2**).
- 3.21 The full construction route is as shown on **Plan D02 RevC** and comprises:
- 250m of existing private road (Old Hadham Road) that extends between the A120 and the existing field access.
 - Construction of a temporary field access north from the old Hadham Rd for a distance of around 200m – this comprises land subject to permission (East Herts) 3/22/1502/FUL granted for use as a dog exercise area including fences and gates.
 - Construction of a temporary vehicular access alongside HCC Bridleway 010 running along the western boundary of Bloodhounds' Wood for a distance of about 470m.
 - Use of the existing farm track until it intersects with ECC Bridleway 020 running along the western boundary of Bloodhounds' Wood for a distance of about 470m.
 - Construction of a new temporary access track adjoining the existing farm track / ECC Bridleway 020 running along the northern edge of Bloodhounds' Wood to the site boundary for a distance of about 380m (forming part of this application).
- 3.22 The land over which the construction access passes and connects with the public highway is entirely in the ownership of the Wickham Hall Estate and therefore under the control of the Applicant.

3.23 Solar farms require little maintenance, with activity limited to occasional visits to clean, check and test the installation, with personnel using small vehicles. As such, it is expected that there will be no discernible traffic impact during the operational phase of the development. In fact, the temporary cessation of arable cultivation will mean a lessening of traffic otherwise associated with the planting, cultivation and harvesting of the land. Operational traffic will be expected to obtain access to the scheme via the existing access road, known as Jazz Street, which provides access to Wickham Hall and its associated uses including the Wickham Hall Business Park, café and approved winery development. Jazz Street connects to the adopted highway at Hadham Rd via Newland Avenue, a presently unadopted residential access constructed as part of the Stortford Fields development. The route of the operational access and its connection to Jazz Street within Uttlesford District is shown on **Plan D01 Rev F Location Plan**.

Decommissioning Phase

3.24 The approved scheme in East Hertfordshire has been granted for a period of 43 years from the date of approval (to include an allowance of three years for the implementation of the scheme) – see **Appendix 1**. Permission is therefore sought for an operational period of 43 years to match this, after which the site will be restored and returned to its current state as arable land. An outline Decommissioning Plan is submitted with this application setting out the principles that should underpin the dismantling and removal of the fixed infrastructure and restoration of the land to arable use (excluding the legacy planting). Liability to do so will fall on the landowner but the contractual arrangements between the developer and the landowner allow for a fund to accumulate to meet the costs of decommissioning.

3.25 When the proposed solar farm is decommissioned, the solar panels and other infrastructure will be removed. Around 90% of materials can be recycled currently and research is ongoing within the industry to increase this figure. Due to the limited quantity of foundations, hard surfacing and heavy infrastructure, combined with the fact that the majority of the site will be retained as grassland, the land will be easier to restore than more intrusive development with more significant foundations.

3.26 The restoration process is intended to ensure that the site is restored to the same quality as existing, and it is anticipated that this can be secured by a suitably worded planning condition reflective of the temporary nature of the planning permission sought.

Battery Operation

- 3.27 Battery storage facilities are proposed will primarily operate under two scenarios, price arbitrage and frequency response.
- 3.28 The first strategy allows the battery to avail of price inefficiencies in the market. For instance, the batteries can charge when there is an excess of power from renewables such as wind and solar on the grid. The influx of renewables can cause the minute to minute price to drop, allowing the batteries to cost efficiently charge at midday on a summer afternoon and then release at a peak in demand that evening. This load shifting can also reduce the use of high-carbon generation during the peak demand periods.
- 3.29 The national grid operates at a frequency of 50Hz and this varies depending on the level of generation and demand on the network on a second by second basis. Batteries can alter the frequency on the grid to avoid electrical faults and also mitigate risk of black outs. Batteries can affect the frequency by exporting to the grid when there is demand or by importing electricity to recharge when supply exceeds immediate demand.

Battery Safety

- 3.30 Batteries are an inherently safe technology. Each lithium ion cell is self-contained and grouped within dedicated container (racks). The containers are separated by 2-2.2m of gravel. Each individual cell's performance is monitored to ensure efficient operation; key metrics are level of current and temperature.
- 3.31 The proposed approach towards fire safety will be expected to follow the principles for Battery Safety, including fire prevention, equipment monitoring, and fire suppression. International guidance for testing and certification for the transportation of Li-Ion batteries exists in the form of UN38.39, published by the United Nations as recommendations. There are multiple fail-safes in place should the monitoring system identify any irregularities including:
- Should the battery exceed a targeted level of charge the cell can be isolated electrically to prevent any hazardous over charging.
 - Temperature, a key indicator of a potential issue, and controlled by a cooling system, is monitored closely and current can be isolated should cells operate outside of a desired temperature range.
- 3.32 Industry level monitoring shows that the operation of these facilities presents an extremely low risk. Nevertheless the racks shall be specified in line with best practice. This shall

comprise location within fire resistant enclosures with an integrated non-water based aerosol fire extinguishing system that consists of:

- Smoke detector (Very Early Smoke Detection Apparatus – VESDA);
- Temperature detector
- Monitoring to detects increased levels of carbon monoxide – CO);
- Automatic aerosol-based fire suppression system;
- Gas sensor and active ventilation system;

- 3.33 The use of a non-water based suppressant system is more effective in combatting electrical fires, electrolyte fires and other combustible fires (A/B/C fires).
- 3.34 The consideration of fire safety and the mitigation provisions are set out in an Outline Battery Fire Safety Management Plan (OBFSMP), prepared by Enzygo, which sets out in full detail the impact that battery safety has had on the design and layout of the scheme and also the steps taken in mitigation of any potential fire safety hazard. This has had regard to the preapplication advice from Essex County Fire & Rescue - see paragraph 4.13 below.

4.0 PRE-APPLICATION ADVICE

4.1 Prior to the refusal of the previous planning application a formal preapplication was made to UDC dated 18 August 2020 (reference UTT/20/2182/PA). A pre-app meeting was held on 14 October 2020. UDC did not issue formal comments however a note of the pre-application meeting was circulated and acknowledged without comment by email of 23 October 2020 – the note is appended at **Appendix 3**.

4.2 The key matters to be addressed in an application were identified as being:

1. To determine that the scheme is not an NSIP scheme for the purposes of the application;
2. To request Screening in respect of an Environmental Impact Assessment;
3. To address the very special circumstances in relation to development in the Green Belt;
4. To address heritage matters;
5. To ensure that public rights of way are appropriately considered and maintained;
6. To consider the impact on the archaeological potential of the site; and
7. To identify if the site has any minerals safeguarding.

4.3 The key matters arising from the meeting were summarised in the meeting note as being:

- Consideration of landscape and planting options and to engage in further discussions;
- Setting out and undertaking a programme for public engagement;
- Liaison with UDC concerning Member engagement; and
- Preparation and submission of Screening Request as appropriate.

4.4 Broadly it was considered that there would be no in principle policy objection to provision of a solar farm subject to justifying the location of the proposal (particularly with regard to the Green Belt) and demonstrating that material impacts could be appropriately mitigated.

4.5 The Council's Landscape Officer and the Applicant's landscape consultant also took part in the meeting. The former requested a new woodland of 10 hectares be planted but was unable to attend an accompanied site visit to consider the details of the prevailing landscape context.

4.6 Prior to the submission of this application, pre-application engagement has been pursued with:

- The Planning Inspectorate (PINS);
- Principal Historic Environment Consultant, Essex Place Services (in relation to archaeology);

- Essex Fire and Rescue;
- Hertfordshire Fire and Rescue.
- Essex County Highways
- EHDC Planning (in respect of the construction access application)

Planning Inspectorate

4.7 Pre-application advice received from PINS in respect of a number of procedural matters has been addressed as follows:

- *Community engagement:* the community engagement steps were considered proportionate. The SCI addresses the steps taken to inform website commenters of changes to the proposal.
- *Construction access:* The construction access within Uttlesford District is included within the application. A full application has been submitted to EHDC for construction access to connect with the A120 (reflective of the construction access for the approved scheme) following consultation with EHDC. This includes a Unilateral Obligation in respect of this application – **Appendix 2** refers.

4.8 A further discussion was held with the Inspector on 18 April 2024, which outlined the Applicant's proposed responses to the matters raised and discussed the potential to use the proposed construction access as operational access. The Applicant has determined that operational access would be more appropriately provided from the existing farm complex access as described in this application enabling the temporary construction works to be fully removed once construction is completed.

Uttlesford District Council

4.9 UDC was consulted by PINS as part of the pre-application process. The following observations are made upon the comments raised by UDC (letter of 19 March 2024):

- *Draft Supplementary Guidance.* This document appears to remain in draft form, was not subject to public consultation and was intended to be an interim prior to the preparation of a Local Plan policy. There is no public record of any meeting occurring on 14 October 2021 or of any recommendation being made to the Council's Cabinet and the matter was not considered at Cabinet of 19 October 2021. No weight can reasonably be attached to such draft SPD which in any event predates current Government policy guidance specifically the Overarching National Energy Policy which

became effective in 2024.

- *Inappropriate development in the Green Belt.* The Applicant sets out the very special circumstances that pertain in relation to the Green Belt at Section 15 of this Statement. Read in combination with the LVIA and the amendments to the scheme described above the Applicant does not agree with UDC that they have understated the likely impacts on openness or represent a significant encroachment on the countryside to the extent that harm outweighs the benefits of the development overall. It should be noted that in making their comments UDC were not availed of the scheme and supporting documents that now comprise this application.
- *Site restoration.* The Applicant considers that a suitably worded condition is sufficient to secure the decommissioning and restoration of the site following the expiry of a consented operational period. This application is accompanied by a Draft Decommissioning Plan and the Applicant invites consideration that the approach adopted by EHDC in respect of the approved scheme (and by PINS in respect of approving a solar development at Stansted Airport – Ref S62A/22/000004 Condition 3) would be both appropriate and effective - decision at **Appendix 4**.

4.10 In all other regards the Applicant notes that there are no objections to the proposal from UDC.

.Principal Historic Environment Consultant, Essex Place Services

4.11 The scope of documents to be submitted in support of the planning application, relating to archaeology, has been agreed with the Principal Historic Environment Consultant at Essex Place Services.

4.12 It has been agreed that further targeted trial trenching could be secured by way of a pre-commencement condition, as opposed to being required prior to the submission of the planning application.

Fire and Rescue Services

4.13 Details of the proposal were submitted to Essex Fire and Rescue and Hertfordshire Fire and Rescue Service. Both organisations were consulted due to the proximity of the site to the administrative boundary.

4.14 In response to the comments received from Essex Fire and Rescue the layout as submitted

has been amended to include two access points to the BESS area and the provision of fire suppressions facilities. In addition, the Outline Battery Management Plan submitted in support of the planning application sets out how the battery storage facility will be managed from a fire safety risk mitigation perspective and collates the technical and safety information used for the outline design of the BESS to ensure that all safety concerns around the facility are addressed in so far as is reasonably practicable.

Highways

- 4.15 Pre-application advice has been sought from and given by Essex County Highways in respect of the matter of the construction and operational access proposals. The outcome of this consultation has informed the application and is set out in the accompanying Transport Statement – see Section 11 following.
- 4.16 Overall, the Highway Authority has expressed its support for the use of the construction access route as approved by EHDC in connection with application ref: 3/21/2601/FUL) as referred to above.

5.0 SCREENING OPINION

- 5.1 A joint EIA Screening Request was submitted to EHDC and UDC on 22 February 2021. Whilst a Screening Opinion was issued by EHDC (reference 3/21/0460/SCREEN) on 21 May 2021 the equivalent Opinion from UDC was not issued until 18 October 2021 (reference UTT/21/0597/SCO).
- 5.2 The Screening Opinion issued by UDC (UTT/21/0597/SCO) determined (as had EHDC) that an Environmental Statement would not be required, concluding that:
- Overall, the probability of a significant environmental impact upon human beings, flora, fauna, soil, water, air and the wider climate is considered to be low given the scale, nature and location of the development. It is considered that the proposals would not give rise to significant adverse effects.*
- 5.3 A further EIA Screening Request was submitted to Uttlesford District Council on 31 January 2024 (reference UTT/24/0277/SCO).
- 5.4 Uttlesford District Council issued a second negative Screening Opinion on 20 February 2023. A copy of the Screening Opinion is attached at **Appendix 5**.

6.0 COMMUNITY ENGAGEMENT

6.1 Extensive community engagement was undertaken for the previously submitted applications; a summary of which is set out below.

- Pre-application meetings with Uttlesford and East Hertfordshire District Councils;
- Meetings with local representatives via on-line live presentations;
- Hosting a website containing details of the proposals including a short video presentation and providing on-line feedback opportunities;
- Newsletters to site neighbours and residents with a freepost number and address to get in contact with concerns or comments;
- Feedback form with a freepost envelope to local residents;
- Extensive online consultation with the local community;
- Press Engagement;
- Bishop's Stortford market stall; and
- Engagement with local schools.

6.2 Consultation was undertaken with over 1,700 households and business; more than 63% of those who responded to the consultation process expressed support for the proposals for a new solar farm on land at Wickham Hall. This is an extremely high level of support for a planning application, showing the positive feeling towards a renewable energy scheme of this kind.

6.3 The online consultation website had over 500 views, demonstrating an engaged local interest in the proposal, which has been kept up to date during the consultation process.

6.4 Local residents, key community groups and stakeholders were updated through the process of the previously submitted cross boundary application.

6.5 In addition to the above, and in preparation for the submission of this application, further consultation has been undertaken. Around 2600 local households (an increase of over 800 compared to the original scheme given the number of new homes occupied in Bishop's Stortford) received a Newsletter dated 31 January 2024 outlining the proposed scheme. A Press Notice was issued to local media. The Website has remained live and was updated to reflect the current proposals. The Planning Inspectorate has confirmed this to be sufficient to inform and engage with the wider community subject to clarity on how changes to the

scheme were identified. The dedicated website has highlighted the changes – as set out a paragraph 3.6 above.

- 6.6 The Statement of Community Involvement (SCI) which accompanies this application notes at s3.8 that a Newsletter was sent to local households (including to almost 1000 additional households reflecting the pace of new housebuilding in the area) informing them of the revised proposals (and on the progress towards implementation of the approved scheme) and directing them to the (refreshed) Website (Appendices M and N of the SCI).
- 6.7 Public responses received in writing and on-line are set out in the SCI. Notably, over 63% of those who responded to the original consultation process supported the proposals for a new solar farm on land at Wickham Hall.

7.0 PLANNING POLICY CONTEXT

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states the planning application should be determined in accordance with the development plan unless material considerations indicate otherwise. This approach is further reinforced by the guidance set out in the Framework and related Planning Practice Guidance (PPG). In this regard, the starting point for the determination is the statutory development plan.

Development Plan

7.2 The development plan comprises the Uttlesford Local Plan 2005. Policies considered potentially relevant to the proposal are listed as follows:

- Policy S6 Metropolitan Green Belt
- Policy S7 The Countryside
- Policy GEN1 Access
- Policy GEN2 Design
- Policy GEN4 Good neighbourliness
- Policy GEN5 Light pollution
- Policy GEN7 – Nature conservation
- Policy E4 Farm Diversification: Alternative use of Farmland
- Policy ENV4 Ancient Monuments and Sites of Archaeological Importance
- Policy ENV5 Protection of Agricultural Land
- Policy ENV7 The Protection of the Natural Environment
- Policy ENV8 Other Landscape Elements of Importance for Nature Conservation
- Policy ENV11 Noise Generation
- Policy ENV15 Renewable Energy

7.3 Policy ENV15 Renewable Energy is the principal policy however it confines its consideration to small scale energy provision as it predates the need for large scale on-shore renewable energy development.

7.4 The Council's declaration of a Climate Emergency and adoption of national policies in response to climate change provides a context against which all adopted development plan policies must be considered. Whilst the published documents are focused overwhelmingly on improving energy efficiency, habitat creation and renewables in the context of a range of

developments and contain little or no direct guidance for the development of free-standing energy schemes in isolation, they do create the framework in which UDC establishes the need to take significant action to combat climate change and promote the zero carbon agenda.

- 7.5 The Energy Efficiency and Renewable Energy SPD provides guidance on the measures that applicants can include in new development to reduce energy use and demonstrates how development can meet the criteria on energy use within Policies GEN2 (Design) and ENV15 (Renewable Energy) of the Uttlesford Local Plan 2005.
- 7.6 Public consultation (Regulation 18) on a new Uttlesford Local Plan 2021-2041 took place between 30 October 2023 and 18 December 2023. Core Policy 25 (Renewable Energy Infrastructure) of the emerging Local Plan states that the Council supports proposals for renewable and local carbon energy generation provided that any adverse impacts (including cumulative impacts) can be addressed satisfactorily. Core Policy 11 (London Stansted Airport) of the emerging Local Plan identifies a safeguarded area for London Stansted Airport, within which the council will consult with the airport operator on proposals and that development that may be a hazard to aircraft operation and/or safety will not be permitted.

National Planning Policy Framework (2023)

- 7.7 The National Planning Policy Framework (“Framework”) sets out Government’s aims and objectives for the planning system and plays a key role in securing radical reductions in greenhouse gas emissions, providing resilience to the impacts of climate change and supporting the delivery of renewable and low carbon energy and associated infrastructure.
- 7.8 A revised Framework was issued in December 2023. Paragraph 15 of the revision continues to set out how the planning system should be genuinely plan-led. It states how succinct and up-to-date plans should provide a positive vision for the future of each and provide a framework for assessing the economic, social and environmental priorities.
- 7.9 This is relevant insofar as there is no up to date local plan for Uttlesford and whilst the Council has reached Regulation 18 stage of a new local plan, little or no weight can yet be attached to it for the purposes of determining this application. Accordingly, correspondingly greater weight needs to be attached to the Framework as well as to overarching Government policy for renewable energy and the Net Zero objective.

7.10 The revision to the Framework has not altered the intention of achieving sustainable development or its three overarching objectives, described at paragraph 8 as:

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

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

c) an environmental objective – to contribute to protecting and enhancing our natural, built, and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

7.11 It is notable that 8c makes one of the key priorities moving to a low carbon economy.

7.12 Paragraph 9 advises how these overarching objectives should play an active role in guiding development towards sustainable solutions whilst paragraph 10 reiterates that:

*“So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development**”.*

7.13 Paragraph 38 reminds all decision makers at every level that they:

“should seek to approve applications for sustainable development where possible”

7.14 Beyond its general principles the Framework refers specifically to planning for climate change in section 14.

7.15 Paragraph 157 states in full that:

“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”.

7.16 Whilst advice is given specifically directed to planning for increased use and supply of renewable energy at paragraph 160. Paragraph 162 sets out that in determining planning applications, local planning authorities should expect new development to:

- a) *comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- b) *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*

7.17 It follows from this that, as set out in paragraph 163, Government requires decision makers to:

- 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 significant cutting greenhouse gas emissions;*
- b) *approve the application if its impacts are (or can be made) acceptable. 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.*

7.18 In this instance the local plan does not identify areas for renewables developments and therefore the presumption in favour of sustainable development is reinforced where the impacts of the development are or can be made acceptable. It is however also important to consider the weight attached to other aspects of the Framework in the absence of up to date development plan policy.

7.19 In that regard, section 6 of the revised Framework refers to the importance of building a strong and competitive economy – which is relevant to the importance attached to renewable energy and achieving net-zero leading to the conclusion set out at paragraph 1.14 above. This is reflected at paragraph 85 where it is stated that:

"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future".

7.20 The site falls within the Green Belt, therefore as Government attaches great importance to Green Belts, the advice contained in the Framework is pertinent.

7.21 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

7.22 Paragraph 143 sets out that Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”

7.23 Paragraph 152 notes that:

“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.

7.24 Paragraph 148 then states:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any harm resulting from the proposal, is clearly outweighed by other considerations.”

7.25 Specifically regarding renewables, paragraph 151 then states:

“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”.

7.26 Section 15 of the Framework relates to conservation and enhancement of the natural environment. Of note are those parts of paragraphs 180e and 186d in relation to habitats and biodiversity which state respectively that when determining applications:

“Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information...”

“...opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate”.

7.27 Notably, the Framework has deleted previous guidance that dealt with land quality (former paragraph 112) and the issue of best and most versatile agricultural land is now dealt with by paragraph 181, and specifically footnote 62, which states:

“Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”.

7.28 Annex 2 of the Framework provides a glossary of terms and defines 'best and most versatile

agricultural land' as land in Grades 1, 2 and 3a of the Agricultural Land Classification.

- 7.29 Section 16 of the Framework continues to be concerned with conserving and enhancing the historic environment. It identifies heritage assets as ‘*an irreplaceable resource*’ and notes that they should be conserved in a manner appropriate to their significance.
- 7.30 Paragraphs 205 and 206 state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.
- 7.31 Paragraph 201 continues by setting out the approach to be taken where either substantial or less than substantial harm is judged to arise to a historic asset. In the latter case the Framework at paragraph 208 advises that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

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

National Planning Practice Guidance

- 7.33 The National Planning Practice Guidance (NPPG) supports the Framework and provides guidance for the consideration of renewable energy schemes in principle:

“Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Addressing climate change is one of the core land use planning principles which the NPPF expects to underpin both plan-making and decision-taking”.

(Paragraph: 001 Reference ID: 6-001-20140306).

- 7.34 Specifically, guidance is given for considering large scale, ground-mounted solar farm developments, noting particular factors that a local planning authority should consider (so

far as they are relevant to this application):

- *where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.*
- *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- *the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;*
- *the need for, and impact of, security measures such as lights and fencing;*
- *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*

(Paragraph: 013 Reference ID: 5-013-20150327)

7.35 With regard to landscape the abovementioned paragraph has specific regard to landscape matters where it states:

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

7.36 As such the guidance identifies the key planning considerations and that such development can be made acceptable with proper mitigation.

7.37 Other guidance provided within the NPPG which could be considered as of relevance for this proposal includes the matters of:

- Climate Change
- Flood Risk and Coastal Change
- Natural Environment
- Historic Environment
- Noise
- Open space, sports and recreational facilities, public rights of way and local green space.

Overarching National Policy Statements for Energy (NPS)

- 7.38 The DESNZ published updated National Policy Statements (“NPS”) in November 2023 and these came into force in January 2024. NPS EN-1 paragraph 1.2.1 provides the context where it states that:

“In England this NPS, in combination with any relevant technology specific NPSs, may be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended)”.

- 7.39 The NPS must now therefore be given full weight in the determination of this planning application, including the emphasis on meeting net zero, energy security and sustainable development.

Statement for Energy (NPS EN-1)

- 7.40 Statement EN-1 provides the overall approach to energy development and decision making as discussed above. Specifically paragraph 2.3.3 encapsulates those objectives thus:

Our objectives for the energy system are to ensure our supply of energy always remains secure, reliable, affordable, and consistent with meeting our target to cut GHG emissions to net zero by 2050, including through delivery of our carbon budgets and Nationally Determined Contribution. This will require a step change in the decarbonisation of our energy system.

- 7.41 Moreover:

Meeting these objectives necessitates a significant amount of new energy infrastructure, both large nationally significant developments and small-scale developments determined at a local level.

- 7.42 It particularly emphasises the importance of decarbonising the power sector and of energy security. Paragraph 2.5.7 states:

“The Capacity Market (CM) is at the heart of the government’s plans for a secure and reliable electricity system. The CM provides all forms of capacity capable of contributing to security of supply with the right incentives to be on the system and to deliver during periods of electricity system stress, for example during cold, still periods where demand is high”.

- 7.43 EN-1 refers to the need for diverse sources of energy generation if the delivery targets are to be met. At paragraphs 3.3.4 – 3.3.6 it states that:

“There are several different types of electricity infrastructure that are needed to deliver our energy objectives. Additional generating plants, electricity storage, interconnectors and electricity networks all have a role, but none of them will enable us to meet these

objectives in isolation’ and that ‘storage and interconnection can provide flexibility, meaning that less of the output of plant is wasted as it can either be stored or exported when there is excess production. They can also supply electricity when domestic demand is higher than generation, supporting security of supply’.

7.44 With regard to storage as opposed to generation, paragraphs 3.3.5 and 3.3.6 state:

“we need the increased flexibility provided by new storage and interconnectors (as well as demand side response, discussed below) to reduce costs in support of an affordable supply.”

7.45 Paragraph 3.3.20 of EN-1 states that wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation) and that analysis shows that a secure, reliable, affordable net zero consistent system in 2050 is likely to be composed predominantly of wind and solar.

Statement for Renewable Energy Infrastructure (NPS EN-3)

7.46 Whilst Statement EN-1 sets out overall policy, Statement EN-3 (November 2023) provides more specific guidance including that for solar energy. The introductory paragraphs of section 2.10 set the theme:

“The government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions by 2050. As such solar is a key part of the government’s strategy for low-cost decarbonisation of the energy sector.

Solar also has an important role in delivering the government’s goals for greater energy independence and the British Energy Security Strategy states that government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW).”

7.47 Factors influencing potential solar sites are listed as being:

Site Selection

- Irradiance and site topography
- Network connection
- Proximity to dwellings
- Agricultural land classification and land type
- Accessibility
- Public rights of way
- Security and lighting

Technical considerations

- Capacity of a site
- Layout, design and appearance

- Project lifetime
- Decommissioning
- Flexibility in the project details

Impacts

- Impacts on biodiversity, ecology and water management
- Landscape visual and residential amenity
- Glint and glare
- Cultural heritage
- Construction including traffic and transport noise and vibration

7.48 In respect of the identified range of impacts, the NPS sets out potential scopes for mitigation.

7.49 The provisions of EN-3 have informed the preparation of the application scheme.

Other Relevant Government Policy and Guidance

7.50 The Government's response to climate change can be found principally in the following legislation, policies and strategies.

Climate Change Act (2008)³

7.51 The *Climate Change Act 2008* is the basis for the UK's approach to tackling and responding to climate change. It supports the UK's commitment to urgent international action to tackle climate change.

Environment Act 2021 (November 2021)

7.52 The Environment Act 2021 has been passed into law. It implements Government's ambitions for 'improving the natural environment', which were previously set out in publications including the 25 Year Environment Plan (2018), with the UK becoming the first country to set a legal target to halt species decline by 2030.

7.53 Through the Act, the Government will clean up the country's air, restore natural habitats, increase biodiversity, reduce waste and make better use of our resources. This includes the delivery of biodiversity net gain to ensure developments deliver at least 10% increase in biodiversity (once enacted).

7.54 The provisions of the Act reflect the consolidation into law of the following strategies and Orders.

³ <https://www.legislation.gov.uk/ukpga/2008/27/contents>

Infrastructure Planning (Electricity Storage Facilities) Order 2020

- 7.55 This Order sets out policy for battery storage.
- 7.56 It followed from a White Paper published by OFGEM in July 2017, *Upgrading Our Energy System: Smart Systems and Flexibility Plan* which outlined the various mechanism including energy storage to improving the resilience of the national electricity network. Projects of this kind were highlighted as having a key role:

“By harnessing the potential of energy storage... we have an opportunity to upgrade to one of the most efficient, productive energy systems in the world. This is central to how we deliver secure, affordable and clean energy now and in the future.”

- 7.57 National Grid echoed this in setting out their Future Energy Scenarios 2020 paper. This also highlighted storage as a key element in achieving Net Zero by 2050 reflecting ‘*the importance of flexibility to manage differences in when and where energy is produced and consumed.*’ National Grid envisage an 800% increase in the amount of energy storage being supplied to the grid by 2050. The proposed battery storage element can make a material contribution to this ambitious target.
- 7.58 Subsequently the Order has recognised the role of battery storage as an essential component of the renewable energy mix, removing capacity constraints in order to encourage accelerated delivery.

Ten Point Plan for A Green Industrial Revolution (2020)

- 7.59 The *Ten Point Plan* builds on the net zero carbon targets and refers to the importance of energy storage as a ‘smart technology’ and recognising its role in supporting steps to decarbonise the economy.

Powering Our Net Zero Future – White Paper (December 2020)⁴

- 7.60 This White Paper outlines how the transition to clean energy by 2050 can be achieved and what changes will need to happen in order for this to happen.
- 7.61 Reflective of the concurrent support for battery storage contained in the *Infrastructure Planning (Electricity Storage Facilities) Order 2020*, it stated:

“A low-cost, net zero consistent system is likely to be composed predominantly of wind and solar. But ensuring the system is also reliable, means intermittent renewables need to be complemented by technologies which provide power, or reduce demand, when the

⁴ <https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future>

wind is not blowing, or the sun does not shine. Today this includes nuclear, gas with carbon capture and storage and flexibility provided by batteries, demand side response, interconnectors (see ‘Energy system’ chapter) and short-term dispatchable generation providing peaking capacity, which can be flexed as required.”

Independent Assessment of UK Climate Risk (June 2021)

- 7.62 The Adaption Committee’s *Independent Assessment of UK Climate Risk* set out the priority climate change risks and opportunities for the UK. It draws on extensive evidence gathered for the accompanying *Climate Change Risk Assessment (CCRA3) Technical Report* which shows that the gap between the level of risk we face and the level of adaptation underway has widened and that adaptation action has failed to keep pace with the worsening reality of climate risk. It concludes that the UK has the capacity to respond effectively and that acting now will be cheaper than waiting to deal with the consequences.

Progress Report to Parliament (June 2021)

- 7.63 The Committee for Climate Change published a double report ‘*Progress in reducing emissions*’ and ‘*Progress in adapting to climate change*’ providing comprehensive overview of the UK Government’s progress to date on reducing emissions and adapting to climate change. Together, the assessment offers more than 200 policy recommendations covering every part of Government.
- 7.64 *Progress in reducing emissions* states that Government will need to address potential barriers to deploying and using low-carbon generation at scale (e.g. the planning and consenting regime for renewables and networks). It also makes it clear that there will be significant implications for energy infrastructure resilience as a result of the transition to a Net Zero economy. The UK will become heavily dependent on electricity as our dominant energy source and while electricity provides about 15-20% of our energy today, by 2050 it could account for 55-65%. This is alongside a potential increased reliance on renewables for electricity 17 generation to 80% by 2050 which will necessitate the development of new energy infrastructure.
- 7.65 One of the priority recommendations made in relation to renewable energy deployment is to:

“Address potential barriers to deploying and using low-carbon generation at scale (e.g. the planning and consenting regime for renewables and networks, exposure to climate risks)”.

Industrial Decarbonisation Strategy (2021)⁵

- 7.66 The Industrial Decarbonisation Strategy sets out how industry can decarbonise while remaining competitive and without pushing emissions abroad. The *Strategy* recognises reaching net zero will require extensive changes across all sectors and emphasises that the 2020s will be a crucial decade to lay the foundation to enable the switch away from fossil fuel combustion. Overall, to deliver net zero it concludes that a minimum of 20TWh of fossil fuel use will need to be replaced by low carbon alternatives by 2030 - with scope to reduce emissions by between 5 MtCO_{2e} and 12.3 MtCO_{2e} per annum by 2050 as new technologies emerge.

Net Zero Strategy: Build Back Greener (2021)⁶

- 7.67 This Strategy published in October 2021, immediately before COP26, builds on the themes established and sets out policies for decarbonising all sectors of the UK economy to meet the net zero carbon target.
- 7.68 In relation to power, the ambition is established for the power system to consist of abundant, cheap British renewables underpinned by flexibility, including storage. The strategy states:

'The net zero economy will be underpinned by cheap clean electricity, made in Britain. A clean, reliable power system is the foundation of a productive net zero economy as we electrify other sectors – so we will fully decarbonise our power system by 2035, subject to security of supply. Our power system will consist of abundant, cheap British renewables, cutting edge new nuclear power stations, and be underpinned by flexibility including storage, gas with CCS, hydrogen and ensure reliable power is always there at the flick of a switch. The transformation of the power sector will bring high skill, high wage job opportunities right across the UK.'

Energy Security Strategy (2022)⁷

- 7.69 In April 2022, the Government published an *Energy Security Strategy*. It sets out a strategic goal to develop a nationally based energy system less reliant on foreign energy imports and an ambition to achieve this through green, low carbon energy sources.

Powering Up Britain – Energy Security Plan (2023)

- 7.70 In the last year the Government has further enhanced its commitment to 'providing affordable

⁵https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/970229/Industrial_Decarbonisation_Strategy_March_2021.pdf

⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1033990/net-zero-strategy-beis.pdf

⁷ <https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy>

clean home-grown power in Britain’ by announcing their 2023 ‘Powering Up Britain – Energy Security Plan (ESP)’. The Energy Security Plan published 30 March 2023 commits to the development of a ‘solar roadmap’ which will set out the pathway towards reaching 70 gigawatts of solar generation capacity by 2035. The Solar Roadmap is scheduled to be published next year.

- 7.71 It reflects clearly and unequivocally the role that solar plays in meeting our net zero targets. It is also one of the easiest and cheapest forms of energy generation to deploy which is of significant importance during the present energy crisis. There is a clear need to ensure security of supply through the development of a diverse energy generation system to support the increased deployment of renewable energy and increased peak demands. Importantly, policy recognises that not all solar will be deployed on previously developed land and rooftops but that it has an important role to play alongside (and complementary to) agriculture and other technologies specifically battery storage.

Ministerial Statements

- 7.72 Ministerial Statements are capable of being a material planning consideration. On 15 May 2024 Claire Coutinho, Secretary of State for Energy Security and Net Zero issued a Statement in which she stated that:

This Government is fully committed to delivering robust UK food security and recognises its paramount importance to our national security. This is reflected in our commitment to maintain the current level of food we produce domestically.

- 7.73 The Statement reflected upon the NPS published in January to the effect that:

Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of “Best and Most Versatile” agricultural land where possible.

- 7.74 It went on to note that:

...in balancing both the need for energy security and food production, we are concerned that as large solar developments proceed at pace, more of our ‘Best and Most Versatile’ (BMV) land could be used for solar PV instead of food production.

- 7.75 This is reflective of the Government’s approach to energy security set out in Powering Up Britain: Energy Security Plan which states that:

while “solar and farming can be complementary” developers must also have “consideration for ongoing food production” .

7.76 Whilst the Statement was principally aimed at very large (NSIP) projects it referenced the NPPF, concluding that:

due weight needs to be given to the proposed use of Best and Most Versatile land when considering whether planning consent should be granted for solar developments. For all applicants the highest quality agricultural land is least appropriate for solar development and as the land grade increases, there is a greater onus on developers to show that the use of higher quality land is necessary.

7.77 The implications of the scheme for agriculture are discussed at section 14 below.

Summary

7.78 There can be no reasonable doubt as to the national importance of urgently addressing climate change and delivering net zero. The substantial weight of advice, strategy, guidance and legislation permeating the heart of Government as well as DESNZ and DLUHC leaves no doubt and is overriding. Read in sequence legislation and guidance show a clear and longstanding commitment to address carbon reduction through increasing the amount of locally generated renewable energy for both its local benefits and its contribution to national objectives.

7.79 UDC does not have an up to date local plan and therefore the determination of this application must take as its starting point the national objective to mitigate climate change which a very significant presumption in favour of granting permission unless there are circumstances of an overwhelming nature that indicate that permission should be withheld.

7.80 Having reviewed the above policies we consider that the key issue in considering the proposed scheme are as follows:

- Principle of development within the Green Belt, including the very special circumstances;
- Heritage Impact;
- Landscape and Visual Impact;
- Ecology and Biodiversity;
- Highways and access;
- Drainage and Flood Risk; and
- Decommissioning.

8.0 PRINCIPLE OF DEVELOPMENT

- 8.1 The principle of the proposed development is strongly supported by both local and national policy, including adopted local policy for renewable energy, provided there are no unacceptable impacts. There is also a significant and demonstrable need as set out below.
- 8.2 Notwithstanding this, as set out within ENV15 and GEN2 of the Local Plan (2005), renewable energy proposals will only be permitted where they do not adversely affect the character of sensitive landscapes, nature conservation interests or residential and recreational amenity. A Landscape and Visual Impact Assessment (LVIA) and a Preliminary Ecological Appraisal (PEA) have been submitted in support of the application which have been used in the development of the scheme to reduce the potential impact of the proposals on landscape views and ecological assets. These matters are discussed in further detail in the Landscape and Visual Impact and Ecology and Biodiversity sections below.
- 8.3 There are no residential receptors identified as potentially affected and only a short section of public road along the single track Upwick Lane affords any visibility from the road network.
- 8.4 In relation to policy relating to the protection of the countryside, due to the nature of the proposal, solar farms cannot be delivered within an urban area for a number of reasons, principally scale. They require a suitably scaled contiguous area, where natural light will not be obstructed and, most importantly, where there is both a grid network capacity to receive the energy and also a proximity of demand. Moreover, in such locations previously developed land is likely to be prioritised for permanent development such as housing or industry as opposed to development such as a solar farm which is temporary and limited in duration by the nature of the planning permission sought.
- 8.5 A Green Belt Assessment is provided separately in Section 15.0 of this Planning Statement which includes a robust 'Very Special Circumstances' case. It concludes that, on balance, the benefits outweigh the harm to the Green Belt by virtue of the scheme being inappropriate development in Green Belt terms and any other harms.
- 8.6 In light of the above it is considered development of a large-scale solar farm is acceptable in principle. However, the wider acceptability of the proposals will be based on considerations of other matters and an assessment of the key issues set out as following.

9.0 LANDSCAPE AND VISUAL IMPACT

Policy Context

9.1 The landscape and the visual impact of the development has been a key determinant in the siting and extent of the development proposed. It is relevant insofar as the scale of the scheme has the potential to make it visible from a number of vantage-points.

9.2 Framework Chapter 15 outlines that planning policies and decisions should contribute to and enhance the natural and local environment in a number of different ways. This includes recognising the intrinsic character and beauty of the countryside. The clauses of paragraph 180 relevant to this scheme state this can be achieved by:

a) *“Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils...;”*

b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services...;*

c) ...

d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; ...”*

9.3 The LVIA identifies the site as falling within the Berden and Farnham Chalk Upland LCA. The character assessment stipulates this area as being:

- *Broad undulating upland slopes that flatten at highest elevations;*
- *Distinctly elevated, open, arable fields;*
- *Scrubby, often fragmented hedgerows or scattered tree groups with distant*
- *blocks of trees framing views;*
- *A complex array of pylons leading to electricity substation near Berden dominates views in the high plateau; and*
- *Few roads, sense of emptiness and openness.*

9.4 The guidelines provided include such measures as strengthening and enhancing hedgerows

with hawthorn where gappy and depleted but little else that is directly relevant for the reasons set out in the LVIA.

Assessment

- 9.5 The LVIA identifies that the Uttlesford Landscape Character Assessment (2006) places the site within the Landscape Type (LT) **H Chalk Upland Landscapes** and at a finer scale within the **H4 Berden and Farnham Chalk Upland** Landscape Character Area (LCA). The site occupies a small area within the LCA, which also reflects very similar characteristics to those in the neighbouring Hertfordshire Hadham Plateau LCA.
- 9.6 Analysis of the wider landscape identifies that the combination of the landform and mature vegetation structure within the immediate and local area provide a significant degree of separation from the local settlements and wider landscape.
- 9.7 Reason for refusal No 1 related to the Council's concerns that the proposal would have a significant adverse effect on the visual amenity of the area.
- 9.8 It is considered that the proposed development could be integrated without detriment to the character or qualities of the area, and would not be overly prominent within the Site's setting, given the temporary and reversible nature of the proposed built form and the mitigation and enhancement measures employed.
- 9.9 In terms of the effect on the wider landscape setting the LVIA concludes that whilst some adverse effects are acknowledged to the immediate landscape character of the site itself by way of the replacement of arable land with the solar farm, any adverse effects would be limited to the site and its immediate setting, with the wider landscape remaining materially unchanged as a result of the size, scale and type of the proposals. As the mitigation and enhancement initiatives establish and develop by year 10, a raft of benefits would result in non-significant effects on the site and its setting.
- 9.10 Detracting elements within the landscape close to the site, such as the transmission towers and cables, the relative closeness of the Wickham Business Park, the A120 bypass and the edge of Bishop's Stortford, are all relevant to the prevailing character of the site's context and all negatively affect landscape value. The LVIA has demonstrated that the site has the capacity to support the proposed development and that this can be successfully integrated within the receiving landscape.

- 9.11 The LVIA concludes that the scale, massing and layout of the proposed development respects the fieldscape within which it is proposed. The retention and enhancement of the existing vegetation to the field boundaries combined with the landscape proposals, would provide a robust landscape setting to the proposals, ensuring that the proposals are not overly prominent within the context of the site's localised setting. As such, whilst the proposed development would result in a high magnitude of change, the effect would be localised, the change in character is limited to the site and would be temporary.
- 9.12 A number of viewpoints have been identified in order to demonstrate the visibility of the site within the localised and wider setting. The LVIA concludes that the site is generally well contained visually by the combination of landform and intervening mature vegetation associated with the setting of the site in its local context. The primary visual receptors would be users of the PRow network passing along the western, southern and part eastern boundaries. It is noted however that the proposal also encompasses the provision of permissive paths, including those secured by the scheme approved by EHDC, and also includes a route through the proposed wildlife area. This delivers improved connectivity opportunities with the wider PRow network.
- 9.13 The proposal includes a number of mitigation and enhancement features including a landscaped corridor of new native planting of wildflowers and hedgerows that will be visually attractive and add to biodiversity value. The 30m wide proposed woodland beneficially links Bloodhounds' Wood to Bailey Hills, an important link in the woodland chain and this provides an attractive woodland feature outlook for PRow users directly.
- 9.14 In summary, it is acknowledged that some localised adverse effects to the immediate landscape character of the site itself will arise. However, beyond the site, this reduces in the wider setting where the change is not readily perceived, and the key characteristics are unaltered. Furthermore, as assessed, whilst the operational development is temporary, the landscape enhancements will endure beyond the lifespan of the scheme and the site will return to agricultural use. Overall, it is considered the proposals would not give rise to any significant adverse effects in terms of landscape character, nor would they result in significant harm in terms of its impact on the landscape character of the wider area.
- 9.15 The LVIA considers the cumulative effect of the approved EHDC scheme with this proposal and identifies that there is only one location where both schemes are visible where a

‘negligible’ magnitude is attributed to a view from the ‘Hertfordshire Way’. Notwithstanding this, the mitigation measures proposed in relation to this scheme will quickly remove any visibility of either. As such, no cumulative landscape or visual effects arise.

- 9.16 It is therefore considered that the proposals would have an acceptable impact on the site and surrounding landscape meeting the tests of Chapter 15 of the Framework as revised and of Policy ENV8 of the Local Plan (2005).

10.0 ECOLOGY AND BIODIVERSITY

Policy Context

10.1 Framework Chapter 15 highlights that biodiversity and geodiversity should be protected and enhanced. Paragraph 186 states that when determining applications, the following principles should be applied:

- *“a) if significant harm to biodiversity resulting from a development cannot be avoided adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- *c) 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...”*

10.2 Local Plan (2005) Policy GEN7 (Nature Conservation) clarifies that development that would have a harmful effect on wildlife or geological features will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. Measures to mitigate and / or compensate for the potential impacts of development, secured by planning obligation or condition, will be required. The enhancement of biodiversity through the creation of appropriate new habitats will be sought.

10.3 Policy ENV8 (Other Landscape Elements of Importance for Nature Conservation) overlaps the protection of landscape elements and protection of the local plan and as aforementioned seeks that any development provides mitigation measures where it leads to loss of fauna and flora to compensate for any harm and reinstate the nature conservation value.

Assessment

10.4 An Ecological Assessment was prepared by Aspect Ecology in 2020. This was updated in 2023 including a refreshed Phase 1 habitat survey and a number of detailed protected species surveys.

10.5 The site itself is not subject to any statutory ecological designations. The closest national

designation is Patmore Heath Site of Special Scientific Interest (SSSI) which is located some 3.2km to the north-west of the site. Although the site falls within the Impact Risk Zone (IRZ) for Patmore Heath SSI, it does not apply to “solar energy”.

- 10.6 The nearest and relevant designation of nature conservation are present adjacent to the site boundaries. Bloodhounds’ Wood / High Wood Local Wildlife Sites (LWS) is located adjacent to the sites southern boundary which is designated on the basis of its ancient, coppiced woodland and a significant maternity roost for Barbastelle bats. Bailey Hills LWS is located adjacent to the north-eastern boundary. Subject to the implementation of the proposed mitigation measures the Ecology Appraisal concludes that the integrity of Bloodhounds’ Wood / High Wood LWS and Bailey Hill LWS will be strengthened under the proposal.
- 10.7 The Phase 1 habitat survey has established that the site is dominated by habitats which are assessed not to be of ecological importance, whilst the proposals have sought to retain and protect those features identified to be of value. Accordingly, a number of mitigation measures have been proposed to minimise the risk of harm to protected species, with enhancement measures proposed where appropriate, in order to maintain the conservation status of local populations. Breeding Bird surveys undertaken at the site have recorded several Skylark territories located within the arable field. The majority of the breeding bird species were recorded in association with the hedgerows which will be fully retained under the proposals therefore maintaining opportunities for these species at the site. The site contains suitable habitat for ground-nesting bird species such as Skylark, in the form of arable land.
- 10.8 The Council refused the previous application (**reason for refusal no. 3**) on the basis of insufficient information submitted in support of the application to demonstrate that there would not be an unacceptable impact to protected and priority species in relation to skylarks. There is no scientific evidence that ground-nesting birds such as skylark are adversely affected by solar farms. Nonetheless, a Skylark Mitigation Strategy is submitted in support of the planning application. The objective of the mitigation scheme is to create suitable foraging habitat for skylark in the locality of the site, compensating for the potential loss of skylark territories within the development area.
- 10.9 The Applicant proposes to provide 26 new skylark plots on land which is in common ownership with the application site (i.e. within the blue line), representing compensation at a 2:1 ratio. The delivery of the offsite skylark mitigation can be secured by a pre-

commencement condition requiring the submission and approval of a Skylark Mitigation Strategy (as has been used in recent planning appeal decisions, including a Secretary of State appeal decision issued 11 March 2024, Ref 3323321 – Condition 22 – **Appendix 6a**).

- 10.10 In addition to the provision of skylark breeding plots, foraging opportunities at the site will also be enhanced for skylark and other declining farmland birds through creation of new wildflower grassland and hedgerow planting at the site.
- 10.11 In the long term, opportunities for ground nesting birds will be maintained, if not enhanced under the proposals.
- 10.12 The proposals would lead to significant enhancement of the biodiversity on the site. It is demonstrated by the Biodiversity Net Gain Calculator that a 219.46%% net gain in habitat units and 96.57% net gain in hedgerow units is achievable through the implementation of the detailed landscape design and ongoing management of the site. This far exceeds the expected 10% net gain. The biodiversity net gain of the site directly supports the enhancement priorities established by paragraph 185 of the NPPF and Policy GEN7 of the Uttlesford Local Plan (2005).
- 10.13 On the above basis the proposed development will not have significant effects on ecology and biodiversity and any mitigation will be suitably accommodated within the scheme design, and a net gain in biodiversity will be achieved. The biodiversity net gain of the site directly supports the enhancement priorities established Policy GEN7 of the Local Plan (2005).
- 10.14 The Applicant propose a Landscape and Ecological Management Plan (LEMP) to be secured by condition, and that this should provide for any the long term and effective management of existing and proposed habitats including provision to protect and enhance Skylark nesting plots.

11.0 ACCESS

Policy Context

- 11.1 Framework Chapter 9 states that significant development should be focused on locations which are or can be made sustainable. Paragraph 115 states that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

- 11.2 Local Plan Policy GEN1 (Access) highlights that proposals must meet the five prescribed criteria for access.

Assessment

- 11.3 The Council refused the previous application (**reason for refusal no. 4**) on the basis of insufficient information to demonstrate that the impact on the public rights of way network would not have unacceptable consequences in terms of highway safety, efficiency and accessibility. Subsequent to that recommendation and the refusal of the application the Applicant secured agreement to an alternative construction access overcoming the matters of concern to Essex County Council Highways.
- 11.4 A Transport Statement (“TS”) is submitted with this application which identifies the feasibility of the proposed access strategy, both for construction and operational purposes and an application has been submitted to EHDC for full permission in relation to that part of the proposed construction access in East Hertfordshire (already consented as part of the approved scheme).
- 11.5 The construction of the site is anticipated to take only around 20 weeks (5 months) and would generate an average of 28 two-way daily movements, split 20 two-way movements for staff and 8 two-way movements for HGV deliveries. This is not deemed to represent a material impact and would not have a perceptible impact on the operation of the immediate or surrounding road network.
- 11.6 A maximum of one two-way vehicle movements every month is anticipated to occur at the site during the subsequent operational phase. This is not material and would have no material negative impact on the operation of the immediate or surrounding road network.
- 11.7 In conclusion, having due regard to the Framework, the Transport Statement clearly

demonstrates that the proposed development would comply with national planning policy and best practice guidance. The development has been designed to ensure that all existing PRoWs can be maintained in their existing form, with security fencing and gates proposed either side of the PROWs to ensure that public users do not stray into the solar farm / private land. No PRoW's will be closed or diverted for the purposes of the proposed development. For construction any PRoWs that are along the construction route (HCC Bridleway 010 & ECC Bridleway 020) will be segregated, fenced and with banksman to manage the crossing points. As such, the proposed mitigation addresses the potential safety concern of a construction vehicle straying into the PRoW, or the user of a PRoW accessing the construction route as the security fencing would ensure the two stay separate.

- 11.8 In light of the above, the concerns in relation to the impact of the PRoWs have been addressed and there are no highways, transport or access related reasons to object to this planning application. The proposal complies with paragraph 114 of the Framework and Policy GEN1 of the Local Plan (2005)

12.0 HERITAGE IMPACT

Policy Context

12.1 Framework paragraph 196 states that in determining applications, local planning authorities should take account of:

“a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.”

12.2 Local Plan Policy ENV2 seeks to protect the historical significance, preserve and enhance the setting of heritage assets that include both conservation areas and listed buildings.

12.3 ENV4 refers only to nationally important archaeological remains and states that in situations where there are grounds for believing that a site could 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.

Assessment – Built Heritage

12.4 A desk-based Historic Environment Assessment has been prepared by Cotswold Archaeology and submitted with this application.

12.5 No designated heritage assets are recorded within the site. Within the wider 1km study area a single Scheduled Ancient Monument (the moated mound at Little Hadham in East Herts) and several Listed Buildings were identified all of which are located within East Hertfordshire. Within the study area there are several Listed Buildings. Wickham Hall to the immediate east of the site comprises six Grade II Listed Buildings, which focus on Wickham Farmhouse. The nearest Conservation Area is Bishop Stortford, which is located approximately 1.2km to the east of the site and Bury Green Conservation Area, located approximately 1.3km to the south of the site – both in East Herts.

12.6 The settings of the Listed Buildings at Wickham Hall were assessed. The assessment identified that the heritage significance (namely their historic and architectural values) is best

experienced from within either their curtilage or within proximity to the heritage assets. The site does not form part of any key element within their setting that contributes to their heritage significance, and the historic association between the Listed Buildings and the application site has been eroded over time. As such, it is concluded that the proposed development results in no harm to that significance. The proposed development retains the agricultural character and the key elements that contribute to the experience and heritage significance of the buildings will not be altered.

Assessment - Archaeology

- 12.7 The Council refused the previous application (**reason for refusal no. 2**) on the basis of insufficient consideration of the impact of the development via a geophysical assessment and photographic evidence of the area to assess the historic environment.
- 12.8 A geophysical survey has been undertaken to define the archaeological deposits and this survey accompanies the application submission, in addition to a Cropmark Statement, as requested by Essex Place Services. The results of the geophysical survey identified a number of archaeological remains including a possible prehistoric/Roman enclosure and two possible prehistoric barrows which hold evidential value. Additional identified remains within the site include remnants of infilled furrows and mediaeval or post medieval field boundaries. These features are common within the archaeological record and are of insufficient evidential or historic value to be deemed as '*non designated heritage assets*'.
- 12.9 The proposed locations of the sub-stations, storage container, power station, battery and battery storage do not lie within the footprint of any of the identified archaeological remains. There is however, a potential that presently unknown remains may be present within this footprint and thus be subject to truncation as a result of the proposed development. A proportionate scheme of investigation for the mitigation of this impact can be agreed through formal consultation and a Written Scheme of Investigation though the client is also open to discussions on scheme design in order to minimise impacts to potential archaeological features.
- 12.10 The insertion of piles for solar panel modules would result in minimal impacts to the potential archaeological resource, resulting in only minor adverse effects upon most classes of archaeological features. The proposed development presents an opportunity to restrict further damage to the archaeological resource by removing the site from arable use and

therefore the effects of modern ploughing.

- 12.11 The scope and timing of any further investigation required to mitigate the harm resulting from the construction of the access track, battery storage and other ancillary features can be agreed with the Archaeological Advisors to the Council. However, further to pre-application discussions with Essex Place Services, it is considered that this can be implemented as a condition. Indeed, this approach has been recommended for the adjacent Wickham Hall solar farm in East Hertfordshire, which has a comparable archaeological baseline.
- 12.12 For these reasons, it is considered that there are no heritage related reasons to object to this planning application. The proposals are in accordance with Policy ENV4 and the Chapter 16 of the Framework.

13.0 DRAINAGE AND FLOOD RISK

Policy Context

- 13.1 Framework Chapter 14 requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 13.2 Local Plan Policy GEN3 states that development proposals should not increase the risk of flooding and refers to the provision of Flood Risk Assessments.

Assessment

- 13.3 A Flood Risk Assessment and Drainage Strategy accompanies this application. The Strategy considers the local sources of flood risk and assesses the potential implications both to and resulting from the development proposal.
- 13.4 To provide an understanding of the geological background, the bedrock geology under the majority of the site is shown to be of the London Clay Formation, which is a sedimentary bedrock comprised of clay, silt and sand. The site is not classified as being upon an aquifer for the bedrock geology. It is therefore understood that the underlying rock layers have a low permeability and are of negligible significance for water supply or river base flow. The majority of the site is classified as being upon a Secondary (undifferentiated) Aquifer for the superficial deposits.
- 13.5 The development falls within the Essential Infrastructure Classification and this is considered to be acceptable in Flood Zones 1 and 2. The site is located within Flood Zone 1, which means that the site has a less than 1 in 1000 years annual probability of flooding. As such a Sequential Assessment and Exception Test are not required. However, an FRA is submitted as the site covers more than 1 hectare.
- 13.6 There are no main rivers or watercourses in the part of the overall site subject to this application.
- 13.7 In terms of surface water flooding, Figure 4.2 of the Strategy provides the Long Term Flood Map which shows that the majority of the site to be unaffected by surface water flooding. However, there are a number of surface water flow paths across and from the site as a whole. These appear to be conveyance flow paths, are of limited extent, and therefore the risk of surface water flooding arising is also considered to be low.

- 13.8 Modelling has shown that in affected areas, the water depth is typically in the lowest category, with a depth below 300mm.
- 13.9 The risk of infrastructure flooding affecting the site is considered to be low, given the topography of the site. There are no sewers associated with the development that would otherwise be capable of posing a flood risk to the site.
- 13.10 In terms of groundwater flooding, the site is shown to be within an area where the susceptibility to groundwater flooding is less than 25%, which is towards the lower end of the range of susceptibilities. Based on the underlying geology and hydrogeology and the information provided in the PFRA for HCC, the risk of groundwater flooding affecting the site is considered to be low for the whole of the site.
- 13.11 The risk from artificial sources of flooding is considered to be low as there are no nearby canals or lakes.

Surface Water Drainage Strategy

- 13.12 Given the design of the solar panels, it is anticipated that rain water falling on the panels will drain off the surface and then into the ground, without any further need for mitigation or management measures.
- 13.13 However, a number of measures will be adopted in respect of the access tracks and fixed infrastructure.
- 13.14 In respect of the access tracks these would be formed and surfaced using a permeable material. Rain falling onto these areas would either drain into the underlying substrate or be gradually conveyed towards the drainage channels.
- 13.15 Concerning the fixed infrastructure mounted on impermeable pads, it is proposed that a linear trench be located at the down-gradient side of each compound and for this to be filled with gravel. Surface water runoff from the impermeable surfaces will drain into the trenches, and then infiltrate into the ground.
- 13.16 In order to facilitate site wide management of surface water, swales and/or gravel filled filter drains would be included adjacent to the security fence around parts of the site perimeter, where land levels are lowest. A woodland belt is proposed adjacent to the southern boundary

and also a landscaped area to the eastern part of the site. The swales adjacent to the north-eastern and southern boundary would connect to the detention basin.

- 13.17 In light of the above, the proposal complies with Local Plan Policy GEN3 as the proposal will not increase the likelihood or intensity of any form of flooding, nor increase the risk to people, property, crops or livestock, both on site and to neighbouring land.
- 13.18 It is noted that the Lead Local Flood Authority (LLFA) did not raise any objections to application reference UTT/212/3108/FUL subject to imposing conditions to minimise the chances of flood risk and providing appropriate surface water drainage facilities. Furthermore, no comments were received from Environment Agency.

14.0 AGRICULTURAL LAND AND FOOD SECURITY

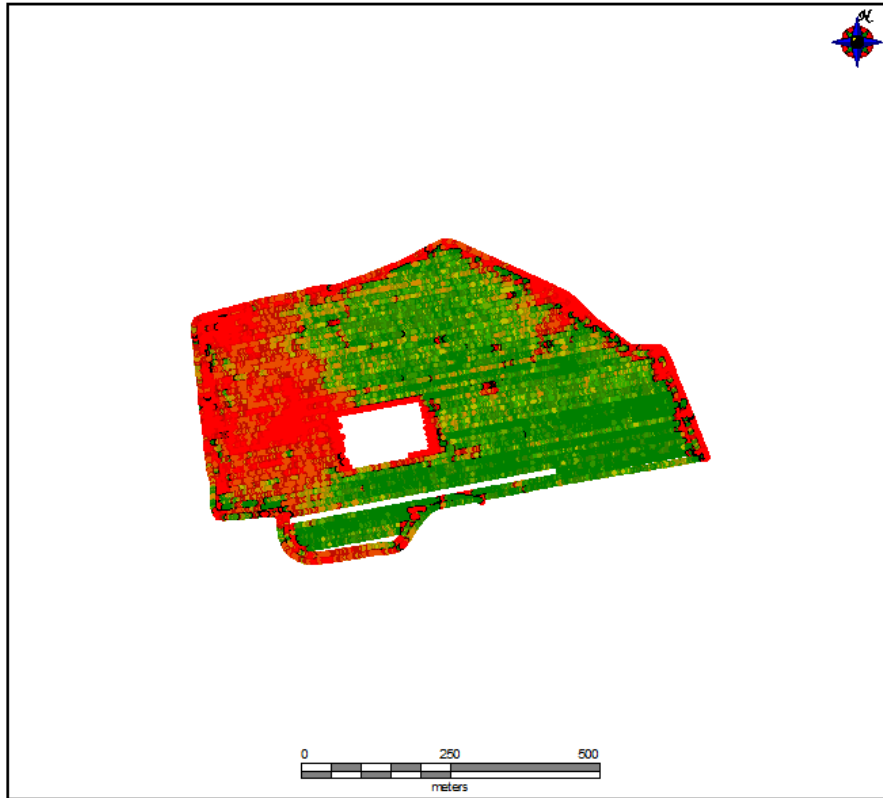
Policy Context

- 14.1 Footnote 62 to the Framework indicates that the availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.
- 14.2 EN-3 notes at paragraph 2.10.29 that Best and Most Versatile (BMV) land should be avoided *where possible*. However it goes on to make clear that the development of ground mounted solar is not prohibited on BMV land and that it is recognised that at this scale, it is likely that such developments will use some agricultural land but that applicants *should explain their choice of site*. Reference is also made in respect of mitigations to the scope for the continued use of the agricultural land (2.10.32), the benefits to biodiversity and to the Defra *Construction Code of Practice* for the sustainable use of soils on construction sites (paragraph 2.10.127).

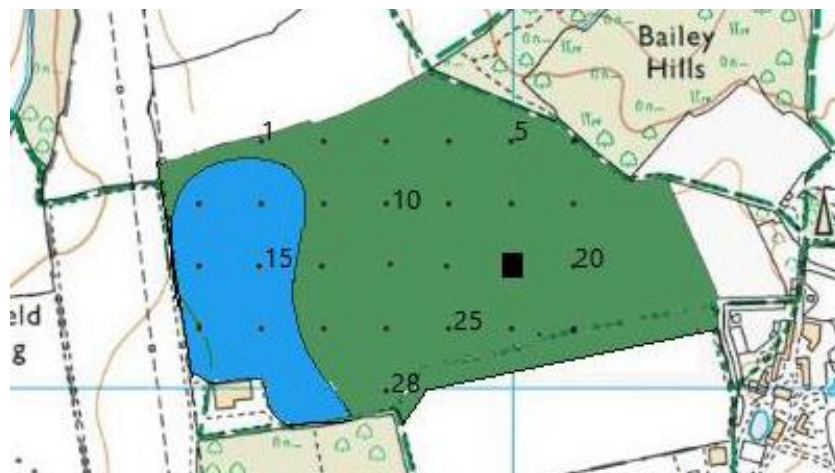
Assessment

- 14.3 An assessment of Agricultural Land Quality has been undertaken by Soil Environmental Services Ltd. It has identified that 20.59% of the site overall is Grade 2 with the remainder (79.41%) in Grade 3a. The site is therefore BMV land, limited only by identified droughtiness and wetness.
- 14.4 Virtually all agricultural land in the district is classified as Grade 2 or 3a with some areas of Grade 1. 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.
- 14.5 The Ministerial Statement acknowledges that Government :
- has heard concerns about the perceived inaccuracy and unfairness of soil surveys undertaken as part of the planning process for solar development. The Government will address this by supporting independent certification.*
- 14.6 In this instance the land grade does not correlate well with the yield obtained from the land. The dry yield data for the Site, taking 2019 as a typical year can be compared to the ALC grading and shows a better yield from those parts of the land with a nominally lower ALC.

GREAT FIELD - 2019 Winter Wheat: Harvesting
Dry Yield



Client: HARVEY	10014.9 - 42538.8 kg/ha
Farm: WICKHAM	9642.6 - 10014.8 kg/ha
Field: GREAT FIELD	9339.4 - 9642.5 kg/ha
Crop: 2019 Winter Wheat	8965.5 - 9339.3 kg/ha
Name: 19/08/28-20:08:17	8322.9 - 8965.4 kg/ha
Type: Harvesting	7412.0 - 8322.8 kg/ha
Area: 29.51 ha	0.0 - 7411.9 kg/ha
Start Date: 28/08/2019 20:08	
End Date: 29/08/2019 06:54	
Engine Hours: 10.8 hr	
In Operate: 7.2 hr	
Harvest: 253761.885 kg	
Avg: 8599.18 kg/ha	



- 14.7 Nor does the ALC give any indication as to other issues that may affect production. In the diagram below the blank area toward the centre of the field was excluded due to the loss of crop that was terminated before it could be harvested due to weeds (blackgrass) being above threshold levels (threshold levels - the long term impact of bringing this area to harvest is that there was a level of weed seed return beyond acceptable levels).
- 14.8 Cereal yields improved dramatically over the years since 1948 when they averaged 2.8 tonnes and 2.7 tonnes per hectare for wheat and barley respectively, albeit the rate of improvement has slowed and in 2023 is recorded as being around 8.4 tonnes for wheat and 6.1 tonnes for barley per hectare. However statistical evidence corroborates the disparity between ALC and actual performance.
- 14.9 DEFRA Cereal Production Statistics last published 14 December 2023 show that the regional average (Eastern Region) for wheat production was as follows:

year	hectares	tonnes (rounded)	Average yield (tonnes/ha)
1999	489,854		
2023	440,048	3,847,000	8.7
25 year average	478,528	3,879,000	8.1

- 14.10 The equivalent for barley is as follows:

year	hectares	tonnes (rounded)	Average yield (tonnes/ha)
1999	173,611	1,012,000	5.8
2023	189,702	1,245,000	6.6
25 year average	165,945	1,013,000	6.1

- 14.11 The essential point is that the land under any given crop will vary from year to year depending on crop rotation, climate and market price as a reflection of demand. For example the amount of land under barley has fluctuated from 126,000 ha (2010) to over 233,000 ha (2020); the yield has varied from a low of 4.4 tonnes/ha in 2011 to 7.4 tonnes/ha in 2015.
- 14.12 Considering the Site, the last year in which cereals were grown directly for human consumption was 2018 as since then the crops have gone to animal feed production.

Year	Crop	Use
2018	1 st winter wheat (variety Caruso)	Milling wheat
2019	2 nd winter wheat (variety KWS Santiago)	Animal Feed
2020	Spring barley	Animal Feed
2021	1 st year lucerne	Animal Feed
2022	lucerne	Animal Feed
2023	lucerne	Animal Feed

- 14.13 Lucerne (also known as alfalfa) is a legume cultivated as an important forage crop used for grazing, hay, and silage, as well as a green manure and cover crop. Its primary use is as feed for high-producing dairy cows, because of its high protein content and highly digestible fibre. In fact however the output from Wickham Hall has been sold as horse feed.
- 14.14 Using harvest data for the period when wheat and barley was last grown, the yield of the Application Site for wheat was 8.3 tonnes/hectare and for barley it was 6.4 tonnes/hectare – in short, no better than average for the region as a whole despite the nominally higher grade of the land.
- 14.15 In 2020 the total output of barley from the Estate was a little over 518 tonnes at an average yield of 5.7 tonnes per hectare; the output of wheat in 2019 was 928 tonnes at an average of 8.8 tonnes per hectare. This equates to a nominal yield of approximately 191.5 tonnes of barley from the Site of 33.59 hectares, or 295.6 tonnes of wheat, using the average annual yields of those crops over the Estate in that year. It can be seen from this that the land produced a slightly above average output of barley when this crop was last grown but a less than average yield of wheat. This reinforces the conclusion that the land is of no special quality compared to other parts of the Estate.
- 14.16 In conclusion, the choice of land has been determined by factors other than land quality where the land performs no better than average in terms of its value to the farming enterprise and in fact as a result of this will not contribute directly to a shortfall in human food production as its output has for several years now been focused on providing for animal feed.
- 14.17 The impact on agricultural land is mitigated in a number of respects.
- 14.18 The development is not permanent. Consent is sought on a temporary 43 year basis and is reversible with the land being capable of being returned to agricultural production – this position was accepted by a recent appeal decision in Thaxted⁸ (**Appendix 6b**). As such, the development site does not accrue ‘brownfield’ status.
- 14.19 Moreover, for the reasons set out above, the land will be ‘rested’ from intensive arable cultivation and is likely to be recovered in better condition than it exists at present. Analysis by The Times and Watershed Investigations has found that agriculture is one of the main

⁸ Appeal ref: APP/C1570/W/23/3319421, Land west of Thaxted, Cutlers Green Lane, Thaxted

reasons why rivers fail to meet ‘good’ environmental standards. Agricultural practice can have a deleterious effect which ‘resting’ the soil could ameliorate.

- 14.20 The proposed development will introduce a grass ley which could be in place for a number of decades. A grass ley within an arable rotation has been a cornerstone of good farming practice for hundreds of years. The ley is particularly important with modern agriculture which generally relies on more mineral fertilisers than in the past and uses heavy machinery. Hence the soil structure is damaged by modern agriculture due in part to organic matter loss as inputs from traditional farm yard manure do not occur or are reduced.
- 14.21 Research at Rothamsted⁹ has shown that many decades within a grass ley are needed to significantly increase the soil organic matter and a year or two in a rotation is only an absolute minimum to reduce long term damage.
- 14.22 The point above supports the case that a number of decades within a grass ley would benefit much arable land in the UK and especially at Wickham Hall Estate which would develop improved drainage with soil structural development from the grass ley. This leads to increased aeration and nutrient uptake as plant roots can function more efficiently.
- 14.23 The installation phase of a solar array will not impact the soil structure if good soil management practice is deployed.
- 14.24 The provision of land for solar generation should be considered in relation to the viability of the farm holding as a whole. The proposal is complementary to the approved scheme as part of a wider farm diversification programme. This has included non-agricultural uses – business and leisure development located in the Wickham Hall Business Park – and innovative agricultural practices such as a vertical farming scheme (East Herts ref 3/22/2430/AGPN). Vertical farming is the practice of growing crops indoors, stacked vertically in several layers, and grown within a controlled environment using either hydroponics, aquaponics or aeroponics. This scheme enables continuous 12 month growing and harvesting period and avoids the excessive use of fertiliser and pesticides. It is however energy intensive, which the solar development will mitigate.
- 14.25 The approved vertical farming scheme comprises a building with a footprint of 918m². It is

⁹ [REDACTED]

expected that with internal racking up to 9 metres in height, the growing system will produce up to 400 tonnes of crops a year, equivalent to an outdoor plot of 20-40 hectares. The vertical farming unit will consume 0.27MW – 1.0MW of electricity (depending on crop) unit to create the same weight of food that would be produced on the solar site but only using 0.1 ha, and without the necessity of pesticides.

14.26 Given that vertical farming is energy intensive it is only viable to use it to produce high cost produce for human consumption (leafy greens, strawberries etc.). It will not be used for animal feed. The development of further solar on the Estate would enable further expansion of this form of food production, which has the potential to produce yields of crops used directly for human consumption in excess of the yields of recent crops grown on the application site for animal feed.

14.27 The loss of agricultural production is also mitigated by the significant environmental and habitat benefits. These are as set out in the Ecological Statement and summarised in Chapter 10. Overall, it is assessed that the development as proposed will lead to net biodiversity gain of a 216.46% (land) and 96.57% (hedgerows). This includes the planting of new woodland and hedgerows which amounts to approaching 2ha in total. This long-term environmental gain must be set against the temporary loss of agricultural productivity and must have regard to the Government's intention through the Environment Bill and the DEFRA *Path to Sustainable Farming* (DEFRA 30 November 2020) which amongst other measures signals a shift to:

“Introducing the Environmental Land Management scheme to incentivise sustainable farming practices, create habitats for nature recovery and establish new woodland to help tackle climate change.”

14.28 The impact on agricultural production has also to be set against the benefits of increased production of renewable energy for which there is substantial demand, on which the Government places no limits on production and which is acknowledged as essential to deliver the national requirement to achieve net zero carbon emissions by 2050. It is noted that Natural England were consulted on application reference UTT/21/3109/FUL and did not raise any objections as the proposal was unlikely to lead to the long-term loss of best and most versatile agricultural land for future generations.

14.29 Overall, therefore impact of the loss of production on best and most versatile land is limited to the short and medium term and must be weighed against the compensatory energy

production and environmental benefits, including some benefits which are long term and permanent in accordance with Policy ENV5 and E4 of the Local Plan. Accordingly the degree of harm is low, and any adverse impact is outweighed by the range of benefits as described.

15.0 GREEN BELT

15.1 The proposed development is located within the Green Belt where under Local Plan Policy S6, development that preserves the openness of the Green Belt such that its scale, design and siting does not harm the character of the countryside will be permitted.

15.2 Paragraph 142 of the Framework confirms that:

“the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

15.3 Paragraph 143 describes the five purposes that the Green Belt serves as being:

a) to check the unrestricted sprawl of large built-up areas;

b) to prevent neighbouring towns merging into one another;

c) to assist in safeguarding the countryside from encroachment;

d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”

15.4 Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in ‘*very special circumstances*’. Paragraph 153 goes on to state that:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

15.5 Importantly, paragraph 156 states only that elements of many renewable projects will comprise inappropriate development and not that renewable energy projects per se constitute inappropriate development. As such, it can be considered that the compatibility of individual renewable energy projects in the Green Belt are to be judged on their individual merits and circumstances. In this case, the proposed development comprises a low-level

solar array, with a very limited number of ancillary buildings and infrastructure components.

- 15.6 Whilst certain elements of the application are capable of being inappropriate development, it is important to note that such development has been allowed within Green Belt on the basis that need has been assessed to outweigh any presumption against the development having regard to the location and circumstances of the particular site¹⁰ (see **Appendix 6c**)

Impact on the Openness of the Green Belt

- 15.7 One of the fundamental aims of Green Belt is preserving ‘openness’ as an essential characteristic. Openness is generally defined as the absence of built form.
- 15.8 The proposed development would, to some extent, reduce openness as it would introduce built form on land which currently comprises open undeveloped fields. As such, by definition, there will be a degree of harm to the Green Belt. However, the proposed development predominantly comprises low-level ground mounted solar panels of a horizontal nature which, along with the well enclosed nature of the site and the proposed mitigation planting to the boundaries, limits the degree of harm.
- 15.9 The main impact on openness would be the introduction of the ancillary structures such as the substations, inverters and other associated plant. These components of the scheme are relatively low in dimensions and the higher components, such as the plant within the substation compound, have all been carefully sited where there are existing visual detractors; including pylons and overhead lines. As set out in the LVIA, the openness of the green belt at this location is already affected by the enclosing elements and woodland in the landscape which restrict visibility and potential visual effects to the site itself.
- 15.10 In so far as visual impacts are considered relevant to the assessment of the impact on openness, reference can be made to the LVIA. As set out above, this identifies the limited visibility of the site, principally as a result of the strong vegetative network of established field boundaries and woodland blocks. The LVIA confirms that the visual containment of the site is limited to areas very close to the boundaries and not in mid or longer distances from public places. There are no residential receptors identified as potentially affected and only a short section of public road (Upwick Lane) affords any visibility from the highway network.

¹⁰ Appeal Ref: APP/T3725/W/23/3317247, Land to the west of the A46, Sherbourne, Warwick

15.11 As also set out in the LVIA, careful consideration has been undertaken to ensure the impact on the openness is kept to the very minimum and therefore its impact on the landscape is mitigated.

15.12 A number of changes have been made to the previous proposal to further limit the impact of the proposals in terms of landscape harm and impact on the openness of the Green Belt. The design of the proposal has incorporated the following details:

- Low level ground mounted system projecting only 3m above ground level to the top of the panel frame;
- Surrounded on all sides by native planting including native hedgerow, species-rich (and if appropriate) wildflower grasses and native species trees;
- Introduction of 30m wide woodland belt comprising over 1.7 ha;
- Any Ancient and Semi-natural woodland is buffered to 15m;
- Any existing hedgerows are buffered to 5m to allow for maintenance;
- All footpath corridors around the site (permissive and PRow) are to be approximately 10m wide wildlife corridors with native hedgerows, native grasslands and native flowers;
- All fencing is buffered by 5m to proposed panels.

15.13 The temporary nature of the development means that any potential harm would be removed on decommissioning of the facility. It is therefore considered that whilst the proposal would inevitably result in a reduction in openness, the potential effect would not be significant and is temporary.

15.13 The conclusion is invited that the degree of harm to the Green Belt is limited, that limitation being increased by the detachment of the proposed development from the consented area of solar development in East Hertfordshire. Such harm has, however, to be weighed in the consideration of whether there are any *very special circumstances* arising from the benefits associated with the proposed development which would outweigh the limited harm to the Green Belt.

Very Special Circumstances

15.14 The Council refused the previous application (**reason for refusal no. 1**) on the basis that the very special circumstances necessary to justify the development had not been identified.

15.15 Contrary to the view taken by UDC, it is considered that there are very special circumstances (VSC) which clearly outweigh the limited harm of the proposals.

15.16 In consideration of where there are any very special circumstances, a number of factors need to be weighed in the balance as follows:

- The temporary and reversible nature of the proposal;
- Carbon savings;
- The need for renewable energy generation and its role in meeting the challenge of climate change;
- Supporting energy independence and lower energy costs to the consumer;
- Proximity to Grid Connection and site location;
- Contribution to the secure operation of the farming business;
- Community and educational benefits; and
- Wider environmental benefits including planned biodiversity net gain.

The temporary and reversible nature of the proposal

15.17 The proposed development is temporary and is limited to a period of 43 years. As such, the land will be restored to its current form and would not accrue “brownfield” status. The quality of ‘openness’ characterising the Green Belt will be restored once the temporary development is decommissioned.

15.18 The application is accompanied by an Outline Decommissioning Report which provides an Outline Framework anticipated to be followed for decommissioning. Following approval of the strategy, the development would be decommissioned within 6 months and with a period of no longer than 3 months following completion of decommissioning, the land will be restored to its previous agricultural use. Further details of the approach which would be adopted is provided within the Decommissioning Report.

15.19 It follows that any harm to the Green Belt is temporary and does not establish a precedent for any other form of development that would risk conflict with the reasons for including the land in the designation in the first instance.

Carbon Savings

- 15.20 The scheme will save over up to 4150 tonnes of CO₂ emissions annually¹¹ The proposed development of the solar farm will provide carbon free electricity enough to power about 7400 average homes per year¹² alongside a battery storage facility which will allow balancing energy to meet demand. It will assist the Council in attaining its sustainability objectives highlighted in its Climate Change and Sustainability Strategy – in particular, its key objective and priority of *“reducing carbon emissions from everyday activities.”*
- 15.21 The carbon saving is material – it is an impactful reduction, one which needs to be attributed significant weight when assessing the proposed development’s very special circumstances. It accrues that weight due to the national policy set out above and the Council’s own adopted Climate Strategy.
- 15.22 Overall, not only would the proposal balance supply and demand, but it will also help mitigate electricity outages. There are significant benefits in the contribution of the site towards reducing the reliance on fossil fuels and reducing carbon emissions and which is fully in accordance with the direction of the Council’s own energy and climate change mitigation policies. The most recent Business Energy and Industrial Strategy (BEIS) 2020 figures show that solar is one of the lowest cost forms of electricity generation and this is an important consideration given that energy prices are driving up the costs of living and inflation.
- 15.23 Consequently, there are significant benefits to the operation of the national grid for which National Grid plc has a statutory obligation to maintain adequate power supplies at all times.

Energy Independence

- 15.24 One of the principal changes, which greatly strengthens the case for considering that very special circumstances should prevail is the reinforcement, since the previous application (submitted in October 2021), of the importance of delivering sustainable green energy.

¹¹ (based upon the following source: <https://www.gov.uk/government/publications/greenhouse-gas-reporting-conversion-factors-2023>)

¹² adopting an annual consumption for a house of 2,700kwh per annum as per the following source): <https://www.ofgem.gov.uk/information-consumers/energy-advice-households/average-gas-and-electricity-use-explained>

15.25 With reference to the schedule of national policy that underpins the Government’s net zero and energy strategies those documents listed at paragraphs 7.67-7.70 postdate the previous application. Key amongst them is the Energy Security Plan (March 2023) which introduced a ‘solar roadmap’, quantified the scale of contribution expected from solar (70GW by 2035) and reflected upon the fact that such provision will require large scale ground mounted solar deployment across the UK. This is directly reflected in EN-3 at paragraph 2.10.11. It reflects that fact that the quantum of solar necessary to deliver net zero and energy security cannot be found from rooftop and retrofitting alone.

15.26 These post 2021 strategies and the commitments made at COP26 have underpinned the most important new policy consideration, which is that provided by EN-1 and particularly by EN-3. These now both represent the most up-to-date iteration of national policy (which has broad cross party support) and reinforce and extend recognition that securing energy independence – reducing reliance on energy imports, particularly of fossil fuels – is an essential consideration.

Energy Cost

15.27 Energy costs also now carry greater weight in national policy reflective of events occurring since October 2021. The Net Zero Strategy and NPS EN-1 both emphasise that energy transition must be fair and affordable, indeed the theme of reducing costs (to the consumer) is a theme throughout EN-1

15.28 EN-1 recognises that solar is one of the lowest cost technologies (paragraph 3.3.20) – indeed according to BEIS figures it is the lowest cost form of generation. Paragraph 3.3.66 goes on to state that:

The delivery of this important infrastructure [renewable electricity generation, storage, and interconnection infrastructure] also needs to balance cost to consumers, accelerated timelines for delivery and the minimisation of community and environmental impacts.

15.29 It recognises that solar meets these objectives as it is now acknowledged to be capable of being deployed quickly and without subsidy.

15.30 Driving down costs to the consumer is therefore also now an essential consideration to which greater weight must now be attached following the publication of the latest national policy.

Proximity to Grid Connection and Site Location

- 15.31 It is also necessary to consider the proximity of the grid connection (and the fact that not all substations can accommodate the product of new generating capacity).
- 15.32 Recent appeal decisions have emphasised that the catchment area should be appropriate to the spare grid capacity at the relevant sub-station bearing in mind the limited opportunities that currently exist for grid connections nationally (**Appendix 6d**)¹³. APP/H1705/21/3289603 (**Appendix 6e**) attributed significant weight to location factors being provision of access to unrestricted network capacity, proximity to a financially viable access to the national grid and point of connection, availability of suitable land and the proximity of a point of access to the highway network¹⁴.
- 15.33 It follows that where surplus grid capacity exists in proximity to sources of demand, priority should be given to making use of existing infrastructure wherever possible.
- 15.34 The following therefore need to be considered material in relation to the impact on the Green Belt:
- Solar farms need to be located near to existing overhead power lines and a National Grid substation. Connection difficulties can arise as the distance from the grid connection point increases. The choice of sites for a solar farm is therefore determined by the presence of National Grid infrastructure and capacity within the network to accept connections from new electricity generation sources.
 - One of the major barriers to the expansion of solar power highlighted by the Environmental Audit Committee was difficulties in securing grid connection¹⁵. The current proposal has an agreed and deliverable point of connection to the National Grid network.
 - The highest level of solar irradiance is along the coastal belt followed by the south and south-east. Uttlesford lies in a region which benefits from one of the highest levels of solar irradiance as well as facing a greater demand of electricity compared to the coastal belts, making it an ideal location for development of a solar farm.
 - The site is closely located to the Bishop's Stortford Sub-Station with a connection that can be achieved over land in common control or public highway land. The Sub-Station is one of a limited number that has capacity to receive the energy generated. The site is in an area of high solar irradiance and there is a substantial established conurbation which gives rise to energy demand, which also has a significant commitment of uncompleted new development. Indeed, the energy generated by the scheme is

¹³ Appeal Ref APP/G2713/W/23/3315877 Land south of Leeming Substation, west of the village of Scruton.

¹⁴ Appeal Ref APP/H1705/w/21/3289603 Land at OS 464762 159811, Minchens Lane, Bramley, Hampshire

¹⁵ Letter dated 4th May 2023 from Rt Hon Philip Dunne MP, Chairman of the Environmental Audit Committee

capable of providing for a very substantial part of the existing demand from the town.

Agricultural Land

- 15.35 Whilst EN-3 refers to typical solar farms requiring up to 125-200ha of land, brownfield sites of this quantum are highly unlikely to be available. EN-3 sequentially prefers low and medium grade agricultural land where such land must be used (paragraph 2.10.11). However this must be set against the availability and proximity of a grid connection to allow the early deployment of the technology to be delivered.
- 15.36 In this instance whilst the site comprises entirely best and most versatile land, the use is temporary, and the Draft Decommissioning Plan outlines how the land will be restored to productive agricultural use (excluding legacy planting and the natural habitat areas proposed).
- 15.37 On return to agricultural use, the land will have been ‘rested’, not subject to intensive use of fertilisers and agricultural chemicals – which will also have a beneficial effect on ground water quality. It should therefore be in at least equivalent if not better condition than at the time the development is brought into use.
- 15.38 As noted above, the Estate has Prior Approval consent for a vertical farming scheme, reflective of its innovative approach to maximising the productive capacity of the Estate even during the period when part of the arable land is given over to energy production. The approved vertical farm building (918m²) could produce up to 400 tonnes of crops a year, equivalent to an outdoor area of 20-40ha. The Estate is exploring how the energy generated by the proposed solar farm can be utilised within the approved vertical farm, thereby enhancing the viability of the food production enterprise whilst ensuring that, overall there is no net loss of its ability to provide produce. A larger vertical farm is also being explored, the viability of which would be dependent on a source of renewable energy.
- 15.39 Overall, there will be no loss of agricultural viability as a result of the development of the site for energy generation – indeed the uses are complementary, and the proposed development will help ensure the viability of the farming business in the period in which it is operational. The very special circumstances of location in proximity to a valid grid connection, the level of demand and the contribution that the site can make to delivering the national objectives set out in the overarching National Planning Statements together with the mitigating provisions

identified in this Statement constitute very special circumstances which outweigh any preference to not develop best and most versatile land for solar generation.

Ecological and Biodiversity Enhancements

- 15.40 The proposal takes full opportunity to deliver biodiversity enhancement. The Biodiversity Net Gain Assessment demonstrates that the habitats units for the site can be increased by 146.10 units – this is an increase of 216.46% over the baseline. The hedgerow units for the site would be increased by 15.85 units – an increase of 96.57% over the baseline.
- 15.41 These gains arise from tree and hedge planting and the creation of a habitat linkage between the two established areas of woodland (creation of wildlife corridors), creation of areas of wildflower grassland and scrub and a new wetland feature. These are significant benefits to the environment taken as a whole and moreover these are permanent benefits which will not be lost at the end of the temporary period.

Contribution to the Secure Operation of the Farming Business

- 15.42 In order to secure its long-term viability as a single farming entity the Estate has sought to diversify and to make best use of its available assets. This has included the conversion of buildings to provide rural employment, the creation of a tearoom/ café as a popular local facility intended to encourage the local community to enjoy the countryside, and to make proper use of the network of rights of way which it supports.
- 15.43 The delivery of a solar energy is complementary to the continued farming operations on the remainder of the Estate and the assured income over the operating period will help support the viability of the Estate as a whole.

Community and Educational Benefits

- 15.44 Aside from the contribution that the solar farm would make towards the national interest of securing additional renewable energy, it is also capable of delivering further community benefits at a local level.
- 15.45 The Applicant considers that public understanding of the relationship between net zero, renewable energy, habitats and wildlife is paramount and proposes to make the approved solar farm available as an educational resource to the local community. This would be in the form of interpretation boards to be displayed within the site providing information on the wildlife enhancements as well as the environmental benefits created through solar energy

and also an education programme aimed at all ages albeit principally at primary age children. It has already made substantial progress with local schools and the education authority to determine the nature of suitable on-site information material and to establish outreach programmes.

- 15.46 The Applicant proposes to extend their commitment to education to include the scheme subject to this application, to ensure accessibility of information and to enhance access as an educational resource ensuring that its intentions are extended equally to communities in Uttlesford where they would be complementary to Uttlesford Council's strategy to engage with the community and residents over the climate change emergency.

Limited Other Harm

- 15.47 In all other respects it is considered that the development gives rise to limited harm. The scheme has been sited specifically and particularly in relation to landscape impacts, to a detailed consideration of baseline ecology and to minimise any adverse impacts on archaeology or built heritage assets which can be mitigated by condition and avoidance. There is no harm to flood risk or the water table. There is no interruption to the existing public rights of way or to the permissive footpaths which the Estate maintains and encourages the use of. Other potential impacts, such as the impact of construction and ongoing operational impacts, especially noise are negligible. Harm may arise during the construction phase, but it is limited and short term; during the operational phase there is a benefit from the likely reduction in vehicle movements associated with the current arable cropping of the land.
- 15.48 Harm may arise from the cessation of use of best and most versatile agricultural land, but this cessation is not permanent, is reversible and in any event, the land when restored is likely to be of better quality than it is at present having been 'rested'. Notwithstanding, the legacy benefits proposed are considered to be significant and include the woodland, the hedgerows, the wildlife area and the landscaped footpath corridors.
- 15.49 It follows that when considering the harm to the Green Belt, regard must be given to the fact that limited or insubstantial harm arises to any other material planning consideration to be weighed in an overall balance of planning merits.

Summary

- 15.50 Overall, it is the Applicant's case that whilst any development within the Green Belt will, by

definition, give rise to harm, it can be considered that the level of harm has been reduced from the previous application. This arises from a more holistic consideration of landscape improvements, landscape screening and new planting intended to significantly enhance the biodiversity value of the site both during the operational and post operational periods. For the reasons set out above, the very special circumstances outweigh such harm in this particular instance.

- 15.51 Specifically, and, in comparison with the previous application, the continued reinforcement of national policy and the very substantial weight that must now be attached to the overarching National Policy Statements for Energy reinforce the importance of delivering solar generation. This is now recognised not just to support the national policy commitment to achieve net zero but also to deliver national energy security and to do so controlling costs to the consumer by providing energy from the most affordable sources – which is now unquestionably recognised to be solar. National policy has been reinforced and strengthened in its recognition that large scale solar deployment is essential to achieving the national strategy.
- 15.52 Moreover, the mitigations provided by the scheme have been reviewed and are strengthened. Greater weight can be attached to them.
- 15.53 Specifically, the proposed development is now freestanding, without a contiguous boundary with similar development to the west. This will have a material beneficial impact on the perception of the scale of the development. It improves the perceived visual quality of existing and new permissive rights of way in proximity to the proposed development and improves the perception of scale when seen from viewpoints to the west – particularly rights of way in East Hertfordshire in proximity to the A120 bypass. Proposals for boundary planting to the south of the site have been improved and a dedicated wildlife conservation area is now incorporated in the scheme, providing better public access and greater scope to deliver the Applicant's commitment to provide educational resources. Biodiversity Net Gain (+216.46% habitats and +96.57% hedgerows) is a significant betterment compared with 47.34% and 35.39% respectively achieved in the previous scheme.
- 15.54 Overall, the significant contribution to national energy and climate objectives, the absence of material impacts and the positive benefits of biodiversity gain which are secured in perpetuity as well as to the nature of the site and the temporary harm caused to the Green Belt must

be considered to amount to very special circumstances for permitting this development where no other material harm can be identified which would weigh significantly against the development in the planning balance.

16.0 OTHER MATTERS

16.1 A number of other matters can also be considered relevant to the consideration of this application. These include the following.

Noise Pollution

16.2 Framework paragraph 180 outlines that planning policies and decisions should contribute to and enhance the natural and local environment. A number of ways are listed to comply with this. In relation to noise, part (e) of the paragraph states that should be done by:

“preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels ... noise pollution or land instability...”

16.3 Paragraph 191(a) highlights that planning policies and decisions should also ensure to:

“mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.”

16.4 Policy GEN4 (Good Neighbourliness) states that

‘Development and uses whether they involve the installation of plant or machinery or not, will not be permitted where a) noise or vibrations generated [...] would cause material disturbance or nuisance to occupiers of surrounding properties.’

16.5 Local Plan Policy ENV11 adds that:

“Noise generating development will not be permitted if it would be liable to affect adversely the reasonable occupation of existing or proposed noise sensitive development nearby, unless the need for the development outweighs the degree of noise generated.”

16.6 Noise will be generated for a short, temporary period of time during the construction phase and in order to ensure that the surrounding environment is not impacted by this, the construction works will be carried out in accordance with a Construction Environment Management Plan.

16.7 The proposed development will create limited noise during its operation over its lifetime of 43 years. Such operational noise is generated by cooling fans associated with the substation and other electrical apparatus and by the maintenance of constant temperatures in the battery storage units during charging and discharging cycle. Typically, the noise levels emitted in operation are around 59dB (L_{pa}) at 10m distance from the Inverters, 28dB (L_{pa}) for

the Transformers and 41dB (L_{pa}) also at 10m from the battery storage units. These are based on typical manufacturer specifications.

- 16.8 Given the specific locations of the fixed infrastructure in relation to the nearest residential receptors there is no discernible impact from the development arising from noise.
- 16.9 The Environmental Health Officer was consulted on application reference UTT/21/3109/FUL and confirmed satisfaction that the scheme was acceptable, and that the Applicant had demonstrated that noise levels would not exceed acceptable levels.

Air Quality

- 16.10 The development will not of itself generate any emissions that would affect air quality. Construction will be a temporary process and will be subject to a Construction Environment Management Plan which shall determine best practice to control dust or other emissions from construction. Once in operation the generation of solar energy produces no emissions and the requirement for visits to the site generating vehicle movements will be limited and periodic.
- 16.11 The function of renewable energy generation in promoting less reliance on fossil fuels such as that used in gas and oil heating systems and internal combustion vehicle engines means that a range of emissions associated with unsustainable energy sources will also be saved, contributing nationally to improved air quality.
- 16.12 Paragraph 192 of the Framework states that:
- “Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.”*
- 16.13 Local Plan Policy ENV13 (Exposure to Poor Air Quality) seeks to prevent development that would expose users to extended long term poor air quality. This is not relevant to this scheme which has no adverse air quality impacts.
- 16.14 Overall, beneficial impacts on air quality weigh in favour of granting permission for renewable energy generation which is recognised as contributing to the reduction in emissions generally, not just confined to reducing CO₂.

Lighting

- 16.15 Policy GEN5 seeks to control lighting to that which is the minimum necessary to achieve its purpose and to control glare and light spillage.
- 16.16 The only lighting proposed is low level safety lighting which may be attached to the fixed infrastructure – the substation and transformers and/or inverter cabinets – which can be triggered manually only if it is necessary to carry out non-routine maintenance during hours of darkness.
- 16.17 By virtue of the fact that the proposed lighting will meet the two policy criteria it meets the tests of the policy. The Environmental Health Officer did not raise any objections to the scheme submitted under application reference UTT/21/3109/FUL in respect of external lighting.

Glint and Glare

- 16.18 The definitions of glint and glare are commonly recognised as:
- Glint – Also known as a specular reflection, produced as a direct reflection of the sun in the surface of the PV solar panel. This is the potential source of the visual issues regarding viewer distraction.
 - Glare – A continuous source of brightness, relative to diffused lighting. This is not a direct reflection of the sun, but rather a reflection of the bright sky around the sun. Glare is significantly less intense than glint.
- 16.19 Advice is contained in NPS EN-3 at paragraph 2.10.102 which notes that PV panels work by absorbing light. Whilst momentary glint may occur, solar panels are acknowledged to be compatible with sensitive locations.
- 16.20 With specific reference to aviation glint and glare, paragraph 2.10.159 of EN-3 states that:
- “Whilst there is some evidence that glint and glare from solar farms can be experienced by pilots and air traffic controllers in certain conditions, there is no evidence that glint and glare from solar farms results in significant impairment on aircraft safety. Therefore, unless a significant impairment can be demonstrated, the Secretary of State is unlikely to give any more than limited weight to claims of aviation interference because of glint and glare from solar farms”.*
- 16.21 A detailed Glint and Glare Assessment has been prepared by Wardell Armstrong and is submitted in support of the planning application. This has considered possible glint and glare impacts (including cumulative impacts) on local properties, rights of way, public roads,

railways and aviation receptors.

- 16.22 The Glint and Glare Assessment concludes that the proposals will have no material impact (including cumulative impact) on local properties, public roads, or railways.
- 16.23 With regards to aviation receptors, the submitted Glint and Glare Assessment has considered the following receptors associated with Stansted Airport (in line with available guidance and requests received from the Safeguarding Authority for Stansted Airport): Air Traffic Control Tower (ATCT); take off and approach paths; air circuits to the south of the runway (for both light and heavy aircraft); plane Visual Flight Routes (VFR); helicopter VFR.
- 16.24 The results show that no glint is predicted at the approach or take off tracks at Stansted Airport, whilst the limited green glint predicted to be visible from the ATCT would have no material impact on air traffic controllers.
- 16.25 Two of the plane VFR assessed are expected to receive a very limited degree of yellow glint (a maximum of 270 minutes annually, when considered cumulatively). In addition, one helicopter VFR is expected to receive maximum of 6,776 minutes (cumulatively) of yellow glint annually.
- 16.26 Any yellow glint that may occur would be less intense than that seen when flying over a reservoir on a calm day or a snow-covered landscape on a bright day. All of the aviation experts consulted by the Applicant during the preparation of the Glint and Glare Assessment (January 2024) agree that the degree of yellow glint predicted will not result in any ocular hazards or distraction to pilots.
- 16.27 Several major civil airports in the UK now have solar capacity built or permitted within or adjacent to their perimeters (including Stansted Airport¹⁶) and there are numerous examples of solar farms located alongside major highways where their presence is not considered to provide an adverse risk to drivers. Following the discharge of Condition 8 (Aviation Glint and Glare Assessment) attached to application reference UTT/21/3109/FUL, the Stansted Airport Safeguarding Authority did not object, and the proposal has been deemed safe. Furthermore, NATS Safeguarding had no safeguarding objection to the proposal.

¹⁶ Application reference S62A/22/0000004, Land east of Parsonage Road and south of Hall Road, Stansted, Essex CM22 6PL

16.28 On this basis, in accordance with EN-3 and emerging Uttlesford Local Plan Policy 11, the proposal will not result in a hazard to aircraft operation and/or safety.

Crime and Security

16.29 Local Plan Policy GEN2 highlights that development should be designed to reduce the potential for crime.

16.30 The proposal incorporates CCTV cameras and metal fencing to provide public safety as well as for security purposes. The full-time off-site monitoring of the CCTV will also help to prevent crime.

17.0 CONCLUSION

- 17.1 Increasing the provision of renewable energy is essential to the statutory national objective of becoming a zero-carbon nation by 2050. The proposed development will help save very substantial quantities of CO₂ annually, and by helping the nation meet its energy needs from a renewable source, it will also contribute to saving significant levels of other emissions associated with fossil fuel generation.
- 17.2 In order to ensure a balanced supply of renewable electrical energy it is necessary to ensure that a range of sources are available with sufficient capacity to meet the annual increase in overall demand. Solar energy is a significant part of that energy supply, formally recognised by Government which has readmitted solar back into the Contracts for Difference (CfD) scheme, which is the method by which it allows operators to fund and sell energy into the national grid and reflected in the weight attached to the delivery of large scale solar development in the overarching National Policy Statements now in force.
- 17.3 These are of themselves significant material considerations.
- 17.4 The choice of sites for solar is determined initially by the capacity of the National Grid to accept connections from new generation sources – the Grid has around 300 major substations but not all are suitable for Solar PV development. Locations then need to be in areas of high levels of solar irradiance to work efficiently – commonly the southern and southwestern parts of England – and be close to the main conurbations to minimise the losses associated with the transmission of electricity over long distances. Sites themselves need to be in locations that can accommodate development of the scale required which have a suitable south or southwest facing aspect and which avoid principal planning and environmental constraints, such as areas of recognised outstanding landscape or historic environments.
- 17.5 The site meets these criteria and is capable of being developed and operated without reliance on any Government subsidy.
- 17.6 The proposal is for a solar farm development comprising 862 full tables and 38 half table arrays, enough to power around 7400 average homes per year, together with ancillary supporting infrastructure and facilities for associated battery storage that will allow for energy balancing, saving energy generated when it is not needed to be deployed at times when it

is, mainly at times when the PV panels are not producing to their maximum capacity.

- 17.7 The scheme has been carefully configured to minimise landscape impacts, and potential for impacts, on local habitation both during construction and operation.
- 17.8 In particular, where there are potential for localised views, the scheme incorporates mitigation in the form of additional hedge and tree planting.
- 17.9 For the purposes of the determination of this application, the principle of development is supported by the adopted development plan and national planning policy and guidance, subject to the impacts of development being (or capable of being made) acceptable.
- 17.10 Specifically in relation to the impacts of the proposed development, the following conclusions can be drawn:

a) environmental and historic assets;

the development will have significant positive net benefit to biodiversity without material impact on existing environmental (ecological and habitat) assets (Ecology Appraisal paragraph 7.5).

In relation to physical assets, it is anticipated that the development will not harm the heritage significance to any of the Listed Buildings assessed (Heritage Statement para. 5.7). With regard to non-physical assets for the reasons set out at paras 12.10-12.13 above, any potential impacts can be avoided or mitigated.

b) visual amenity and landscape character;

The proposals will not result in long lasting significant harm to the landscape character or visual environment and, as such, it is considered that the proposed development can be successfully integrated in this location (LVIA para. 6.12) and is now physically separated from the consented scheme in East Hertfordshire reducing its perceived scale in the landscape.

c) local transport networks;

The Transport Statement clearly demonstrates that the proposed development would comply with national planning policy and best practice guidance. For these reasons, it concludes at paragraph 7.8 that there are no highways or transport related reasons to object to this planning application in relation either to construction or operation of the Site.

d) the amenity of neighbouring residents and sensitive uses;

There are no sensitive uses near to the site identified in the Ecology Statement in relation to designated habitats and for which the Report concludes that the form of the proposed development would not have an adverse impact. The 30m wide proposed woodland beneficially links Bloodhounds' Wood to Bailey Hills, an important link in the woodland

chain and this provides an attractive woodland feature outlook for Prow users directly.

e) air quality and human health; and

The form of development does not give rise to any form of air pollution save from the limited traffic impacts during construction. Impacts on air quality from a reduction in heavy vehicles associated with cultivation of the land will be positive.

Noise can be a factor on human health but the noise emanating from solar and battery installations is low level and fully ameliorated by distance to any sensitive receptors.

f) the safe operation of aerodromes.

The submitted Glint and Glare Assessment demonstrates that the proposal will result in no ocular hazards or distraction which would impact aircraft operation and / or safety associated with Stansted Airport. Notably, there are no objections from the Civil Aviation Authority or Defence Infrastructure Organisation on behalf of the Royal Air Force to solar developments in proximity to operational airports and airbases.

17.11 It is accepted that elements of the development proposal comprise inappropriate development in the Green Belt and therefore it is necessary to consider the impact on the openness of the Green Belt and whether very special circumstances can be demonstrated for the project to proceed.

17.12 The Applicant considers that the degree of harm to the openness of the Green Belt and encroachment into the countryside is limited by the siting of the development site within the wider landscape, the nature of the proposed development, and the mitigation planting proposed.

17.13 It is considered that in this instance, there are clear and compelling benefits of the proposal which represent very special circumstances and clearly outweigh the limited impact of the proposal on the landscape and therefore on the openness of the Green Belt. These have been set out in detail above, but can be summarised as follows:

- The proposal will provide enough carbon free electricity enough to power between 5-6750 average homes per year alongside a battery storage facility which will allow balancing energy to meet demand. This is the equivalent of between 10 and 13% of the total number of households in Uttlesford District.
- The carbon savings associated with the proposed development which will contribute to meeting the global challenge of climate change, in addition to providing national energy security. These benefits are delivered against a backdrop of international,

national and local government support for increased renewable energy to tackle climate change;

- The Site has locational advantages in that it would make use of spare capacity in the national grid network at Bishop's Stortford substation and has a secured and viable connection to the grid which has been agreed with UK Power Networks. If approved the proposal would therefore make a significant and early contribution towards the delivery of solar generated electricity;
- The Site will deliver significant legacy landscape, ecological and biodiversity enhancements as a result of proposed planting and resulting habitat creation;
- The Site will contribute to securing the operation and viability of the Wickham Hall Estate;

17.14 There are no other unacceptable impacts associated with the proposed development. The NPPF requires that, when determining applications for renewable and low carbon development, local planning authorities should approve the application if its impacts are (or can be made) acceptable. In this case the development can be made acceptable through the imposition of planning conditions. Overall, it should be concluded that:

- Harm to the openness of and purposes of Green Belt is limited and is clearly and demonstrably outweighed by the benefits of the scheme. This represents 'very special circumstances'
- The scheme fully complies with the principal provision of the development plan in relation to renewable energy and therefore the presumption arising from paragraph 11 of the Framework should be applied as very special circumstances have been shown to arise. Moreover, there are no unacceptable impacts associated with the proposed development;

17.15 On this basis, planning permission should be granted without delay, subject to appropriate conditions.

APPENDICES

Appendix 1: Approval Notice and Unilateral Obligation – approved scheme 3/21/2601/FUL

Appendix 2: Construction Route Application and Unilateral Obligation

Appendix 3: Pre-application advice

Appendix 4: Decision Notice S62A Application 22/0000004 Stansted

Appendix 5: Screening Opinion (UTT/24/0277/SCO)

Appendix 6: Inspector decisions



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