



UTTLESFORD DISTRICT COUNCIL

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20TH February 2023

Your ref: NSO/AC/H5234/6P

Our ref: UTT/24/0277/SCO

Please ask for on [REDACTED]

Dear Ms Renney

REQUEST FOR EIA SCREENING OPINION UNDER REGULATION 6 OF THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 IN RESPECT OF A PROPOSED DEVELOPMENT OF A SOLAR PHOTOVOLTAIC FARM AND ASSOCIATED INFRASTRUCTURE AND BATTERY STORAGE, INVERTERS AND TRANSFORMERS, FENCING AND LANDSCAPING WORKS

LOCATION: LAND COMPRISING PART OF THE WICKHAM HALL ESTATE, WICKHAM HALL, BISHOPS STORTFORD, CM23 IJG

I write further to the request for a screening opinion in respect of a development proposal on the above site.

The site comprises of 32.86 hectares of grade 2 and 3 agricultural land

This letter provides a screening opinion for the above proposal under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) under Regulation 6 of the stated Regulations.

The 2017 Regulations provides guidance in regards to procedures which are required in establishing whether an EIA is required. This guidance requires the Local Planning Authority (LPA) to consider whether the proposed development is described in Schedule 1 or 2 of the Regulations.

Schedule 1 identifies 20 different categories of development of which none relate to the proposed development in the LPA's opinion.

Schedule 2 identifies 13 different categories, of which Class 3 is 'Energy Industry' and a) relates to 'Industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1)'.
The proposal exceeds the thresholds. The proposal is not, however located in wholly or partly within a 'sensitive area' as defined by the Regulations.

The subject site is not, however, wholly or partly located in a "sensitive area" as defined by paragraph 2 (1) of the Regulations eg:

- Sites of Special Scientific Interest and European sites;
- National Parks, the Broads and Areas of Outstanding Natural Beauty; and
- World Heritage Sites and scheduled monuments.

Having regard to the above, the local Planning authority concludes that the proposed development constitutes a Schedule 2 form of development as defined by the above – mentioned Regulations. Under these circumstances it is necessary to establish whether or not the proposal is likely to give rise to 'significant effects' on the environment by virtue of its nature, size or location.

Schedule 3 of the Regulations sets out selection criteria which must also be considered in determining whether the development is likely to have significant effects on the environment. It is noted that the Regulations advise that not all of the criteria will be relevant and that each case should be considered on its own merits in a balanced manner.

The relevant criteria as outlined in Schedule 3 has been set out below:

Characteristics of development:

(a) the size and design of the whole development.

The development proposed is for the construction and operation of a solar photovoltaic farm comprising the following:

- Solar Photovoltaic Panels; Array 2p x 24 and Array 2p x 12

The proposal will have an output capacity of 14.9MW and provide for battery storage of up to 20MW

- 7 No. AC Boxes/Inverters, Transformers and Switchgear units;
- 1 No DNO Substation;
- 1 No Customer Sub-station;
- 1 No storage container;
- 10 No. Battery storage units;
- 20 No Battery Storage Transformers;
- 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.

The solar arrays themselves are typically set out in south or south west facing rows as shown on the accompanying plan. They are spaced approximately 3.5m apart and the panels are installed at an angle of around 25 degrees with the lower edge about 1.0m above ground level rising to about 3.0m at the upper edge.

The proposals would introduce a significant element of built form within an area which is open countryside. Although the height of the proposals is intended to be no greater than 3m, the nature of the development is likely to be visible within the landscape due to the nature of the panels and the proximity of the public right of way.

The means of construction shall utilise a temporary construction access to the south west of the proposed solar arrays connecting to a similar temporary construction access approved in respect of EHDC application 22/2601/FUL which allows for a connection from the A120 Hadham Road

The temporary construction access from the A120 was approved under application 22/2601/FUL within the administrative boundary of East Herts District Council.

The route comprises:

- 250m of existing private road (Old Hadham Road) that extends between the A120 and an

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 High Wood for a distance of about 420m.
- Use of an existing farm track running along the western boundary of Bloodhounds' Wood until it intersects with ECC Bridleway 020 at the boundary of Uttlesford District comprising a distance of about 405m

The land over which the construction access passes and connects with the public highway is entirely in the ownership of the Wickham Hall Estate.

The following works, proposed within the administrative boundary of Uttlesford, will extend the approved temporary access track to the application site:

- 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

Operational access to the land would be achieved via Wickham Hall Farm to the east of the site.

The development will have a construction period of up to 40 weeks. The operational period will be 43 years (reflective of the approved solar farm within East Hertfordshire which will utilise the same national energy infrastructure), after which this site would be restored and returned to its current state.

Access for maintenance, security and other incidental purposes shall be via the existing network of farm tracks serving Wickham Hall following the removal of the temporary construction access after the development is brought into productive use.

(b)cumulation with other existing development and/or approved development.

Planning permission has been granted for a solar farm elsewhere within the Wickham Hall Estate, on land lying approximately 200m to the west of the proposed development under East Hertfordshire District Council reference 21/2601/FUL

Conditions are being discharged pursuant to that consent and it is therefore assumed for the purposes of this Screening Request that the development will be implemented in accordance with that permission.

The existing consent comprises an area of 59.08ha and occupies land adjacent to the Little Hadham bypass. Whilst granted permission for up to 49.9MW its output capacity is limited by permitted site area to 35MW. This application site is for an area of 32.86 hectares and would have an output of 14.9MW of electricity.

The existing and prospective areas of solar development are separated by a line of 132kV overhead powerlines which run parallel to the boundary of the area subject to this Screening Request.

Overall, the cumulative total land area remains less (101.55 ha) than that subject to the respective Screening Requests for the consented site and refused application (113.58 ha).

Other permissions (including current) for solar farm within Uttlesford since 2021.

UTT/23/2136/FUL: Land West Of A120, Chelmsford Road, Little Dunmow - Pending

UTT/22/2624/PINS: Land Near Pelham Substation, Maggots End Road, Manuden - Refused 11th May 2023

UTT/21/3356/FUL: Land Near Pelham Substation, Maggots End Road, Manuden – Refused

UTT/22/0923/FUL: Fallow Corner, Little Bardfield, Braintree, CM7 4TU

UTT/22/0986/FUL; Bentfield House, Bentfield Bury Road, Bentfield Bower, Stansted, Essex, CM24 8TJ Approved with conditions 6th July 2022

UTT/22/1263/FUL: Dow Wood Cottage Mill End Green Mill End Green Road Great Easton Dunmow Essex CM6 2DW. Approved with conditions 18th July 2022

UTT/22/1474/PINS: Land East Of Parsonage Road, And South Of Hall Road, Takeley. Approved with conditions 24th August 2022

UTT/22/2046/PINS; Land At Berden Hall Farm, Dewes Green Road, Berden – Pending

UTT/22/2140/CC: Ugley Landfill Site, Cambridge Road, Ugley, Bishops Stortford, CM22 6HT. Approved

UTT/23/1242/FUL: Saint Margarets Church, Wicken Road, Wicken Bonhunt, Essex approved with conditions

UTT/21/3108/FUL: Land To The North-West Of Bishops Stortford, Farnham Road, Farnham, Hertfordshire. Refused.

UTT/21/0688/FUL:

UTT/21/2846/FUL:

With the exception of the recently approved application adjacent to the site, the above are not within visual proximity of the proposed development.

The increase in land use as a solar farm would not adversely affect individually or cumulatively, the matters described below in relation to the character, appearance, assets and operation of the Wickham Hall Estate. It is unlikely that there would be cumulative impacts but this should be demonstrated in an LV1.

(c)the use of natural resources, in particular land, soil, water and biodiversity.

(d)the production of waste.

(e)pollution and nuisances.

(f)the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge.

(g)the risks to human health (for example, due to water contamination or air pollution).

It is unlikely that the proposal would result in significant waste, pollution or nuisances, nor is it a risk of accidents.

The production of waste is unlikely to be significant. Noise, dust and vibration nuisances are

highly probable during the construction phase. Some of the impacts can be mitigated by way of a Construction Environmental Management Plan.

Noise would be generated as part of the construction phase, but this is unlikely to be significant. The cumulative impacts of the above applications are not considered to be significant effects on the environment to warrant a scoping opinion.

The site is not located within or adjacent to a Flood Zone and therefore, subject to appropriate mitigation measures, should not give rise to increased flooding risks

The proposal would give rise to some environmental impacts, but these could be considered by way of accompanying reports and assessment with a planning application.

In summary, it would be unreasonable, therefore, on the evidence available at this stage to suggest that the likely effect on the environment would be significant enough to justify the requirement of an Environmental statement taking into account the characteristics of the development.

Location of development

(1) The environmental sensitivity of geographical areas likely to be affected by development must be considered, with particular regard, to—

(a) the existing and approved land use;

(b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;

(c) the absorption capacity of the natural environment, paying particular attention to the following areas—

(i) wetlands, riparian areas, river mouths;

(ii) coastal zones and the marine environment;

(iii) mountain and forest areas;

(iv) nature reserves and parks;

(v) European sites and other areas classified or protected under national legislation;

(vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;

(vii) densely populated areas;

(viii) landscapes and sites of historical, cultural or archaeological significance.

The site is located outside Development Limits and comprises 32,86 hectares partly within the Metropolitan Green Belt.. The site is situated to the north-west of the A120 Little Hadham bypass. The site is part of the Wickham Hall Estate comprising an area amounting to approximately 114.03 hectares in total.

The site is agricultural land of grade 2 and 3

The site is in close to Bloodhounds Wood and High Wood Local wildlife, ancient woodland and residential properties. The impacts of the proposals on these landscape elements will need to be considered as part of the application process, although they are not envisaged to be significant. However, careful consideration of the layout and ensuring appropriate buffer zones to the most sensitive areas are likely to mitigate any potential impacts. These are appropriate mitigation measures for these types of impacts.

The woods are also a significant maternity roost for bats.

There are 9 Skylark territories across the site. A bespoke Farmland Bird Mitigation Strategy is required to ensure that impacts upon nesting Skylark are mitigated and compensated for. Any territories that are unable to be mitigated for on site should be compensated for offsite e.g. two plots in arable crops for every territory lost or displaced or additional foraging habitat to support these territories. It is considered that any impacts can be adequately assessed and mitigated without the requirement for an EIA.

The south-eastern part of the site is identified as an Archaeological site having potential for archaeological interest. I note that a Geophysical survey has been undertaken., however, an Archaeological Evaluation comprising, aerial photographic rectification, and targeted trial trenches should accompany any application.

There are no conservation areas on or around the project site.

The site is not located within or adjacent to any of the identified sensitive areas set out in the regulations. In summary, it would be unreasonable, therefore it is unlikely to have a significant effect on the environment enough to justify the requirement of an Environmental Statement taking into account the location of the development.

Public Rights of Way the site affects bridleway 14 (path number 20). An undeveloped corridor is proposed to be maintained along the alignments of the PRow network and landscape enhancements are included. The A120 runs to the north around Bishops Stortford and to the east of the project site. The M11 and Stansted Airport lie to the east of Bishops Stortford. The A120 Little Hadham Bypass runs to the southeast of the site. It is noted that a Transport Statement will be submitted. A Construction Traffic Management Plan should be submitted with any application. It should be demonstrated that the proposal will not have unacceptable consequences in terms of highway safety, efficiency and accessibility and that the proposed works are indeed deliverable.

The project would be immediately visible from these routes. The impact on visual amenity would need to be fully assessed as part of a full Landscape and Visual Impact Assessment

The cumulative impact of the proposal would not be sufficient to justify the requirement of an Environmental Statement.

Also, there should also be an assessment of the proposed construction technique to be used for the solar farm and how much ground disturbance is proposed. The retention of all cables above ground can significantly reduce the heritage impact on below ground deposits for instance.

Whilst Uttlesford DC note your identification of Heritage Assets within the submitted Screening Request, The development has the potential to impact both designated and nondesignated heritage assets. The impact of the proposal development on the setting and significance of the designated heritage assets will require a robust assessment. A detailed heritage impact assessment will be required to support the application.

Types and characteristics of the potential impact

3. The likely significant effects of the development on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the development on the factors specified in regulation 4(2), taking into account—

(a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);

(b) the nature of the impact;

- (c)the transboundary nature of the impact;
- (d)the intensity and complexity of the impact;
- (e)the probability of the impact;
- (f)the expected onset, duration, frequency and reversibility of the impact;
- (g)the cumulation of the impact with the impact of other existing and/or approved development;
- (h)the possibility of effectively reducing the impact.

The project seeks to install a solar farm with a capacity to generate up to 14.9MW of electricity. The environmentally sustainable nature of the project is recognised.

The impacts are predicted to be localised, although cumulative visual impacts could arise from various vantage points within the landscape, in particular from the public rights of way, surrounding highways and the wider landscape. The most significant impacts are likely to be visual but not significant in terms of EIA impacts. No transboundary effects are envisaged.

The primary environmental impacts of the project centre upon the externalities which arise from the construction stage of the project consisting of vehicle movements associated with the construction of the development. It is understood that the construction stage of the project would avoid any significant use of hazardous materials.

The solar panels are a temporary and reversible feature and once decommissioned the sites former agricultural use would be restored.

It is noted that a full assessment of the potential ecological impacts will be submitted with an application. On this basis, it is considered that the impacts of the proposal upon ecological habitats and species can be adequately assessed and mitigated without the requirement for an EIA

Conclusion

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. Therefore, an Environmental Impact Assessment is not required to be submitted with the application. This Screening Opinion is given on the basis of the documents listed in the Screening Opinion request being submitted with the application. A Transport Statement, together with a Construction Environmental Management Plan, a Construction Traffic Management Plan, a Heritage Statement, an Archaeological Evaluation comprising, aerial photographic rectification, and targeted trial trenches, a bespoke Farmland Bird Mitigation Strategy shall be submitted alongside the Technical Assessments you identify within the Screening Request.

In addition, you should ensure that you submit the documents required to be submitted in line with the Uttlesford District Council's Validation Checklists

Yours sincerely

Madeleine Jones
Principal Planning Officer

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