



Statement of Reasons & Decision Notice

Site visits made on Mondays 22 July and 2 September 2024

Hearing held Thursday 29 August 2024

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

an Inspector appointed by the Secretary of State

Decision date: 13 September 2024

Application Ref: s62A/2024/0045

Land at Wickham Hall Estate, Bishops Stortford, Uttlesford CM23 1JG

(Easting 546478, Northing 223169)

- The application was made under Section 62A of the Town and Country Planning Act 1990 (TCPA) by Mr Greg Hilton of Endurance Energy Wickham Hall Ltd.
 - The site is located within the local planning authority area of Uttlesford District Council.
 - The application with a valid date of 20 June 2024.
 - Consultation took place between the valid date of 20 June 2024 and 29 July 2024.
 - The development proposed is described as: '*Erection of a Solar Photovoltaic Farm with supporting infrastructure and battery storage, inverters and transformers, fencing, landscaping works and connecting cable.*'
-

Statement of Reasons

Summary of Decision

Planning permission is **Granted** subject to conditions.

Procedural Matters

1. The application was submitted under s62A of the *Town and Country Planning Act 1990*, as amended (TCPA). This allows for applications to be made directly to the Secretary of State (SoS), where a local authority has been designated. Uttlesford District Council (UDC) have been designated for major applications since February 2022. The SoS has appointed a person under section 76D of the TCPA 1990 to determine the application instead of the SoS.
2. Following the closure of the representation period, Article 22 of *The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013* requires the SoS (or appointed person) to consider the application either by hearing or on the basis of representations in writing.
3. Taking into account Section 319A of the TCPA and the *Procedural guidance for Section 62A Authorities in Special Measures*¹ published by the SoS (including Paragraph 5.1.1), as the appointed person, I considered that the issues raised in this case should be dealt with by means of a s62A Hearing. An Issues report was issued on 31 July 2024. The Hearing took place on Thursday 29 August 2024.
4. Unaccompanied site visits were carried out on 22 July and 2 September 2024. The inspections included viewing the site from the surrounding area.

¹ [Procedural guidance for Section 62A Authorities in Special Measures - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/procedural-guidance-for-section-62a-authorities-in-special-measures)

5. Clarification was sought prior to the Hearing from the Applicant with regard to the relationship of the proposal and other nearby solar developments. The Applicant confirmed that they considered that the proposal was appropriate to be considered under a planning application rather than under another process, such as a Nationally Significant Infrastructure Project (NSIP). With no evidence to the contrary I see no reason to disagree and have considered the proposal under the T CPA.
6. A completed unilateral undertaking has been submitted, dated 23 August 2024. Put simply, this refers to obligations for Construction Route and Permissive Paths. I have taken this into account in determining this proposal.

Recent planning history

7. In April 2022 outline planning permission (Ref UTT/21/3108/FUL) was refused on five grounds for a solar farm at this location by the Local Planning Authority, UDC. This application was in conjunction with a solar farm application in the East Herts District (Ref 3/21/2601) which was approved in January 2023, as both sites joined each other given the location on the border of the two districts. These two planning applications would have delivered 49.9 MW of renewable energy.
8. It is understood that both sites will utilise the same temporary construction access route, which is predominantly located within East Herts and a planning application is currently pending approval (Ref 3/24/1119/FUL).
9. The proposal in this case is understood to be similar to the site area refused by UDC in April 2022 above, but with the site area and coverage proposed reduced in size.

Planning Policy and guidance

10. The adopted development plan for this part of the Uttlesford District is the *Uttlesford District Local Plan* (adopted 2005).
11. The *National Planning Policy Framework* (the Framework) is an important material consideration. It was last updated in December 2023. I set out in the Issues Report that changes to the *Framework* are currently being consulted upon, with that period closing in September 2024, and some time after the Hearing has closed. There was an opportunity in the period between the Issues Report being issued and the Hearing taking place for any party to provide any observations on this in relation to this scheme.

Main Issues

12. In the *Issues Report and Outline Agenda* document, and also at the start of the Hearing, I set out that the main issues, in my opinion, were:
 - i) Whether or not the proposal would constitute inappropriate development in the Green Belt, and, if so, the effect of the proposal on openness and the purpose(s) of Green Belt, and;
 - ii) whether the proposed use of agricultural land is acceptable, and;
 - iii) the effect of the proposal in respect of Biodiversity Net Gain, and;

- iv) Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, as to amount to the very special circumstances required to justify the development.

Statutory Parties or Interested Persons

13. A number of representations have been made by public body consultees. Full details of the comments can be found on the application website at:

<https://www.gov.uk/guidance/section-62a-planning-application-s62a20240045-land-at-wickham-hall-estate-bishops-stortford-uttlesford-cm23-1jg>

14. I have taken these written representations into account in determining this planning application.
15. Uttlesford District Councillor J Loughlin attended the Hearing and spoke against the proposal. A local resident, D Brett, attended the Hearing and spoke in favour of the proposal. I have taken into account both these oral representations.

Reasons

Green Belt

16. The application site lies within the Green Belt. As set out in Paragraph 142 of the Framework, the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. By definition, the proposal here is inappropriate development for Green Belt purposes, as it does not fall within any of the exceptions set out within Paragraphs 154 or 155 of the Framework.
17. The concept of openness can be considered to be eroded if something, such as a solar farm, is introduced into an area where there is currently limited or no built form. Openness can also manifest itself as both having spatial and visual aspects. In this case, the proposal would introduce a solar farm, battery storage and associated infrastructure into an area which is currently an open unfenced field. The proposal would therefore erode the openness of the Green Belt in terms of the visual aspect in the change from an open field to one covered in solar arrays.
18. There would also be the spatial change in the field from one that is currently farmed for arable agricultural to one that is principally used for farming solar rays with solar panels. The proposal would, therefore, erode the openness of the Green Belt.
19. The proposal would also offend one of the Green Belt purposes in that it would fail to assist in safeguarding the countryside from encroachment. This is because the currently open agricultural field – or what most people would recognise as being such - would change in character and appearance to a field mainly covered by solar panels and associated infrastructure.
20. Accordingly, the proposal would be inappropriate development in the Green Belt, which by definition is harmful to the Green Belt and should not be

approved except in very special circumstances. There would also be harm through the adverse effect on openness of the Green Belt, and through conflict with one of purposes of Green Belt to safeguard the countryside from encroachment.

21. It would therefore conflict with Policy S6 of the Uttlesford Local Plan 2005 which sets out that *'Development compatible with the countryside setting and purposes of the Green Belt will be permitted within these boundaries.'*
22. The Framework goes on to set out at Paragraph 156 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.'*
23. I consider this within the other considerations and the overall planning balance.

Agricultural Land

24. The application site comprises an area around 33.59 hectares, identified on the location plan, Plan D01. The net area of the operational development is approximately 25.28 hectares. An assessment of Agricultural Land Quality was undertaken by Soil Environmental Services Ltd. This identified that approximately 20.59% of the site overall is Grade 2 with the remainder (79.41%) in Grade 3a. The site is therefore within the Best and Most Versatile Agricultural Land (BMVAL) classification.
25. National planning policy is clear, through Written Ministerial Statements (WMS) in 2015 and 2024, and at Footnote 62 of the Framework, and amongst other documents, that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Indeed, the 2015 WMS refers to the need for 'compelling evidence'.
26. In this case, the proposal would see the 'loss' of BMVAL for a period of approximately 40 years – it is not suggested that the land be used for grazing for example. The soil would remain in situ for this period, and there is evidence that the soil quality could improve after being left for a period of time. I heard at the Hearing from Councillor Loughlin that there may be some adverse impacts on topsoil from the materials used.
27. However, it is possible to impose a planning condition to ensure that there is a soil management plan in place. What this means in practice is that the agricultural land – which is of a higher quality - would be lost; albeit for a limited period of 40 years.
28. The evidence before the Hearing, submitted on 23 August 2024, set out the proportion of BMVAL within the local area. This included the breakdown of agricultural land classification in both the Uttlesford and the East Herts districts². This set out that³:

² I requested this in the Issues Report and for both districts given the site's location near to the boundary with East Herts.

³ Figures from Applicant's *Agricultural Land Note*. Submitted 23 August 2024

'Table 1: Agricultural Land Classification (ALC) in Uttlesford' (Source: DEFRA)

	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Urban	Other
Uttlesford	0%	80.4%	17.1%	0%	0%	0.5%	2%

'Table 4: Agricultural Land Classification in East Hertfordshire' (Source: DEFRA)

	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Urban	Other
East Herts	0%	37.3%	54%	0.9%	0%	3.5%	4.8%

29. It is clear to see that the Uttlesford District benefits from large swathes of Grade 2 land (according to DEFRA), with East Herts having over half of its land within the Grade 3 category. Whilst I note that Grade 3 is subdivided into 3a and 3b, and such granular detail is not possible to obtain without undertaking field specific surveys, it is clear that this part of England contains lots of good agricultural land.
30. When the totality of the evidence submitted is considered, whilst the proposal would result in the temporary loss of BMVAL, the specific district in which the site is located has a similar quality of agricultural land. In terms of land within East Herts, whilst the overall percentage of land lying within Grade 2 is considerably lower, there is still likely to be a high proportion of land within the Grade 3a category. Put another way, to enable the area to make a positive contribution to reducing carbon emissions and a net zero future, through the generation of electricity by renewable or low carbon means, in order to address Uttlesford's declared Climate Emergency, there is a high likelihood that some agricultural land within the district will need to be used. Given the proportion of land which is BMVAL in this district, it is not surprising that the grade of agricultural land in most cases will fall within the BMVAL.
31. There are also other factors which need to be considered. I heard at the Hearing that the proposal would be connected to the nearby Bishops Stortford distribution substation. Whilst this is connected to the wider electricity grid, it is highly likely that the energy created on the application site would be distributed to buildings within the East Herts and Uttlesford districts; with the potential to power around 7,000 dwellings. In practice, accessibility to a viable connection to the grid is an important factor in favour of the proposal and one in which the application site has that other sites with similar issues – such as BMVAL, Green Belt, etcetera – may not necessarily benefit from.
32. Whilst acknowledging the harm arising through the temporary loss of BMVAL for a sustained period of 40 years, this is mitigated by the fact it would only be temporary; that there is a large proportion of BMVAL within the local area – meaning that some will likely need to be used to contribute to the local and national ambitions to address the Climate Emergency; and that the application site is located in an area where there are accessible connections into the wider and local electricity network.
33. Policy ENV5 of the Uttlesford Local Plan 2005 states that where agricultural land is required, developers should seek to use areas of poorer quality except where other sustainable considerations suggest otherwise. In this case, other sustainable considerations, included those set out above, suggest otherwise.
34. National policy does not prohibit the use of BMVAL, but rather, requires compelling evidence to justify it. In this case I find that the compelling

evidence has been provided as indicated above. Accordingly, I find that the proposal would not conflict with national policies which seek to direct renewable energy proposals to land of a poorer quality over that of a higher quality in this instance.

Biodiversity

35. As requested in the Issues Report, the Applicant submitted further information relating to agricultural land and biodiversity matters on Friday 23 August 2024. In reviewing this, Essex Place Services (Ecology) at Essex County Council (the local authority's advisors on ecological matters), withdrew their holding objection and suggested conditions were permission granted. Their comments include:

'We support the proposed reasonable biodiversity enhancements for protected and Priority species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 180d and 186d of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.'

36. I have taken into account both the representation from Essex Place Services (Ecology) and the further information submitted. The further information submitted by the Applicant makes clear that even, in the worse case scenario, the site would be able to provide the mandatory Biodiversity Net Gain. In this respect, I am satisfied that through the imposition of suitably worded conditions the proposal would likely have a positive effect on biodiversity.

37. Accordingly, the proposal would accord with Policies GEN2 and GEN7 of the Uttlesford *Local Plan 2005*, which, amongst other aims, seek to safeguard important environmental features and protected wildlife. It would also assist the decision-maker in complying with the Duty to Conserve and Enhance Biodiversity as set out under s40 of the *Natural Environment and Rural Communities Act 2006*, as amended, (NERC).

Other matters

38. In terms of landscape and visual impact, I note the concerns raised by the designated planning authority. However, when considering the submitted Landscape and Visual Impact Assessment (LVIA) and having undertaken a site inspection, I saw that the site is reasonably self-contained on most of its sides. Where there are gaps within this or along the open southern boundary of the site, it is possible to use soft landscaping and the topography of the area to reduce the immediate and longer range visual impacts.

39. Moreover the most immediate visual and landscape effects would be directly on the edges of the site. Typically these are kinetic and limited experiences that users of nearby Public Rights of Way and the permissive footpaths proposed would have. Whilst it would be obvious that the character of the area had changed from an open agricultural field to a solar farm, this would be mitigated through the containment of the site through existing and proposed landscaping. Similarly, in terms of the impact on landscape, whilst there would

be a change in the landscapes appearance this would be relatively limited in duration and ameliorated by the use of sensitive soft landscaping on the site. Furthermore, the site does not lie within a protected or 'valued' landscape. I do not, therefore, find that this provides a justification for the refusal of permission.

40. With regard to heritage⁴, I note both nearby listed buildings and archaeology. These are set out in the Applicant's *Heritage Assessment* dated February 2024. In terms of listed buildings, their locations are shown on page 21 of 108 in the *Heritage Assessment* in Figure No.4. It is possible to see on this drawing that there is a cluster of Grade II listed buildings to the south-east of the application site (but outside it). There are also some Grade II listed buildings located further away. The principal factor in their settings in terms of significance of these listed buildings is their rural location. Given the distance between these listed buildings and the application site and intervening vegetation, I conclude with the findings of the *Heritage Assessment* in that the proposal would result in no harm to their setting and therefore no harm to the significance of these designated heritage assets.
41. With regard to archaeology, the *Heritage Assessment* details various surveys and assessments including evidence of below ground remnants of ridge and furrow, infilled ditches of medieval or since-removed post medieval field boundaries, and some pre-historic archaeology including possible Bronze Age barrows and a large sub-rectangular enclosure⁵. Conditions have been suggested by the local archaeological advisers which would enable written scheme of investigation and also provide an ability to use / agree alternative measures to fix the proposed panels to the ground should an alternative to piling be necessary.
42. Given these safeguards and a reasonable level of information on where archaeological finds may be present on the site⁶, I find that there is sufficient information to determine the application. Moreover, through the use of planning conditions it is possible to add further information to the historic record and to address any limited changes to how the proposed panels are fixed on or in the ground.
43. Accordingly, I do not find that the proposal would have an adverse impact or effect on the nearby listed buildings (as designated heritage assets) nor on any heritage assets with an archaeological interest. It would therefore accord with Policy ENV4 of the Local Plan, which, amongst other aims, seeks the preservation of locally important archaeological remains.

Other considerations

44. I have found the proposal would constitute inappropriate development within the Green Belt. Paragraph 152 of the Framework makes it clear that substantial weight should be given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

⁴ Including discharging the duty under s66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, as amended.

⁵ See *Heritage Assessment*, page 20 of 108, Fig. 3: Extract from geophysical survey (SUMO 2023)

⁶ In accordance with Paragraph 200 of the Framework

45. The Applicant confirmed in their planning statement⁷ that the very special circumstances provide justification for it to be permitted in Green Belt terms relate to the temporary and reversible nature of the proposal, carbon savings, the need for renewable energy generation and its role in meeting the challenge of climate change, supporting energy independence and lower energy costs to the consumer, proximity to grid connection and site location, contribution to the secure operation of the farming business, community and educational benefits, and wider environmental benefits including planned biodiversity net gain.
46. As set out earlier in this statement, Paragraph 156 of the Framework acknowledges that renewable energy projects can comprise inappropriate development within the Green Belt; as I have found here. However, I find that the wider environmental benefits in this instance provide very substantial weight in favour of the proposal. This is because the renewable energy created from this site is likely to be distributed to local buildings through the Bishops Stortford distribution substation meaning that potentially around 7,000 homes would be powered by renewable energy rather than non-renewable energy. There would also be wider environmental benefits arising from the proposals biodiversity gains.
47. Accordingly, I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development in this instance.

Conditions

48. The designated planning authority and Applicant have provided a list of suggested conditions. The conditions were discussed at the Hearing. In addition to all the information before me, I have taken these suggested conditions and the comments relating to them into account in reaching my decision.
49. Article 24 (1) (a) of *The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013* (SI 2013 No. 2140) sets out that where planning permission is granted subject to conditions, (as is the case here) the notice must state clearly and precisely the full reasons for each condition imposed. This has been provided here under each condition imposed within the decision notice section of this document. In considering the conditions to impose I have taken into account Paragraphs 55 and 56 of the Framework and the guidance set out in the national Planning Practice Guidance and the use of planning conditions.
50. Of particular note, I have amended the suggested noise condition. This is to provide precision whilst ensuring it is not onerous. During the Hearing, and at my site inspections, I saw that the limited residential properties in the local area were located a short distance away from the site. Therefore a noise assessment and any mitigation measures being secured by condition is necessary, but can be dealt with by a more succinctly worded planning condition.
51. I have also amended condition 21 imposed originally relating to Biodiversity Gain Plan and a Habitat Management and Monitoring Plan (HMMP). As

⁷ See Planning Statement, dated May 2024, page 71 of 95

explained in the representations from Essex Place Services dated 28 August 2024, this is dealt with under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. I have therefore omitted the Biodiversity Gain Plan element but retained the HMMP as the latter secures habitat benefits weighing in favour of the proposal.

52. In accordance with Section 100ZA of the TCPA, the Applicant confirmed their agreement to the use of pre-commencement conditions where these meet the tests of Paragraph 56 of the Framework.

Planning balance and Conclusions

53. Whilst there is some limited conflict with specific policies of the adopted development plan, when considered as a whole I do not find that there is a conflict with the adopted development plan. Likewise, there are no material considerations that indicate a decision otherwise than in accordance with it. Furthermore, the proposal would align with national policies set out in the Framework and Written Ministerial Statements.
54. Correspondingly, I conclude that planning permission should be granted subject to conditions; the reasons for which are clearly and precisely set out under each condition imposed in the decision notice.

C Parker

INSPECTOR (appointed person for the purposes of s62A and s76D TCPA)

APPEARANCES

FOR THE APPLICANT:

Greg Hilton
Neil Osborn
Ben Wright

Endurance Energy
DLP Planning
Landscape Architect, Aspect Landscape Planning

Attended but not participated:

Jamie Childs
James Watchorn
Brennan Briggs
David Harvey
Patrick Harvey

Howes Percival
Sworders
Aspect Ecology

FOR THE DESIGNATED LOCAL PLANNING AUTHORITY:

Tim Cakebread

Principal Planning Officer

INTERESTED PERSONS:

Cllr Loughlin
Daniel Brett

Decision Notice

Reference: s62A/2024/0045

Planning permission is **granted** for the erection of a solar photovoltaic farm with supporting infrastructure and battery storage, inverters and transformers, fencing, landscaping works and connecting cable at Land at Wickham Hall Estate, Bishops Stortford, Uttlesford CM23 1JG in accordance with the terms of the application, Ref s62A/2024/0045, valid date 20 June 2024, subject to the following conditions:

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 permitted shall be carried out in accordance with the following approved plans as listed unless otherwise agreed in writing by the local planning authority.

Landscape Masterplan Drawing no. 7200/ ASP3/ LMP REV N
(Aspect Landscape Planning)

Cross Section (PRoW) Drawing no. 7200/ ASP5 /CS REV B
(Aspect Landscape)

Coloured Layout Plan Drawing no. 7200 /ASP6 / CLSP

Rev J Location Plan Drawing no. H5234-6 D01

Rev E Estate Plan Drawing no. H5234-6 D03

Rev E Context Plan Drawing no. H5234-6 D03

Local Authority Boundaries Drawing no. BE1720

Proposed Construction Access Arrangement Drawing no. H5234-8PD-001

Swept Path of Proposed Construction Access Drawing no. H5234-8PD-002

Proposed Construction Access (ECC) Drawing no. H5234-8PD-003

Proposed Construction Access (Overview) Drawing no. H5234-8PD-004

Mounting Structure Drawing no. PL.004 R1

Inverter Transformer Power Station Drawing no. PL.005 R1

Customer Substation Drawing no. PL006. R1

DNO Substation Drawing no. PL006b R1

Gate, Fence, Construction Road, CCTV Camera & Satellite Dish Details
PL.008 R1

BESS Units Drawing no. PL.009 R1

Bess Transformer Drawing no. PL.010a R1

Power Conversion System (PCS) Drawing no. PL.010b R1

DC Combiner Box (DCB) Drawing no. PL.010c R0

Energy Storage Container PL.011 R0

Control and Monitoring Building PL.021R0

Skylark Mitigation Strategy (Aspect Ecology, March 2024)

Flood Risk Assessment and Drainage Strategy (SDD, May 2024)

Ecological Appraisal (Aspect Ecology, January 2024)

Glint and Glare Assessment (Wardell Armstrong, 2024).

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 Uttlesford Local Plan 2005 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.

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 2005.

- 4.** The planning permission hereby granted shall be limited to a period of 40 years commencing from the date electricity generated by the solar panels is first exported to the electricity grid.

REASON: In the interests of the character of the area, visual amenity and landscape character and the protection of best and most versatile land for agricultural production in accordance with Policies S7, ENV2, GEN7.

- 5.** Prior to commencement of the development hereby approved, a construction environmental management plan (CEMP: Biodiversity) in accordance with Section 6 of the submitted Ecological Appraisal (Aspect Ecology, January 2024) 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.

REASON: To conserve protected and Priority species and allow the local planning authority 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 of development hereby approved a Landscape and Ecological Management Plan (LEMP) and a Biodiversity Enhancement Strategy (for biodiversity enhancements) shall be submitted to, and be approved in writing by, the local planning authority.

The content of the LEMP shall include the following:

- Description and evaluation of features to be managed (including features approved under the landscaping condition (soft and hard landscaping) of this decision).
- 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 lifetime of the solar farm).
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

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.

The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- detailed designs or product descriptions to achieve stated objectives;
- locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- persons responsible for implementing the enhancement measures; and
- details of initial aftercare and long-term maintenance (where relevant).

The works set out in the approved Biodiversity Enhancement Strategy shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

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), and accord with Policy G7 of the Uttlesford Local Plan 2005.

- 7.** Prior to commencement of the development hereby approved, a finalised Skylark Mitigation Strategy in accordance with Section 4 of the Skylark Mitigation Strategy (Aspect Ecology, 1 March 2024) shall be submitted to and approved by the local planning authority. This is to ensure the compensation of the loss or displacement of any 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 in accordance with the Skylark Mitigation Strategy.

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

- 8.** No development shall take place, including any ground works or demolition, until a Construction Traffic Management Plan in accordance with section 6 of the Transport Statement (SDD, May 2024, Revision D) has been submitted to, and approved in writing by, the local planning authority (include any link to the construction access in the currently District of East Hertfordshire area). The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
- a) Construction vehicle numbers, vehicle routing, including provision for passing places and traffic marshals as necessary;

- b) Traffic management requirements;
- c) Construction and storage compounds (including areas for the parking of vehicles of site operatives and visitors and the loading and unloading of plant and materials),
- d) storage of plant and materials used in constructing the development,
- e) wheel and underbody washing facilities.
- f) Construction phasing.
- g) Permitted construction traffic arrival and departure times (including delivery times and removal of waste) to avoid school pick up/drop off times.
- h) Provision of sufficient on-site parking prior to commencement of construction activities.
- i) 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.
- j) Measures to protect users of the public rights of way in the area.
- k) Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, temporary pedestrian routes/signage and remaining road and public rights of way width for pedestrian and vehicle movements;
- l) 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.
- m) 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 2005 Policy GEN1.

- 9.** No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS

Manual C753. Infiltration must be explored prior to discharge to a watercourse in accordance with the Drainage Hierarchy.

- Incorporation of swales, filter drains and a basin to help slow the surface water flows and prevent channelisation. Filter drains should be provided along the access track, as well as around compounds.
- Provide the appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Final calculations to ensure storage features are sized correctly.
- Provide a final drainage plan which details exceedance and conveyance routes, FFL levels of sub stations, levels of battery units, ground levels, and the location and sizing of any drainage features.
- Provide an updated written report summarising the final strategy and highlighting any minor changes to the previously approved strategy.

The scheme shall be implemented prior to the date electricity generated by the solar panels is first exported to the electricity grid.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. 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 hazard from the site.

- 10.** The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with the approved Maintenance Plan contained within FRA H5234-8PD-R1 REV D, dated May 2024. These must be available for inspection upon a request by the local planning authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 11.** 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.

- 12.** The development hereby approved shall be carried out in accordance with the submitted Glint and Glare Assessment (Wardell Armstrong, 2024).

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

- 13.** 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 (other than works to satisfy this condition) 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 planning authority's 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. This may include the use of alternative means of affixing the solar panels in or onto the ground in areas of the site with subterranean archaeology that should be preserved in situ.
- 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 local 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.

- 14.** The development hereby approved shall not become operational 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 plant noise assessment shall include a scheme of noise mitigation measures if required.

Any scheme of mitigation shall be implemented in accordance with the approved details within one month of the site becoming fully operational, and it shall be retained in accordance with those details thereafter.

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 Uttlesford Local Plan 2005 Policy GEN4.

- 15.** 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 inclusive, nor after 1800hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank / public holidays.

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

- 16.** 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 / or other current guidance 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 2005.

- 17.** 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/ or any other suitable lighting standards agreed with the local planning authority.

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 2005.

- 18.** Prior to the commencement of the development hereby approved, full details of both hard and soft landscape works shall be in accordance with Landscape Masterplan Drawing no. 7200/ ASP3/ LMP REV N 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]:-

- a. proposed finished levels or contours;
- b. legacy planting proposals
- c. means of enclosure including security fencing and CCTV during operation of the site;
- d. any car parking layouts;
- e. other vehicle and pedestrian access and circulation areas;
- f. hard surfacing materials;
- g. minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting, etc.);
- h. proposed and existing functional services above and below ground (e.g. drainage power),
- i. 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 2005.

- 19.** 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 local planning authority.

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

- 20.** 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 local planning authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure the security and safety of the site in accordance with Paragraph 101 of the National Planning Policy Framework.

- 21.** The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with an approved Biodiversity Gain Plan and including:

- a non-technical summary;
- the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain (in accordance with any approved Biodiversity Gain Plan);
- the management measures to maintain habitat in accordance with any approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

This should be submitted to, and approved in writing by, the local planning authority.

C) Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

REASON: To enhance the ecology and biodiversity in accordance with national policy in the Framework and Policy GEN7 of the Uttlesford Local Plan 2005.

- 22.** The development approved shall not become operational until a draft Decommissioning Scheme has been submitted to and approved in writing by the local planning authority.

The Decommissioning scheme shall include, as a minimum, the following:

- a. Reference to the anticipated life of the development;
- b. An overview of how the development will physically be decommissioned;
- c. Information on 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. Transport Management Plan to address transport routes;
- e. All landscape restoration works required;
- f. Measures to address all environmental effects of decommissioning;
- g. The landscape and ecological features on the site to be retained.

REASON: To ensure that the decommissioning of the site is 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.

- 23.** The draft Decommissioning Scheme submitted under Condition 22 of this decision shall be reviewed and updated at the 20th year of the development's operational life by the site operator(s). This should be submitted to and approved in writing by the local planning authority in writing.

A final Decommissioning Scheme shall be submitted to, at least 12 months prior to the decommissioning date, and approved in writing by the local planning authority. The decommissioning date being 40 years commencing from the date electricity generated by the solar panels is first exported to the electricity grid in accordance with Condition 4 of this decision.

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.

- 24.** Notwithstanding conditions 22 and 23, in the event that the development hereby approved ceases to generate electricity for a period of 9 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 6 months from the end of the 9 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. Information on the anticipated cost of Early Decommissioning the development and how these costs are planned to be met.
- c. Transport Management Plan to address transport routes;
- d. All landscape restoration works required;
- e. Measures to address all environmental effects of decommissioning;
- f. The landscape and ecological features on the site to be retained.

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.

***** END OF CONDITIONS *****

Informatives:

- i. In determining this application, the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner. In doing so, no substantial problems arose which required the Planning Inspectorate, on behalf of the Secretary of State, to work with the applicant to seek any solutions.*
- ii. The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 ('the Act') is final. An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under Section 62A can be challenged. An application must be made promptly within 6 weeks of the date of the decision.*
- iii. These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: <https://www.gov.uk/courts-tribunals/planning-court> .*
- iv. Biodiversity Net Gain*

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Uttlesford District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

***** END OF INFORMATIVES *****