



## Decision Notice and Statement of Reasons

Site visit made on 8 August 2022

Hearing held on 9 August 2022

**By Mike Robins MSc BSc(Hons) MRTPI**

A person appointed by the Secretary of State

Decision date: 24 August 2022

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**Application Reference: S62A/22/0000004**

**Site address: Land east of Parsonage Road and south of Hall Road,  
Stansted, Essex CM22 6PL**

- The application is made under section 62A of the Town and Country Planning Act 1990.
  - The site is located within the administrative area of Uttlesford District Council.
  - The application dated 20 May 2022 is made by Stansted Airport Limited (SAL).
  - The development proposed is a 14.3mw solar photovoltaic farm with associated access tracks, landscaping, supplementary battery storage, and associated infrastructure.
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### Decision

1. Planning permission is granted for a 14.3mw solar photovoltaic farm with associated access tracks, landscaping, supplementary battery storage, and associated infrastructure in accordance with the terms of the application dated 25 May 2022, subject to the conditions set out in the attached Schedule 1.

### Procedural Matters

2. The application was submitted under s62A of the Town and Country Planning Act 1990. This allows for applications to be made directly to the Secretary of State (SoS), where a local authority has been designated. In this case, Uttlesford District Council (UDC) have been designated for major applications from 8 February 2022.
3. The application was screened under The Town and Country Planning (Environmental Impact Assessment) (England And Wales) Regulations 2017, (as amended) by UDC<sup>1</sup> and by the SoS<sup>2</sup>. The SoS screening opinion was carried out at the pre-application stage and, although proposed to be delivered in two tranches, the scheme assessed was essentially the same as that in the application considered here. In each of these screening opinions it was found that the proposal would not give rise to significant adverse effects and an Environmental Impact Assessment was not required. I am satisfied that the requirements of the Regulations have been complied with.

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<sup>1</sup> Original 20 September 2021, Supplementary note 2 February 2022

<sup>2</sup> Under Pre-application Ref S62A/22/5000001, Opinion Issued 26 April 2022

4. On 2 August 2022, on behalf of the Secretary of State, I published an Issues Report (IR), prepared under the provisions of the Town and Country Planning (Section 62A Applications) (Hearings) Rules 2013. This included a description of the development, consultation details and material considerations, and explored the issues to be considered in relation to the application. In addition to that report, I set out an agenda and a schedule of draft conditions, which were put forward on a without prejudice basis, and discussed at the Hearing.
5. I carried out a site visit on 8 August 2022, which included the site and the surrounding area, including all identified viewpoints, the relevant roads and junctions and the nearby settlements; this took place on an access-required, unaccompanied basis.
6. I then held a public Hearing on the morning of 9 August 2022 at UDC offices, Saffron Walden, which was attended by members of the local and Parish Councils, by officers of UDC and a member of the public. At the Hearing, I asked whether there were other viewpoints I should see; there were no further suggestions made. I also discussed the draft conditions. Attendees and documents submitted at the Hearing are listed in Schedule 2.
7. I have taken account of all written and oral representations in reaching my decision.

### Planning History

8. The relevant planning history for the site, based on UDC records, is as follows:

UTT/22/1474/PINS		
UTT/21/2664/SCO	Request for Screening Opinion for proposed solar farm	21st September 2021
UTT/0401/08/OP	Outline application for the provision of airport buildings, together with ancillary infrastructure and associated operational development, in connection with the construction and operation of the expanded airport (including second runway and its associated facilities) details as schedule	21st July 2008
UTT/0400/08/FUL	The provision of a runway, associated facilities and operational development, in connection with the construction and operation of the expanded airport (including airport buildings, together with ancillary infrastructure and associated operational development) details as schedule.	21st July 2008
DUN/0095/52	An overhead power line from Dunmow to Stansted Airport through Little Easton, Little Canfield and Takeley.	5th August 1952

## Main issues

9. At the Hearing, I set out the main issues as:

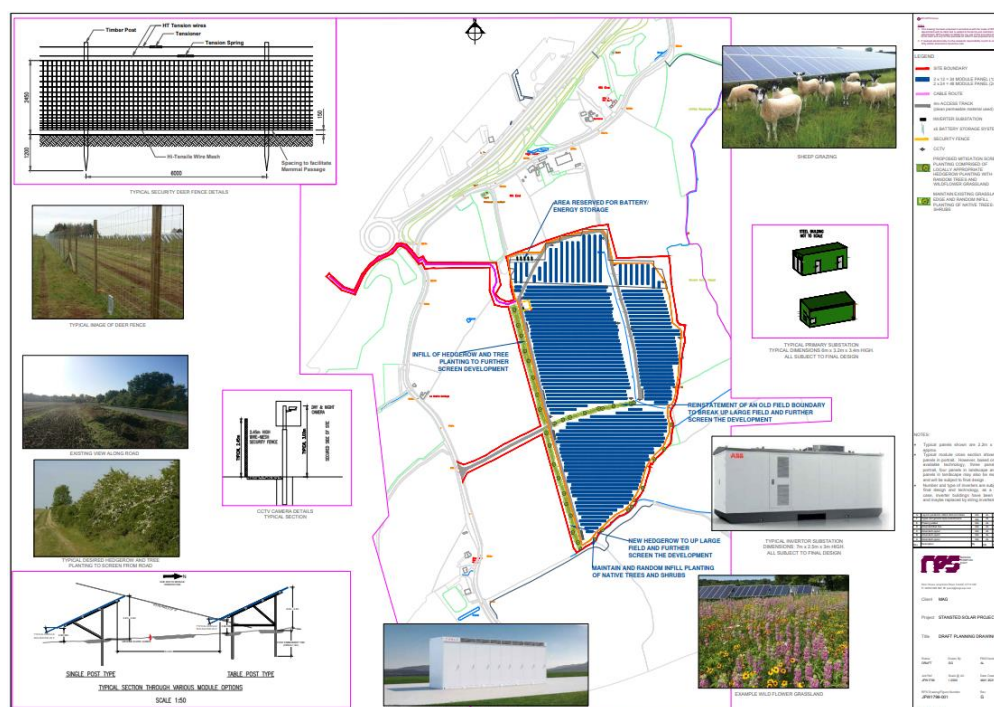
- the effect of the development on the character and appearance of the area, including the CPZ and coalescence;
- the effect on the best and most versatile agricultural land; and
- the benefits of the proposal, compliance with the development plan, including the assessment of alternatives, and the planning balance.

## Reasons

### Background and Policy Position

10. The application site lies to the east of Stansted Airport and currently comprises arable agricultural land which extends to some 22.5 Hectares (Ha). It is being promoted by SAL as a scheme to provide renewable energy to the airport, with the anticipation that at full output it will meet their predicted energy requirements. In the short term, energy would be exported to the grid, but the applicant suggests that within approximately 5 years they will have installed the battery storage to allow provision of energy to meet the daily variations in demand from the airport directly. At the Hearing, the applicant confirmed that the intention is for the scheme to be for a temporary period of 25 years.

11. The scheme would comprise rows of photovoltaic (PV) panels set 4 metres(m) apart with a maximum height of 3.2m and predominantly orientated due south, other than where alternative alignment is necessary to address glint or glare effects, notably for the airport. In addition, there would be inverter substations, electricity substations and, in time, battery storage units, as well as a connection to a substation, which lies within the boundary of the airport to the west of the site.



12. The main part of the application site would be surrounded by a wire fence, 2.4m high, with some security lighting and CCTV. All existing trees and hedgerows are proposed to be retained with new planting on the western boundary of the site and reinstatement of a former field boundary within the site. Some strengthening of the hedge along the southern boundary is also proposed. Details are shown above on drawing no. JPW1799-001 rev.G.
13. Access to the site for the initial construction phase and long-term maintenance would be from Parsonage Road utilising an established field gate. The construction period is proposed to be between 30 and 40 weeks, with 3-4 HGV movements per day, in addition, it is anticipated that there would be some 3-4 light goods vehicle movements per day. Following the construction phase, vehicular traffic is expected to be minimal and linked to occasional maintenance.
14. The existing development plan includes the UDC Local Plan, adopted 2005 (the Local Plan). Following discussion at the Hearing, it was agreed the main relevant policies are Policies S7, Countryside, S8, The Countryside Protection Zone (CPZ), ENV5, protection of agricultural land, and E4, farm diversification, although other policies in relation to highway matters, flood risk, lighting and nature conservation have been considered through the process of assessment of this proposal.
15. There is no local policy dealing with large-scale solar energy schemes as Policy ENV15 is restricted to small-scale renewable developments, the examples quoted being of single dwelling or small business scale. Nonetheless, a supplementary planning document (SPD) dated July 2021, has been developed. This notes that in the interim, before adoption of a new Local Plan, national planning policy and guidance applies to applications for solar farms. This then refers to the national Planning Policy Guidance (nPPG) paragraph ID: 5-013-20150327. I deal with policy matters, including national policy and guidance in my main issues below.

### **Character and Appearance and Coalescence**

16. The proposal would fundamentally change the nature of the agricultural character of the two fields that form the basis of the proposal, albeit for a temporary period, up to 25 years. Further change would be associated with the revised entrance and, for the construction period, increased activity involving HGV movements to and from the site.
17. Such effects are acknowledged by the applicant who, through the process of a Landscape and Visual Impact Assessment (LVIA), considered that these effects would be localised and limited. They argue that with management of existing and new planting of hedgerows, the effects of any change would be minor.
18. The site is set back from any public footpaths as well as from Parsonage Road from which there are intervening fields to be retained in arable use. The fields forming the site are largely defined by hedgerow, although this is open in places and there are a number of woodland blocks abutting the site. It has a relatively standard agricultural character, albeit one that is unavoidably influenced by the close presence of the airfield, with the control tower being clearly visible, as well as planes, with the associated noise of that activity, arriving and taking off. Nonetheless, the site lies within the Landscape Character Area (LCA) – Central Essex Farmlands, and is generally reflective of the key characteristics of this area.

19. The proposal would introduce PV panels across a large part of the site but these would be low-level structures. Even the enclosed substations, inverters and battery storage units would be at a similar low-level, at or below the top of the panels and potentially the surrounding hedgerows. While a fence, at 2.4m, would be introduced surrounding the site, this would be set immediately behind hedgerows.
20. Visually, from within the site and through gaps in existing hedgerows, small sections of the A120 and Parsonage Road can be perceived, along with the rooftops of the industrial/agricultural buildings to the north, the control tower on the airfield and the thatched roof of La Knells Cottage. The key viewpoints into the site are from along Parsonage Road. There are distant views from footpaths to the east and potentially glimpsed views from the A120, but these would be limited and, with intervening vegetation, would experience very little of the proposed scheme.
21. Some parts of Parsonage Road have only a ditch separating the fields from the pavement that runs along it while others have a dividing hedgerow. As a result, there are some views of the site currently available directly from the road, although some parts are already screened by the central hedgerow.
22. The proposed new planting to reinstate this north-south hedgerow along the side of the site and the strengthening of the existing hedgerows would, in time, remove a large part of even those views. A slightly elevated position from just after the bridge over the A120 will still allow views of the panels in place after the hedgerow vegetation has matured, albeit this would be a fleeting view and in the context of other commercial or agricultural buildings positioned adjacent to the road at this point.
23. I note the concerns of the Parish Council and some interested parties that the proposal would have a significant visual impact on the area. The evidence does not support this level of visibility and for most driving or even walking along Parsonage Road, other than from the bridge, the site would be perceivable only in the very early years, following which the effects would be minor adverse.
24. Turning to the character of the area, the proposal would introduce hard surfaces, angular structures and man-made materials; it would introduce a distinctly more industrial character. However, replacement of hedges would allow a return to a more typical field pattern, and although there will be an unavoidable and direct impact on the character of the individual fields, the effect on the character of the area overall and the LCA would be at most moderately adverse.
25. I address compliance with policy below but must address the issue of the CPZ as this lies at the heart of the objections to the scheme. The CPZ was identified in the Local Plan to '*maintain a local belt of countryside around the airport that will not be eroded by coalescing developments*'. This was to prevent the airport expanding toward existing settlements, or those settlements closing the gap to the airport, thus allowing an area of countryside to act as a buffer and enclosing landscape for the airport.
26. It is argued by that the proposal would harm the CPZ, with the policy stating new buildings or uses that would promote coalescence or adversely affect the open characteristics of the zone will not be permitted. To my mind, coalescence must be a function of visual and spatial factors. I have noted that visually there would

only be views over the site from a part of the bridge crossing the A120, and that hedgerows as they mature will limit the perception of the site. Indeed the Council officers support that the principle is one of a spatial not visual impact, arguing that it should be considered much as a Green Belt is. This is a difficult line to take, as Green Belt is clearly enshrined within both local and national policy and guidance. The CPZ must be considered on its own merits of whether it serves a purpose, which I accept it does, and whether that purpose would be compromised by a particular development.

27. The CPZ has been reviewed as part of the evidence base for an emerging Local Plan. This accepts that it is a unique designation, and that although similar to Green Belt assessments, the criteria are different. The study divided the area up into parcels, of which Parcel 6 includes the application site, and assessed them against four criteria: open characteristics; spread of development; rural character; and change to the settlement pattern. It found this to be an area of largely intact countryside but with weak boundary features such as field boundaries. It found that the contribution to the CPZ was high for the first 3 criteria and low for the last.
28. I have considered this study, and the role of the application site in relation to Parcel 6, which extends to include the settlement of Bamber's Green. I agree that this area has open characteristics, albeit interrupted by pockets of woodland and sporadic dispersed settlements or farmsteads. The application site contributes to this, but I do not consider that a proposal of this height, and so removed from other settlements, would have a material effect on coalescence in the way that other forms of development might.
29. In terms of openness, it would represent a change of use and some change in the spatial characteristics, albeit of limited height, with a very limited visual effect on openness, with the majority of the development at or below the height of proposed hedgerows and well contained within the woodland blocks set along the northern and western boundaries
30. The applicant refers to recent appeal decisions<sup>3</sup> where the CPZ has been given limited weight and noting the presence of the A120 as a defining feature. The Parish Council also referred me to a recent decision<sup>4</sup> where despite reservations over the weight to be afforded to the CPZ, the Inspector nonetheless dismissed an appeal for housing. I clearly have limited information on these schemes, albeit it is clear that they are of different scales, different uses, in this case, housing, and located beyond the A120. Nonetheless, each highlight issues of consistency with national policy and some acceptance of the need to balance harms and benefits. With regard to the scheme before me, I consider that there would be limited visual harm, no material effect on coalescence, but some harm to the openness of the area with a moderate adverse effect on the character of the area.
31. Whilst a 25-year lifetime is significant, once decommissioned, there would be no residual adverse landscape effects. Rather the scheme would, through the new and strengthened hedgerow planting, leave an enhanced landscape

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<sup>3</sup> APP/C1570/W/19/3234530 and APP/C1570/W/22/3234532

<sup>4</sup> APP/C1570/W/22/3291524

32. Consequently, although I must find conflict with Local Plan Policies, S7 and S8, due to the location of the development in the countryside and the CPZ, and harm to openness and countryside character, this must be weighed against the benefits of the proposal and any material considerations, including the Framework. I do this in my planning balance below.

### **Agricultural Land**

33. The proposal would replace the agricultural use of the two fields. The presence of the PV panels and other infrastructure should not necessarily prevent agricultural use entirely and the loss would be of a temporary nature, albeit 25 years is a considerable period.
34. The site has been assessed by the applicant as having approximately 6% as Grade 2 land, 70% Grade 3a and 24% Grade 3b. The Framework defines the Best and Most Versatile (BMV) agricultural land as being in Grades 1, 2 and 3a. The Council officers suggested that their blanket description of the land in this area as being Grade 2 should be preferred. I disagree, the applicant's study was carried out robustly and is site specific with no substantive challenge made to the methodology or the findings. Nonetheless, on this basis, a large proportion of the site would be classified as BMV land.
35. The Parish and Ward Councillors referred me to what they consider to be an unacceptable loss of agricultural land, while the matter of comments made by government Ministers regarding BMV land was noted by a member of the public at the Hearing. Such comments, suggesting that the BMV definition should encompass Grade 3b, may have been made, but I must consider the definition as it stands; this is clearly set out in the Framework.
36. There is undoubtedly a strong preference that schemes that remove or limit agricultural productivity should, wherever possible, be directed towards areas of lower grade agricultural land. I deal in full with alternative locations below, but this site is proposed to take place on land for which the majority is BMV.
37. The applicant argues that land across this district is predominantly BMV land and therefore a solar scheme would be unable to avoid it, but here they have been able to direct part of the scheme towards lower grade land; they identify Grade 3a as the lowest grade of BMV, while Grade 3b lies outside of the Framework definition.
38. This would not represent a total loss of agricultural land. The mounting for the PV panels would allow for restoration to full agricultural use, subject to appropriate soil management, and during operation, there are well document options for alternative agricultural use to take place alongside the operation of the site; such use can be secured through conditions. Nonetheless, the use of some BMV does not sit comfortably with guidance, although this does not preclude such development, and I acknowledge that the use will be temporary and must be considered against the benefits of the scheme. The weight arising against the proposal is a function of the availability of alternatives and the implications for provision of agricultural land in the area and as such would need to be fully justified.

## **Policy Compliance and Planning Balance**

### *Policy Compliance*

39. An application for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. In finding some harm to the countryside, its openness and the CPZ, I have identified some conflict with Policies S7 and S8. However, I have noted that these policies are not strictly in accordance with the Framework's approach of recognising the intrinsic character and beauty of the countryside, nor the approach which seeks to balance the benefits against any harm. Despite the age of the Local Plan, this does not immediately make the policies out-of-date, and it is their consistency with the Framework that should prevail. As set out above, large scale renewable schemes are accepted by the Council as needing to be considered against national guidance and policy.
40. Nonetheless, I must assess both the visual and landscape effects of the proposal against the policy expectations. Policy S7 is only permissive of development that needs to take place in a rural area and then only if its appearance protects or enhances the particular character, unless there are special reasons for the development to be there. Policy S8 is permissive of development that again is required to be there or is appropriate, and that would not affect coalescence or the open characteristics of the zone.
41. To assess compliance with these policies, the scheme must be considered as to whether it requires a rural location. This is a key point for many objectors who suggest that the airport has sufficient space and roof tops within its boundaries to provide for this scheme. The Council officer went further suggesting that SAL may own other land at distance away from the airport that could be more suitable.
42. To deal with that matter first. I am not aware that SAL owns land beyond the boundaries of the CPZ, their representative confirmed that they didn't hold any other lands that would be suitable and co-located with the airport to allow direct use of the energy. I am content that any assessment of alternatives needs to take into account the grid connection and proximity of the airport and any lands outside of the CPZ do not represent alternatives for the purpose of this proposal.
43. An assessment of alternatives was carried out by the applicant in their Planning Statement and Solar Photovoltaic Viability Assessment. To my mind, the glint and glare studies form a fundamental starting point for any assessment of alternatives. I am satisfied that these, along with the other necessary buffers and safeguarded areas required, exclude much of the airfield site itself. Significant solar panel sites located in line with the runway approaches also present obvious risks in terms of glint and glare. Nonetheless, it was argued that the terminal building or car parking areas could be used.
44. I am satisfied that the terminal building is not of sufficient construction quality to support the load bearing requirements, while other buildings on the site are either not in SAL ownership or do not appear to offer sufficient area to produce the scale of energy required. There would also be potential issues regarding safeguarding and safety issues this close to the runway.
45. The further suggestion made was for PV car parks. There are car park areas that fall within zones that would be unacceptable from a glint and glare perspective,



but the applicant has noted that the mid-stay car park was considered. This they have discounted due to the extensive mature hedgerows between parking areas and the incompatibility with the required size of the site.

46. PV car ports are becoming increasingly used for providing direct renewable energy to electric charging centres for example, and I note comments on their use on other airports, in this case, Perpignan was referenced. There are cost, maintenance and efficiency implications of PV car ports when compared to ground mounted solar and, on balance, I am satisfied that the car park, taking account of its size and the need to retain parking and light to the substantial area of vegetation between the hardsurfacing, would not provide an alternative for the scheme.
47. SAL report that they already source renewable energy from the grid but their aspirations are to reach carbon neutrality through their own energy source. Taking into account airport safety risks, the scale of development and proximity to a suitable connection point, I do not have conclusive evidence that there is a suitable alternative to the site proposed.
48. I am therefore satisfied that a rural location is needed. Nonetheless, I have set out above that I find conflict with relevant policies due to the location within the CPZ and moderate harm to the landscape character.
49. Turning to agricultural land, I have noted that utilising BMV land is not supported in guidance, but must also consider the policies regarding such land and diversification of land from agricultural use. Policy ENV5 seeks to protect BMV land unless opportunities for the use of previously developed sites or within existing settlement limits have been assessed. I have found that there are no such alternatives for this scheme, in which case the expectation is that areas of poorer quality land should be sought. The accompanying text to this policy notes that over 80% of the District is classified as Grade 2 with some Grade 3a land. It is clear that there is little opportunity to seek lower grade land, but in this case, only 6% of the site is Grade 2. While I find compliance therefore with this policy, the proposal still falls to be considered against the Frameworks expectations.
50. In terms of diversification, Local Plan Policy E4 is generally permissive subject to proposals meeting criteria regarding landscape and nature conservation enhancement, noise, the continued viability of the agricultural holding with no increase in unacceptable pressure in the surrounding road network.
51. In this case, I am satisfied that the proposal would introduce extensive new planting and strengthening of hedgerows and areas in which new habitats, including wildflower grass meadows, can be created. This would represent a significant enhancement to biodiversity in this area. There would be no material noise associated with the operational phase of the proposal and the applicant has set out that the existing farming practice, which uses the land under a short-term farm business tenancy, would continue to be viable even after access for arable use is removed. The farmer involved did comment on the appeal and raised no concerns regarding this matter, and I am therefore satisfied that the applicant has assessed the impacts on viability.
52. Finally, while there have been discussions on the impact of construction traffic on the strategic and local highway, these matters have reached conclusion with

acceptance of the proposal by the relevant authorities subject to conditions. I am therefore content that the proposal complies with Policy E4.

53. In conclusion on development plan policies, I have found that it would conflict with countryside and CPZ policies, but have noted that these policies are not consistent with the latest national policy and guidance, and the District Council themselves note that large-scale solar schemes fall to be considered against this. Nonetheless, the proposal does not comply with the development plan.
54. Turning then to national policy, the National Policy Statement (NPS) for Energy (EN-1) indicates that the Government is committed to meeting a legally binding target to cut greenhouse gas emissions by at least 80% by 2050, compared to 1990 levels. Increasingly, the need for a move away from fossil fuel and towards renewable sources of energy production is supported for reasons of energy security and reduced greenhouse gas emissions. This position has only been strengthened by more recent government publications and guidance.
55. It is notable that UDC themselves are one of a considerable number of local authorities that have declared as Climate Emergency and pledged to take local action to contribute to prevent a climate and ecological catastrophe through the development of practices and policies, with an aim to achieving net-zero carbon status by 2030 and to protect and enhance biodiversity in the district.
56. Unlike the Local Plan, the Framework deals with the promotion of renewable energy projects and that the planning system should support the transition to a low carbon future in a changing climate. Paragraph 158 of the Framework notes that schemes need not justify the need for the energy and that authorities should approve scheme where the impacts are (or can be made) acceptable. Nonetheless, the Framework does recognise the intrinsic character and beauty of the countryside and that the economic and other benefits of the best and most versatile agricultural land should also be recognised<sup>5</sup>. Footnote 58 indicates that 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.

#### *Planning Balance*

57. The proposal would generate renewable energy which would support and secure carbon neutral status for the operation of Stansted airport. There is considerable national policy support for such schemes and significant weight arises in favour of the proposal.
58. The scheme would provide new and strengthened hedgerow planting and managed areas of improved habitat. A Biodiversity Net Gain calculation carried out by the applicant has concluded an increase of 163.48% in habitat units and 25.57% increase in hedgerow units. The Council have not challenged these figures, which demonstrate that there will be significantly enhanced features promoting biodiversity within the site. Moderate weight in favour of the proposal arises from that.
59. In addition to the Local Plan policy conflict, I have noted some harm to the landscape character and appearance, but harm that will diminish over time. I have

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<sup>5</sup> Paragraph 174(b)

also noted the partial and temporary loss of BMV land, albeit I accept that some agricultural use can continue. Given the lack of alternative sites at lower Grades across the district, the generally lower order of BMV land across the site, the small scale of the site in comparison to available agricultural land and the lack of alternatives providing for grid connection and proximity to the airport, I give only moderate weight to the harm that arises.

60. It is unavoidable, and recognised in policy, that large-scale solar farms may result in some landscape and visual impact harm. However, national policy and guidance promotes a positive approach indicating that development can be approved where the harm is outweighed by the benefits. In this case, with the topography, existing hedgerow screening and further planting for mitigation, I have found the adverse effect on landscape character and visual impact would be limited and highly localised, and with time reduced by the maturing planting and ongoing management of the boundaries; I accord this moderate weight against the proposal. Once decommissioned, I consider that there would be landscape benefits.
61. In such circumstances, whilst there would be some localised harm to landscape character and some visual harm in conflict with the relevant development plan policies, the imperative to tackle climate change, as recognised in legislation and energy policy, and the very significant benefits of the scheme clearly and decisively outweigh the limited harm.
62. As a result, in this case, I consider there are material considerations that indicate that the decision should be taken otherwise than in accordance with the development plan.

### **Other Matters**

63. During the assessment of the proposal, matters in relation to aerodrome safeguarding, including glint and glare effects and bird strike risks; ecology, in particular ground nesting birds; highway matters, including glint and glare, capacity issues and visibility; surface water run-off and archaeology have all been found acceptable subject to conditions.
64. Two matters remain to be assessed, my statutory duty in relation to heritage assets and the need or otherwise for a s106 agreement to secure funding and delivery of restoration of the site.

### *Heritage Assets*

65. Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged. Section 66 requires the decision maker to pay special regard to the desirability of preserving Listed Buildings, their settings, and any architectural features they may possess.
66. In this case, the applicant carried out a Built Heritage Assessment. This assessed a range of heritage assets and concluded that detailed assessment was required for two; Le Knells Cottage, a Grade II listed building located a short distance to the west of the site, and Old House Farmhouse, a Grade II listed building, now part of a small collection of commercial buildings off Parsonage Road lying to the southwest of the site. I am satisfied that these are the relevant assets to consider.

67. Old House Farmhouse, described in its listing as an early C19 house in grey brick, with grey slate hipped roof, still has remnants in its form and associated buildings, of its original agricultural purpose although the farmyard is now a commercial centre with a number of modern buildings. Its setting is still within agricultural felids and some measure of its significance derives from that. The proposal would alter the nature of fields within that setting. However, the reinstatement planting of the north-south hedgerow would further limit any intervisibility between the farmhouse and the site and any perception of a relationship between the two.
68. There would be some additional traffic bringing panels to the site during the construction period that may be perceived on Parsonage Road, but, with intervening screening, not those crossing the fields to the north. This, in any case, would be at a very low level and would not detract from the immediate elements of the setting, which also include the modern industrial/agricultural building on the opposite side, a short distance along Parsonage Road. Overall, I consider that the proposal would have a neutral effect on the significance of the asset, which would therefore be preserved.
69. Le Knells Cottage, described in its listing as an early C17 house, timber framed and plastered with weatherboarded ends rear, and dado. Thatched roof. Two storeys. Five window range, leaded casements. C17 red brick chimney stack. Modern gabled porch with tiled roof. It sits alongside Parsonage Road and relatively close to the more recent development of Coopers Villas. While these have degraded its agricultural setting somewhat, the cottage retains a view over, and a direct relationship with, the arable field alongside the road. This field provides separation to the application site, which nonetheless can be considered as forming part of its agricultural setting.
70. The cottage sits in a well-wooded plot, and due to the topography there would be very limited views of the panels, especially with the introduction of new hedgerows and the strengthening of existing ones. There should be no material connection or perception of the panels and the house, which will continue to derive part of its significance from its immediate agricultural setting.
71. During the period of construction some of the low-level HGV traffic may be perceived crossing the fields to the south, albeit behind an existing hedgerow. Such a change must be considered alongside the continued use of Parsonage Road immediately adjacent to the cottage. Consequently, I consider that this would not result in any material harm to the setting. Overall, I consider the proposal would have a neutral effect on the significance of the asset, which would therefore be preserved.

### *S106*

72. The Council and other interested parties have argued that there must be safeguards in place to ensure restoration of the site takes place. This is because, it was suggested, that the installation may change hands, that the economic benefits may not be realised, or that the market in the future will be such that it is uneconomic to restore the site and remove all of the equipment.
73. I can understand the concerns but there is no guidance that requires either a bond or completion of a legal agreement regarding restoration. While I note that UDC suggest that another solar farm scheme in the district is approved subject only to agreement on such a s106 undertaking, I have very limited information on the

reasoning behind this, which is by no means a typical approach to such installations at this time.

74. In fact, the nPPG<sup>6</sup>, states that planning conditions can be used to ensure that the installations are removed when no longer in use and the land restored to its previous use. Stansted airport is a major fixed asset. They own the land and they will benefit directly from the energy to be produced. To my mind, there is little or no incentive for them to choose to dispose of this asset, and they will continue to have responsibility for the scheme and its restoration under enforceable conditions.
75. In absence of convincing evidence of its necessity, I am satisfied that a s106 undertaking is not required and in this case, that restoration can form part of the suite of conditions necessary for this proposal.

### **Conditions**

76. A range of conditions were presented initially by UDC and directly by consultees. These were refined through further discussions and were considered under the relevant tests in the Framework, following which I presented them as a draft set to the Hearing for discussion. Other than some minor points of wording these were accepted in principle, along with acceptance by the applicant of the need for a number of these to be pre-commencement conditions, and that a condition be added to deal with future battery fire risk management.
77. These conditions are set out in the schedule below.

### **Conclusion**

78. I have found that the proposal would conflict with the development plan, but that significant benefits would arise sufficient to address this conflict along with the temporary loss of BMV land.
79. For these reasons, and having regard to all other matters raised, material considerations indicate that a decision be made otherwise than in accordance with the development plan and therefore I conclude that Planning Permission should be granted.

*Mike Robins*

Appointed Person

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<sup>6</sup> ID 5-013-20150327

# Schedule 1

## Conditions:

1. The development hereby permitted shall begin not later than three years from the date of this permission.

REASON: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the deposited plans and drawings as stated below:

Site Location & Ownership Plan - STN-PV-001 Rev 01  
Proposed Site Layout Plan - JPW1799-001 rev.G  
Landscape Strategy Plan (Drawing Ref 100)

Reason: For certainty and to ensure that the development is carried out in accordance with the approved plans and details.

3. Within 1 month of the date of first export of electricity confirmation shall be given in writing to the local planning authority of the date of first export to the Grid or the Airport. The development hereby permitted shall cease on or before the expiry of a 25 year period from the date of the first export of electricity. The land shall thereafter be restored to its former condition in accordance with a scheme of decommissioning work (the Decommissioning Scheme), which will include a Transport Management Plan, to address transport routes, restoration of access, reinstatement of the highway and measures to address the environmental effects of decommissioning, and an Ecological Assessment Report, including the retention of landscape and ecological features on the site.  
The Decommissioning Scheme shall be submitted to and approved in writing no later than 24 years from the date of the first export of electricity, and subsequently implemented as approved.

REASON: To ensure that the site is restored in the interest of visual amenity and Policy S7 and S8, and that the effects of site decommissioning on the highway network is mitigated in the interests of highway safety and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

4. In the event the site ceases to generate electricity for a period of 6 months prior to the end of the 25 year period, a scheme of decommissioning works (the Early Decommissioning Scheme) to include a Transport Management Plan and an Ecological Assessment Report, as required by Condition 3, shall be submitted to the local planning authority and approved in writing no later than 3 months from the end of the 6 month period. The decommissioning shall be carried out strictly in accordance with the approved scheme.

REASON: To ensure that the site is restored in the interest of visual amenity and Policy S7 and S8, and that the effects of site decommissioning on the highway network is mitigated in the interests of highway safety and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

5. Prior to the commencement of the development hereby approved, precise details of the layout of the site, including the layout of the Solar Arrays, which shall strictly conform to the layout assessed in the Solar Photovoltaic Glint and Glare Study, Pager Power, updated July 2022, and of the buildings, CCTV cameras, fencing and associated infrastructure shall be submitted to and approved in writing by the local planning authority. The works thereafter shall be carried out in accordance with the submitted agreed details.

REASON: For Flight Safety and to ensure compatibility with the character of the area, in accordance with Policy S7 and S8 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2021.

6. Prior to the commencement of the development hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:-
  - proposed finished levels or contours; legacy planting proposals; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. storage units, signs, lighting, etc.) proposed and existing functional services above and below ground (e.g. drainage power communications cables, pipelines etc. indicating lines, manholes, supports.) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

The landscaping works shall be carried out in accordance with the approved details and in accordance with the agreed implementation programme.

REASON: The landscaping of this site is required to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, S7 and S8 of the Uttlesford Local Plan (adopted 2005).

7. Prior to the commencement of the development hereby approved, a Construction Environment Management Plan (CEMP), based on the outline CEMP, dated May 2022 submitted by RPS, shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details.

REASON: To ensure a satisfactory construction methodology is followed protecting visual amenity, biodiversity and highway safety, in accordance with Policy GEN7 and GEN1 of the Uttlesford Local Plan (adopted 2005).

8. Prior to the commencement of the development hereby approved, a mitigation strategy detailing the excavation/preservation strategy for the proposed development and the protection of underground archaeological deposits shall be submitted to and approved in writing by the local planning authority.

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

The applicant will submit to the local planning authority a post excavation assessment, to be submitted within three months of the completion of fieldwork. This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

9. Prior to the commencement of the development hereby approved, a Landscape and Ecological Management Plan (LEMP), to include details of ongoing agricultural use of the site, shall be submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:
  - a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management, including agricultural use.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organisation responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning



biodiversity objectives of the originally approved scheme. The LEMP will be implemented in accordance with the approved details.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

10. Prior to the commencement of the development hereby approved, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

11. Prior to the commencement of the development hereby approved, a Biodiversity Enhancement Strategy, for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
  - a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans;
  - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - e) persons responsible for implementing the enhancement measures;
  - f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the NPPF.

12. Prior to the commencement of the development hereby approved, a Skylark Mitigation Strategy, shall be submitted to and approved in writing by the local planning authority. The content of the Strategy shall include the following:
- a) Provision of skylark plots of agreed size and treatment;
  - b) location of proposed skylark plots;
  - c) arrangements for management of the skylark plots for the period of the development;

The works shall be implemented in accordance with the approved details.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the NPPF.

13. Prior to the commencement of the development hereby approved, a Bird Hazard Management Plan (BHMP), for the life of the array, shall be submitted to and approved in writing by the local planning authority. The BHMP shall include any specific habitat areas beyond the array itself that are created for any displaced species.

The works shall be implemented in accordance with the approved details.

REASON: For flight safety, bird strike risk avoidance in the vicinity of Stansted Airport.

14. Prior to the commencement of the development hereby approved, including any ground works or demolition, a detailed Construction Traffic Management Plan shall be submitted to and approved in writing by the local planning authority. The final approved plan shall broadly accord with the Construction Traffic Management Plan dated 7th February 2022 reference JNY10188-01b but be updated following appointment of a principal contractor for the development of the solar farm. The Construction Traffic Management Plan shall be adhered to throughout the construction period.

REASON: To manage construction traffic in the interests of highway safety and Policy DM1 of the Highway Authority's Development Management Policies February 2011 and control of environmental impacts in accordance with Uttlesford Local Plan (adopted 2005) Policy GEN1.

15. Prior to commencement of the development hereby approved, the full details of the temporary construction access as shown in principle on drawing JNY10100-RPS-0100-002 Revision B shall be submitted to and approved in writing by the local planning authority. Such access drawing having first been subject to an appropriate Road Safety Audit, including designer's response, together with any required drawing amendments and further safety audit review. The access and required visibility splays shall be provided as approved and shall remain in place for the construction period.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan (adopted 2005) Policy GEN1.

16. Upon completion of the solar farm construction, the temporary construction vehicular access shall be suitably downgraded to accommodate operational traffic. The details of the revised access shall be submitted to and agreed in writing with the local planning authority, and the revised access shall be implemented in accordance with the approved details and retained as such thereafter.

REASON: To ensure that an appropriate access is provided beyond the lifetime of the solar farm in the interests of highway safety in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan (adopted 2005) Policy GEN1.

17. Prior to the commencement of development a scheme of mitigation to overcome the highway impact identified in the Solar Photovoltaic Glint and Glare Study produced by Pager Power dated July 2022 shall be submitted to and agreed with the local planning authority. Such mitigation to be provided prior to development and maintained in perpetuity thereafter for the life of the development.

REASON: To mitigate the impact of glint and glare arising from the photovoltaic solar panels on highway users, in the interests of highway safety and in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan (adopted 2005) Policy GEN1.

18. Prior to commencement of any construction on site, the cutting back of vegetation at the Coopers End mini roundabout shall be carried out to ensure availability of appropriate sightlines and intervisibility between highway users. The vegetation shall be retained at no greater than 600mm above the height of the carriageway for the full period of construction.

REASON: To ensure appropriate intervisibility between highway users and construction traffic, in the interests of highway safety and in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan (adopted 2005) Policy GEN1.

19. Prior to the commencement of the development hereby approved, a scheme shall be submitted to and approved in writing by the local planning authority, which shall include the measures in the approved Flood Risk Assessment and Sustainable Drainage Strategy, document HLEF78850, v3, of January 2022, by RPS and the following additional mitigation measures:

Soil Management.

- Chisel ploughing between array rows shall be carried out as required to break up ground compaction.

SuDS Features.

- Measures shall be provided to actively prevent the development of channelised flows.
- Measures shall be provided to intercept the run-off from the sub-station hardstanding

The mitigation measures shall be fully implemented prior to first export of electricity and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, in accordance with Policy GEN3 of Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

20. Prior to the commencement of the development hereby approved, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with Policy GEN3 of Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

21. Prior to first export of electricity, a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed, in writing, by the local planning authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with Policy GEN3 of Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

22. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the local planning authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they

continue to function as intended to ensure mitigation against flood risk in accordance with Policy GEN3 of Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

23. Prior to first use of the Battery Storage System, a Battery Safety Management Plan (BSMP) shall be submitted to and approved in writing. The BSMP must prescribe measures to facilitate safety during the construction, operation and decommissioning of the battery storage system. The BSMP shall be implemented as approved.

REASON: To ensure safe operation of the battery storage system and avoid fire risks and pollution in accordance with Policy ENV12 and ENV15 of the Uttlesford Local Plan (adopted 2005).

24. If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, the applicant/developer shall notify the local planning authority without delay. Any land contamination identified, shall be remediated to ensure that the site is made suitable for its end use.

REASON: To protect human health and the environment and in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

25. The proposed development hereby approved shall be constructed in accordance with the Tree Survey, Tree Protection Plan and Arboricultural Impact Assessment prepared by RPS (January 2022).

REASON: To ensure the protection of the protected trees on the site in accordance with Policy ENV3 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

### **Informatives:**

- i. In determining this application, the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner. In doing so, the Planning Inspectorate engaged in pre-application discussions (S62A/22/5000001), as well as correspondence during the course of the application.
- ii. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](https://cadentgas.com/diversions). Prior to carrying out works, including the construction of access points, please register on

[www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

iii. Gigaclear have indicated a route along Parsonage Road. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to those assets. The applicant must ensure that the proposed works do not affect their apparatus and should contact Gigaclear on 01865 591121, or [diversions@gigaclear.com](mailto:diversions@gigaclear.com) prior to commencement of works on Parsonage Road.

iv. UK Power Networks have provided details of equipment at or near the application site. Should your excavation affect the Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact UK Power Networks on 0800 0565866 or [plans@ukpowernetnetworks.co.uk](mailto:plans@ukpowernetnetworks.co.uk) to obtain a copy of the primary route drawings and associated cross sections.

v. Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near electricity assets.

vi. The applicant may want to consider using Essex Highways to carry out the RSA as they will be carrying out the later audits in the process and so there will be continuity in the process that could help with the technical approval process. They can be contacted at [roadsafety.audit@essexhighways.org](mailto:roadsafety.audit@essexhighways.org).

vii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

viii. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims, a cash deposit or bond may be required.

ix. It is noted that the construction traffic will require access through an existing environmental weight restriction at the Coopers End mini roundabout at the junction of Parsonage Road and Hall Road. Such weight restriction falls within the jurisdiction of the Airport Authority.

x. Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).

xi. Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

xii. Changes to existing water courses may require separate consent under the Land Drainage Act before works take place.

xiii. Under section 288 of the Act, the decision can be challenged only by means of a claim to the High Court. This must be done within the statutory period of time set out in section 288 of the Act (6 weeks from the date of the decision letter). These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link:

<https://www.gov.uk/courts-tribunals/planning-court>

xiv. Responsibility for ensuring compliance with this Decision Notice rests with Uttlesford District Council and any applications related to the compliance with the conditions must be submitted to the Council.

## **Schedule 2**

### **Hearing Documents Submitted:**

HD1 Statement – Mr Young

HD2 Statement – Councillor Barber – Takeley Parish Council

HD3 Statement – Councillor Bagnall – Ward Councillor

HD4 LUC – Uttlesford Countryside Protection Zone Study

HD5 Statement – Andrew Murray – Applicant’s Planning Consultant

### **Documents Submitted after the Hearing:**

HD6 Email - Takeley Parish Council dated 10 August 2022 and Map (Warish Hall)

HD7 Appeal Decision APP/C1570/W/22/3291524

HD8 Applicant’s response, dated 17 August 2022