



19th July 2024

██████████
Uttlesford District Council
London Road
Saffron Walden
CB11 4ER

By email only

Thank you for requesting advice on this application from Place Services' ecological advice service. This service provides advice to planning officers to inform Uttlesford District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

Uttlesford Application Ref: UTT/24/1417/PINS
PINS Application ref: S62A/2024/0045
Location: Land To The North-West Of Bishops Stortford Farnham Road Farnham
Proposal: Consultation on S62A/2024/0045 - Erection of a Solar Photovoltaic Farm with supporting infrastructure and battery storage, inverters and transformers, fencing, landscaping works and connecting cable

Dear ██████████

Thank you for consulting Place Services on the above application.

Holding objection due to insufficient ecological information on mandatory Biodiversity Net Gain

Summary

We have reviewed the documents supplied by the applicant including the Gate, Fence, Construction Road, CCTV Camera & Satellite Dish Details, drawing no. PL.008 (GreenEnco, April 2024), Site Design Plan, drawing no. PL.001 (GreenEnco, May 2024), Mounting Structure, drawing no. PL.004 (GreenEnco, April 2024), Landscape Masterplan, drawing no. 7200 / ASP3 / LMP Rev N (Aspect, May 2024), Coloured Landscape Site Plan, drawing no. 7200 / ASP6 / CLSP (Aspect, May 2024), Planning Statement (DLP Planning Ltd., May 2024), Ecological Appraisal (Aspect Ecology, January 2024), Biodiversity Net Gain Assessment (Aspect Ecology, February 2024), Statutory Biodiversity Metric (Aspect Ecology, February 2024) and Technical Note 03: Skylark Mitigation Strategy (Aspect Ecology, March 2024), relating to the likely impacts of development on designated sites, protected & Priority habitats and species and identification of proportionate mitigation and mandatory biodiversity net gains.

We are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination.



Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under [paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990](#) and the [Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#).

Biodiversity net gains is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#). This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021, and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.

The [Biodiversity Net Gain Planning Practice Guidance \(PPG\)](#) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.

Where mandatory biodiversity net gains applies, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. The biodiversity gain condition has its own separate statutory basis, as a planning condition under [paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990](#). As a result, government have recommended that it is not included in the list of conditions imposed in the written notice when granting planning permission. However, it is highlighted that biodiversity gain condition could be implemented via a separate section of the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan, as well as the finalised full Statutory Biodiversity Metric – Calculation Tool.

However, to ensure the biodiversity gain objective is met and the condition can be discharged successfully, it is important biodiversity net gain is considered throughout the planning process. The NPPF emphasises that plans should identify and pursue opportunities for securing measurable net gains for biodiversity, and plans and decisions should minimise impacts and provide net gains for biodiversity. In particular, the Biodiversity Gain Hierarchy must be implemented into proposed designs, to ensure that this is not left to the biodiversity gain condition.

As a result, we have reviewed Biodiversity Net Gain Assessment (Aspect Ecology, February 2024) and Statutory Biodiversity Metric (Aspect Ecology, February 2024) and are not satisfied that appropriate information has been provided prior to determination. This is because Condition Assessment sheets for the pre-development baseline have not been provided, which is essential to determine how condition scores have been calculated. Therefore, it is recommended that Condition Assessment sheets are submitted for each existing habitat type so that the habitat conditions used can be confirmed by the LPA.

In addition, a [Habitat Management and Monitoring Plan](#) should be secured for all [significant on-site enhancements](#). This should be in line with the approved Biodiversity Gain Plan, with the maintenance and monitoring secured via legal obligation or a condition of any consent for a period of up to 30 years. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 2, 5, 10, 15, 20, 25, 30 any remedial action or adaptive management will then be agreed with the LPA to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.



It is highlighted that post-intervention habitat creation will also be required to be updated as part of the biodiversity gain condition. The proposals currently indicate that 29.1475ha of Other neutral grassland will be achieved in medium condition where the solar array will be located. However, the Solar Panels will cause shading of the grassland, potentially reducing the floristic diversity. In addition, it is highlighted that UK Habitats Classification v2 states that ground mounted solar panels should be recorded as U1B6 (Other Developed Land), rather than simply classifying this as grassland. As a result, it is recommended that the post-intervention calculations are updated to highlight that the Strips of grassland beneath the Solar panels will be of a lower ecological value.

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

Please contact me with any queries.

Yours sincerely

Ella Gibbs ACIEEM BSc (Hons)

Senior Ecological Consultant
Place Services at Essex County Council
placeservicesecology@essex.gov.uk

Place Services provide ecological advice on behalf of Uttlesford District Council

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.