



**The Town and Country Planning
(Section 62A Applications) (Hearings) Rules 2013**

**ISSUES REPORT
and
OUTLINE AGENDA**

Application Reference No: s62A/2024/0045

Applicant: Mr Greg Hilton of Endurance Energy Wickham Hall Ltd

Proposal description: 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, landscaping works and connecting cable.

Site address: Land at Wickham Hall Estate, Bishops Stortford, Uttlesford CM23 1JG
(Easting 546478, Northing 223169)

Report by: Mr Cullum Parker, BA(Hons) PGCert MA FRGS MRTPI IHBC

Consultation end: 29 July 2024

Issue date: 31 July 2024

Hearing to be held on: Thursday 29 August 2024 at 10:00

Hearing Location: Uttlesford District Council Offices, Saffron Walden

Proposal and background

1. This application was made under Section 62A of the *Town and Country Planning Act 1990*, which allows for applications directly to the Planning Inspectorate where a Local Planning Authority has been designated by the Secretary of State. As the appointed person, I have determined that a Hearing is appropriate in this case. This is to be held on Thursday 29 August 2024 at Uttlesford Council Offices, Saffron Walden.
2. It will be conducted in accordance with *The Town and Country Planning (Section 62A Applications) (Hearings) Rules 2013*. This Issues Report is issued in accordance with Rule 5 of these Rules.
3. The application seeks the 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, landscaping works and connecting cable.
4. A similar development for the site was refused in April 2022 by Uttlesford District Council under reference UTT/21/3108/FUL. Since the refusal of the first application the Applicant has indicated that they have revised the scheme; specifically via a reduction in scale of the proposed development, provision for enhanced woodland planting to the south of the site and significantly more screening of rights of way, and additional biodiversity enhancements.
5. The application here would be in association with a related application in the neighbouring of East Hertfordshire District Council area (reference 3/21/2601/FUL) was granted planning permission in December 2023. This allows for up to 35mw of generated electricity, and is subject to a legal agreement under s106 TCPA.

Representations

6. The application was made in May 2024. Notifications letters and site notices were issued with responses due by 29 July 2024. The comments received have informed the main issues, as has the information contained within the submitted application.
7. All comments have been provided and published on the gov.uk website relating to this case. This can be found at this link <https://www.gov.uk/guidance/section-62a-planning-application-s62a20240045-land-at-wickham-hall-estate-bishops-stortford-uttlesford-cm23-1jq> or by using a search engine.
8. Uttlesford District Council submitted a comprehensive Officer's Committee Report and confirmed that the Local Planning Authority objects to the development.

Site inspection

9. I undertook an unaccompanied site inspection on the afternoon of Monday 22 July 2024. I was able to view the application site from the public realm.

Main Issues

10. The following, in my view, are the main issues to be considered in respect of the relevant application:

- (i) *Whether or not the proposal would constitute inappropriate development in the Green Belt, and, if so, the effect of the proposal on openness and the purpose(s) of Green Belt, and;*
- (ii) *whether the proposed use of agricultural land is acceptable, and;*
- (iii) *the effect of the proposal in respect of Biodiversity Net Gain, and;*
- (iv) *Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, as to amount to the very special circumstances required to justify the development.*

Pre-Hearing Observations

11. The Applicant and designated planning authority will note that some concerns have been raised by interested parties and/or expert advisers to the designated planning authority. I also have some matters which I would benefit from further explanation before the Hearing opens.

Biodiversity

12. In terms of mandatory Biodiversity Net Gain (BNG), I note the observations made by Essex Place Services (Ecological Advice) dated 19 July 2024.

13. Could the Applicant please provide a written response on this matter (including any baseline or underlying data) **no later than 17:00 on Friday 23 August 2024**, so that they may be uploaded onto the .gov.uk website and any interested parties are able to view them.

Agricultural Land

14. With regard to Best and Most Versatile Agricultural Land (BMVAL), the Applicant indicates that a large part of the Uttlesford district comprises land classified as Best and Most Versatile Agricultural Land (BMVAL). However, it would assist matters if an approximate value of this could be provided.

15. Alternatively and/or additionally, the site is near to a boundary with East Herts District Council. Therefore, it may be beneficial for the extent of BMVAL within a specific radius of the application site. Such information should be provided **no later than 17:00 on Friday 23 August 2024**.

National Policy consultation

16. On 30 July 2024, the SoS announced that a consultation would take place in respect of the National Planning Policy Framework (herein the *Framework24*). This consultation is not due to end until late September 2024. Nonetheless, it may constitute a material consideration that needs to be taken into account. To that end, it would be beneficial to this s62A application process if the Applicant and the

designated planning authority could provide a brief note of any observations they have on this matter.

17. Could any such brief notes, if necessary, be provided **no later than 17:00 on Friday 23 August 2024**, so that they may be uploaded onto the application website at .gov.uk and any interested parties are able to view them.

Conditions

18. The Council and some consultees have recommended or suggested conditions if the application is to be permitted. Without prejudice, these will be discussed at the Hearing as appropriate. Any discussion of their merits does not indicate that a decision has been made on the application, but only that the conditions suggested are to be assessed as to whether they are necessary, relevant, enforceable, precise and reasonable.
19. It would aid proceedings if, without prejudice to anyone's position, the Council and Applicant provide a final draft of suggested conditions to the appointed person via the case officer before the Hearing opens. These will be published on the gov.uk website.

Legal agreement

20. The Applicant provided a draft legal agreement under section 106 of the TCPA 1990. It is understood, without prejudice, that the Applicant intends to submit a completed unilateral undertaking pursuant to s106. Should this be the case, this should be submitted **no later than 17:00 on Friday 23 August 2024**.
21. This will be uploaded onto the application website at .gov.uk (with GDPR redactions) so that any interested parties are able to view it. It would assist the Hearing if a brief cover note could be submitted with any s106 legal agreement setting out what obligations the legal agreement secures and, briefly, why.
22. Furthermore, the Council should supply a brief but concise 'CIL Compliance' type document which demonstrates how the obligations sought and/or secured by the legal agreement align with policies of the adopted development plan.

C Parker

INSPECTOR (Appointed person under s76D TCPA)



Outline Agenda

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Hearing to be held on: Thursday 29 August 2024 at 10:00

Hearing Location: Uttlesford District Council Offices, Saffron Walden

*'5.1.2. In the event that a hearing is required its purpose will be for the Inspector to allow any who wish to make oral representations and for the Inspector to put questions to address any points of fact or outstanding queries they may have. It is not a forum for parties to seek to test the evidence of others through cross-examination or direct questioning.'*¹

1. **Inspector's opening** – including summarising main issues set out in this report.
2. **Oral representations** made by those who have specifically requested to speak at the representation stage.

Approximate time limits for speaking (at discretion of the Inspector):

Speakers	
Members of the public	3 minutes (each)
Councillors	5 minutes (each)
Statutory Consultees	10 minutes (each)
Non-statutory consultees	5 minutes (each)
The Council	15 minutes
The applicant	30 minutes

Note:- Interested parties (for example neighbouring occupiers or local interest groups) may consider that it is a more effective and efficient use of their time to co-ordinate any oral representations.

3. Questions from the Inspector
4. Conditions Session – without prejudice
5. Hearing Closed

¹ <https://www.gov.uk/government/publications/planning-applications-process-section-62a-authorities-in-special-measures/procedural-guidance-for-section-62a-authorities-in-special-measures>