



Pre-application report

Town and Country Planning Act 1990 s62A Applications

By Zoe Raygen Dip URP MRTPI

Date: 12 April 2024

Reference: S62A/2024/0033/(pre-app)

Customer:

DLP Planning Ltd

Site address: Land at Wickham Hall,

Bishops Stortford, Hertfordshire CM23 1JG

Description of development:

Erection of a Solar Photovoltaic Farm with an output capacity not to exceed 14.9MW of energy, with supporting infrastructure and battery storage, inverters and transformers, fencing and landscaping works.]

The site is located within the administrative area of Uttlesford.

Introduction

1. Local planning authorities (LPA) can be designated where the Secretary of State considers there are aspects in which an authority is not adequately performing its function of determining planning applications. Where a LPA is designated an applicant can choose to submit certain types of applications to the Planning Inspectorate. Uttlesford District Council was designated on 8 February 2022 in respect of applications for major development. This pre- application report provides advice in respect of a proposal that is currently eligible to be submitted to the Planning Inspectorate. Designations are reviewed annually; should the LPA's designation be revoked, prior to an application being submitted, it will no longer be possible to submit a planning application to the Planning Inspectorate.

Main issues

2. The applicant sought advice on procedural matters as follows:
 - The proposal not to undertake a further formal pre-application consultation with Uttlesford District Council (UDC) prior to submitting the application;
 - The acceptability of the community engagement previously carried out and presently being undertaken by the applicant;
 - The acceptability of the applicant's proposal to use an approved construction access in East Herts District Council

(EHDC) for the purposes of the implementation of the proposed development having regard to the limitation of the Secretary of State's jurisdiction to matters concerning development in UDC; and

- Whether the application boundary needs to extend to the public highway, given that the nearest point of public highway is located within the administrative boundary of EHDC and no works are proposed outside of the administrative boundary of UDC to facilitate operational access to the proposed solar farm.

Pre-application consultation

3. The applicant has undertaken a pre-application with UDC prior to the submission of a previous planning application¹ for a similar proposal which was refused. The applicant intends using the consultation responses to the previous application, and the previous pre-application advice, to advance their proposed planning application.
4. The submission of an application for pre-application advice is not mandatory but is helpful. However, given the history of this proposal, the applicant would be aware of the issues that will be involved in any future application. Unless the scheme was to change significantly therefore, the proposal not to undertake further pre- application consultation is acceptable.

Community engagement

5. The applicant undertook extensive community engagement prior to the submission of the previous planning application. Prior to the submission of the proposed planning application the applicant has distributed a newsletter detailing the alterations to the proposal and inviting comments as well as updating the website and issuing a press release. UDC has requested clarification of whether the people that provided comments through the website were informed of the changes/update to the proposal and if so what number of comments have been received since. Subject to this, this seems to me to be a proportionate response.

Construction Access

6. The construction access would be taken from the A120 Hadham Road along an existing private road together with works to extend the road through to the UDC boundary that have planning permission from EHDC².
7. The applicant intends to submit a planning application to EHDC to use the approved access to facilitate the construction of the proposed solar farm. It is my view that this access should also be in the red line for the planning application within UDC to be submitted to PINS/UDC. The most appropriate way to link the applications to ensure the access is provided would be via a planning obligation.
8. The Planning Inspectorate is not a signatory to planning obligations. It is the responsibility of the applicant and the LPA to ensure that a completed agreement is in place so that it can be taken into account in

¹ UTT/21/3108/FUL

² 22/2601/FUL

reaching a decision. The obligation should be well advanced prior to the application being submitted and you should be in a position to have the completed agreement in place. For applications dealt with by the written representations procedure, the completed agreement should be submitted within two weeks of the end of the representation period. Where there is a hearing the agreement should be submitted in advance of the hearing date. The LPA should retain the original version and a certified copy should be submitted to the Planning Inspectorate. If a completed obligation is not in place at this time, it is likely that the application will progress to a decision. Given that the planning obligation appears to be necessary, in this situation, the application is likely to be refused.

Operational Access

9. The operational access is proposed via existing roads and tracks. The nearest public highway to which it would connect is Newland Avenue which is in EHDC. While all development works would occur in UDC, and the Planning Inspectorate has no jurisdiction over EHDC, in order for the application to be valid the red line would need to extend to the nearest public highway.
10. A planning application would also need to be submitted to EHDC as well as PINS/UDC and the fee paid in respect of the largest application site.

Note

11. This advice is provided on a without prejudice basis. Should an application be submitted the person appointed to determine it will consider all of the relevant information, including any matters raised in representations. That person will reach their own view on the proposal and, having regard to all the information and matters raised, may reach a different view to those expressed in this report.
12. It is the Planning Inspectorate's normal practice to publish pre-application reports upon the submission of an application for a substantially similar proposal on the site. A copy of this report has been sent to UDC.

Zoe Raygen

Inspector