



**ITEM NUMBER:**

**PLANNING COMMITTEE DATE:** 24 July 2024

**REFERENCE NUMBER:** S62A/2024/0045 & UTT/24/1417/PINS

**LOCATION:** Land at Wickham Hall Estate, Bishops Stortford, Uttlesford

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 05 July 2024

**PROPOSAL:** Consultation on S62A/2024/0045 - Erection of a Solar Photovoltaic Farm with supporting infrastructure and battery storage, inverters and transformers, fencing and landscaping works and connecting cable.

**APPLICANT:** Endurance Energy Wickham Hall Limited

**AGENT:** DLP Planning

**DATE CONSULTATION RESPONSE DUE:** 26 July 2024

**CASE OFFICER:** [REDACTED]

**NOTATION:** Within Green Belt,  
Public Rights of Way,  
Part Archaeological Site.  
Adjacent Listed Buildings,  
Adjacent Ancient & Important Woodlands,  
Adjacent Country Wildlife Sites.

**REASON THIS CONSULTATION IS ON THE AGENDA:** This is a report in relation to a major planning application submitted to the Planning Inspectorate (PINS) for determination.  
Uttlesford District Council (UDC) has been designated by Government for poor performance in relation to the quality of decisions making on major applications.

This means that the Uttlesford District Council Planning Authority has the status of a consultee and is not the decision maker. There is limited time to comment. In total 21 days.

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**1. RECOMMENDATION**

That the Strategic Director of Planning be authorised to advise the Planning Inspectorate that Uttlesford District Council make the following observations on this application:  
Details are to be outlined by the Planning Committee.

## **2. SITE LOCATION AND DESCRIPTION**

- 2.1** The area of land subject to this section 62a relates to the site known as Land at Wickham Hall Estate, Bishops Stortford. The site is situated to the north-west of the A120 Little Hadham bypass, and northwest of the Bishop's Stortford. The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.
- 2.2** The site is part of the Wickham Hall Estate which comprises an area amounting to approximately 524 hectares in total. The estate is partially located within both East Hertfordshire District Council (East Herts) and Uttlesford District Council (UDC). The majority of the estates land is within East Herts. This proposal has a site area of 33.59 hectares as defined by drawing Ref. D02 Rev D and is made up of a single large irregular shaped agricultural field which is used for a mix of crop production and pasture. The topography of the field is generally level with a slight slope that falls away from the centre of the site to the northeast and north-western corners.
- 2.3** Wickham Hall Estate is principally an agricultural estate centred on Wickham Hall, one of a number of Grade II and curtilage listed buildings which are situated in East Herts. The Estate has diversified into other sectors including commercial units, café/restaurant, winery and vertical farming scheme in additional to the farming use of the site.
- 2.4** To the north of the site is arable fields and Baileys Hill Wood all of which are outside of the ownership of the landowner (the rest of the surrounding land is within the ownership of the landowner). To the east is the new winery and vineyard, to the southeast is Wickham Hall and business park, to the south is arable fields and Bloodhounds Wood and to the west is a large agricultural building and arable fields. The local landscape can be described as rural with the occasional domestic dwellings, farmsteads and associated agricultural buildings (Refer to Plan 7200/ASPE/LMP Rev N).
- 2.5** As defined by the UDC adopted Local Plan 2005, the site is wholly within the Green Belt and lies in part of an area of interest for archaeology. There are no other designations within the site and the Environmental Agency Flood Risk Maps identifies the whole of the site lying within 'Flood Zone 1'.
- 2.6** The site lies north of Bloodhounds Wood and adjoins Bailey Hills Wood to the northeast. Both woodlands are defined as Ancient Woodland, Important Woodland and Country Wildlife Sites. There are no other local environmental designations nearby.
- 2.7** There are no designated heritage assets located within the site. There are several listed buildings being located within East Herts namely those

within Wickham Hall itself. The site is more than 300m from the listed buildings within Wickham Hall.

- 2.8 The site has several public rights of ways (PROW) in the form of bridleways. The principal ones run from Wickham Hall westwards to Bloodhounds' Wood (Farnham 20) and then north to a point where it crosses the district boundary (and continues as far as the Upwick Road). This route effectively forms the southern and western boundary of the site. The other routes pass around Wickham Hall and then northwest along the boundary of Bailey Hills Wood (Farnham 14) and to the eastern side of Bloodhounds Wood southwards towards Hadham Road (Farnham 21).

### 3. **PROPOSAL**

#### 3.1 **Background**

- 3.2 In 2021 the applicant submitted a cross-boundary planning application with East Herts for 'Erection of a Solar Photovoltaic Farm with an output capacity not to exceed 49.9MW of energy, with supporting infrastructure and battery storage, inverters and a transformer, fencing and landscaping works'. This consisted of 2 planning applications to both East Herts (Ref. 3/21/2601/FUL) and UDC (Ref. UTT/21/3108/FUL). These planning applications were submitted after both authorities 'screened out' the need for Environmental Impact Assessments.

- 3.3 The UDC planning application was refused planning consent at the 22<sup>nd</sup> April 2022 planning committee for the following reasons:

1. *The site is identified within the area in Uttlesford's adopted local plan as Metropolitan Green Belt. The Framework defines inappropriate development as being harmful to the Green Belt and further defines exceptions which would not be inappropriate. Consequently, in not complying with the list of exceptions, the proposals would amount to inappropriate development in the Green Belt in which paragraph 147 of the Framework states is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. By reason of the inappropriate size and siting, the proposals by way of the long rows of panels, ancillary buildings and infrastructure would comprise a rather utilitarian form of development not typical of its agricultural context. It would contrast awkwardly with the unspoilt open qualities of the site and would introduce a discordant element of significant scale that would encroach into the local landscape contrary to one of five purposes set out in paragraph 138 of the Framework. As such, the proposal would have an adverse effect of moderate significance on the local landscape and a significant adverse effect on the visual amenity of the area. It is considered that the 'very special circumstance' in this case either individually or collectively do not clearly outweigh the harm that has been identified, and the very special circumstances necessary to justify the*

development do not exist. The proposals are thereby contrary to policy S6 of the Adopted Local Plan and the National Planning Policy Framework.

2. *The Historic Environment Record and the desk-based assessment submitted with the application shows that the proposed development lies within an area of known archaeological deposits. These particularly highlighted the potential for Iron Age and Roman occupation, identified in advance of the A120 Hadham Bypass following the completion of geophysical survey as part of the pre application evaluation undertaken on the road line. Following the guidance within the NPPF at present the application has not provided appropriate consideration of the impact of the development such as a geophysical assessment and photographic evidence of the area to assess the historic environment. The proposals are thereby contrary to policy ENV4 of the adopted local plan and the National Planning Policy Framework.*
3. *Insufficient information has been submitted in support of the application to demonstrate that there would not be an unacceptable impact to protected and priority species and their habitats particular in relation to Skylarks. This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 as updated by the Environment Act 2021 and to be able to properly assess any potential impacts upon protected species. Without this information, the LPA are unable to properly assessed the proposals and impacts on legally protected and priority species. The proposals would thereby be contrary to policy GEN7 of the adopted Local Plan and the NPPF.*
4. *Insufficient information has been provided in support of the proposals to demonstrate that the impact on the public rights of way network caused by this proposal will not have unacceptable consequences in terms of highway safety, efficiency and accessibility and that the proposed works are indeed deliverable. The proposal is therefore contrary to policy GEN1 of the Adopted Local Plan and the National Planning Policy Framework.*
5. *The applicant stipulates that following the operation stage, it is proposed that the solar farm is decommissioned, with the solar panels and other infrastructure to be removed and the site to be retained back to its original condition. This requirement would need to be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement had not been prepared or completed. As such, the proposals is contrary to policies GEN6 of the Adopted Local Plan and the National Planning Policy Framework.*

### **3.4**

The East Herts planning application was approved at the 11<sup>th</sup> January 2023 by their Development Management Committee subject to a Unilateral Undertaking to deal with the provision of permissive footpaths.

The decision notice was issued on 19 December 2023. Whilst the permission continues to refer to provision of up to 49.9MW of solar generation, the results of the amendments to the approved scheme reduced the maximum output to 35MW (due in part to the refusal of the consent for the site within UDC). The approved scheme provides for a construction access direct to the A120 (within East Herts), for future maintenance and decommissioning.

### **3.5** Proposed Amended Scheme

**3.6** This application seeks full planning permission for the '*Erection of a Solar Photovoltaic Farm with supporting infrastructure and battery storage, inverters and transformers, fencing, landscaping works and connecting cable*'.

**3.7** This is for a temporary period of 43 years (to include 3 years for the implementation of the scheme). At the end of the temporary period the site will revert to its current use (arable land). The application includes an outline Decommissioning Plan which sets out the principles that would underpin the dismantling of the site with the liability falling on the landowner but with a contractual agreement with the developer to allow for a fund to pay for this. Currently c90% of the materials can be recycled and research is ongoing within the industry to increase this figure. The restoration process is intended to ensure the site is restored to the same quality as the existing.

**3.8** The proposal has been amended to address the reasons for refusal in the original planning application. The key areas of change to address the first reason (impact on Green Belt) for refusal are as follows (which can be demonstrated on Figures 1 & 2 below), while the remaining reasons are picked up within the assessment of the proposal:

- Reduction in overall area of the site from 35.77 hectares to 33.59 hectares (6.1% reduction). The net area for operations is 25.28 hectares which is a 18% reduction on the net area for operations within the refused planning application.
- This reduction includes the loss of a western parcel of land (c8.8 hectares) which was connected with the part of the solar farm within East Herts (this now creates a clear separation between both schemes). This also excludes the bridleway which now runs along the western boundary of the site but does still include the construction access and cable route.
- Additional land to the east and southeast is now included to provide a landscape belt and wildlife area (c.4 hectares). This creates significantly more screening to the PROW and additional biodiversity enhancements.



Figure 1 – Extract from Location Plan (Ref. D01 Rev I) demonstrating the red line of the site



Figure 2 – Extract from Location Plan (Ref. DO2.2) to the refused previous planning application demonstrating the larger red line boundary of the site.

### 3.9

While the previous application was joined with the approved scheme in East Herts, this proposal will be separated and will be operated independently from, the East Herts scheme comprising its own Customer Substation and connection to the Bishop's Stortford Substation by its own separate cable connection (which is subject to a separate planning application to East Herts).



**3.10** It is estimated that the Proposed Development would generate up to 14.9 MW of renewable energy which could provide approximately enough energy to power c.7,400 homes and displace up to 4,150 tonnes of CO<sub>2</sub> per annum.

**3.11** The scheme comprises of the following details which will be removed once the proposal meets the end of its lifespan:

- 862 full tables and 38 half table arrays to be mounted south facing in rows spaces approximately 4.4m apart; panels to be angled at approximately 25° with a minimum height from the ground of 1m and a maximum height of 3m (Plan Ref. PL.001);
- 7 No. AC Boxes/Inverters in containerised units, Transformers and Switchgear units (MV Power Stations) (Plan Ref. PL.005);
- Operational Compound (located in the middle of the southern boundary of the site) comprising
  - 1 No DNO Substation;
  - 1 No Customer Sub-station;
  - 1 No Storage Container;
  - 1 No Control and Welfare Unit
  - 10 No Battery storage units;
  - 3No DC Combiner boxes
  - 3No PCS units
  - 2No Transformer/Switch Rooms
- 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.

**3.12** In addition to the above the proposal will deliver the following landscape and ecological enhancements which will be a permanent change to the natural environment:

- Protection and enhancement of the existing hedgerows and mature trees;
- Introduction of 30m wide broadleaf woodland belt comprising 1.717ha (along the southern boundary);
- New boundary native hedgerow (2.026km);
- A new multi-functional wildlife area comprising 2.32ha (including scrub and wildflower planting - minimum 1.104ha - wetland, further broadleaf planting);
- Enhanced footpath corridors with new hedgerows and wildflower planting;
- Bolstering of boundary hedgerows to be managed to a height of 3m;
- Foraging areas for skylarks;
- Habitat boxes and ecological features for a range of fauna species; and,

- Interpretation boards are to be used as a useful tool to explain the components and function of both the solar farm and the wildlife area.

**3.13** By extending and joining up the existing screening provided by Bloodhounds Wood (located to the south west) and Bailey Hills Wood (located to the north east), the proposed new woodland belt and wildlife area will provide a continuous belt of significant and contextually sympathetic landscaping around the entire eastern and southern boundaries of the site, which provides legacy landscape and ecological benefits, in addition to providing additional screening of the development proposal in short distance views

**3.14** Access to the site for the construction phase will be via a temporary access created between the southern edge of the proposed development and the boundary of Uttlesford District west of Bloodhounds' Wood. The temporary access will run parallel to existing farm tracks so as not to conflict with the use of these tracks for agricultural purposes and where they form part of the network of rights of way and permissive footpaths (this is demonstrated on Plan Ref. D02 Rev D). Beyond UDC boundary the temporary construction route will follow the construction route approved in principle in connection with the approved application for the solar farm development in East Herts, providing a connection with the local highway network via the A120 / Old Hadham Road located approximately 200m west of the A120 / A1250 /A1184 roundabout. A temporary planning application (Ref 3/24/1119/FUL) was validated/registered on 5 July 2024 and is pending consideration by East Herts.

**3.15** Access to the site post construction will be limited as solar farms require little maintenance (with activity limited to occasional visits to clean, check and test the installation, with personnel using small vehicles). Operational traffic will access the site via the existing access road, known as Jazz Street, which provides access to Wickham Hall and its associated uses including the Wickham Hall Business Park, café and approved winery development. Jazz Street connects to the adopted highway at Hadham Rd via Newland Avenue, a presently unadopted residential access constructed as part of the Stortford Fields development. This route is shown on Plan Ref. Plan D01 Rev I.

**4. ENVIRONMENTAL IMPACT ASSESSMENT**

**4.1** The application does not include an Environmental Statement as an Environmental Impact Assessment ('EIA') is not required as per the Request for a screen opinion (Ref. UTT/24/0277/SCO).

**5. RELEVANT SITE HISTORY**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
UTT/24/0277/SCO	Request for a Screening Opinion for a proposed development of a	EIA not required –

	solar photovoltaic farm and associated infrastructure and battery storage, inverters and transformers, fencing and landscaping works	21 <sup>st</sup> February 2024
UTT/21/3108/FUL	Erection of a Solar Photovoltaic Farm with an output capacity not to exceed 49.9MW of energy, with supporting infrastructure and battery storage, inverters and a transformers, fencing and landscaping works	Refused – 19 April 2022
UTT/21/0597/SCO	Request for a Screening Opinion for a proposed development of a solar photovoltaic farm and associated infrastructure	EIA not required - 3 <sup>rd</sup> December 2021

## **6. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

- 6.1** The applicant has undertaken pre-application engagement with the Planning Inspectorate (PINS) with their response issued on 12<sup>th</sup> April 2024 (UDC provided a response to PINS on 19<sup>th</sup> March 2024).
- 6.2** The applicants planning statement also states pre-application engagement with: Principal Historic Environment Consultant, Essex Place Services (in relation to archaeology); Essex Fire and Rescue; Hertfordshire Fire and Rescue; Essex County Highways and East Herts Planning (in respect of the construction access application).
- 6.3** The applicant provides a summary within the planning statement of the engagement with the above bodies and states that the proposal has taken onboard these comments.
- 6.4** The applicant has included a Statement of Community Involvement (SCI) that covers all of the public engagement the applicant undertook for the previous refused planning application. Section 3.8 within this document states what engagement the application has undertaken specifically for this revised proposal, which includes:
- A Community Newsletter was issued to same mailing radius as previous application (1,792 residents and businesses) plus the c.1000 new addresses at the new homes at Stortford Fields. This was issued in February 2024 with an update over the revised proposal for the site. This Included details of how to make contact with questions;
  - The application website was refreshed with the revised plans and proposal (February 2024);
  - A copy of the community newsletter was sent to local ward members and parish/town councils via email; and,

- A press release was issued to local newspapers (e.g. Bishop Stortford Independent).

**6.5** The above consultation exercise was undertaken in February 2024. However, the pre-application feedback from PINS/UDC was not issued until March/April 2024 and it is not clear when the other stakeholders were engaged as part of the pre-application dialog.

**6.6** The applicant states, the proposal has been updated following pre-application engagement, it is not clear whether the original consultees/stakeholders were aware of this (there is no mention of pre-application engagement on the newsletter). It is not clear in the conclusion of the SCI what response was received from the above engagement and whether original consultees were fully aware of the proposal. The conclusion repeats the findings from the SCI to the refused planning consent.

**6.7** Furthermore, the UDC pre-application response states that clarification is needed over 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. PINS pre-application response addresses this and states that subject to the applicant providing this information their consultation exercise is proportionate. However, neither the SCI and/or the planning statement provide any details of the number of people who have provided comments thus the applicant has incorrectly interpreted how to clarify UDC/PINS position on the community engagement pre submission of this application.

## **7. STATUTORY CONSULTEES**

**7.1** All statutory consultees are required to write directly to the Planning Inspectorate (PINS) (and not the Local Planning Authority).

**7.2** Accordingly, it should be noted that a number of considerations/ advice normally obtained from statutory consultees to assist the Local Planning Authority in the consideration of a major planning application have not been provided and are thereby not included within this report.

**7.3** It is noted no statutory consultee comments have been received.

## **8 PARISH COUNCIL/TOWN COUNCIL COMMENTS**

**8.1** These should be submitted by the Parish Council directly to PINS within the 21-day consultation period and are thereby not informed within this report.

## **9. CONSULTEE RESPONSES**

**9.1** These should be submitted by consultees directly to PINS within the 21-day consultation period and are thereby not informed within this report. However, the following responses have been received which have sent to both PINS and UDC.

### **9.2 Crime Prevention Officer – Commenting**

**9.2.1** From experience pre-planning consultation is preferred for the security management of the solar farm and those neighbouring the development. Other parts of the country have seen an exponential rise in crime in relation to solar farms with everything from solar panels to cabling and ancillary equipment being targeted. In view of this we would like to see greater consideration given to the security of the site. With regards to the suitability of the proposed security provision there is insufficient detail provided to enable us to provide a meaningful comment on this application.

## **10. REPRESENTATIONS**

**10.1** The application was publicised by sending letters to adjoining and adjacent occupiers and by displaying a site notice. Anyone wishing to make a representation (whether supporting or objecting) are required to submit their comments directly to PINS within the 21-day consultation period ending the 24 July 2024. All representations should be submitted directly to PINS within the 21-day consultation period.

**10.2** UDC has no role in co-ordinating or receiving any representations made about this application. It will be for PINS to decide whether to accept any representations that are made later than 21 days.

## **11. MATERIAL CONSIDERATIONS**

**11.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

**11.2** Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- a) The provisions of the development plan, so far as material to the application:
  - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,

- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

**11.3** Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.

## **11.4 The Development Plan**

**11.4.1** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made Feb 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)  
Stebbing Neighbourhood Plan (made July 2022)  
Saffron Walden Neighbourhood Plan (made October 2022)  
Ashdon Neighbourhood Plan (made December 2022)  
Great and Little Chesterford Neighbourhood Plan (made February 2023)

## **12. POLICY**

### **12.1 National Policies**

**12.1.1** National Planning Policy Framework (2023)

**12.1.2** National Policy Statement for Energy (January 2024); and

National Policy Statement for Renewable Energy Infrastructure (November 2023).

### **12.2 Uttlesford District Plan 2005**

- S6 – Green Belt
- S7 - Countryside
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN4 – Good Neighbourliness
- GEN5 – Light Pollution

- GEN6 – Infrastructure Provision
- GEN7 – Nature Conservation
- GEN8 – Vehicle Parking Standards
- E4 – Farm diversification: Alternative Use to Farmland
- ENV2 – Development Affecting Listed Buildings
- ENV3 – Open Spaces and Trees
- ENV4 – Ancient Monuments and Sites of Archaeological Interest
- ENV5 – Protection of Agricultural Land
- ENV7 – Protection of the Natural Environment
- ENV8 – Other Landscape Elements of Importance
- ENV10 – Noise Sensitive Developments
- ENV11 – Noise Generators
- ENV12 – Groundwater Protection
- ENV14 – Contaminated Land
- ENV15 – Renewable Energy

#### **12.4 Supplementary Planning Document or Guidance**

- Energy Efficiency and Renewable Energy (October 2007)
- Essex County Council Adopted Parking Vehicle Standards (2009)
- Solar Farms (July 2021)
- Uttlesford Interim Climate Change Policy (February 2021)
- BNG – Planning Practice Guidance
- Developer Contributions SPD (March 2023)
- Statement of Community Involvement (March 2021)

### **13. CONSIDERATIONS AND ASSESSMENT**

**13.1** The issues to consider in the determination of this application are:

- 13.2**
- A) Principle of Development**
  - B) Green Belt and Visual Impact**
  - C) Heritage Assets**
  - D) Archaeological**
  - E) Neighbouring Amenity**
  - F) Loss of Agricultural Land**
  - G) Transport, access and public rights of way**
  - H) Nature Conservation & Biodiversity**
  - I) Flooding**
  - J) Planning balance**
  - K) Other matters**

**13.3 A) Principle of development**

**13.3.1** Proposals for development of solar farms are assessed against national and local planning policies including National Planning Policy Framework (NPPF), National Policy Statements (NPS), National Planning Practice Guidance (NPPG) and the statutory Development Plan for UDC.

- 13.3.2** The principle of solar development is supported in the NPPF which states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.
- 13.3.3** The Government expects future low cost, net zero consistent electricity to be made up of prominent on shore and offshore wind and solar, complemented by technologies which provide power or reduce demand when the wind is not blowing, or the sun does not shine.
- 13.3.4** Renewables now account for over one third of all UK electricity generation, up from 7% in 2010, driven by the deployment of wind, solar and biomass. Electricity demand is predicted to double in the UK by 2050, driven in part by the electrification of vehicles and increased use of clean electricity replacing gas for heating. The Government has set a target to cut greenhouse gas emissions compared to 1990 levels in the UK by 100% by 2050.
- 13.3.5** The UK is committed to meeting a target of net-zero by or before 2050. The NPS for Energy under paragraph 2.3.3 states that *'Meeting (this) objective necessitates a significant amount of new energy infrastructure, both large nationally significant developments and small-scale developments determined at a local level'*. Furthermore paragraphs 3.3.4 – 3.3.6 states *"There are several different types of electricity infrastructure that are needed to deliver our energy objectives. Additional generating plants, electricity storage, interconnectors and electricity networks all have a role, but none of them will enable us to meet these objectives in isolation' and that 'storage and interconnection can provide flexibility, meaning that less of the output of plant is wasted as it can either be stored or exported when there is excess production. They can also supply electricity when domestic demand is higher than generation, supporting security of supply"*. Lastly paragraph 2.10 states *"The government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions by 2050. As such solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector. Solar also has an important role in delivering the government's goals for greater energy independence and the British Energy Security Strategy states that government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW)."*
- 13.3.6** While the NPPF talks generally about renewables within the context of planning for climate change the NPS for Energy provides reference to the need for solar farms and storage (battery) of electricity. The NPPF favours sustainable energy systems as long as any impacts are (or can be) made acceptable, and states that local planning authorities should approach these as part of a positive strategy for tackling climate change.



- 13.3.7** Paragraph 157 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
  - b) approve the application if its impacts are (or can be made) acceptable.
- 13.3.8** All planning proposals and decisions should contribute and enhance the natural and local environment under NPPF paragraph 180.
- 13.3.9** The NPPG outlines guidance on the specific planning considerations that relate to large scale ground-mounted solar PV farms. It states that one consideration amongst others should be whether land is being used effectively; recommending that large scale solar farms are focused on previously developed and non-agricultural land.
- 13.3.10** In August 2019, UDC declared a Climate and Ecological emergency. The declaration represented a commitment to take appropriate action to make the Council's activities net-zero carbon by 2030.
- 13.3.11** On 9 February 2021, UDC approved as non-statutory development management guidance an Interim Climate Change Planning Policy. This policy aims to ensure that development contributes to climate change mitigation and adaptation, however, it mainly refers to guidance in the green and intelligent design section of possible sources of renewable energy which could be upscaled for local housing developments and not specific to renewable energy schemes.
- 13.3.12** The approach in the NPPF, similarly to local planning policies and the UDC Solar Farm Guidance (2021) is to be supportive to the principle of solar energy developments provided that the environmental impacts can be appropriately managed.
- 13.3.13** UDC therefore supports the development of solar PV development in principle provided there are no significant environmental or visual impacts that cannot be appropriately managed through the planning application process. The supporting text for Policy ENV15 states that small scale renewable energy schemes should be sited close to settlements or groups of buildings in rural areas and close to the origin of the energy resource. Development will only be permitted in locations where the local road network is capable of handling any additional traffic generated by the proposal. This Local Plan policy is not specifically relevant to this proposal which is a not a small-scale energy scheme.
- 13.3.14** A key environmental benefit is that the proposal has capacity to generate up to up to 14.9 MW of renewable energy which could provide

approximately enough energy to power c.7,400 homes and displace up to 4,150 tonnes of CO2 per annum.

**13.3.15** This in-principal support and the environmental benefit has to be weighed against any environmental and other impacts of the proposal in a balancing exercise. The balancing exercise is a matter of planning judgement.

**13.3.16** The “Planning Balance” is undertaken further below, but before doing so we have undertaken a wider assessment of the proposal against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would ‘significantly and demonstrably’ outweigh the benefits of the proposal in the planning balance.

## **13.4 B) Green Belt and Visual Impact**

### **13.4.1 Green Belt**

**13.4.2** There is a strong national and local support to protect land within the defined Green Belt from inappropriate development. The adopted Policies Map and Policy S6 of the Local Plan identify that the application site is located within the defined Green Belt.

**13.4.3** Chapter 13 of the NPPF considers Green Belt land in relation to development proposals. This states that the fundamental purpose of including land within the Green Belt is to preserve its openness. Paragraph 153 of the NPPF sets out that in the case of proposals which come forward in the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Moreover, harm to the Green Belt and any other identified harm resulting from the proposal must be clearly outweighed by an applicant’s case for very special circumstances.

**13.4.4** The proposed development does not fall within any one of the defined exception categories set out in Policy S6 or paragraphs 154 and 155 of the NPPF and as such is to be regarded as inappropriate development.

**13.4.5** The NPPF further confirms this position in paragraph 156, which states that: *‘When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases, developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.’*

**13.4.6** The starting point is to attach substantial weight to the inappropriateness of the proposed development within the defined Green Belt. The proposed development would, by definition, harm openness and undermine the purpose of including the land within the Green Belt. This

is contrary to the NPPF and Policy S6 of the Local Plan and carries substantial weight.

- 13.4.7** The PPG advises that 'assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgement based on the circumstances of the case'. It is considered relevant in this case to address the specific circumstances in order to arrive at a sensible conclusion of the proposal's impact on openness.
- 13.4.8** The solar panels and associated equipment would have a significant adverse effect on the openness of the Green Belt. The scheme includes security fencing and electrical equipment, which would also adversely affect the countryside. The resultant encroachment into the countryside would be at odds with one of the purposes of the Green Belt.
- 13.4.9** Paragraph 143 of the NPPF states that the Green Belt serves five purposes; one of which is to assist in safeguarding the countryside from encroachment. Solar panels are engineered products that have an industrial appearance. They are not, inherently, products that fit into a countryside environment. On the scale proposed the solar panels, if installed on the site and together with the associated buildings and industrial type fence that would surround them, would result in significant encroachment into the countryside.
- 13.4.10** The proposed development would, therefore, harm the Green Belt. Officers next consider whether the proposal would result in any other harm, and then have regard to other considerations, so as to undertake the balancing exercise outlined further below.
- 13.4.11** UDC Landscape officer has been consulted in regard to impact of the proposal onto the Green Belt and in particular relation to the 1<sup>st</sup> reason for refusal on the previous planning application. No comments have been received and any comments received are required to be submitted directly to PINS.
- 13.4.12** Landscape Character
- 13.4.13** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 180 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 13.4.14** The Landscape Character of Uttlesford District Assessment identifies the site as falling within the 'Berden and Farnham Chalk Upland' landscape character area which extends from Ford End in the north to the environs of Farnham in the south.
- 13.4.15** The character assessment stipulates that this area is an extremely varied with the open wide vistas on the higher ground contrasting with the more intimate feel of the steep slopes descending to the Bourne

Brook. The field pattern varies in the same way - rather large and regular in the northern and middle part of the area, becoming more irregular and smaller in scale towards the south. There are quite a few pedestrian footpaths crisscrossing the area, and the settlement pattern is very widely dispersed, comprising isolated farms and a few hamlets.

- 13.4.16** The changing undulations of the landform characterize this area, and the sense of moving up and down, in and out from closed to open, expansive views. Infrequent settlements offer variety and interest with their colour-washed plaster buildings and the occasional red brick outbuildings. Farm buildings vary from medium to large. The texture of this landscape changes with the landform; moving from smooth expansive fields to winding lanes to steeply sloping mature woodland.
- 13.4.17** Further to the above the site is located within the South Suffolk and North Essex Clayland (National Character Area 86), as identified by Natural England. The 'Summary' section of the published assessment describes the NCA86 as: "*It is an ancient landscape of wooded arable countryside with a distinct sense of enclosure. The overall character is of a gently undulating, chalky boulder clay plateau, the undulations being caused by the numerous small scale river valleys that dissect the plateau. There is a complex network of old species-rich hedgerows, ancient woods and parklands, meadows with streams and rivers that flow eastwards. Traditional irregular field patterns are still discernible over much of the area, despite field enlargements in the second half of the 20th century.*"
- 13.4.18** The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively with effective screening and appropriate land topography the area of a zone of visual influence could be limited. Although solar farms often cause changes to the landscape and whilst they may not be able to achieve a limited visual influence, they should be minimised as far as possible.
- 13.4.19** The skyline of the site and the surrounding slopes are visually sensitive to potential new development, with open views possible along across and the wider countryside. There is strong sense of historic integrity, resulting from a wealth of historic buildings and a historic settlement pattern comprising dispersed hamlets and villages, which are connected by a series of winding lanes.
- 13.4.20** The proposal is located on an arable field which has gently sloping gradients. The site is surrounded to the northeast and south west by existing woodland and hedgerows on most boundaries. The proposal includes the creation of a new woodland belt which will run along the southern boundary from Bloodhounds Wood. There is also a wildlife area located at the eastern end of the new woodland belt in between

Bailey Hills Wood. The proposal will be surrounded on the southern, eastern and northeast boundary by vegetation.

- 13.4.21** The proposal will lead to a change in the character and appearance of the landscape, which could be argued to lead to a change in the quality of the landscape and loss of agricultural character. However, the green energy equipment such as solar arrays and wind turbines are rapidly becoming features that are becoming an integrated part of the agricultural landscape.
- 13.4.22** This is none so more evident by the acceptance of Local Policy ENV15 which generally accepts renewable energy schemes of a small scale by their very nature and them likely to result in some adverse impact upon the character and appearance of the countryside. As such they are not precluded from rural areas.
- 13.4.23** The proposal would retain the original field pattern in situ. Within the site, the panels would be sat on flat land within east-westerly arrays (rows).
- 13.4.24** The application site does not form part of any designated landscape. However, the Framework also requires the intrinsic character and beauty of the countryside to be recognised when assessing development proposals.
- 13.4.25** This 33.59 hectares of land is situated within an area of very attractive open countryside. The proposed solar panels and associated infrastructure, including the security fencing would be new elements within the landscape.
- 13.4.26** Whilst the countryside is able to accommodate many forms of development, the long rows of panels, and ancillary buildings would comprise a rather utilitarian form of development that would contrast awkwardly with the unspoilt open qualities of the site.
- 13.4.27** For the duration of the development (43 years) the proposal would markedly alter the character of the site. The metal structures of the frames and the construction of the panels, along with their regular arrangement in long rows, would be out of keeping with the character of the area. The man-made structure would be of a colour and texture that was not typical of its agricultural context, and so the proposed development would introduce a discordant element of significant scale into the local landscape. This intensification would harm the character of the area. The proposal would detract from the pleasing rural scene and erode the qualities of the 'lower rolling slopes'.
- 13.4.28** Consideration has been given to the new bypass and flood alleviation scheme under construction which to the southwest of the site and the transmission towers and electricity cables that pass to the west of the site (on the field which formed part of the previous refused planning

application – see Figure 2), which represents new man-made engineered features into the landscape.

**13.4.29** UDC Landscape officer has been consulted regarding the landscape character of the locality. This is in regard to the revised changes to the size of the site, the enhanced landscaping and wildlife area which have been included to address the concerns from the previously refused planning application (namely Reason 1). No comments have been received and any comments received are required to be submitted directly to PINS.

**13.4.30** Visual Effects

**13.4.31** The applicant has provided a Landscape and Visual Impact Assessment (LVIA). This document describes the baseline qualities and current condition of local landscape character. It identifies several locations (visual receptor viewpoints) from which the site can be viewed. The LVIA also identifies steps that would be taken to mitigate against any harm that would likely to arise from the implementation of the development.

**13.4.32** Bloodhounds Wood to the south and Bailey Hills Wood to the north east of the site provide some screening from further beyond these woods. The existing hedgerow with some mature trees along the northern boundary would also help to break up views of the whole development from the west and north. In addition to these existing features the proposal will include a new woodland belt running along the southern boundary from Bloodhounds Wood in the west to a new wildlife area created in between the new woodland belt and Bailey Hills Wood to the north (refer to Plan 7200/ASP3/LMP).

**13.4.33** The LVIA states under paragraph 3.52 that photographs of the 12 viewpoints were taken between 2020 and 2022. However, the viewpoints in this document are different to the 20 viewpoints for the original planning application (which was a larger site and in conjunction with the planning application in East Herts) and it is not clear whether these photographs are correct (given they were taken for the previous planning application). 8 of the viewpoints are located on the edge of the site with the remaining 4 viewpoints located away from the site to the north and west. There are no viewpoints located away from the site in the northeast, east or south directions.

**13.4.34** The LVIA concludes that reviewing the effects of the landscape character it is considered that whilst some adverse effects are acknowledged to the immediate landscape character of the site itself by way of the replacement of arable land with the solar farm, any adverse effects would be limited to the site and its immediate setting (such as onto the PROWs), with the wider landscape remaining materially unchanged as a result of the size, scale and type of the proposals..

- 13.4.35** UDC Landscape officer has been consulted regarding the visual impact onto the landscape from the proposal. This is in regard to the revised changes to the size of the site and the enhanced landscaping and wildlife area which have been included to address the concerns from the previously refused planning application (namely Reason 1). No comments have been received and any comments received are required to be submitted directly to PINS.
- 13.4.36** Very Special Circumstances
- 13.4.37** The proposal is contrary to both national and local policy towards the Green Belt and it is for the applicant to demonstrate that very special circumstances (VSC) are sufficient to outweigh the clear harm to the Green Belt, by virtue of inappropriateness.
- 13.4.38** Significant weight should be given to the generation of electricity from a renewable source, which would make a valuable contribution to cutting greenhouse gas emissions. Paragraph 151 of the NPPF provides that VSC may include the wider environmental benefits associated with increased production of energy from renewable sources. The applicant has submitted the following VSC as a balancing exercise for the acceptability of the proposal:
1. The temporary and reversible nature of the proposal;
  2. Carbon savings;
  3. The need for renewable energy generation and its role in meeting the challenge of climate change;
  4. Supporting energy independence and lower energy costs to the consumer;
  5. Proximity to Grid Connection and site location;
  6. Contribution to the secure operation of the farming business;
  7. Community and educational benefits; and
  8. Wider environmental benefits including planned biodiversity net gain.
- 13.4.39** The Council have reviewed the 'very special circumstances' submitted by the applicant in detail and taken these into consideration as per below:
- 13.4.40** 1. The temporary and reversible nature of the proposal
- 13.4.41** Permission is sought for a temporary period of 43 years (3 years for the implementation of the scheme). The development would be temporary, but for this period any harm to the landscape would be considered to be long term. However, it would be practical to reverse the effects on both the character and appearance of the area, and the Green Belt, within a generation.
- 13.4.42** The NPPF advises that conditions can require the site to be restored to its previous use. The duration and reversibility of the development is a material consideration, but the loss of openness for this part of the Green

Belt for 43 years, and the landscape harm, albeit reducing over time as screen planting matured, would endure for a long time. It is thereby considered that the duration and reversibility of the development are factors that should be given limited weight in the planning balance that applies here.

**13.4.43** Furthermore, there is no guarantee that planning permission would not be granted, after 43 years, for the replacement of the solar panels for a further 40-year period. Very little weight is therefore given to the reversibility of the scheme.

**13.4.44** 2. Carbon savings

**13.4.45** The scheme will save over up to 4,150 tonnes of CO<sub>2</sub> emissions annually. The proposed development of the solar farm will provide carbon free electricity enough to power about 7,400 homes per year alongside a battery storage facility which will allow balancing energy to meet demand. Moderate weight can be given to the carbon savings and the increase in carbon free electricity being provided by the proposal.

**13.4.46** 3. The need for renewable energy generation and its role in meeting the challenge of climate change

**13.4.47** The applicants planning statement while mentioning the above provides no assessment. It is not disputed that solar schemes provide a benefit in terms of climate change and are supported by national and local policy and guidance, plus the Council's recent declaration of a Climate Change emergency. The Council also recognises the importance of the role it has to assist in responding to the Climate Crisis as reflected above in Paragraph 13.4.45. I attach weight to this as it accords with Paragraph 157 to 164 of the NPPF. However, regardless of the support for solar schemes in national and local policy and guidance, the primacy of the development plan in assessing the application is not displaced.

**13.4.48** 4. Energy Independence and cost

**13.4.49** Since the previous application was submitted there have been a number of government documents/guidance on renewables, including the NPS for Renewable Energy Infrastructure (2003). The planning statement mentions paragraph 2.10.11 which states that the government (requires) large scale ground mount solar deployment across the UK. The applicant doesn't mention the rest of the paragraph which states that locations for the said solar deployment should be mainly on brownfield, industrial and low and medium grade agricultural land. The site is classified as both Grade 2 and 3a, which is very good and good quality agricultural land and thus this conflicts with this position.

**13.4.50** NPS Energy states under paragraph 2.3.3 that the to help cut greenhouse gas emissions to net zero by 2050 will require a step change in the decarbonisation of our energy system and that new energy



infrastructure at both nationally significant developments and small-scale developments at the local level are required.

**13.4.51** NPS Energy states under paragraph 3.3.20 that '*Wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation)*'. Solar is one of the lowest cost of generating electricity so some weight can be given to this.

**13.4.52** It is clear, that national planning policy and guidance is in support of renewable energy. The applicant has failed to directly provide an assessment over how this proposal will meet energy independence and what impact reducing costs will have on the residents of UDC and/or East Herts. Little weight can be given to this position.

**13.4.53** 5. Proximity to Grid Connection and site location

**13.4.54** The applicant has provided case law that supports the application in relation to being close to Bishop Stortford sub-station which has capacity to receive the energy generated from this proposal. However, this was the same position as the previously refused planning application and given the approved solar farm in East Herts confirmation is needed that it is still the case that this sub-station has capacity.

**13.4.55** While this is a positive position (if applicable) this cannot be a consideration to weigh in the 'very special circumstances' balancing exercise, given that targets for renewable energy apply nationally and no sequential testing has been provided to demonstrate that there is no other land suitable for the proposals in the locality that fall outside Green Belt Land.

**13.4.56** Furthermore, the applicant is using the proximity to the Bishop Stortford sub-station as justification for the loss of the very good and good quality agricultural land (Grade 2 & 3a) in that this sub-station capacity would trump the temporary loss of agricultural land (which will be returned to its former use after 43 years). Similarly to the above paragraph the applicant has not provided any evidence that there is more suitable land in the locality which is of a lower agricultural land classification.

**13.4.57** While moderate weight can be provided to the nearby substation having capacity (which the applicant needs to confirm is still the case). Whilst acknowledging that there is no policy requirement there is a lack of an assessment why this site is preferred to other sites within proximity to the sub-station.

**13.4.58** 6. Contribution to the secure operation of the farming business

**13.4.59** The site is part of the wider Wickham Hall Estate which has several alternative businesses (solar farm, winery, vertical farming, business park and a café) in conjunction with the agriculture use. The majority of

the estate is located within East Herts, with a small part including this site within UDC. As such, the estate already has many different income streams to support and diversify the farm and thereby it is questionable whether there is a need for further diversification in this instance. Currently, no evidence has been presented that the estate is struggling and is in need of further diversification given that it already has a number of different incomes as acknowledged above.

**13.4.60** The applicant mentions the vertical farming scheme (Ref. 3/22/2430/AGPN) which was approved by East Herts. The applicant states that the landowner is exploring how this proposed solar farm can be utilised to provide the energy to the vertical farm. However, paragraph 2.3 (Supporting Statement to the vertical farm planning application – November 2022) states that the vertical farm will hopefully be powered by the solar farm (the East Herts part) which at the time was still pending. Thus, this argument that this proposal is required for an already consented application which seems to have been submitted with a power source identified (East Herts solar farm), does not provide a valid justification for this solar farm application.

**13.4.61** While it is noted that the landowner has diversified away from agriculture the applicant has failed to demonstrate how this proposal on its own would help secure the operation of the farming business, especially when the landowner mentions this is complementary to the continued farming operations on the remainder of the Estate. No weight can be provided to this in respect of 'very special circumstances' balancing exercise.

**13.4.62** 7. Community and educational benefits

**13.4.63** In respect of an educational benefit, the applicant claims that the solar array farm would be used in an educational capacity with display boards for passing walkers and school trips. The introduction of display boards would result in further clutter and any educational benefits would weigh very little in the balance against the harm caused to the visual amenities of the Green Belt. While the applicant mentions engagement with local schools and the education authority no information has been provided to provide evidence of this engagement and how this helped shape the on-site material.

**13.4.64** This is by no means sufficient justification to allow for such an inappropriate development as there are many other educational programs and resources available for schools to provide appropriate educational benefits in respect to these parameters. Equally, there are opportunities for school children to visit other existing renewable sites such as the solar farm which was consented on the wider site (in East Herts) to see first-hand the mechanics of solar and wind developments for the purposes of education. No weight can be given to this.

**13.4.65** 8. Wider environmental benefits including planned biodiversity net gain

**13.4.66** Since the last planning application, the Government has introduced legislation that requires major planning applications to include a minimum of 10% Biodiversity Net Gain. This proposal includes a number of new environmental features, such as the woodland link and new wildlife park. The applicants Biodiversity Net Gain Assessment demonstrates that the habitats units for the site can be increased by 146.10 units – this is an increase of 216.46% over the baseline. The hedgerow units for the site would be increased by 15.85 units – an increase of 96.57% over the baseline. These benefits will be permanent and will not be lost at the end of the temporary consent of the solar panels.

**13.4.67** This highly rural environment does not require enhancement. However, the proposal will create additional woodland and a wildlife park which would be of benefit. This provides significant weight, although this is noted that these benefits are mitigation measures to offset development in the open countryside.

**13.4.68** Summary

**13.4.69** The factors considered above individually do not represent Very Special Circumstances and the question for PINS is whether collectively those factors combine with sufficient weight to represent the ‘very special circumstances’ that would overcome the harm to the Green Belt by reason of the openness. When taken together, cumulatively, they are material considerations. Accordingly, weight can be attached to those positive aspects of the development proposal as set out by the applicant

**13.4.70** In addition, the assessment of the impact of proposal onto the Green Belt has not taken into consideration statutory consultees and any comments received will be submitted directly to PINS.

## **13.5 C) Heritage Assets**

**13.5.1** Where any development may have a direct or indirect effect on designated heritage assets, there is a legislative framework to ensure the proposals are considered with due regard for their impact on the historic environment.

**13.5.2** There are no designated heritage assets located within the site, however, there are 6 Grade II listed buildings and a single Scheduled Ancient Monument to the east of the site which focus on Wickham Hall farmhouse (all located in East Herts). The nearest Conservation Area is Bishop Stortford, which is located approximately 1.2km to the east of the site and Bury Green Conservation Area, located approximately 1.3km to the south of the site (both of which are in East Herts).

**13.5.3** Essex County Council (ECC) Heritage Officer has been consulted regarding the development and the impact onto the setting of these

heritage assets. No comments have been received and any comments received are required to be submitted directly to PINS.

## **13.6 D) Archaeological**

**13.6.1** Part of the site is located within an area of interest for archaeology within the Proposals Map. In accordance with Policy ENV4 of the Local Plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.

**13.6.2** An Archaeological Cropmark Statement and geophysical survey identified a number of archaeological remains including a possible prehistoric/Roman enclosure and two possible prehistoric barrows which hold evidential value. Additional identified remains within the site include remnants of infilled furrows and mediaeval or post medieval field boundaries. The proposed locations of the sub-stations, storage container, power station, battery and battery storage do not lie within the footprint of any of the identified archaeological remains.

**13.6.3** Given that the impact of the proposal on the possible archaeological remains was Reason 2 for the refusal on the original planning application, it is positive that the applicant has provided a more detailed assessment, including that the proposed location of the structures is located in areas where there are no archaeological remains.

**13.6.4** ECC Archaeological Officer has been consulted regarding the mitigation measures to the archaeological remains in respect of the previous reason for refusal. No comments have been received and any comments received are required to be submitted directly to PINS.

## **13.7 E) Neighbouring Amenity**

**13.7.1** Policy GEN2 and GEN4 of the Local Plan states that development will not be permitted unless its design meets a variety of given criteria, including that it minimises the environmental impact on neighbouring properties by appropriate mitigating measures and that it will not have a materially adverse effect on the reasonable occupation and enjoyment of residential property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

**13.7.2** The applicants planning statement makes no reference to the impact of the proposal onto dwellings. The nearest group of dwellings are those located to the east and southeast of the site known as Bailey Hill Cottage, The Shed, The Bungalow and Wickham Hall. However, given that none of these dwellings are on the border with the site and with the

proposed landscape buffer along the southern border this could mitigate any impacts.

**13.7.3** UDC's Environmental Health Officer has been consulted regarding the development no comments have been received, any comments received are required to be submitted directly to PINS.

## **13.8 F) Loss of Agricultural Land**

**13.8.1** Paragraph 180b of the NPPF states "*Planning policies and decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland*". Annex 2 defines "best and most versatile land" as land in grades 1, 2 and 3a of the Agricultural Land Classification.

**13.8.2** Local Policy ENV5 states that where agricultural land is required, developers should seek to use areas of poorer quality except where other sustainable considerations suggest otherwise. NPS for Renewable Energy Infrastructure states under paragraph 2.10.29 that Best and Most Versatile (BMV) land should be avoided where possible.

**13.8.3** An assessment of the agriculture land has been undertaken by Soil Environmental Services Ltd. It has identified that 20.59% of the site overall is Grade 2 with the remainder (79.41%) in Grade 3a. The site is therefore BMV land.

**13.8.4** Most of the land in UDC is classified as BMV land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of previously developed land within the district is very restrictive. Virtually all agricultural land in the district is classified as Grade 2 or 3a with some areas of Grade 1.

**13.8.5** Natural England has been consulted regarding the development and the quality of the land. No comments have been received and any comments received are required to be submitted directly to PINS.

## **13.9 G) Transport, access and public rights of way**

### **13.9.1** Access

**13.9.2** Local Plan Policy GEN1 states "*development will only be permitted if it meets all of the following criteria;*

*a) Access to the main road network must be capable of carrying the traffic generated by the development safely.*

*b) The traffic generated by the development must be capable of being*

*accommodated on the surrounding transport network.*

*c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.*

*d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expects to have access.*

*e) The development encourages movement by means other than driving a car.”*

**13.9.3** The NPPF under paragraph 115 states “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”.

**13.9.4** Access to the site for the construction phase will be via a temporary access created between the southern edge of the proposed development and the boundary of Uttlesford District west of Bloodhounds’ Wood. The temporary access will run parallel to existing farm tracks so as not to conflict with the use of these tracks for agricultural purposes and where they form part of the network of rights of way and permissive footpaths (this is demonstrated on Plan Ref. D02 Rev D). Beyond UDC boundary the temporary construction route will follow the construction route approved in principle in connection with the approved application for the solar farm development in East Herts, providing a connection with the local highway network via the A120 / Old Hadham Road located approximately 200m west of the A120 / A1250 /A1184 roundabout. A temporary planning application (Ref 3/24/1119/FUL) was validated/registered on 5 July 2024 and is pending consideration by East Herts.

**13.9.5** The Transport Statement states that the construction of the site is anticipated to take only around 20 weeks (5 months) and would generate an average of 28 two-way daily movements, split 20 two-way movements for staff and 8 two-way movements for HGV deliveries.

**13.9.6** Access to the site post construction will be a maximum of one two-way vehicle movements every month as solar farms require little maintenance (with activity limited to occasional visits to clean, check and test the installation, with personnel using small vehicles). Operational traffic will access the site via the existing access road, known as Jazz Street, which provides access to Wickham Hall and its associated uses including the Wickham Hall Business Park, café and approved winery development. Jazz Street connects to the adopted highway at Hadham Rd via Newland Avenue, a presently unadopted residential access constructed as part of the Stortford Fields development. This route is shown on Plan Ref. Plan D01 Rev F.

**13.9.7**      Public Right of Way

**13.9.8**      Paragraph 104 of the NPPF states planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

**13.9.9**      The Transport Statement states that no PROW will be closed or diverted during either the construction or operational stage of the proposal. For the construction stage any PROW that are along the construction route will be segregated, fenced with banksmen to manage crossing points.

**13.9.10**     ECC Highways Officer has been consulted regarding the development particularly given that the impact onto the PROW network was Reason 4 for refusal on the original planning application. The applicant has stated that they engaged with ECC Highways, and that this proposal incorporated their feedback. No comments have been received and any comments received are required to be submitted directly to PINS.

**13.10**      **H) Nature Conservation & Biodiversity**

**13.10.1**     Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

**13.10.2**     Major planning applications now need to comply with providing a minimum of 10% biodiversity net gain. The proposal includes a Biodiversity Net Gain Calculator, this demonstrates a 219.46%% net gain in habitat units and 96.57% net gain in hedgerow units is achievable through the implementation of the detailed landscape design and ongoing management of the site. This is a significant and permanent increase in biodiversity.

**13.10.3**     A Phase 1 Habitat Survey states that the site is dominated by habitats which are assessed not to be of ecological importance. A breeding bird survey states that several Skylark territories are located within the site and the proposal includes 26 new skylark plots, which is a 2 to 1 ratio replacing the lost plots.

**13.10.4**     The proposal will provide a significant biodiversity net gain which is positive outcome. One of the reasons for refusal (Reason 3) of the original planning application was the impact of the proposal onto the Skylarks habitat. ECC Ecology Officer has been consulted regarding the development and the additional information provided to address the reason for refusal. No comments have been received and any comments received are required to be submitted directly to PINS.

## **13.11 I) Flooding**

**13.11.1** Policy GEN3 of the Local Plan states that development proposals should not increase the risk of flooding and refers to the provision of Flood Risk Assessments.

**13.11.2** Chapter 14 in the NPPF requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

**13.11.3** The site is located within Flood Zone 1, which means that the site has a less than 1 in 1000 years annual probability of flooding. As such a Sequential Assessment and Exception Test are not required. However, an FRA is submitted as the site covers more than 1 hectare.

**13.11.4** Solar farms have the potential to interrupt overland flow routes, reduce the amount of rainfall absorbed into the ground and increase the rate and volume of surface water runoff.

**13.11.5** ECC SUDS Officer and the Environmental Agency have been consulted regarding the development no comments have been received, any comments received are required to be submitted directly to PINS.

## **13.12 J) Planning Balance**

**13.12.1** This section provides a summary of the key points of the proposal.

### **13.12.2** Benefits of the proposal

- Generation of 14.9 MW of renewable energy which could provide approximately enough energy to power c.7,400 homes and displace up to 4,150 tonnes of CO2 per annum.
- National and Local Policy/Guidance in support of renewable energy
- The applicant has amended this proposal in respect of the feedback received from the previously refused planning application.
- Biodiversity Net Gain of 216%

### **13.12.3** Neutral Factors

- Cannot advise whether the alternations of the scheme to the reasons for refusal are sufficient without input from consultees. It is positive that the applicant has undertaken pre-application engagement and has stated they have amended the scheme following their feedback

### **13.12.4** Adverse impacts of the proposal

- The proposal does not fall within one of the defined exception categories for development in the Green Belt and is thus inappropriate development



- The evidence provided is not sufficient to demonstrate very special circumstances

### **13.13 K) Other matters**

- 13.13.1** From 1 October 2013 the Growth and Infrastructure Act inserted two new provisions into the Town and Country Planning Act (1990) ('the Act'). Section 62A allows major applications for planning permission, consents and orders to be made directly to the Planning Inspectorate (acting on behalf of the Secretary of State) where a local planning authority has been designated for this purpose.
- 13.13.2** The Planning Inspectorate will appoint an Inspector to determine the application. The Inspector will be provided with the application documents, representations and any other relevant documents including the development plan policies. Consultation with statutory consultees and the designated LPA will be carried out by the Planning Inspectorate.
- 13.13.3** The LPA also must carry out its normal notification duties, which may include erecting a site notice and/or writing to the owners/occupiers of adjoining land.
- 13.13.4** The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days, in this case by 24 July 2024. This should include a recommendation, with reasons, for whether planning permission should be granted or refused, and a list of conditions if planning permission is granted.
- 13.13.5** The Planning Inspectorate will issue a formal decision notice incorporating a statement setting out the reasons for the decision. If the application is approved the decision will also list any conditions which are considered necessary. There is no right to appeal.

### **14. CONCLUSION**

- 14.1** Due to the nature of this application process, it is not possible to provide a detailed assessment of the proposal due to the lack of input from all consultees. In addition, it is not clear from the SCI what level of engagement has taken place with neighbours or key stakeholders' pre-submission and moreover due to this application process no neighbour responses can be factored into the assessment of the proposal.
- 14.2** This proposal seems to have taken onboard feedback from the previous refused scheme, which is positive, however given the lack of consultee input it is challenging to provide a recommendation for or against this proposal.
- 14.3** While significant weight should be provided to the proposal due to creating renewable energy and helping to reduce carbon emissions the evidence put forward does not provide a clear justification to

demonstrate very special circumstances for this proposal in the Green Belt. Furthermore, without UDC Landscape officers input it is difficult to quantify whether the increase in landscaping around the south and east parts of the site would significantly reduce visual impact and harm onto the wider landscaping.

- 14.4** The unique application process that is presented by this submission, requires the Local Planning Authority to advise the Planning Inspectorate whether or not it objects to this proposal. Having regard to the limited opportunity to consider the proposals the Planning Committee is invited to provide its comments on this proposal.

**15. Recommendation**

- 15.1** Without prejudice should the Planning Inspector be minded to grant planning permission the following draft conditions are suggested.

- 1.** The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2.** The development hereby approved shall be carried out in accordance with the approved plans as listed unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development is built out in accordance with the approved plans and to ensure that the development reflects and maintains the character of the surrounding locality in accordance with Policies GEN2 and S7 of the Adopted Local Plan and the National Planning Policy Framework.

- 3.** Prior to commencement of development, samples/details of materials to be used in the construction of the external surfaces of any buildings/structures hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and heritage protection in accordance with ULP Policies S7, ENV2 and GEN2 of the Uttlesford Local Plan (adopted 2005).

4. Prior to commencement, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- ) Risk assessment of potentially damaging construction activities.
- ) Identification of "biodiversity protection zones".
- ) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- ) The location and timing of sensitive works to avoid harm to biodiversity features.
- ) The times during construction when specialist ecologists need to be present on site to oversee works.
- ) Responsible persons and lines of communication.
- ) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- ) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To conserve protected and Priority species and 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 (As amended).

5. Prior to commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development. The content of the LEMP shall include the following:

- ) Description and evaluation of features to be managed.
- ) Ecological trends and constraints on site that might influence management.
- ) Aims and objectives of management.
- ) Appropriate management options for achieving aims and objectives.
- ) Prescriptions for management actions.
- ) Preparation of a work schedule (including an annual work plan capable of being rolled forward over the life time of the solar farm).
- ) Details of the body or organisation responsible for implementation of the plan.
- ) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm 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 approved plan 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 (as amended)

6. Prior to commencement, a finalised Skylark Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss or displacement of Skylark territories identified as lost or displaced. This shall include provision of offsite compensation in nearby agricultural land, prior to commencement. The content of the Skylark Mitigation Strategy shall include the following:
- ) Purpose and conservation objectives for the proposed compensation measure;
  - ) detailed methodology for the compensation measures
  - ) locations of the compensation measures by appropriate maps and/or plans;
  - ) persons responsible for implementing the compensation measure.

The Skylark Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for the lifetime of the solar farm.

REASON: To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species)

7. No development shall take place, including any ground works or demolition, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the local planning authority (include any link to the construction access in east herts). The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
- ) vehicle routing, including provision for passing places and traffic marshals as necessary
  - ) the parking of vehicles of site operatives and visitors,

- ) loading and unloading of plant and materials,
- ) storage of plant and materials used in constructing the development,
- ) wheel and underbody washing facilities.
- ) Construction phasing.
- ) Permitted construction traffic arrival and departure times.
- ) Provision of sufficient on-site parking prior to commencement of construction activities.
- ) Agreement and consultation with East Hertfordshire District Council in respect of the construction access road within its jurisdiction and how this connects to the A120.
- ) Measures to protect users of the public rights of way in the area.
- ) The method for removing the temporary access once construction work has ceased and a timetable from the beginning of construction to the removal of the temporary access.
- ) Post construction restoration/reinstatement of the working areas.

REASON: To ensure that construction vehicles can access site safely, to ensure on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011. To mitigate any adverse impact from the development on the A120 trunk road in accordance with DfT Circular 01/2022 or any updated version. This condition is required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 8.** The public's rights and ease of passage over public rights of way 14, 20 and 21 shall be always maintained free and unobstructed.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011. This condition is required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 9.** Prior to the commencement of development, a detailed site layout plan shall be submitted that details the SUDS plan and Drainage Strategy. The Drainage Strategy must show the location of the proposed swales for the purpose of balancing the accumulating surface water. This drainage strategy must be submitted to and approved in writing by the Local Planning

Authority in consultation with the Highway Authority and East Herts District Council and subsequently implemented as approved. The SuDS is to be installed according to the approved SuDS plan and maintained in perpetuity.

REASON: To ensure that the A120 trunk road will continue to operate safely and efficiently as a part of the Strategic Road Network, and to protect the integrity of the Trunk Road drainage asset in accordance with DfT Circular 01/2022 or any updated version.

10. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment dated XXX, by XXX.

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

11. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been 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 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed. This condition is in accordance with Policy GEN3 of the Uttlesford Local Plan (2005).

12. Prior to occupation 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,

has been 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. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site. This condition is in accordance with Policy GEN3 of the Uttlesford Local Plan (2005).

- 13.** The development hereby permitted shall not be commenced until such time as a soil management plan has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

REASON: Soil compaction can cause increased run-off from the site. Therefore, a soil management plan should show how this will be mitigated against. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution. This condition is in accordance with Policy GEN3 of the Uttlesford Local Plan (2005).

- 14.** Prior to commencement of the development, the submission of an Aviation Perspective Glint and Glare Assessment of the proposed solar installation shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented as approved.

REASON: To ensure no detrimental impact to aviation operations at STN caused by glint or glare to critical aviation receptors, in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (2005).

- 15.** A) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

B) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.

C) A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

D) 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 approved in writing by the local planning authority.

E) The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). 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 protect the historic environment, in accordance with Policy ENV4 of the Uttlesford Local Plan (2005).

**16.** A) The development hereby approved shall not commence until a plant noise assessment has been undertaken and submitted to the local planning authority for approval in writing. The noise assessment shall include a full frequency analysis of the specific plant to be installed which predicts internal and external noise levels during the day and night from the operation of the solar farm and substation at the nearest residential receptors (NSRs) and compares the plant noise to the existing background noise (excluding the existing battery storage site) . The location of NSRs for the assessment shall be submitted to the local planning authority for written approval prior to undertaking the plant noise assessment. The plant noise assessment shall include a scheme of noise mitigation measures to ensure that the proposed development does not increase the background noise levels (LA90, 15 mins). The noise mitigation scheme shall also ensure that the development hereby approved does not increase the ambient noise level (LAeq, 5 mins) in any third octave band at noise sensitive receptors at any time. Background and ambient noise levels and monitoring location to be agreed in writing by the local planning authority. Any scheme of mitigation shall be implemented in accordance with the approved details, and it shall be retained in accordance with those details thereafter.

B) Prior to the development becoming operational, pre-completion testing must take place which shows compliance with the noise limits approved in condition 20(A). Testing must take place at the boundary of prior agreed noise sensitive receptors at times and under conditions approved by the Local Planning Authority. A pre-occupation testing report must be



supplied and approved in writing by the Local Planning Authority. Non-compliance with the noise levels approved in condition 20(A) will require additional mitigation measures to be incorporated into the development prior to commencement of the operational phase. Additional mitigation work measures shall be submitted to and approved in writing by the Local Planning Authority before the operational phase commences. Any scheme of additional mitigation shall be implemented in accordance with the approved details and shown to be effective prior to commencement of the operational phase.

C) Should the plant installed under the planning permission hereby approved fail to comply with the noise limits specified in condition 20(A), at any time, it shall be switched off and not used again until it is able to comply. The use of the equipment must not commence or re-commence until a fully detailed noise survey and report has been submitted to and approved in writing by the Local Planning Authority and approved mitigation measures such as acoustic screening, enclosures or silencers have been implemented. The plant shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained at all times. Should the plant and equipment fail to comply with this condition at any time, it shall be switched off and not used again until it is able to comply.

REASON: To ensure the development does not have any harmful impact to the surrounding residential properties with regards to noise and disturbance in accordance with ULP Policy GEN4.

- 17.** An electric vehicle charging point shall be installed at the site. It shall be provided, fully wired and connected, ready to use prior to the development becoming operational.

REASON: The requirement of the charging point is required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with ULP ENV13 and paragraph 105 of the NPPF.

- 18.** Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
- ) The construction programme and phasing
  - ) Hours of operation, delivery and storage of materials
  - ) Details of any highway works necessary to enable construction to take place

- ) Parking and loading arrangements
- ) Details of hoarding
- ) Management of traffic to reduce congestion
- ) Control of dust and dirt on the public highway
- ) Details of consultation and complaint management with local businesses and neighbours
- ) Waste management proposals
- ) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- ) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CEMP thereafter.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005)

- 19.** No plant or machinery shall be operated on the site during the construction phase of the development hereby permitted before 0730hrs on Monday to Saturday, nor after 1800hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

REASON: To safeguard the amenities of residents of nearby properties, in accordance with Policy GEN4 of the of the Uttlesford Local Plan (adopted 2005).

- 20.** If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, it must be reported in writing immediately to the Local Planning Authority. The contamination shall be investigated by a competent person in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and The Environment Agency Land Contamination Risk Management (LCRM) and other current guidance deemed authoritative for the purposes, to the satisfaction of the Local Planning Authority, to ensure that the site is made suitable for its end use. Where remediation is necessary, a remediation scheme must be prepared and submitted for the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority

REASON: To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in

accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 21.** Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented. The lighting scheme shall conform to The Institution of Lighting Engineers Guidance for the Reduction of Obtrusive Light – Table 1 criteria and any other suitable lighting standards.

REASON: To protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 22.** 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 and these works shall be carried out as approved. These details shall include [for example]:-

- ) proposed finished levels or contours;
- ) legacy planting proposals
- ) means of enclosure including security fencing and CCTV during operation of the site;
- ) car parking layouts;
- ) other vehicle and pedestrian access and circulation areas;
- ) hard surfacing materials;
- ) minor artefacts and structures (e.g. furniture, refuse or other 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; implementation programmed.

REASON: The landscaping of this site is required in order 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, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 23.** All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

REASON: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with Policy ENV3 of the Uttlesford Local Plan (adopted 2005).

- 24.** Prior to the commencement of development, full details of the security arrangements for the site, including details of CCTV and other security measures, shall be submitted to and approved in writing by the Council as local planning authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure the security of the site in accordance with the guidance within paragraph 101 of the NPPF.

- 25.** Implementation of the development shall not commence until a Decommissioning Scheme has been submitted to and approved in writing by the Council. The Decommissioning scheme shall include but not be limited to the following:

- A) Reference to the anticipated life of the development
- B) An overview of how the development will physically be decommissioned.
- C) Evidence of the anticipated cost of Decommissioning the development at the date of submission of the Decommissioning Scheme and how these costs are planned to be met.
- D) Evidence of the Decommissioning cost projections for the 5<sup>th</sup>, 10<sup>th</sup>, 15<sup>th</sup>, 20<sup>th</sup>, 25<sup>th</sup>, 30<sup>th</sup>, 35<sup>th</sup> and 40<sup>th</sup> anniversaries of the date of final commissioning (Anniversary Date(s))
- E) The salvage value of the development at the date of submission of the Decommissioning Plan and salvage value projections for the Anniversary Dates.

- F) An assessment of the market for securing decommissioning of developments similar in nature and size to the development as at the date of the Decommissioning Scheme and Anniversary Dates.
- G) Transport Management Plan to address transport routes;
- H) All landscape restoration works required;
- I) Measures to address all environmental effects of decommissioning.
- J) Ecological Assessment Report;
- K) The landscape and ecological features on the site to be retained.

There after the measures shall be implemented in accordance with the approved details.

REASON: To ensure that the decommissioning of the site is properly managed, and the site is appropriately restored in the interests of protecting visual amenity including the protection of ecology and biodiversity; and to ensure the effects of site decommissioning on the highway network are adequately mitigated in accordance with Policies S7 and GEN1 of Uttlesford Local Plan (2005).

- 26.** The Decommissioning Scheme shall be reviewed and updated at every Anniversary Date (as referenced in Condition 23D) above) for the lifetime of the development until the date of decommissioning. Each review and/or update shall be submitted to and approved in writing by the Council.

REASON: To ensure that the decommissioning of the site is properly managed, and the site is appropriately restored in the interests of protecting visual amenity including the protection of ecology and biodiversity; and to ensure the effects of site decommissioning on the highway network are adequately mitigated in accordance with Policies S7 and GEN1 of Uttlesford Local Plan (2005).

- 27.** In the event that the development hereby approved ceases to generate electricity for a period of 6 consecutive calendar months at any time prior to the end of the 40 year period, a scheme of earlier decommissioning works (“the Early Decommissioning Scheme”), shall be submitted to the local planning authority for approval in writing no later than 3 months from the end of the 6 month period. The Early Decommissioning Scheme shall include but not be limited to the following:

- A) An overview of how the development will physically be decommissioned.
- B) Evidence of the anticipated cost of Early Decommissioning the development and how these costs are planned to be met.
- C) The salvage value of the development at the date of submission of the Early Decommissioning Plan.
- D) An assessment of the market for securing decommissioning of developments similar in nature and size to the development as at the date of the Early Decommissioning Scheme.

- E) Transport Management Plan to address transport routes;
- F) All landscape restoration works required;
- G) Measures to address all environmental effects of decommissioning;
- H) Ecological Assessment Report;
- I) The landscape and ecological features on the site to be retained.

There after the measures shall be implemented in accordance with the approved details.

REASON: To ensure that the decommissioning of the site is properly managed, and the site is appropriately restored in the interests of protecting visual amenity including the protection of ecology and biodiversity; and to ensure the effects of site decommissioning on the highway network are adequately mitigated in accordance with Policies S7 and GEN1 of Uttlesford Local Plan (2005).