



Public Document Pack

Uttlesford District Council

Chief Executive: Peter Holt

Planning Committee

Date: Wednesday, 6th July, 2022

Time: 10.00 am

Venue: Council Chamber - Council Offices, London Road, Saffron Walden,
CB11 4ER

Chair: Councillor S Merifield

Members: Councillors G Bagnall, J Emanuel, P Fairhurst, R Freeman,
G LeCount, M Lemon (Vice-Chair), J Loughlin, R Pavitt and M Sutton

Substitutes: Councillors M Caton, A Coote, C Criscione, N Gregory, B Light and
J De Vries

Public Speaking

At the start of each agenda item there will be an opportunity for members of the public to make statements relating to applications being determined by the District Council, subject to having given notice by 2pm on the day before the meeting. Please register your intention to speak at this meeting by writing to committee@uttlesford.gov.uk. Speakers can either attend the Council Chamber or speak through Zoom.

When an application is to be determined by the Planning Inspectorate (PINS) the purpose of the report to Planning Committee is not to determine the application but to provide the PINS with the Council's view of the planning application. The role of the District Council is solely as a statutory consultee on the planning application; its consultation runs parallel with other statutory and non-statutory consultees.

The Planning Committee is not the opportunity to make representations directly to the decision maker and as such no public speaking on this matter will be afforded to either third parties or the applicant. Please find further information [here](#) regarding submitting representations directly with PINS.

There is a capacity limit for attendance in person in the Chamber and seats will be available on a first come first serve basis, so please do get in touch as soon as possible if this is of interest. For further information, please see overleaf. Those who would like to watch the meeting live can do so virtually [here](#). The broadcast will be made available as soon as the meeting begins.

AGENDA

PART 1

Open to Public and Press

- 1 Apologies for Absence and Declarations of Interest**

To receive any apologies for absence and declarations of interest.
- 2 Minutes of the Previous Meeting** 5 - 8

To consider the minutes of the previous meeting.
- 3 S62A Applications** 9

To note applications which have been submitted direct to the Planning Inspectorate.
- 4 Speed and Quality Report** 10

To note the Speed and Quality Report.
- 5 Quality of Major Applications Report** 11 - 26

To note the report.
- 6 S62A/22/0000004 (UTT/22/1474/PINS) - Land East of Parsonage Road, And South of Hall Road TAKELEY** 27 - 63

To consider application S62A/22/0000004 (UTT/22/1474/PINS).
- 7 UTT/20/2908/OP - Land South of Bedwell Road, UGLEY** 64 - 120

To consider application UTT/20/2908/OP.
- 8 UTT/21/0688/FUL - Land at Cole End Lane, WIMBISH** 121 - 173

To consider application UTT/21/0688/FUL.
- 9 UTT/22/0676/DFO - Land East of Warehouse Villas, Stebbing Road, STEBBING** 174 - 187

To consider application UTT/22/0676/DFO.

This document contains late submissions, updates or addendums to existing agenda items which are received up to and including the end of business on the Friday before Planning Committee. The late list is circulated on the Monday prior to Planning Committee. This is a public document and it is published with the agenda papers on the UDC website.

MEETINGS AND THE PUBLIC

In light of the High Court judgement regarding the extension of remote meeting regulations, Council, Cabinet and Committee meetings will now be returning to in-person and will be held on-site from Thursday 6th May 2021. However, due to social distancing measures and capacity considerations in line with the Council's risk assessment, public access and participation will continue to be encouraged virtually until further notice. Members of the public are welcome to listen live to the debate of any of the Council's Cabinet or Committee meetings. All live broadcasts and meeting papers can be viewed on the Council's calendar of meetings webpage.

Members of the public and representatives of parish and town councils are permitted to speak at this meeting and will be encouraged to do so via the video conferencing platform Zoom. If you wish to make a statement via Zoom video link, you will need to register with Democratic Services by 2pm the day before the meeting. Those wishing to make a statement via video link will require an internet connection and a device with a microphone and video camera enabled. Those wishing to make a statement to the meeting who do not have internet access can do so via telephone.

Technical guidance on the practicalities of participating via Zoom will be given at the point of confirming your registration slot, but if you have any questions regarding the best way to participate in this meeting please call Democratic Services on 01799 510 369/410/467/548 who will advise on the options available.

Facilities for people with disabilities

The Council Offices has facilities for wheelchair users, including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate.

If you are deaf or have impaired hearing and would like a signer available at a meeting, please contact committee@uttlesford.gov.uk or phone 01799 510410/467 as soon as possible prior to the meeting.

For information about this meeting please contact Democratic Services

Telephone: 01799 510410, 510369, 510548, or 510467

Email: Committee@uttlesford.gov.uk

General Enquiries

Council Offices, London Road, Saffron Walden, CB11 4ER

Telephone: 01799 510510

Fax: 01799 510550

Email: uconnect@uttlesford.gov.uk

Website: www.uttlesford.gov.uk

Agenda Item 2

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 22
JUNE 2022 at 10.00 am**

Present: Councillor S Merifield (Chair)
Councillors M Caton, R Freeman, G LeCount, M Lemon (Vice-Chair), B Light, R Pavitt and M Sutton

Officers in attendance: N Brown (Development Manager), C Gibson (Democratic Services Officer), A Lindsell (Democratic Services Officer), E Smith (Solicitor) and L Trevillian (Principal Planning Officer)

Public Speakers: Councillor M Foley, J Hartley-Bond, R Haynes, V Knight, T Mawer, D McPherson, C Mizen, V Knight, C and R Siddle, Councillor M Tayler, A Temple, J and M White and T Wilson.

PC166 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Bagnall, Emanuel, Fairhurst and Loughlin.

Councillor Caton substituted for Councillor Loughlin and Councillor Light substituted for Councillor Fairhurst.

PC167 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 8 June 2022 were approved.

PC168 **S62A APPLICATIONS**

The Development Manager presented the S62A Applications report that detailed the applications which had been submitted direct to the Planning Inspectorate. He said that the PINS hearing date for the Former Friends School site had yet to be notified.

The report was noted.

PC169 **SPEED AND QUALITY REPORT**

The Development Manager presented the Speed and Quality Report. He said that the crucial factor was how the rolling figures moved forward.

The report was noted.

PC170 **QUALITY OF MAJOR APPLICATIONS REPORT**

The Development Manager presented the Quality of Major Applications report.

The report was noted.

PC171 **UTT/21/1833/FUL - CUTLERS GREEN LANE, LAND WEST OF THAXTED, THAXTED**

The Principal Planning Officer presented an application for the proposed construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and landscaping.

The application was recommended for approval subject to those items set out in section 17 of this report:

- Completion of a s106 Obligation Agreement in accordance with the Heads of Terms.
- If the freehold owner shall fail to enter into such an agreement, the Interim Director of Planning and Building Control shall be authorised to REFUSE permission following the expiration of a six month period from the date of Planning Committee.

The Principal Planning Officer outlined the additional information given in the Late List and summarised the answers that had been provided in respect of the outstanding questions from the Planning Committee report on 19 January 2022.

The meeting adjourned between 10.30 am and 10.40 am to address technical broadcasting issues. This was then followed by the public speakers.

The Principal Planning Officer responded to questions from Members in respect of:

- A wood comprising 20,000 trees and a wildflower meadow.
- Possible effects on flooding, drainage and contamination.
- Richmond in the Wood being Grade 2 listed; the possibility of conditioning the provision of a cordon sanitaire/buffer zone around the property.
- Whether there had been sufficient consultation time.
- Any benefits to the local community.
- Noise and vibration levels.
- Access to the site.
- The regularity of landscape surveys.
- The effect on the special verges to be included in a Construction Management Plan.
- De-commissioning arrangements.
- Whether the Norfolk appeal decision had been reviewed. The officer confirmed that it had not been reviewed.

Members discussed:

- Provision of a wood of 20,000 trees, a wildflower meadow and a protection zone for the listed buildings.
- The need for further discussions to take place through re-consultations with local residents and the Parish Council.
- Food security; the effects on food supply of potentially removing the ability to manufacture one million loaves of bread per annum.
- That no compelling case had been provided to justify siting a solar farm at this location.
- The impact on Heritage assets and the requirement to have additional space around listed buildings. It was noted that Loves Farm was also a listed building.
- The need to review the Norfolk appeal decision.
- The need for further clear and fool proof details in respect of de-commissioning arrangements and for clear timelines to be identified in a Decommissioning Method Statement.
- The need to be more strategic moving forward.
- The requirements for timescales to be identified in respect of landscaping arrangements.
- The Rochdale Envelope principle.
- The debate as to whether the development be for 25 years or 40 years.
- Investigation of the displaced flood risk.
- Whether red light could be used instead of white; in order to protect bats.

Councillor Pavitt proposed to defer the application in order that matters raised during the course of the discussion could be taken forward.

Councillor LeCount seconded the proposal.

RESOLVED to defer the application.

Councillor M Foley (County Councillor), Councillor M Tayler (Ward Councillor), T Wilson (Hands Off Thaxted), J & M White, C & R Siddle, D McPherson, T Mawer, C Mizen, A Temple, V Knight and R Haynes (on behalf of the Parish Council) all raised concerns about the application. Matters raised included insufficient consultation time, the use of the Rochdale Envelope principle, food and energy security issues, the use of Grade 2 prime quality productive agricultural land, drainage and flooding concerns, noise issues, fire and safety issues, lack of benefits to the local area, traffic concerns

J Hartley-Bond (Low Carbon) spoke on behalf of the applicant in support of the application and addressed the various issues raised above.

PC172 **UTT/21/3777/OP - START HILL, GREAT HALLINGBURY**

This item had been withdrawn.

The meeting ended at 12.45 pm.

The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013

Applications which have been submitted direct to the Planning Inspectorate

Date Notified:	Planning Inspectorate Reference:	Uttlesford District Council reference:	Site Address:	Proposal:	Local Planning Authority Role:
26 April 2022	S62A/22/5000001	N/A	Land southeast of Stansted Airport, near Takeley	Requested a Screening Opinion for a solar farm including battery storage units, with approximately 14.3MW total maximum capacity.	Notified of outcome
26 April 2022	S62A/22/0000002	UTT/22/1040/PINS	Former Friends' School, Mount Pleasant Rd, Saffron Walden CB11 3EB	Conversion of buildings and demolition of buildings to allow redevelopment to provide 96 dwellings, swimming pool and changing facilities, associated recreation facilities, access and landscaping.	Consultee
24 May 2022	S62A/2022/0002/S62A/22/0000004	UTT/22/474/PINS	Land east of Parsonage Road, and south of Hall Road, Stansted, Essex, CM22 6PL	The erection of a 14.3 MW solar photovoltaic farm with associated access tracks, landscaping, supplementary battery storage, and associated infrastructure.	Consultee

Criteria For Designation – Speed and Quality

Speed of planning decisions

Measure and type of Application	Threshold and assessment period.	Threshold and assessment period.	Latest figures Published by DLUHC	Threshold and assessment period.	Live Table
	October 2018 - September 2020	October 2019 to September 2021	January 2020- December 2021	October 2020 to September 2022	
Speed of major Development	60% (70.27%)	60% (76.27%)	60% (86.4%)		District - P151a
Speed of non-major Development	70% (74.43%)	70% (82.75%)	70% (85.1%)		P153

UDC performance in red % greater than the threshold is good

Quality – Appeals

Measure and type of Application	Threshold and assessment period.	Threshold and assessment period.	Latest figures Published by DLUHC	Latest figures Published by DLUHC	Threshold and assessment period.	Live Table
	April 2018 - March 2020 (appeal decisions to end December 2020)	April 2019 to March 2021 (appeal decisions to end December 2021)	July 2018 - June 2020 (appeal decisions to end March 2021)	October 2018 - September 2020 (appeal decisions to end June 2021)	April 2020 to March 2022 (appeal decisions to end December 2022)	
Quality of major Development	10% (16.5*%)	10% (17.57*)	10% (18.5%)	10% (16.5%)	10% (8.82%)	District - P152a
Quality of non-major Development	10% (2.44%)	10% (2.91%)	10% (2.7%)	10% (2.7%)	10% (2.15%)	P154

Committee: Planning Committee
Date: 8 July 2022
Title: Quality of Major Applications
Author: Dean Hermitage

Purpose

1. To report to Planning Committee the applications that have been considered both as Delegated and at Planning Committee which contribute to the data considered by DHLUC as to whether a Local Planning Authority falls within the criteria to be designated.
2. There are four criteria where a Local Planning Authority may be designated - Quality Major; Quality Speed; Quality Non-Major and Speed Non-Major.
3. This report specifically considers the Quality of Major Applications and covers the period 2017 - 2022. The Quality of Major Applications is for decisions made within a two-year period with appeal decisions up to and including the 31 December of the two year period.
4. Therefore, the periods covered in this report are as follows:
 - *April 2017 - March 2019 (appeal decisions made by 31/12/2019)*
 - *April 2018 - March 2020 (appeal decisions made by 31/12/2020)*
 - *April 2019 - March 2021 (appeal decisions made by 31/12/2021)*
 - *April 2020 - March 2022 (appeal decisions made by 31/12/2019)*
5. The Planning Advisory Service provided each Local Authority with a 'Crystal Ball' (basically a spreadsheet) where the data can be added each month/quarter to monitor whether there is any risk of designation.
6. Below shows the periods 2017 - 2019; 2018 - 2020 and 2019 - 2021 annually with the overall two-year period % - as per the DHLUC monitoring periods.

Criteria: Quality	District matter Majors						
	All Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending	Result
Apr 2017 - Mar 2018	37	9	1	0	1	0	2.7%
Apr 2018- Mar 2019	39	20	16	8	6	2*	15.38%
Total for 2017 - 2019							9.21%
Apr 2018 - Mar 2019	39	20	16	9	7	0	17.95%
Apr 2019- Mar 2020	40	26	18	8	6	4**	15%
Total for 2018 - 2020							16.5%
Apr 2019 - Mar 2020	40	26	18	9	9	0	22.50%
Apr 2020- Mar 2021	34	12	9	4	4	1***	11.76%
Total for 2019 - 2021	74	38	27	13	13	1*	17.57%
	Minimum level required						10.00%

**Pending decision falls outside of the criteria window of appeal decision made by 31/12/2019.*

***Pending decisions fell outside of the criteria window of appeal decisions made by 31/12/2020.*

****Pending decisions fell outside of the criteria window of appeal decisions made by 31/12/2021.*

7. Below shows the period 2020 - 2022 quarterly. This is on-going and will be monitored and updated.

		Incomplete Data						
		All Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending	Result
Quarter 01	Apr - Jun 2020	11	2	1	1	0	0	0.00%
Quarter 02	July - Sept 2020	8	2	2	0	2	0	25.00%
Quarter 03	Oct - Dec 2020	4	3	2	1	1	0	25.00%
Quarter 04	Jan - Mar 2021	11	5	4	2	2	0	18.18%
Quarter 05	Apr - Jun 2021	5	4	2	1	0	1	0.00%
Quarter 06	July - Sept 2021	5	2	2				20.00%
Quarter 07	Oct - Dec 2021	16	9	6			6	0.00%
Quarter 08	Jan - Mar 2022	8	4	1			1	0.00%
	total	68	31	18	5	6	8	8.82%
		Minimum level required						10.00%

Note data checked 23/06/2022 – no change from 22/06/2022.

If no further appeals are submitted and

- all 8 pending are allowed – total 20.59%
- 7 pending allowed – total 19.12%
- 6 pending allowed – total 17.65% etc.

8 Cost of appeals per year*

Year	Legal including Awards of Costs	Consultants
2017 - 2018	£102,660	£33,697
2018 - 2019	£ 21,325	£10,241
2019 - 2020	£182,013	£78,776
2020 - 2021	£144,117	£70,481
2021 - 2022	£129,453	£152,057
2022 - 2023		

*Not including the Stansted Airport Inquiry.

Please note that Inquiry cost may not be held in the same financial year as the application decision.

9. Appendix 1 shows the breakdown of the applications including the reference number, whether considered at committee or delegated, the officer recommendation along with the decision, appeal decision and the date of the appeal decision – for the current period.

The date of the appeal decision is a key factor - if it is after 31 December at the end of the 2-year period then it is not included in that round of monitoring by DHLUC.

Recommendation

10. It is recommended that the Committee notes this report for information.

Impact

Communication/Consultation	Planning Committee
Community Safety	None
Equalities	None
Health & Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
3	3	3	Action Plan & Pathway work

1 = Little or no risk or impact

2 = Some risk or impact - action may be necessary

3 = Significant risk or impact - action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project

MAJOR APPLICATIONS DECISIONS (QUALITY)

April 2020 - March 2022

Current period

REFERENCE	ADDRESS	PROPOSAL	DECISION TYPE	DATE OF COMMITTEE	OFFICER RECOMMENDATION	DECISION	APPEAL STATUS	DATE OF APPEAL DECISION
UTT/17/2832/OP	Land North Of Shire Hill Farm Shire Hill Saffron Walden Essex	Outline application (with all matters reserved except access) for up to 100 dwellings, including affordable accommodation, in addition to the provision of land to facilitate an extension to the approved primary school (Planning Application Ref: UTT/13/34	Committee	19-Dec-18	Approve	Approved		
UTT/18/2508/OP	Land West Of Bury Farm Station Road Felsted Essex	Outline application with all matters reserved, with the exception of access, for a mixed use development comprising a Doctors Surgery and a residential development of up to 38 new dwellings, new accesses, parking provision, landscaping and associated deve	Committee	20-May-20	Approve	Approved		
UTT/18/2574/OP	Land South Of Stortford Road Dunmow	"Hybrid planning application with: Outline planning permission (all matters reserved except for points of access) sought for demolition of existing buildings (excluding Folly Farm) and development of up to 332 dwellings, including affordable housing, 1,80	Committee	19-Aug-20	Approve	Approved		
UTT/20/0864/FUL	Land Behind The Old Cement Works Thaxted Road Saffron Walden Essex	Erection of 35 Dwellinghouses (Revised scheme to that approved under UTT/16/1444/OP and UTT/17/3038/DFO	Committee	18-Nov-20	Approve	Refused	Allowed	13-May-21
UTT/20/0865/FUL	Land East Of Thaxted Road Saffron Walden Essex	Construction of spine road and associated engineering works and drainage infrastructure.	Delegated		Approve	Approved		

UTT/20/0866/FUL	Land West Of Woodside Way Woodside Way Dunmow	Variation of condition listing the approved plans as added by UTT/20/0420/NMA to UTT/16/1466/DFO - amendments to the spine road	Delegated		Approve	Approved		
UTT/21/0245/FUL	Venn House TenterfieldsGreat DunmowCM6 1HH	Demolition of existing buildings and construction of 12 no. residential dwellings (Use Class C3) with associated landscaping, access, and infrastructure.	Committee	24-Nov-21	Approve	Refused	INPROG	
UTT/20/1744/FUL	Land East Of St Edmunds Lane North Of Tower View Drive St Edmunds Lane Dunmow	Proposed 30 no. Self build and custom dwellings	Committee	09-Jun-21	Approve	Refused	INPROG	
UTT/20/2105/OP	Land To The North Of De Vigier Avenue Saffron Walden Essex	Outline planning permission with all matters reserved except for access for the erection of up to 12 dwellings with associated landscaping, parking and support infrastructure.	Delegated		Refuse	Refused		
UTT/21/0247/OP	The Rise Brick End Broxted CM6 2BJ	Outline application with all matters reserved except access, layout and scale for the demolition of two existing buildings and erection of 3 new buildings, together with creation of a Craft Hub and re-formation of existing parking areas with associated la	Committee	15-Dec-21	Refuse	Refused	LODGED	
UTT/21/0332/FUL	Land At Tilekiln Green Start Hill Great Hallingbury CM22 7TA	Development of the site to create an open logistics facility with associated new access, parking areas and ancillary office and amenity facilities.	Delegated		Refuse	Refused	Appeal Withdrawn	23-Sep-21

UTT/19/2266/OP	Land North Of Bedwell Road And East Of Old Mead Road Ugley And Henham	Outline planning application for the erection of up to 220 dwellings including affordable housing with public open space, structural planting and landscaping and sustainable drainage system (SuDS) with vehicular access point from Bedwell Road. All matters	Committee	14-Apr-21	Approve	Refused	Dismissed	25-Oct-21
UTT/19/0573/OP	Land To The South West Of London Road Little Chesterford Essex	Outline application with all matters reserved except for access for the development of up to 76 dwellings, including provision of vehicular and pedestrian access, public open space and hard and soft landscaping	Committee	19-Feb-20	Approve	Approved		
UTT/20/0757/DFO	Land West Of Maranello Watch House GreenFelstedCM6 3EF	Details following outline application UTT/18/1011/OP (granted under appeal ref: APP/C1570/W/18/3210501) for 28 dwellings. Details of appearance, landscaping, and scale.	Committee	22-Jul-20	Approve	Approved		
UTT/20/0398/FUL	Thremhall Park Stane Street Great Hallingbury CM22 7WE	Application to vary condition on UTT/16/0735/FUL ('The erection of four buildings to provide offices with cafe, gym and function room together with the provision of new hard surfaced parking.') inserted under UTT/19/1741/NMA - amendments to approved plans	Delegated		Approve	Approved		
UTT/19/1437/FUL	77 High Street Great Dunmow CM6 1AE	Demolition of existing buildings and erection of 29 no. Retirement Living (Category II Sheltered Housing) apartments for the elderly with associated communal facilities, car parking and landscaping	Committee	30-Sep-20	Approve	Approved		
UTT/20/0921/DFO	Land North Of Ashdon Road Ashdon Road Saffron Walden CB10 2NQ	Details following outline application UTT/17/3413/OP - Erection of 4no. commercial buildings for use as B1, B2 and/or D2 in the alternative together with access road, car parking, bin and bike stores and associated works. Details of appearance, landscapi	Committee	17-Feb-21	Approve	Approved		

UTT/20/1643/FUL	Land At The Stables May Walk Elsenham Road Stansted Essex	Erection of 11 no. dwellings including alterations to existing access, formation of new internal road, landscaping and associated infrastructure	Delegated		Refuse	Refused	Dismissed	30-Oct-21
UTT/20/2175/DFO	Land South Of Radwinter Road Saffron Walden Essex	Details following outline approval UTT/17/3426/OP (approved under appeal APP/C1570/W/19/3227368) for extra care housing (use class C2) together with associated infrastructure including road, drainage and access - details of appearance, landscaping, layout	Committee	14-Apr-21	Approve	Refused	Appeal Withdrawn	23-Nov-21
UTT/19/2055/FUL	Tesco Supermarket Stortford Road Dunmow CM6 1SF	Erection of single storey extension to the Retail Store to provide additional sales and back-of-house space and amended car park layout	Delegated		Refuse	Refused		
UTT/20/3329/DFO	Land To The South West Of London Road Great Chesterford Essex	Reserved Matters application, seeking approval of appearance, layout, scale and landscaping, for 76 dwellings following approval of outline planning permission UTT/19/0573/OP.	Committee	24-Nov-21	Approve	Approved		
UTT/19/1864/FUL	Terriers Farm Boyton End Thaxted Dunmow CM6 2RD	Construction and operation of a solar farm comprising arrays of solar photovoltaic panels and associated infrastructure (inverters and transformers, DNO building, customer switchgear/ control room, cabling, security fencing, cctv, access tracks and landsc	Committee	15-Jan-20	Approve	Approved		
UTT/21/1755/DFO	Land To The South Of Braintree Road Felsted Essex	Details following outline approval UTT/18/3529/OP (approved under appeal reference APP/C1570/W/19/3234739) for the erection of up to 30 no. Dwellings with associated roads and infrastructure - details of appearance, landscaping, layout and scale.	Committee	06-Aug-21	Approve	Approved		

UTT/21/1987/FUL	Land At Warish Hall Farm Smiths Green Takeley	Mixed use development including: revised access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to: light industrial/flexible employment units (c.3568sqm) including health care medical facility/flexible	Committee	15-Dec-21	Approve	Refused	INPROG	
UTT/19/2354/OP	Land To The West Of Buttleys Lane Dunmow	Outline application for the construction of up to 60 dwellings with a new vehicular access to be agreed in detail and all other matters to be reserved.	Committee	09-Sep-20	Approve	Refused	Allowed	19-Jan-22
UTT/20/3419/DFO	Land West Of Woodside Way Woodside Way Dunmow	Details following outline approval UTT/13/2107/OP and UTT/18/1826/DFO - details of layout, scale, landscaping and appearance relating to the development of the site to provide 464 residential dwellings and associated landscaping and infrastructure works	Committee	17-Mar-21	Approve	Approved		
UTT/20/1143/FUL	Saffron Walden County High School Audley End Road Saffron Walden CB11 4UH	Application to vary condition 8 (electric vehicle charging points) of application UTT/19/1823/FUL - amendment from 10 no. electric vehicle charge to 4 no. electric vehicle charge points.	Committee	22-Jul-20	Approve	Approved		
UTT/19/2388/DFO	Land North Of Water Lane Stansted Essex	Approval of reserved matters following outline application UTT/16/2865/OP. Details of appearance, landscaping and layout relating to the redevelopment of the former gas holder site to provide 9 no. dwellings.	Delegated		Approve	Approved		
UTT/19/2118/OP	Land East And North Of Clifford Smith Drive Felsted	Outline application with all matters reserved except for access for the erection of up to 41 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping	Committee	19-Feb-20	Approve	Approved		

UTT/19/2288/FUL	Land North Of Bartholomew Close Bartholomew Close Great Chesterford	Proposed residential development of up to 13 dwellings including associated external works and parking.	Committee	18-Mar-20	Approve	Approved		
UTT/21/2113/FUL	Land North Of Bartholomew Close Bartholomew Close Great Chesterford	Application to vary condition 15 and to revise the approved schedule of materials of previously approved planning application UTT/19/2288/FUL.	Committee	01-Sep-21	Approve	Approved		
UTT/20/2121/OP	Land West Of Pennington Lane Stansted Essex	Outline planning application with all matters reserved except access for up to 168 dwellings (Class C3) including 40% affordable homes, public open space including local equipped area for play, sustainable drainage systems, landscaping and all associated	Delegated		Refuse	Refused	Dismissed	21-Sep-21
UTT/20/2613/OP	Land North Of The B1256 Braintree Road Dunmow	Outline planning permission, with all matters reserved except for access for the development of up to 38 dwellings, open space, landscaping, drainage infrastructure and associated highway improvements.	Delegated		Refuse	Refused		
UTT/20/0336/DFO	Land South East Of Great Hallingbury Manor Bedlars Green Road Tilekiln Green Great Hallingbury CM22 7TJ	Details following outline approval UTT/16/3669/OP for the erection of 35 no. Dwellings - details of appearance, landscaping, layout scale and access.	Committee	30-Sep-20	Approve	Approved		
UTT/20/1929/OP	Helena Romanes School Parsonage Downs Dunmow CM6 2AT	Outline application with all matters reserved except access for the erection of up to 200 dwellings, demolition of existing school buildings, public open space, landscaping, sustainable drainage system and vehicular access from the B1008 Parsonage Downs.	Committee	29-Sep-21	Refuse	Refused	VALID	

UTT/19/1219/FUL	Land East Of Braintree Road (B1256) Dunmow	A full application for Refuse Lorry Depot, Classic Car storage and restoration business, flexible office space, enhanced public open space, cycle and pedestrian uses and associated development.	Committee	19-Aug-20	Refuse	Approved		
UTT/19/3068/DFO	Land East Of Little Walden Road Saffron Walden Essex	Reserved matters following UTT/16/2210/OP for 85 residential dwellings including all necessary infrastructure and landscaping. Details of appearance, landscaping, layout and scale.	Committee	03-Jun-20	Approve	Approved		
UTT/20/0614/OP	Claypits Farm Bardfield Road Thaxted CM6 2LW	Outline application for demolition of existing buildings and erection of 14 no. dwellings with all matters reserved except access and layout (alternative scheme to that approved under planning permission UTT/18/0750/OP)	Delegated		Refuse	Refused	Allowed	28-Oct-21
UTT/19/1585/FUL	Almont House High Lane Stansted CM24 8LE	Redevelopment of the site comprising demolition of the existing structures including Almont House and Westwinds, and the construction a 75-bedroom care home (Use Class C2) across two and a half storeys (plus part lower ground floor). The application also	Committee	30-Sep-20	Approve	Refused		
UTT/20/1102/OP	North Of Rosemary Lane Rosemary Lane Stebbing Essex	Outline Planning Application for up to 60 (maximum) residential dwellings including access with all other matters reserved				Appeal Non Determination	Dismissed	27-Aug-21
UTT/19/0476/OP	Land East Of Warehouse Villas Stebbing Road Stebbing Essex	Outline application with all matters reserved except access, for the erection of a new residential development comprising of 17 dwellings along with associated works	Committee	18-Dec-19	Approve	Approved		

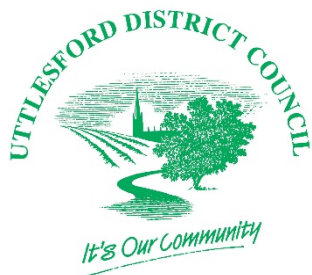
UTT/19/2470/OP	Land To The West Of Isabel Drive Elsenham	Outline application with all matters reserved except access for residential development of up to 99 no. dwellings including affordable homes, with areas of landscaping and public open space, including points of access of Stansted Road and Isabel Drive and				Appeal Non Determination	Allowed	31-Dec-20
UTT/19/1508/FUL	Land East Of St Edmunds Lane Dunmow	Construction of 22 Custom/ Self Build Dwellings (Revised Schemes to UTT/17/3623/DFO)	Committee	17-Jun-20	Approve	Approved		
UTT/19/2168/OP	Land West Of Bonningtons Farm Station Road Takeley	Outline application with all matters reserved except access for the cessation of use of site for storage, demolition of all associated buildings and redevelopment of site for 32 no. dwellings with improvements to existing access onto Station Road.	Delegated		Refuse	Refused	Dismissed	21-Jun-21
UTT/21/0977/OP	Land West Of Colehills Close Middle Street Clavering Essex	Outline application for the erection of 10 no. dwellings with all matters reserved apart from access	Delegated		Refuse	Refused		
UTT/19/2900/DFO	Bricketts London Road Newport CB11 3PP	Details following outline application UTT/16/1290/OP - Details of appearance, landscaping, layout and scale for 11 dwellings	Committee	19-Aug-20	Approve	Approved		
UTT/20/0604/OP	Land South Of Vernons Close Mill Road Henham Hertfordshire	Outline permission with all matters reserved except access for the erection of 45 no. dwellings	Committee	17-Feb-21	Approve	Refused	Allowed	30-Nov-21

UTT/21/1708/OP	Land East Of Highwood Quarry Little Easton Essex	Outline planning application with the details of external access committed. Appearance, landscaping, layout (including internal access), scale reserved for later determination. Development to comprise: between 1,000 and 1,200 dwellings (Use Class C3); up	Committee	27-Oct-21	Refuse	Refused	INPROG	
UTT/21/2082/FUL	Land East Of Brick Kiln Lane North Of Pound Gate Stebbing Essex	Proposed erection of 60 no. dwellings with associated parking, amenity space, vehicular access, public footpaths and new trees and hedgerow.	Committee	16-Mar-22	Refuse	Refused		
UTT/19/1744/OP	Former Friends School Mount Pleasant Road Saffron Walden CB11 3EB	Hybrid application consisting of full details for development of 30 dwellings utilising existing access, re-provision of swimming pool with new changing rooms, artificial grass pitches, sports pavilion, multi-use games area (MUGA), local equipped area for	Committee	17-Mar-21	Refuse	Refused		
UTT/20/2028/FUL	Tesco Supermarket Stortford Road Great Dunmow CM6 1SF	Erection of single storey extension to the Retail Store to provide additional sales and back-of-house space and amended car park layout	Committee	21-Nov-20	Approve	Approved		
UTT/20/2417/OP	Barnston Warehousing Chelmsford Road Great Dunmow CM6 1LP	Outline application, with matters of landscaping and appearance reserved, for partial site redevelopment comprising erection of two industrial buildings together with associated engineering works access and landscaping.	Committee	24-Nov-21	Approve	Approved		
UTT/20/2653/FUL	The Joyce Frankland Academy Cambridge Road Newport Saffron Walden CB11 3TR	Application to Vary Condition 2 (Plans) attached to planning application UTT/18/0739/FUL (approved under appeal APP/C1570/W/19/3229420) - Amendments to footpath link, revisions to plots 5-8 and the re-location of visitor parking spaces.	Committee	17-Feb-21	Approve	Approved		

UTT/20/2220/DFO	Land West Of Woodside Way Woodside Way Dunmow	Details following outline approval UTT/13/2107/OP and UTT/18/1826/DFO - details of layout, scale, landscaping and appearance relating to the development of the site to provide 326 residential dwellings and associated infrastructure works	Committee	17-Feb-21	Approve	Approved		
UTT/20/2784/FUL	Land At Takeley Street Next To Coppice Close Dunmow Road Takeley	Residential development of 23 dwellings with associated vehicular access points of Dunmow Road, open space, car parking and associated infrastructure.	Committee	08-Jul-21	Approve	Refused		
UTT/21/0405/FUL	Former Winfresh Site High Cross Lane Little Canfield Dunmow Essex CM6 1TH	Mixed use development on the site comprising the continuation of part of the existing building for warehouse/storage distribution and associated office use, internal refurbishment to create offices for the Council with an entrance canopy, separate offices	Committee	07-Jul-21	Approve	Approved		
UTT/19/1789/FUL	Land At Pound Hill Little Dunmow	Residential development comprising 14 dwellings (use class C3), vehicular access, public open space, sustainable drainage systems and all other associated hard/soft landscaping and infrastructure.	Committee	17-Mar-21	Approve	Approved		
UTT/20/2639/OP	Land To The West Of Stortford Road Clavering Essex	Outline application with all matters reserved except for access for the demolition of "Poppies" and the erection of up to 31 no. dwellings and 38 no. visitor parking spaces for the adjacent school	Committee	12-May-21	Approve	Approved		
UTT/19/2875/FUL	Holroyd Components Ltd Shire Hill Industrial Estate Shire Hill Saffron Walden Essex CB11 3AQ	Proposed demolition of existing two storey factory and offices. Proposed extension to existing industrial accommodation providing two floors with accommodation and basement. Associated landscaping and engineering works. (Revised scheme following earlier	Committee	18-Mar-20	Approve	Approved		

UTT/20/1098/FUL	Land To The East Of Tilekiln Green Great Hallingbury	Construction of 15 new dwellings, including 6 affordable dwellings, vehicular access and associated parking and landscaping				Appeal Non Determination	Allowed	01-Nov-21
UTT/21/2465/DFO	Land South Of Radwinter Road Radwinter Road Saffron Walden Essex	Details following outline approval UTT/17/3426/OP (approved under appeal APP/C1570/W/19/3227368) for extra care housing (use class C2) together with associated infrastructure including road, drainage and access - details of appearance, landscaping, layout	Committee	29-Sep-21	Approve	Approved		
UTT/21/3356/FUL	Land Near Pelham Substation Maggots End Road Manuden	Construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and	Delegated		Refuse	Refused		
UTT/21/1618/OP	Land At Parsonage Farm Parsonage Farm Lane Great Sampford Essex	Outline application with all matters reserved except access for proposed residential and community development including 27 dwellings (14 private and 13 affordable), community shop, play area, shared gardens, public green space and associated parking	Delegated		Refuse	Refused	INPROG	
UTT/21/2730/OP	Land East Of Pines Hill Stansted	Outline planning permission with all matters reserved except access, for up to 31 no. dwellings.	Delegated		Refuse	Refused		
UTT/21/2509/OP	Land South Of (East Of Griffin Place) Radwinter Road Sewards End Essex	Outline application for the erection of up to 233 residential dwellings including affordable housing, with public open space, landscaping, sustainable drainage system (SuDS) and associated works, with vehicular	Committee	17-Mar-22	Refuse	Refused	INPROG	

		access point from Radwinter Road. All matter						
UTT/21/2799/DFO	Land To The North West Of Henham Road Elsenham Hertfordshire	Details following outline approval UTT/17/3573/OP (approved under appeal reference APP/C1570/W/19/3243744) for access road infrastructure to serve up to 350 new homes and associated uses - details of appearance, landscaping, layout and scale.	Committee	15-Dec-21	Approve	Approved		
UTT/21/2506/FUL	77 High Street Great Dunmow CM6 1AE	Application to vary condition (approved plans) of planning application UTT/19/1437/FUL (added under UTT/21/2490/NMA).	Committee	24-Nov-21	Approve	Approved		
UTT/21/2584/FUL	Land West Of Woodside Way Woodside Way Dunmow	Application to vary condition 4 (walking and cycling network) and 5 (Ecology and lighting), and approved plans condition as added by UTT/21/2324/NMA to UTT/20/2220/DFO - Development of the site to provide 326 residential dwellings and associated infrast	Committee	24-Nov-21	Approve	Approved		



ITEM NUMBER: 6

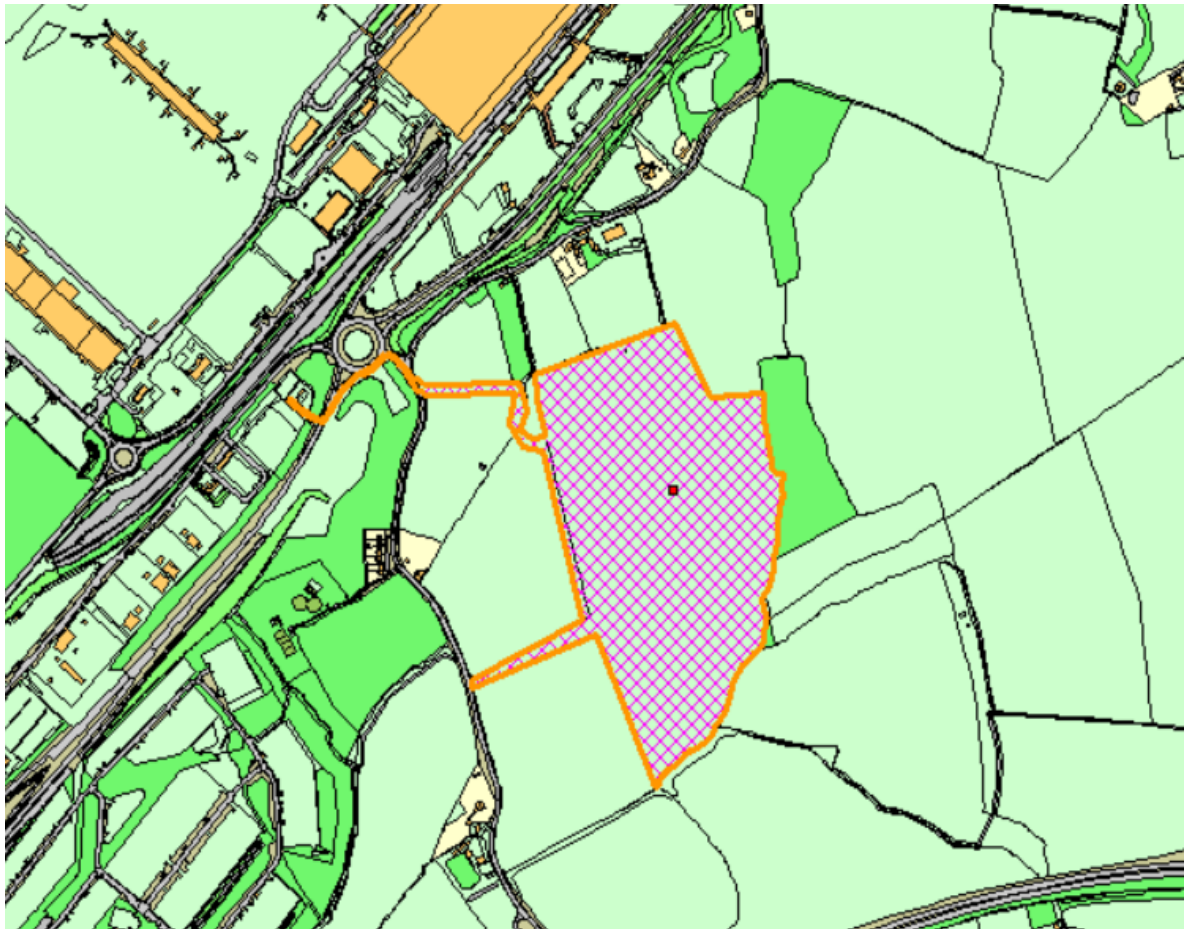
PLANNING COMMITTEE

DATE: 6 July 2022

REFERENCE NUMBER: S62A/22/0000004
UTT/22/1474/PINS

LOCATION: Land East of Parsonage Road, and South of Hall Road, Takeley

SITE LOCATION PLAN:



© Crown copyright and database rights 2021 Ordnance Survey 0100018688
Organisation: Uttlesford District Council Date: June 2022

PROPOSAL: Consultation on S62A/22/0000004 - The erection of a 14.3MW solar photovoltaic farm with associated access tracks, landscaping, supplementary battery storage, and associated infrastructure

APPLICANT: Stansted Airport Limited

AGENT: Mr A Murray

DATE CONSULTATION RESPONSE DUE: 7th July 2022

CASE OFFICER: Mr Bruce O'Brien

NOTATION: Consultation of Stansted Airport (BAA), Consultation of National Air Traffic Services (NATS), Important Woodlands (Seven Acre Wood), Within 100m of Local Wildlife Site, Outside Development Limits, Countryside Protection Zone (Parcel 6), Within 2km of SSSI.

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 decision-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.

1. **RECOMMENDATION**

Request that PINS **APPROVE** the application subject to:

(A) Completion of a s106 Obligation Agreement in accordance with Heads of Terms

(B) Conditions

As set out in sections 16 of the report.

2. **SITE LOCATION AND DESCRIPTION**

2.1 The application site comprises 22.5 hectares of land which is located to the south-east of Stansted Airport outside of the boundary of Stansted

Airport and any recognised development limits. The developable area of land amounts to 18 hectares.

2.2 The parcel of land is set between Hall Road to the north and Parsonage Road to the east and is in the ownership of Stansted Airport.

2.3 The land is arable, agricultural land interspersed with ditches, hedgerows, and trees. It is currently leased for crop production.

3. PROPOSAL

3.1 The erection of a solar photovoltaic farm with a total Megawatt Peak of 14.3MW. At full output this amount of power should meet the current and future electricity needs of the airport of which 87% of its power use is supplied by electricity. There are five on-site battery storage units proposed to meet demands outside of peak production hours.

3.2 The development comprises Photo Voltaic (PV) solar panels set in rows with a 4m gap between each row. There shall be 72 Panels at approximately 2.2m x 1.3m in size. Most panels shall face south, but due to considerations relating to glint and glare, some shall face east. Each panel has a maximum overall height of 3.2m and shall be set at angles between 25 and 30 degrees. Panels shall be attached to metal framework which shall in turn be fixed to the ground by way of pile or screw foundations or concrete blocks.

3.3 Associated infrastructure shall include inverter substation buildings (6m long x 3.2m wide x 3.4m high) in 5 locations on the site, the number and type to be confirmed and an electricity substation (7.1m long x 1.6m wide x 2.5m high). There shall be a track for access purposes, mesh 'deer fence' security fencing at 2.45m high and CCTV, erected on 11 poles at 3m high. Motion activated security lighting shall be installed, the details of type and location to be agreed by condition.

3.4 The power from the site shall be connected to the airport's primary existing substation (Substation 100 as identified on submitted plan STN-PV-001-Rev 01), which is located within the airport site. The connection shall be via a circuit cable installed across and within the verge of private highways and then across the public highway of Parsonage Road.

3.5 The submitted site plan includes boundary planting to the eastern and western boundaries and some planting within the site. The estimated lifespan of the proposed development is 25 years and as such the proposed development and associated infrastructure is long-term temporary and reversible.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 An application for a screening opinion for the above proposal under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), under Regulation 5 of the stated Regulations, was submitted under application UTT/21/2664/SCO (appendix A).
- 4.2 The 2017 Regulations provides guidance regarding procedures which are required in establishing whether an EIA is required. This guidance requires the Local Planning Authority (LPA) to consider whether the proposed development is described in Schedule 1 or 2 of the Regulations. Schedule 2 identifies 13 different categories, of which Class 3 is 'Energy Industry' and a) relates to 'Industrial installations to produce electricity, steam and hot water (unless included in Schedule 1)'. The proposal is not, however located in wholly or partly within a 'sensitive area' as defined by the Regulations.
- 4.3 It was concluded that the proposal does constitute a Schedule 2 form of development as defined by the Regulations. Under these circumstances it is necessary to establish whether the proposal is likely to give rise to 'significant effects' on the environment by virtue of its nature, size, or location.
- 4.4 Given the location of the proposed development and taking into consideration the potential of cumulative impacts arising, it was considered that the proposals would not give rise to significant adverse effects. Therefore, an Environmental Impact Assessment was not required to be submitted with the application.

5. **RELEVANT SITE HISTORY**

- 5.1 There are no relevant planning applications linked to this proposal on this site.

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

- 6.1 Other than the screening opinion as mentioned in Paragraph 5.1, there has been no other pre-application advice or community consultation.

7. **STATUTORY CONSULTEES**

- 7.1 All statutory consultees will write directly to PINS within the 21 days period being the 7th of July 2022 and are thereby not mentioned within this report.

8. **PARISH COUNCIL/TOWN COUNCIL COMMENTS**

- 8.1 These should be submitted by the Parish / Town Council directly to PINS within the 21-day consultation period.

9. **CONSULTEE RESPONSES**

9.1 All consultees' comments should be submitted directly to PINS within the 21-day consultation period.

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 7th of July 2022. 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:

(a) 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) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or the Secretary of State, in considering whether to grant planning permission 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.

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)

12. POLICY

12.1 National Policies

12.1.1 National Planning Policy Framework (2021)

12.2 Uttlesford District Plan 2005

12.2.1 S7 – The Countryside
S8 – The Countryside Protection Zone
GEN1- Access
GEN2 – Design
GEN5 –Light Pollution
GEN6 - Infrastructure Provision
GEN7 - Nature Conservation
ENV2 - Development affecting Listed Buildings
ENV3 - Open Space and Trees,
ENV4 - Ancient monuments and Sites of Archaeological Importance
ENV5 - Protection of Agricultural Land
E4 - Farm Diversification
ENV7 - The Protection of the Natural Environment
ENV13 - Exposure to Poor Air Quality
ENV14 - Contaminated Land
ENV15 - Renewable Energy

12.3 Supplementary Planning Document or Guidance

12.3.1 Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

13. CONSIDERATIONS AND ASSESSMENT

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

13.2 **A) Principle of Development**
B) Impacts on the Countryside Protection Zone
C) Impacts on biodiversity
D) Access and highway safety
E) Aircraft Safety
F) Heritage and Archaeology
G) Environmental Health
H) Flood Risk and Surface Water Drainage

I) Benefits of the scheme and the Planning Balance
J) Other Matters

13.3 A) Principle of development

- 13.3.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the planning policies set out in the Adopted Development Plan unless material considerations indicate otherwise. The planning policies contained within the National Planning Policy Framework (the Framework) are also a material planning consideration, particularly where the policies in the Adopted Development Plan are out of date whereby the NPPF (2021) provides the statutory guidance for determining planning applications at a national level. The adopted development plan for Uttlesford comprises the Uttlesford Local Plan which was adopted in January 2005 and is therefore now over 16 years old and pre-dates both the original NPPF (2012) and the latest version (2021).
- 13.3.2** A significant area of land that surrounds the boundary of Stansted Airport is a designated Countryside Protection Zone (CPZ) as defined on the adopted Uttlesford Local Plan (2005) Proposals Map. The CPZ attracts its own policy requirements as stated within policy S8 of the Local Plan (2005). The application site is situated within The Countryside Protection Zone, (Parcel 6).
- 13.3.3** Policy S8 of the adopted Local Plan states that planning permission will only be granted for development that is required to be there, or is appropriate to a rural area, adding that there will be strict control on new development. Policy S8 adds that development will not be permitted if either:
- (a) new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside, or
 - (b) it would adversely affect the open characteristics of the Zone.
- 13.3.4** Paragraph 2.4 of the Local Plan (2005) speaks of the implementation of Policy S8 wherein *'Development will be largely implemented with private sector resources. Investment is anticipated by the house building industry, commercial developers, and BAA. This is realistic in the context of the area's relative prosperity'*.
- 13.3.5** The proposal cannot be tested against a fully up-to-date Development Plan. Therefore, Paragraph 11 of the NPPF (2021) is fully engaged and the proposal is assessed in line with Paragraph 8 of the NPPF (2021) to judge the sustainable merits of the scheme.

13.3.6 Paragraph 11 of the NPPF (2021) requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would ‘significantly and demonstrably’ outweigh the benefits of the proposal.

13.3.7 Paragraph 11 therefore advocates that a planning balance be made. Such a planning balance is undertaken by way of a wider assessment of the proposal against all relevant material considerations to determine if there are adverse impacts that would ‘significantly and demonstrably’ outweigh the benefits of the proposal in the planning balance.

13.4 B) Impacts on the Countryside Protection Zone

13.4.1 Paragraph 174 of the NPPF (2021) states that:
‘Planning policies and decisions should contribute to and enhance the natural and local environment by; protecting and enhancing valued landscapes’ and by ‘recognising the intrinsic character and beauty of the countryside’ including the benefits of trees and woodland.

13.4.2 The site is expansive and would utilise a significant amount of land that is designated for special protection, it being sited within the Countryside Protection Zone as defined within the 2005 Local Plan.

13.4.3 The site is included within the Uttlesford “Countryside Protection Zone Study” (LUC, 2016) identified as “Parcel 6- Bamber’s Green’. The study sought to test the robustness of the LPA’s Policy S8 of its adopted Local Plan and to identify those parcels which should be retained within the zone due to the contribution they make to the zone in terms of various defined purposes.

A quantitative evaluation was carried out on “Parcel 6” by the commissioned study in terms of its own contribution to the Countryside Protection Zone (CPZ) and assessed level of environmental impacts of new development on the parcel. The findings were as follows:

Purpose 1 To protect the open characteristics of the CPZ –*High* impact

Purpose 2 To restrict the spread of development from the airport –*High* impact

Purpose 3 To protect the rural character of the countryside (including settlement) around the airport –*High* impact

Purpose 4 To prevent changes to the rural settlement pattern of the area by restricting coalescence – *Low* impact.

It is the LPA’s stated view from this evaluation that this part of Parcel 6 should be retained as open undeveloped land given the contribution it makes to the CPZ whereby development of it as proposed would erode its sense of openness to the countryside to the detriment of this land parcel within the CPZ.

The intention of the CPZ is to provide a green “lung” around Stansted Airport as a non-statutory “mini-green belt”, to preserve the zone from incursive development. As such, it is argued that this additional environmental protection afforded by the CPZ whereby Policy S8 of the Uttlesford Local Plan has been found by the 2016 study to still be “fit for purpose” in terms of controlling such development should be seen as a reason to argue that there would not be a presumption in favour of sustainable development.

13.4.4 The application site comprises parts of two arable fields, which are subdivided by low-cut hedgerows, with occasional individual trees. To the north and west of the site is Parsonage Road. Much of the eastern side of Parsonage Road is open, without hedgerows, and with an open ditch forming part of the grassland strip alongside the road. In contrast, established hedgerows occur along other sections of Parsonage Road, albeit intermittently. Two separate important woodlands border the application site to the east (Newlands Wood and Seven Acre Wood). Agricultural fields adjoin the application site to the west and south. This area is bisected by the A120 dual carriageway which runs to the north of the B1256 and the settlement of Takeley. It is further interrupted by local roads and London Stansted Airport which is to the north/north-west.

13.4.5 Furthermore, part of a long-distance route public right of way (Harcamlow Way) runs to the south and east of the application site. There is also a public footpath which follows a loop to the west of Parsonage Road, dropping down to and following the course of Pincey Brook before returning adjacent to Parsonage Road and the A120. A further public footpath runs to the north of the site, linking Parsonage Road with a minor road to the north.

13.4.6 The applicant’s submitted landscape assessment, based on the findings of the *Braintree, Brentwood, Chelmsford, Maldon, and Uttlesford Landscape Character Assessments (CBA 2006)*, *Landscape Character Area (LCA) B10: Broxted Farmland Plateau* describes the characteristics of the landscape surrounds and places the application site within the same definition:

‘The area consists of undulating arable; the farms are large, and the landscape is open, with few trees except in blocks or near settlements. Hedgerows are intermittent and field pattern is delineated mainly by ditches or grass tracks, occasionally with trees or scrub.... Stansted Airport is a major influence on the character of the southwestern part of this area. Though screened by trees and shrubs, its buildings and tower can be seen in long views. The access roads and perimeter roads have brought an urban feel with them. The sound of aircraft is almost constant. The A120 and the B1256 cut across the southern part of this area, and a small piece of the M11 crosses the northwest corner. Water towers, telegraph poles and telecommunications masts are sometimes seen on the horizon. Despite the proximity of the airport and major roads in the south and west, there remain only winding lanes and minor roads for

access to the scattered farmsteads. Many of these lanes are sunken, with verges of varying widths, sometimes tree-lined, and often quite peaceful. Many footpaths including the Harcamlow Way cross the area. The texture of the landscape is influenced by the topography and the contrasts with trees, fields, and local building materials. Away from the Stansted flight path tranquillity is moderate to strong.'

13.4.7 The application site has a positive scenic quality due to its rolling landform and field pattern provided by its network of hedges and ditches, watercourses, and woodlands. However, this report recognises the impacts of the existing airport and its associated infrastructure on the current landscape of Parcel 6 of the Countryside Protection Zone.

13.4.8 To summarise the landscape character of the site, the value of the site and its surroundings are considered to have a medium value, it being neither of a high or low value. It is intensively farmed with a fragmented field pattern and other incursions such as agricultural buildings, gates, and signage. However, the land does provide a rural setting to Stansted Airport as part of the CPZ and there is a nearby Listed Heritage Asset in the form of the Grade II Listed Building, Le Knells Cottage to the west.

Whilst there is no recreational value to the land, nearby public rights of way allow views into the land. However, the nearby airport and roads erode any sense of tranquillity, and the site is considered not to have any exceptional qualities of landscape value in comparison to other agricultural land.

13.4.9 The recognition of the impacts of the development upon the landscape means that the scheme has been designed to mitigate its level of public visibility and harm to the landscape character. The existing mature green infrastructure, the undulating landform and the local PRow networks are positive amenity, landscape character and biodiversity assets. The proposed development has taken into consideration these assets when minimising the impacts on landscape and views. Therefore, all trees would be retained and protected as part of the proposed development and alterations to landform to accommodate the access track, substation and battery storage units would be kept to a minor level.

13.4.10 It is proposed that the existing mature hedgerows would be infilled where bare, with supplementary native planting, and existing trees shall be better managed, to retain their important boundary screening functions and landscape structure characteristics. Mitigation measures would enhance the green infrastructure contribution to the quality of the site, the wider rural character of the landscape and increase their screening function.

13.4.11 Existing hedgerows within the site would be retained and allowed to flourish to provide additional screening. It is anticipated that they would have attained a height of between 4-6m by Year 15 of the development's

lifespan. Newly planted native species hedgerows would be between 4-6m height by year 15. The proposed solar panels and security fences would be located at an appropriate distance from existing landscape features to ensure their ongoing management and maintenance.

- 13.4.12** Grassland incorporating a mix of native grass and flora species will be established between and beneath the solar panels.
- 13.4.13** The landscape and visual effects of the development shall be assessed at summer in Year 15. The proposals would be implemented, managed, and monitored to achieve their design function. As a result of the improved management of the existing vegetation and new planting proposed, the identified adverse effects of the proposed development on the landscape character and the openness of Parcel 6 of the Countryside Protection Zone would be partially mitigated and offset.
- 13.4.14** Most of the land on the site is identified on the Uttlesford District Council Constraints Map as being Grade 2 Agricultural Land. Such land is very good quality, high yielding agricultural land with minor limitations which affect crop yield, cultivations or harvesting and can support a wide range of agricultural and horticultural crops.
- 13.4.15** Local Plan policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.
- 13.4.16** There is conflict with the requirements of policy ENV5. The applicant has failed to assess whether the proposed development could be accommodated elsewhere within the substantial land holding of Stansted Airport, which may prove to be more sustainable or of a poorer quality of agricultural category. However, it is accepted that the overwhelming classification of agricultural land around Stansted Airport is classed as Grade 2, as is 80% of the agricultural land in Uttlesford.
- 13.4.17** Local Plan policy E4 allows for alternative uses of agricultural land provided the development includes proposals for landscape and nature conservation enhancement, the development would not result in a significant increase in noise levels or other adverse impacts beyond the holding, the continued viability and function of the agricultural holding would not be harmed, and that the development would not place unacceptable pressures on the surrounding rural road network.
- 13.4.18** Some conflict is identified with policy E4. Whilst it may be that there shall be some landscape impact mitigation and biodiversity enhancements resulting from the scheme, and there would not be adverse impacts beyond the holding or the rural road network, it has not been

demonstrated that the viability and function of the agricultural holding would not be harmed by way of the loss of functioning arable land.

13.4.19 When considering the long-term impacts on the openness of the Countryside Protection Zone, its openness, and the loss of a proportion of its agricultural land, are the long-term impacts of the proposed development.

13.4.20 The applicant has stated that the solar farm shall be in existence for a lifespan of 25 years. Solar Farms tend to have a limited lifespan due to the reduction of efficiency of the solar panels and the expected progress of technology that may render the site unviable. This, coupled with the increased effectiveness of proposed landscape mitigation over time, are factors that are given weight in the planning balance against the identified harm to the CPZ. It is expected that any final decision would include appropriate conditions for the decommissioning and removal of the development and the re-instatement of agricultural land.

13.4.21 The impacts on the landscape and the proposed mitigation measures shall ultimately be assessed by the landscape officer at UDC who shall directly provide written advice of their findings and conclusions directly to PIN's.

13.5 C) Impacts on biodiversity

13.5.1 An application for a screening opinion for the above proposal under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), under Regulation 5 of the stated Regulations, was submitted under application UTT/21/2664/SCO, where it was decided that an Environmental Impact Assessment was unnecessary.

13.5.2 Paragraph 180 of the National Planning Policy Framework (2021) states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for, then planning permission should be refused.

13.5.3 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.

13.5.4 The application is supported by an Ecological Appraisal Report which recognises that the site comprises arable farmland, with hedgerows, scattered trees, vegetation, grassland, and some scrub. There are two statutorily designated sites and eight non-statutorily designated sites within 2 km. The site falls within two Impact Risk Zones for Sites of Special Scientific Interest.

- 13.5.5** Surveys were undertaken for Great Crested Newts (GCN), reptiles, bat activity and roosts, breeding birds, invasive species and badgers.
- 13.5.6** It was found unlikely that there are GCN on the site; all ponds within 500m returned negative results and no mitigation is required.
- 13.5.7** It was found that there is a presence of badger setts nearby, there are low numbers of foraging and commuting bats, low numbers of common lizards, and 32 species of birds of which 13 species are considered to have conservation importance. The site contains important hedgerows, trees, scrubland, and vegetation that can provide for wildlife habitats. Japanese Knotweed was found near to the site; however, it is considered that this can be managed as part of a wider management plan.
- 13.5.8** Given the above, and the details of mitigation measures as laid out in the submitted Ecological Report the development has the potential to provide a net gain of 163.48% for habitats and 29.57% net gain for hedgerows. Therefore, the proposed development would comply with the requirements of Paragraph 180 of the NPPF (2021) and Local Plan policies GEN2 and GEN7.
- 13.5.9** The application is accompanied by a Tree Survey Report and Arboriculture Impact Assessment. The tree survey assesses individual trees and groups of trees for quality and benefits within the context of proposed development.
- 13.5.10** Trees onsite appear to be good structural and physiological condition with ages ranging between young and over-mature. 104 individual trees, 11 tree groups, 4 woodlands and 14 hedges were recorded. Two of the woodlands are classed as important woodlands and are of high retention value (Category A). Both are offsite and provide landscape value to the area. There are no TPO trees or Ancient Woodlands on the site.
- 13.5.11** One tree shall be removed to facilitate the access road into the site from the west. The tree shown as T1 in the AIA is a small roadside Ash tree with no significant merit. Its removal will have negligible impact to the wider setting and therefore is deemed to be a reasonable loss. No other tree works other than supplementary planting shall be undertaken to realise the proposed development.
- 13.5.12** Below ground impact to Root Protection Areas is restricted to trees shown as T17, T32 & T45 on plan number 703 A, and is deemed to have little to no detrimental impact to the impacted trees. Tree Protection Fencing shall be erected as shown on the Tree Protection Plan (JSL3353_710A) to ensure retained trees are protected from construction activity. Given the location of landscape features and the type of proposed development, trees and hedgerows on the site can be

retained safely without undue impact or the requirement for further protection measures.

13.5.13 The acceptance of the proposals shall be assessed by Essex County Council Place Services (Ecology) who are the lead authority in respect to matters of biodiversity, protected species, and their habitats. Place Service will directly provide written advice of their findings and conclusions directly to PIN's.

13.6 D) Access and highway safety

13.6.1 Paragraph 110 (b) of the NPPF states that 'safe and suitable access to the site can be achieved for all users', whilst Paragraph 112 (c) asks that development should 'create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.'

13.6.2 Local Plan policy GEN1 relates to safe access and states that development will only be permitted where a) Access to the main road network must be capable of carrying the traffic generated by the development safely and 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.

13.6.3 The applicant has submitted a Construction Traffic Management Plan and identifies the proposed use of an existing field access from Parsonage Road to provide access for construction traffic and ongoing maintenance vehicles. The operational site would be monitored remotely; any impacts from maintenance vehicles would be negligible.

13.6.4 The construction access will be via an improved simple priority junction with Parsonage Road, located approximately 600m south of the Coopers End Roundabout in the position of the existing gated field access. The existing field entrance will be suitably improved to allow for all HGV movements safely to/from the site. In addition, internal access tracks will be required during the construction phase. The access tracks around the solar farm will be constructed using crushed rock / aggregate based laid over clear ground with a finer 'type 2' stone and gravel material surface. These tracks will be fully permeable and will not affect on-site drainage. It is proposed that temporary signage is used to direct construction traffic to the site along the proposed construction traffic route utilising existing street furniture.

13.6.5 The typical build programme will be between 30 to 40 weeks. The construction impacts from traffic are likely to be limited. The PV panels will be delivered in approximately 140 standard shipping containers by articulated HGVs spread through the 30-to- 40-week construction phase. In addition, it has been advised that the metal

frames and other plant will arrive in a similar number of HGVs to the PV panels. Therefore, the construction programme will result in circa 280 HGV movements.

Based on the shorter 30-week construction programme (6 working days Monday – Saturday) the site would be accessed by 1.6 HGVs per day spread evenly. On this basis it will be easier to schedule HGV deliveries to avoid arriving at the same time and avoid peak or sensitive periods. In addition, the site would also need to be accessed by construction workers to install the PV -panels. The on-site contractors would typically use light goods vehicles such as small vans or transit vans. It is anticipated that these would account for 3-4 light goods vehicles (LGVs) per day.

13.6.6 The applicant will appoint a Site Manager for the project and the details will be provided to ECC. The Site Manager for the project will undertake the transport co-ordination role for the site. Their main responsibilities will include:

Managing the implementation of the CTMP.

Vehicle scheduling.

Checking for scheduled road works on the local highway network.

Dealing with any complaints; and

Acting as a point of contact for employees, contractors, highway authority, planning authority and the public.

13.6.7 The acceptance of the proposed vehicle access point and the Construction Management Plan will ultimately be assessed by the highway authority in respect to matters of highway safety, traffic congestion, intensification, and accessibility. The highway authority will directly provide written advice of their findings and conclusions directly to PIN's.

13.7 E) Aircraft Safety

13.7.1 Given the location of the site, adjacent to Stansted Airport, the applicant is reminded that action may be taken against anyone found in contravention of the Air Navigation Order ("Order"). In contravention of the following provisions under that Order: -

Part 10: 240: A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft.

Part 10: 241: A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.

13.7.2 Therefore, the proposed solar panel development is accompanied by a 'Solar Photovoltaic Glint and Glare Study' to assess any possible impacts upon aviation activity associated with Stansted Airport.

13.7.3 The results of the study are as follows:

No impacts are predicted upon personnel in the ATC tower and no mitigation is required.

No significant impacts are predicted upon pilots on approach to the runways assessed at London Stansted Airport.

Glare is possible towards positions within the visual circuits at Stansted Airport. The glare intensity is mostly 'low potential for temporary after-image', which is acceptable even for pilots on final approach.

- 13.7.4** The acceptance of the submitted 'Solar Photovoltaic Glint and Glare Study' will ultimately be assessed by the safeguarding authorities at Stansted Airport, NATS (En Route) Public Limited Company and MAG Aerodrome Safeguarding who will directly provide written advice of their findings and conclusions directly to PIN's.

13.8 F) Heritage and Archaeology

- 13.8.1** Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the decision maker 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. This responsibility is enshrined in Section 16 of the National Planning Policy Framework, and subsequently transposed into Local Plan policy ENV2 which requires that development affecting a listed building should be in keeping with its scale, character, and surroundings, adding that development proposals that adversely affect the setting and alterations that impair the special characteristics of a listed building will not be permitted.

- 13.8.2** The site is near to a Grade II Listed Building known as Le Knells Cottage. The Listed Building is located approximately 275 metres to the west of the proposed development. Given the separation distance and the low level of the proposed scheme, the development would not cause significant harm to the setting of the heritage asset.

- 13.8.3** Local Plan policy ENV4 ensures the protection of Ancient Monuments and Sites of Archaeological Importance, whether they are scheduled or not. Development will not be permitted until satisfactory provision has been made for a programme of archaeological investigation and recording prior to commencement of the development.

- 13.8.4** As advised in the screening response to UTT/21/2664/SCO, the Historic Environment Record indicates that the proposed development lies within a sensitive area of heritage assets. The County Council Archaeology commented that the area may be subject to important Archaeological remains. As such the applicant has submitted an archaeological desk-based assessment which has received a consultation response from the ECC Historic Environment Advisor. They state that in line with the National Planning Policy Framework (2021), Paragraph 205, conditions should be added to any approval decision whereby an archaeological programme of investigation is undertaken.

13.8.5 The proposed development lies within an area where extensive archaeological evaluation has already been undertaken during the proposed development of Stansted G2 comprising trial trenching over most of the area. This has shown extensive archaeology in the area comprising Prehistoric, Roman, and medieval occupation which is described in the submitted desk-based assessment. The most significant archaeology comprises prehistoric settlement evidence identified in the trial trenching extending over part of the development area. The submitted desk-based assessment identifies these deposits but does not consider any way in protecting these as part of the development. On several solar park sites discussions have led to changes in construction design to minimise or in most cases virtually remove the need for ground disturbance in areas of archaeological significance. This has not occurred to date on this application and therefore the following recommendation is being made to ensure appropriate recording of the archaeological deposits where required.

13.8.6 The acceptance of the submitted archaeological assessment, the suggested archaeological conditions, and the impact of the development on the setting of Le Knells Cottage will ultimately be assessed by the Planning Inspectorate.

13.9 G) Environmental Health

13.9.1 Paragraph 130 of the NPPF states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

13.9.2 Local Plan Policy GEN2 requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties.

13.9.3 Residential dwellings are sited at distances of between 275 and 300 metres to the west, and 350 metres to the southwest of the boundaries of the application site. Within responses to other solar farm applications in the district the Uttlesford Environmental Health Officer has advised that noise associated with the operational phase of such development is considered unlikely to cause any adverse impacts. Given this, the separation distances from residential dwellings and the existing background noise arising from the airport and highways, it is considered unlikely that there would be adverse noise impact on any neighbouring occupants of residential houses. Furthermore, the proposal would not result in a material detrimental impact on the living conditions of the occupants and future occupants of nearby dwellings, by way of an overshadowing or overbearing impact and the proposal would comply with Local Plan policy GEN2.

13.9.4 Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that

final ground conditions are fit for the end use of the site in accordance with policy ENV14 of the adopted Local Plan.

13.9.5 The applicant has submitted a Phase 1 Preliminary Risk Assessment for contamination (RPS, REV 2 April 2022) wherein no significant potentially contaminative current or historical land uses have been identified on the site, with potential contaminants likely to be limited to herbicides, pesticides and fertiliser associated with agricultural land use. There is the potential for a degree of contamination to be present within Made Ground beneath the roads along the proposed cable route; however, the cable route is not considered a sensitive receptor to this potential contamination.

13.9.6 Considering the findings of the Phase 1 desktop study it is reasonable to suggest a condition by which any contamination that is discovered during the construction of the development shall be reported to the LPA and steps shall be taken for remediation.

13.9.7 The impacts of the development on Environmental Health and subsequent amenity shall ultimately be assessed by the Environmental Health Officer at UDC who shall directly provide written advice of their findings and conclusions directly to PIN's.

13.10 (H) Flood Risk and Surface Water Drainage

13.10.1 The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. A check of the Environmental Agency's website and the Councils policy maps has identified the site is within a fluvial Flood Zone 1 and therefore at a Low Risk of flooding.

13.10.2 Major developments must include sustainable drainage details to ensure that the risk of flooding is not increased to those outside of the development and that the development is future proofed to allow for increased instances of flooding expected to result from climate change.

13.10.3 The applicant has submitted a Flood Risk Assessment and a Sustainable Drainage Strategy. No significant risk of flooding has been identified and the bottom of the proposed solar panels would be elevated at 800mm above surface level to help mitigate any risks.

13.10.4 The submitted report (RPS, January 2022) is not intended to provide formal details of the final drainage design for the development. However, it provides information regarding the capabilities of the conceptual surface water drainage strategy to meet the requirements of the NPPF. Therefore, a request for a more detailed strategy is requested by way of a suggested planning condition. This may then be reviewed by the Local Lead Flood Authority and the Environment Agency.

13.10.5 The impacts of the development on the flood risk, any increase in surface water and its drainage and mitigation shall ultimately be assessed by the Local Lead Flood Authority at ECC who shall directly provide written advice of their findings and conclusions directly to PIN's.

13.11 I) Benefits of the scheme

13.11.1 Paragraphs 14.4.3, 14.4.16 and 14.4.18 of this report have identified that there would be harm caused to the Countryside Protection Zone contrary to Local Plan policy S8 and that there is conflict with Local Plan policies ENV5 and E4. However, within the assessment of the accordence of the proposal towards these policies, it is recognised that the proposed solar farm has a limited lifespan, the remediation of which may be controlled by planning conditions.

13.11.2 Paragraph 8 of the NPPF (2021) outlines the aspects of development whereby a scheme may be classified as sustainable. These reflect the social, environmental, and economic roles that the scheme may play or deliver. In other words, the benefits of the scheme, which are in this case weighed against the harm and conflict identified in Paragraphs 14.4.3, 14.4.16 and 14.4.18 of this report.

13.11.3 Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. Local planning authorities are responsible for renewable and low carbon energy development of 50 megawatts or less installed capacity (under the Town and Country Planning Act 2008 Section 15 (2c), an amount that forms a significant contribution towards the district and County's renewable energy production.

13.11.4 The applicant has advised that it is estimated that the proposed development would generate approximately 14.3MW of renewable energy, which shall eventually provide approximately enough energy to power the electricity needs of the Stansted Airport site, allowing flexibility for some extra supply needs. For the initial 5-7 years that the proposed installation is functional, any surplus energy production shall be diverted to other airport sites within the Manchester Airport Group, prior to the power being required by Stansted Airport. As such the provision of the battery installation to the northwest of the site shall not be expected until 5-7 years after the site becomes active. These renewable energy benefits are significant and are weighed against the identified impacts and the mitigation of those impacts.

13.11.5 In June 2019, the Government raised the UK's commitment in tackling climate change by legislating a net-zero gas emissions target for the economy by 2050. Following the Climate Change Committee's advice in the Sixth Carbon Budget, there is an agreement to legislate a new target to reduce national emissions by 78% by 2035, with the target due to be enshrined in law. This builds on the nation's new Nationally Determined Contribution (NDC) to the Paris Agreement, which will see the UK

reduce emissions by 68% by 2030 compared to 1990 levels. Decarbonising the power sector is integral to achieving these targets and requires major investment into renewable technologies, such as solar power, which are supported by planning policy at both local and national levels.

13.11.6 Paragraphs 152 and 155 of the NPPF (2021) advocate the transition to a low-carbon future including support for renewable energy production and its associated infrastructure, whereby development may draw its energy supply from renewable systems.

13.11.7 At a local level, Uttlesford District Council voted to declare a climate emergency in August 2019 and are committing to realistic, measurable, and deliverable targets that define how the Council will achieve net-zero carbon by 2030. Further, in February 2021 Uttlesford District Council adopted its Interim Climate Change Planning Policy.

13.12 J) Other Matters

13.12.1 Section 62A Process

13.12.2 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.

13.12.3 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.

13.12.4 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.

13.12.5 The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days, in this case by 07.07.2022. 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.

13.12.6 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.

13.12.7 Section 106

- 13.12.8** Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations.
- 13.12.9** Relevant statutory and non-statutory consultees will directly provide PIN's their formal consultation response in respect to the proposals which may or may not result in the need for obligations to be secured by a Section 106 Legal Agreement.
- 13.12.10** However, the LPA in recommending support for the scheme strongly recommend that a Section 106 Agreement under the terms of the Town and Country Planning Act 1990, (as amended) shall be entered into for the proposed development. The suggested Heads of Terms of which are listed below.
- 13.12.11** Uttlesford DC as Local Planning Authority requires a decommissioning plan, prior to construction. This plan typically includes:
The anticipated life of the project,
The anticipated cost of decommissioning,
An explanation of the calculation of the cost of decommissioning,
The physical plan for decommissioning,
A broad understanding of the land ownership and current tenancy agreement,
A surety or bond, letter of credit, or cash escrow held by an appropriate insured financial institution. to cover the cost of decommissioning,
Updated decommissioning costs and salvage value projections every five years and including a mechanism for truing up the security,
A reserve factor to the cost projections to protect against changes in market values,
A detailed decommissioning plan with a documented decommissioning costs and salvage value projections. This plan should be either produced by, or reviewed by, a licensed civil engineer; and
A process to require decommissioning if the solar energy system is no longer operational.
- 13.12.12** Such an Agreement will be secured in advance of the release of any planning permission.
- 13.12.13** The heads of terms of the S106 (Paragraph 17.2) are to provide protection to the local authority. The obligation to review and update the decommissioning estimate a bond or deposit every 5 years would give the local authority additional protection with the updates for salvage, disposal, equipment, and labour costs.
- 13.12.14** A bond or deposit shall be secured to provide the local council with funds that would cover their time and costs in covering for a contractor to

perform the decommissioning work if the developer walks away from the project.

14.0 ADDITIONAL DUTIES

14.1 Public Sector Equalities Duties

14.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

14.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

14.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

14.2 Human Rights

14.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been considered in the determination of this application.

15.0 CONCLUSION

15.1 As set out in this report, the proposed development will cause some harm to the openness of the CPZ and is contrary to Local Plan policy S8, however there is a case for the landscape mitigation of such impacts. Further, the proposal conflicts with other Local Plan policies relating to the use of agricultural land. These impacts would be long-term, over 25 + years but ultimately temporary due to the future decommissioning of the site.

The proposal is in accordance with other Local Plan policies which, although they are attributed with varying weightings, they closely reflect the requirements of the NPPF (2021) as a whole. Where there is conflict with Local Plan policies, adequate mitigation measures are proposed.

However, the proposed benefits of supplying enough renewable energy to meet the needs of a major transport hub, Stansted Airport, cannot be

underestimated and are considered to outweigh the temporary and reversible harm caused by the proposed solar installation. As such, when assessed against the criteria of Paragraph 11 (d) of the Framework, the application of policies in the Local Plan and the Framework provides no clear reason for refusing the development and the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits of the supply of renewable energy, when assessed against the policies in the Framework.

As such, the 'tilted balance' weighs towards the approval of this application, subject to suggested Section 106 details and planning conditions.

16.0 Conditions/S106

16.1 Section 106 Heads of Terms

- 16.2**
- I. Decommissioning of the PV Plant and associated infrastructure
 - II. Pay the Council's reasonable legal costs
 - III. Pay the monitoring fee

16.3 Conditions

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

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2** Prior to the commencement of the development, precise details of the layout of the site(s), including the layout of the Solar Arrays, buildings, CCTV cameras, fencing, and associated infrastructure shall be submitted to and approved in writing by the local planning authority. The works thereafter shall be carried out in accordance with the submitted agreed details.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S8 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2021.

- 3** The development shall be carried out in accordance with the details of the submitted Construction Traffic Management Plan (CTMP, RPS February 2022).

REASON: To ensure safe access and egress of vehicles to and from the site, that on-street parking of 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 control of environmental impacts in accordance with ULP Policy GEN1.

- 4** Prior to any decommissioning of the site a Decommissioning Transport Management Plan shall be submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the decommission period. The Plan shall provide for;

- I Safe access to the site and subsequent reinstatement of the highway
- II vehicle routing,
- III the parking of vehicles of site operatives and visitors,
- IV loading and unloading of plant and materials,
- V storage of plant and materials used in constructing the development,
- VI wheel and underbody washing facilities.
- VII Protection, treatment, and reinstatement of the PROW network
- VIII Before and after condition survey to identify defects to highway network in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense were caused by developer .

REASON: To ensure that impact of decommissioning of the site on the highway network is mitigated in the interests of highway safety and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 5** 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 thereafter be carried out as approved. These details shall include [for example]:-

- proposed finished levels or contours;
- legacy planting proposals
- means of enclosure;
- car parking layouts;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. 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 programme].

REASON: The landscaping of this site is required 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 and S8 of the Uttlesford Local Plan (adopted 2005).

- 6** No works 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 shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA

REASON: To ensure an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 7** 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 to 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 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 8** No works shall take place until 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 in accordance with policy GEN3 of the Adopted Local Plan and the NPPF. 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.

- 9** If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, the applicant/developer shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to ensure that the site is made suitable for its end use.

REASON: To protect human health and the environment and in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 10** A mitigation strategy detailing the excavation/preservation strategy for the proposed development and the protection of underground archaeological deposits shall be submitted to the local planning authority.

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 signed off by the local planning authority through its historic environment advisors.

The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of 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 ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 11** A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term 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 (Priority habitats & species)

- 12** A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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 (Priority habitats & species)

- 13** A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006

(Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the NPPF.

- 14** The proposed development hereby approved shall be constructed in accordance with the Tree Survey, Tree Protection Plan and AIA prepared by RPS (January 2022) unless otherwise agreed by the Local Planning Authority.

REASON: To ensure the protection of the protected trees on the site in accordance with Policy ENV3 of the Adopted Local Plan and the NPPF.

APPENDIX A

Uttlesford District Council

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 2017, (as amended)

ENVIRONMENTAL IMPACT ASSESSMENT

SCREENING APPLICATION: UTT/21/2664/SCO

PROPOSAL: Request for Screening Opinion for proposed solar farm

LOCATION: Land East of Coopers End Road Takeley

SCREENING OPINION

Under Regulation 5 of the above Regulations the authority is required to adopt an opinion (a **SCREENING OPINION**) as to whether an Environmental Impact Assessment (an **EIA**) is required in relation to the above planning application that has been submitted to it.

The Local Planning Authority (LPA), Uttlesford District Council, has considered the proposals and its **SCREENING OPINION** is that:

AN EIA IS NOT REQUIRED

The considerations, in coming to this decision are as follows:

Schedule 1

The proposal does not fall within Schedule 1 of the Regulations that would require mandatory Environmental Impact Assessment (EIA).

Schedule 2

Schedule 2 identifies 13 different categories, of which Class 3 is 'Energy Industry' and a) relates to 'Industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1)'. The proposal exceeds the thresholds. The proposal is not, however located in wholly or partly within a 'sensitive area' as defined by the Regulations.

Uttlesford DC as Local Planning Authority conclude that the proposal does constitute a Schedule 2 form of development as defined by the Regulations. Under these circumstances it is necessary to establish whether the proposal is likely to give rise to 'significant effects' on the environment by virtue of its nature, size or location.

Schedule 3 – Criteria for Column 2 of Schedule 2

Schedule 3 of the Regulations sets out selection criteria which must also be taking into account in determining whether the development is likely to have significant effects on the environment.

These criteria are identified under 3 separate headings and I shall deal with each in turn.

Characteristics of Development

The site consists of approximately 22.5ha of agricultural land. The application shows the general heights and indicative layout of the solar panels.

A project of this scale would require the use of natural resources, most notably the use of agricultural land and an application of this proposal is of such a scale that Natural England have been consulted on the loss of best and most versatile agricultural land, and the impacts of the proposal on the landscape, geodiversity and biodiversity receptors; the LPA would draw to your attention to the Natural England response to this Request dated 1st September 2021.

The location of the site and the current use of the land the proposals are likely to result in less than significant impacts in respect of biodiversity. However, it is noted that a strip of Woodland to the east and northwest corner, which borders the site. The hedgerows bordering the arable fields are likely to meet the criteria for Priority habitat.

Furthermore, the ECC Place Services Ecology have been consulted. Their comments are available online. The Ecology Team have stated that it is unclear whether the Ecological Impact Assessment has been done in conjunction with Essex Field Club & Essex Wildlife Trust Biological Records Centre and should be shared and completed with these parties. A Ecology Statement and Assessment is required as part of the planning application and suitable mitigation measures are required.

In Highways and Transportation terms, the application needs to be supported by a Transport Statement (TS); further, Essex County Council as Local Highway Authority have their own pre-application. It is advisable to engage the Highway

Authority separately. The Highways have commented that any application submitted needs to be supported with a Transport Statement. This should also include:

1. The operational traffic and the daily and peak hour construction traffic forecast to be generated by the proposal including likely size of vehicles, frequency, construction operational hours etc.
2. Details of the access including visibility splays and vehicle swept path analysis.
3. A detailed traffic Construction Management Plan (CMP) to consider and control the impact of construction of the proposal including but not limited.
 - a. Routing of vehicles
 - b. Safe access into the site.
 - c. The parking of vehicles of site operatives and visitors.
 - d. Loading and unloading of plant and materials.
 - e. Storage of plant and materials used in constructing the development.
 - f. Wheel and underbody washing facilities.
 - g. Before and after survey and subsequent repair of any damage to the highway
4. An assessment of the visibility of the solar farm from the highway and an assessment of glint and glare pertaining to highway safety should be carried out.

In terms of cumulative developments, this proposal would need to be considered in relation to the adjacent developments, especially the developments south of the site, across the A120 and other existing landscape features surrounding the site. In addition, landscape character assessments for cumulative impacts will also need to consider, particularly for users of the public rights of way networks, both within and surrounding the footpath network.

The production of waste is unlikely to be significant. Noise, dust and vibration nuisances are highly probable during the construction phase. Some of the impacts can be mitigated by way of a Construction Environmental Management Plan, although this hasn't been stated in the Screening Opinion. Noise would be generated as part of the operational phase, but this is unlikely to be significant.

The risks of accidents should be low given the nature of the development. However, the Safeguarding Authority have commented that there are two areas of concern that will need to be addressed:

1. The potential for the solar array to create a Glint and Glare hazard to pilots – we will need the developer to supply a Glint and Glare assessment from an aviation (Stansted Airport) perspective.
2. Solar arrays are known to be attractive sites for birds, we would appreciate sight of the plans to mitigate against this problem.

The site is not located within or adjacent to a Flood Zone and therefore, subject to

appropriate mitigation measures, should not give rise to increased flooding risks. The risk of accidents is low. The risks to human health are required to be considered as part of the application. Whilst risks arising from potential pollution or water contamination are likely to be low, the main impact is likely to arise from noise during the operational phase. As noted above, the impacts are likely to be low. The working hours (both construction and operational) do not appear to be specified; however, these can be controlled through conditions should a planning application be submitted, and planning permission be granted.

It is considered that even though the scheme exceeds the thresholds on balance the size of the proposal, the accumulation of it with other developments and its surroundings, the use of natural resources, the production of waste, the likelihood of significant additional pollution or other nuisances and the risk of accidents are such that there will not be a significant effect on the environment; this is considered particularly the case as the traffic associated with the proposed development, which has current capacity and air quality issues.

However, this would be further justified and demonstrated through the submission of specialist reports, refer to section below on Characteristics of Potential Impact.

Location of Development

The proposed development site is located outside the Development Limits of Takeley, and it is located within countryside.

The proposed site is used for arable agricultural purposes. There would be a loss of agricultural land, although at this time it is not known if it constitutes Best and Most Versatile Land. There are various levels of landscaping around the perimeter of the site.

The proposed development would result in change of visual appearance from an area that appears rural, together with the possible creation of new and transferred habitats as part of a landscaping scheme, new water features/wetland creation and possible removal of trees.

The subject area falls within a sensitive area by reason of the following.

The site falls within Flood Risk Zone 1 which has a low risk of flooding. The area falls within a ground water protection zone and any works would need to adhere to British Standards.

The site as a whole falls within building height restriction zones due to flight paths in connection with London Stansted.

The area falls within the open countryside. Due to the sites rural farm complex appearance the site would appear to form part of the wider countryside. The proposed development is likely to have a visual impact upon the countryside and, west to east and possibly the site viewed across the fields from the north and south.

The site falls within a SSSI consultation zone, together with a Local Wildlife zone at Priors Wood. Public Rights of Way cross the site

The application site lies east of a designated Air Quality Management Area (AQMA).

No technical documents have been submitted, such as:

- Transport Assessment
- Phase 1 Contaminated Land Report
- Noise Assessment
- Landscape and Visual Impact Assessment
- Flood Risk Assessment
- Economic Benefit Assessment
- Ecology Report
- Air Quality Assessment
- Heritage Statement
- Glint and Glare assessment
- Power line asset assessment
- Legacy planting

Characteristics of Potential Impact

There are recognised sensitive areas of the site and of the proposed development. There would be possible wildlife habitats as a result of trees and hedges on site's margins, and the changing ground levels. The associated intensification as a result of the proposed development is likely to have impact in terms of noise and disturbance, with possible litter/pollution.

As part of any application submission a *Tree survey, arboriculture implication assessment and method statement*, must be undertaken and submitted. A Landscape and Visual Impact Assessment has to be assessed. The site is open fields and therefore would be visible from long views. The objective within the Scoping Opinion is to provide a response on whether an Environmental Impact Assessment is needed or not. There are no details of scale and massing nor layout of the estate within the Visual Impact Assessment and this would need further development.

The applicant is reminded that the Council declared a **Climate and Ecology Emergency** at its full council meeting on 30 July 2019. A Climate Change Strategy has been adopted by the Council. The link below provides details of this: [CLIMATE CHANGE STRATEGY.pdf \(moderngov.co.uk\)](#)

The applicants will have to address the issues raised and a **Sustainability Statement** will be required to show this.

An *Ecological Report* will be required. The Ecology Team and Natural England have been consulted. The Ecology Team and Natural England have responded. Their comments are online and they confirmed that the site is not within any protected designation.

Whilst the Screening Opinion Request notes that an assessment of heritage assets will need to be undertaken as part of the application, it should be noted that the proposed development area contains potentially significant archaeological remains.

Initially a desk-based assessment will be required and, depending on its results, there is the potential that a programme of archaeological ground truthing evaluation will be needed to assess the significance of any heritage assets on the site to inform the planning application.

As part of the desk-based assessment it is recommended that the cropmarks be digitally rectified as part of this process. Also, there should also be an assessment of the proposed construction technique to be used for the solar farm and how much ground disturbance is proposed. The retention of all cables above ground can significantly reduce the heritage impact on below ground deposits for instance.

Whilst Uttlesford DC note your identification of Heritage Assets, as sites close to the site have been subject to Screening Opinions and archaeological finds are shown, Essex County Council Place Services Heritage have not to date responded to the Uttlesford DC consultation request within the agreed extended timeframe. In any event, I note that you will be submitting a Heritage Assessment, which should include reference to built Heritage Assets and Archaeology.

The site is located adjacent to an accessible village at Takeley. However, the proposed scheme would still result in the creation of additional traffic within the locality due to the new dwellings with public open space being proposed

A *Transport Assessment* has not been submitted and the Highway Authority have not commented. One of the main concerns that would need to be addressed is the level of predicted vehicle movement as part of the proposed development, junction capacity and the related air quality impact, particularly on the adjoining Air

Quality Management Area. This does not warrant the requirement of an EIA.

Due to the scale of the proposed development this would need to be demonstrated through an *Air Quality Assessment*, both in terms of construction works and daily vehicle movement resulting from this development and the cumulative impact from other committed developments.

Both the Transport and the Air Quality Assessment would need to take into account the cumulative impact of other committed developments.

The Environment Health have commented that the proposal should including lighting and construction management plan in any application. This would not necessarily mean that an Environmental Impact Assessment is required.

With regards to any visual impact as a result of the development a *Design and Access Statement* and *Visual Landscape Assessment* would need to be submitted as part of any application submitted and is an aspect that would be assessed as part of any application determination.

The proposal is in a open area and planting for the site will be critical for the site in long term. The issue of legacy planting will require long term views of providing planting for the term of the project.

Waste Management in terms of methods of reducing, re-using and recycling waste in accordance with national legislation, together with a *Sustainability Strategy* outlining various energy saving features that have been adopted within the design and proposed to be used would need to be considered as part of the application. This should outline how it would reduce the developments carbon footprint in line with emerging Interim Council Policy and national legislation.

A *Flood Risk Assessment* is required as part of the planning submission due to the size of the site area. It would need to be demonstrated that the proposed scheme would create a neutral affect or betterment and that it would not increase the risk of flooding to other areas, which could also be achieved through proposed mitigation measures.

Due to the agricultural use of the site and the neighbouring commercial activities there is the potential for contamination on the subject site. An investigation of the site has been undertaken and submitted as part of *Phase 1 Desktop Study*.

The proposed development falls within building height restrictions, however relevant airport authority bodies may need to be consulted of any landscaping scheme so as to not impact upon airstrikes.

Historical impact, ecology, nature conservation, noise, traffic, sustainable drainage including flooding and sustainable construction, would need to be assessed and monitored during the course of assessing the application and possibly during the duration of the works should planning permission be granted. There are a number of points which could be suitably addressed through the imposition of conditions should planning permission be granted in the future.

The **Historic Environment Record** indicates that the proposed development lies within a sensitive area of heritage assets. A Heritage Statement has not been supplied. The County Council Archaeology have commented that the area is subject to Historical Archaeological remains. A desk-based study should be submitted as part of the planning application. The details should include construction techniques to be used for the development.

The subject area does not fall within an environmentally sensitive area as outlined in Regulations and supporting guidance. The proposed development is not one with complex and potentially hazardous effects and hence is not considered that it would not have complex, long term or irreversible impacts as outlined in Regulations and supporting guidance for the reasons discussed above.

The potential impact of the development has been considered considering of planning policy requirements, which would mitigate the environmental impact. After considering the above factors it is the Council's opinion that the development **does not** require an EIA provided the measures listed above are undertaken during the designing and construction of the proposed scheme.

The Local Planning Authority has considered the 'selection criteria' in Schedule 3 of the Regulations and has concluded that the proposal **would not be likely to have a significant effect on the environment both in isolation and cumulative combination of other committee development.**

Signed: Amit Patel

Dated: 20 September 2021

Agenda Item 7



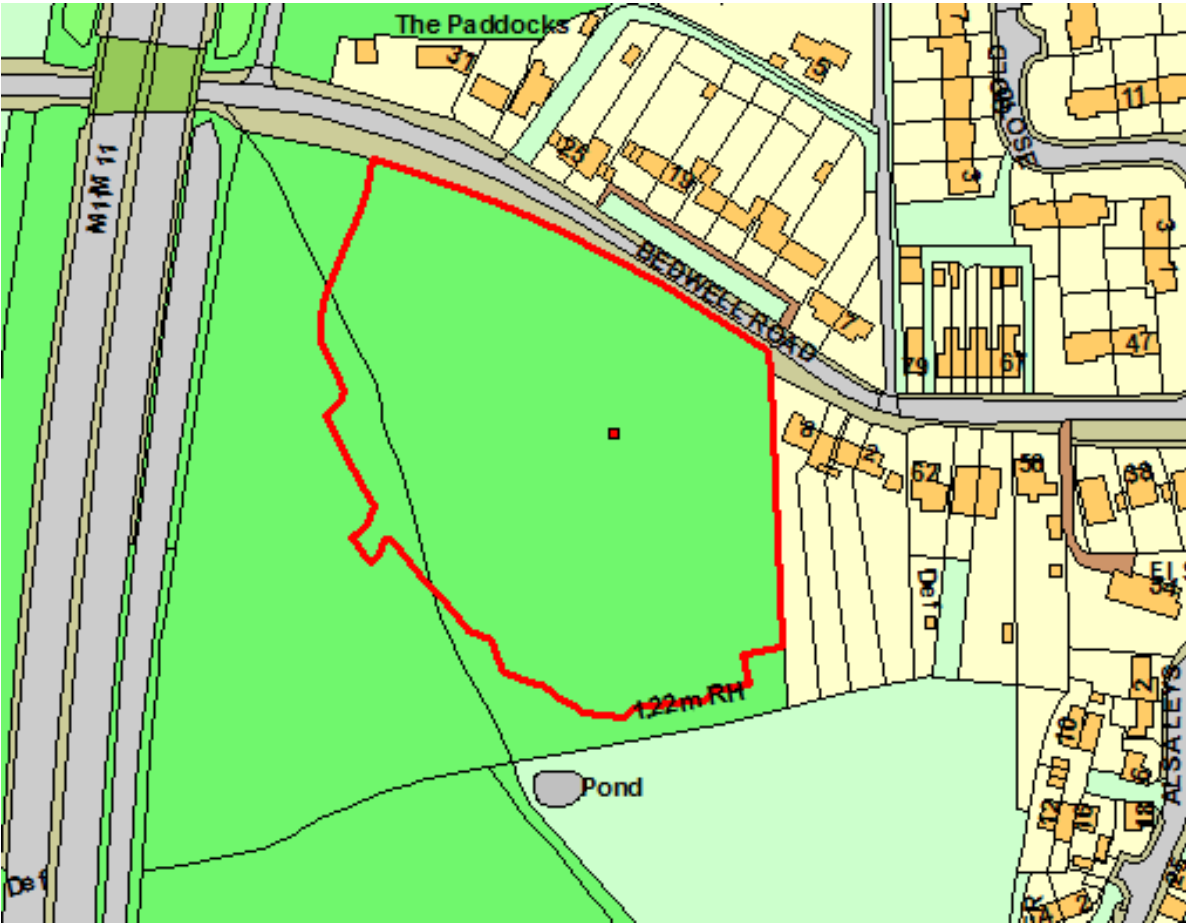
ITEM NUMBER: 7

PLANNING COMMITTEE DATE: 6 July 2022

REFERENCE NUMBER: UTT/20/2908/OP

LOCATION: LAND SOUTH OF BEDWELL ROAD, UGLEY

SITE LOCATION PLAN:



© Crown copyright and database rights 2021 Ordnance Survey 0100018688
Organisation: Uttlesford District Council Date: 14 April 2022

PROPOSAL: Outline application for up to 50 market and affordable dwellings, public open space and associated highways and drainage infrastructure - all matters reserved except access.

APPLICANT: Rochester Properties Ltd, J F C Sergeant and J F M Anderson

AGENT: Pegasus Group

EXPIRY DATE: 16 February 2021

**EOT Expiry
Date:**

**CASE
OFFICER:** Patricia Coyle

NOTATION: Outside Development Limits; Minerals Safeguarding Area; Archaeological Area; M11 Consultation Zone; SSSI Consultation Zone

**REASON THIS
APPLICATION
IS ON THE
AGENDA:** Major Development

1. EXECUTIVE SUMMARY

1.1 This application was deferred at the Planning Committee meeting on 8 June 2022 to enable a Member Site Visit to take place and for further discussions and clarification to be undertaken on Noise, Air Pollution and the Parish Council request for a contribution. This report has been amended to reflect the outcome of these discussions.

1.2 Planning permission is sought for an outline application for up to 50 market and affordable units within a former agricultural field which abuts the M11.

1.3 It is considered that on balance there are no significant adverse impacts that would outweigh the benefits of development. Furthermore, the titled balance is engaged in favour of housing.

2. RECOMMENDATION

That the Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report –

- A) Heads of Terms
- B) Conditions

And

If the freehold owner shall fail to enter into such an agreement, the Director Planning shall be authorised to **REFUSE** permission following the expiration of a 6-month period from the date of Planning Committee.

3. SITE LOCATION AND DESCRIPTION:

- 3.1 The application site measures approximately 1.4ha and is located on the southern side of Bedwell Road, to the east of the M11. Elsenham train station is located to east of the site along Bedwell Road.
- 3.2 The site is a former agricultural field now comprising scrub. The site falls towards the north-eastern part of the site. To the east and north of the site are existing residential properties. To the west is Alsa Wood which contains a Public Right of Way (PROW) running north to south, beyond which is the M11 which is elevated over Bedwell Road.
- 3.3 Beyond the houses to the north of the application site is the location of the Gladman scheme which was recently refused planning permission and dismissed on appeal.
- 3.4 The application site is located outside of the development limits, within a minerals safeguarding area and is an archaeological site. The application site is also within the M11 motorway consultation area, the SSSI consultation area. Alsa Wood which is Important Woodland.

4. PROPOSAL

- 4.1 Outline Planning permission is sought for up to 50 market and affordable dwellings, public open space and associated highways and drainage infrastructure. Only access is to be determined at this stage with all other matters reserved.
- 4.2 The proposal would provide 40% affordable housing.
- 4.3 While siting, scale, layout, appearance are matters to be determined at the later, reserved matters stage, the noise mitigation measures would require a barrier of 12m in height to the western side of the application site between the site and the M11. The applicants propose to provide the noise mitigation measures as a block of flats or townhouses with a pitched roof; they indicate that this could be either 3-storey or 2 1/2 -storey with accommodation in the roof space. Details of the exact location, appearance etc. would be provided at the detailed application stage.

5. ENVIRONMENTAL IMPACT ASSESSMENT

5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017; as such the outline application did not require an Environmental Impact Assessment.

6. **RELEVANT SITE HISTORY**

6.1 None.

7. **PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

7.1 The Localism Act requires pre-application consultation on certain types of planning applications made in England. As such the following consultation events have been held by the applicants:

18th September 2021 a leaflet setting out the development proposals was delivered to properties in the immediate vicinity of the site. The leaflet directed the public to the developer's website.

18th September 2021 details sent to the clerk of the parish councils at Elsenham and Ugley

7.2 No Pre-application discussions with officers from Uttlesford District Council were held.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 **Highway Authority**

8.1.1 This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2019 and in particular paragraphs 108 – 109, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

8.1.2 The location of the site to the north of the village is such that the journey to Stansted Mountfitchet quicker via the Pound Lane and the B1383 route than Stansted Road and Grove Hill so the impact on this junction will be very limited. There will be an impact to the west of the site on Pound Lane, but this is also limited. This is estimated as an additional 5 trips eastbound and 14 westbound in the morning peak and 12 trips eastbound and 5 westbound in the evening peak hour which will not have a significant impact on the road.

8.1.3 A contribution to the bus service and bus infrastructure is being sought to improve the bus service between Elsenham, Stansted Mountfitchet, Stansted Airport and Bishops Stortford. This is part of the developing

strategy for Elsenham to improve the service to half hourly and extend morning and evening services. There is the opportunity to extend the service along Bedwell Road down the B1383 to Stansted Mountfitchet, a possible variant of the current service, providing Bedwell Road with an hourly service (2 hourly on Sundays) and collectively providing the village with a half hourly day time service. If this is taken forward a bus stop will be provided on Bedwell Road to decrease walking distances.

8.1.4 In order to facilitate walking a contribution to mitigate the impact on the footpath network has been sought as a link into the developments below is made via footpaths 13/31 and a condition to improve 51/29 within the site.

8.2 Health and Safety Executive

8.2.1 HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines and has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain our advice. As the proposed development does not lie within the consultation distance of a major hazard site or major accident hazard pipeline, there is no need to consult HSE on this application, and HSE therefore has no comments to make.

8.3 National Highways

8.3.1 No objection

8.4 Local Flood Authority

8.4.1 Lead Local Flood Authority position
Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

8.5 Environment Agency

8.5.1 No response.

8.6 Natural England

8.6.1 SUMMARY OF NATURAL ENGLAND'S ADVICE: NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED
We consider that without appropriate mitigation the application has potential to damage or destroy the interest features for which Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) has been notified.

Natural England is working alongside the National Trust in carrying out research into visitor patterns, impacts and mitigation measures to Hatfield

Forest SSSI/NNR. To date, this work has included winter and summer visitor surveys and identified a Zone of Influence (Zoi) of 14.6km which has been shared with your authority with the view of establishing a strategic solution for visitor impacts to the Forest.

On this basis, this application falls within the currently identified Zoi for recreational impacts to Hatfield Forest SSSI, NNR, whereby new housing within this zone is predicted to generate impacts and therefore will be expected to contribute towards mitigation measures, such as a financial contribution.

Whilst we are working towards a strategic solution, Natural England advises that for the purposes of addressing the interim situation, a bespoke mitigation package should be sought for this application, which we suggest is designed in consultation with the National Trust as site managers.

the absence of a strategic solution, Natural England would not want to see any permissions granted that would create a precedent of acceptability for additional housing developments close to Hatfield Forest SSSI, NNR. As this mitigation are in the process of being defined in a 'mitigation package', we cannot comment further at this stage of the particulars of a future mitigation strategy.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured

8.7 Sport England

8.7.1 Out of Remit.

Thank you for consulting Sport England on the above application.

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG)

Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-forsport#_planning_applications

9. PARISH COUNCIL COMMENTS

9.1 Elsenham Parish Council have objected on the following grounds:

1. Introduction
2. Housing Volume
3. Public Open Spaces
- 4, Affordable Housing Units
5. Height, Massing and Noise Mitigation
6. Housing Mix

7. Housing Commitments in Elsenham from 2011
8. Parking
9. Economic Benefit
10. Environmental Benefit
11. Landscape
12. Woodland
13. Footpaths
14. Poor Air Quality
15. Archaeological Site
16. The Needs of the Local Community
17. Section 106 – £119,231.00 contribution towards community hall provision

10. **CONSULTEE RESPONSES**

10.1 **UDC Housing Enabling Officer**

The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more units. The affordable housing provision on this site will attract the 40% policy requirement as the site is for 50 units. This amounts to 20 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

It is also the Councils' policy to require 5% of the whole scheme to be delivered as wheelchair adaptable (building regulations, Part M, Category 3 homes) as well as 5% of all units to be fully wheelchair accessible bungalows delivered as 1- and 2-bedroom units. This would amount to 3 bungalows across the whole site delivered as 1 affordable one-bedroom bungalow and 2 market sale bungalows.

The mix and tenure split of the affordable properties are given below; this mix should be indistinguishable from the market housing, with good integration within the scheme and be predominately houses with parking spaces.

Homes should meet the following standards: 1 bed property house 2 people, 2 bed properties house 4 persons and 3 bed properties house 5 persons.

	1 bed	1 bed bungalow	2 bed	3 bed	total
Total affordable properties (number)	3	1	9	7	20
Affordable rent	2	1	6	5	14
Shared ownership	1	0	3	2	6

The affordable housing provision proposed within the application would predominantly provide flats rather than houses and would be clustered in one corner of the development, is not well integrated and given that 3 storeys are proposed a lift would be required as it exceeds 2 storeys. A service charge for maintenance and servicing of the lift would therefore be likely to be required.

The affordable housing provision proposed does not include any bungalow provision which is disappointing. Undercroft and courtyard parking is proposed for much of the affordable housing which in the case of the undercroft parking in particular is not particularly favourable.

I request that these matters are taken into account when deciding upon this application

10.2 ECC Minerals and Waste

Thank you for your email received 18 November 2020 consulting the Mineral and Waste Planning Authority on the above application.

The Mineral Planning Authority has no comment to make in relation to this application as the area of the proposed development site located within the sand and gravel Mineral Safeguarding Area is below the minimum Minerals Local Plan 2014: Policy S8 threshold of 5ha.

10.3 UDC Environmental Health

10.3.1 Original Comments:

There are no material reasons in relation to noise why the proposed scheme should not receive outline approval. However, given that the development site is currently within the outline stage, and considering the detail contained within the supporting documentation, it is recommended that the principles of good acoustic design be adopted within the final masterplan to include the positioning of buildings and fences to maximise the screening effects, internal layout design, glazing and ventilation specifications.

Therefore, an additional noise report should be submitted as part of any subsequent planning application, including full and detailed plans, specifications, and noise mitigation measures, to demonstrate how the internal and external noise target levels given in BS 8233: 2014. We would expect the approach to have regard to the guidance contained in ProPG; Planning and Noise guidance, furthermore we would expect any internal noise calculations to be done in accordance with the more rigorous approach detailed in Annex G2.1 of BS 8223;2014.

It should be noted that it may be necessary to amend the overall proposed layout and or number of properties if the noise target values cannot be achieved, particularly in the garden areas.

10.3.2 Comments following Committee deferral:

Noise

From the details submitted in the outline application and the initial noise assessment report it has been demonstrated that it is possible to develop the proposed 50 units and meet the required internal and external noise levels. This is with the proviso that further detail of design and specification is submitted at the reserve matters stage. The desired noise levels in the external amenity levels are primarily met by using the three storey elements of the development as acoustic screening. If this is not going to be part of the permitted scheme, then the alternative would be to have some form of acoustic barrier between the development and the M11. The most effective would be close to the carriageway, however the applicant has indicated that this was considered but initial modelling showed that this was not an effective option as the carriageway at this point is elevated but these calculations were not included in the submitted noise assessment. Any alternative effective barrier is likely to be of a significant height and its effectiveness would need to be calculated.

Air Quality

To clarify there was no Air quality report undertaken or submitted in relation to this site. This was discussed with a member of the Environmental Health team at an early stage, and it agreed that as there was sufficient existing information regarding air quality from previous surveys undertaken for applications at adjacent sites an additional assessment was not considered necessary. I will need to revisit the previous assessments to consider the rationale behind the advice and whether particulate matter was considered or is a relative consideration. Notwithstanding this I note that the air quality impacts from the construction phase were not considered, and a construction management plan will need to be conditioned.

10.4 ECC Infrastructure

10.4.1 Thank you for providing details of the above planning application. From the information I have received, a development of this size can be expected to generate the need for up to 4.50 Early Years and Childcare (EY&C) places; 15.0 primary school, and 10.00 secondary school places. Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

Early Years and Childcare:

The proposed development is located within the Stort Valley Ward. According to Essex County Council's childcare sufficiency data, there is one provider of early years and childcare in the area. For Essex County Council to meet its statutory duties it must both facilitate sufficient places

to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. The data shows insufficient places to meet the demand from this proposal.

An additional 4.50 places would be provided at an estimated total cost of £77,706.00 at January 2020 prices. This equates to £17,268.00 per place and so, based on the demand generated by this proposal as set out above, a developer contribution of £77,706.00, index linked to January 2020, is sought to mitigate its impact on local EY&C provision.

Primary Education:

This development sits within the priority admissions area of Henham and Ugley Primary School but, since it is on the edge of Elsenham, Elsenham CE Primary School would be more accessible to residents. Both schools currently have some surplus capacity, but I am cognisant of the proposal for 130 homes west of Hall Road (UTT/19/0462/FUL) which, if approved, would also put pressure on these schools. According to our latest forecasts, schools in Uttlesford Primary Group 2 (Stansted) can be expected to be full in Reception by 2030.

A project to provide sufficient school capacity is proposed that would add 15 places. The estimated cost of the project is £259,020.00 at January 2020 costs. This equates to £17,268.00 per place and so, based on the demand generated by this proposal as set out above, a developer contribution of £259,020.00, index linked to January 2020, is sought to mitigate its impact on local primary school provision.

Secondary Education:

With regards to secondary education, the Priority Admissions Area school for the development would be the Forest Hall School. Although the school is not currently full, there are already more Essex children for whom this is their closest option than there are places. The school has recently increased its Published Admission Number from 112 to 132 but our latest forecasts suggest that action may be required, around 2026, to add further capacity.

A project to provide sufficient school capacity is proposed that would add 10 places. The estimated cost of the project is £237,750.00 at January 2020 costs. This equates to £23,775.00 per place and so, based on the demand generated by this proposal as set out above, a developer contribution of £237,750.00, index linked to January 2020, is sought to mitigate its impact on local secondary school provision.

Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution, however, the developer should ensure that safe direct walking and cycling routes to local schools are available.

Libraries:

Essex County Council may seek contributions to support the expansion of the library service to meet customer needs generated by residential developments of 20+ homes.

The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act and it's increasingly become a shared gateway for other services such as for accessing digital information and communications.

In this case the suggested population increase brought about by the proposed development is expected to create additional library usage. In accordance with the Essex County Council Developers' Guide to Infrastructure Contributions (Revised 2020), a contribution is therefore considered necessary to improve, enhance and extend the facilities and services provided, at a cost of £244.92 and £77.80 per unit, respectively. Improvements could include, but is not limited to, additional facilities, additional furniture, provision of learning equipment / play equipment for younger children, improved access, external works such as parking and bike racks and IT.

In this case, and taking the above into account, it is calculated that a contribution of £12,246.00 or £3,890.00 is requested and should be included in any Section 106.

10.5 Place Services (Ecology)

10.5.1 No objection subject to securing biodiversity mitigation and enhancement measures

Summary

We have reviewed the Preliminary Ecological Appraisal (Southern Ecological Solutions, July 2020), Updated Invertebrate Survey and Assessment (Hopkins Ecology, August 2021), Breeding Bird, Foraging Bat & Reptile Survey report (Geosphere, September 2021) and Outline Mitigation and Enhancement Strategy (Geosphere, September 2021) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

We are now satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

We note that the development site is situated within the 14.6km evidenced Zone of Influence for recreational impacts at Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR) as shown on MAGIC map (www.magic.gov.uk). Therefore, Natural

England's letter to Uttlesford DC relating to Strategic Access Management and Monitoring Strategy (SAMM) – Hatfield Forest Mitigation Strategy (28 June 2021) should be followed to ensure that impacts are minimised to this site from new residential development.

As a first step towards a comprehensive mitigation package, the visitor management measures required within Hatfield Forest SSSI / NNR have been finalised in a Hatfield Forest Mitigation Strategy. Natural England are now working with the LPA to consider what level of developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest is appropriate for all residential development within the evidenced Zone of Influence. Natural England's advice is that during this interim period before a co-ordinated strategic solution has been established by all authorities, housing projects of 50 units or greater should provide a proportionate mitigation contribution to be agreed with the National Trust.

As this application contains 50 units, a financial contribution should be provided towards the delivery of off-site SAMM for Hatfield Forest SSSI/LNR, which will need to be secured via a legal agreement.

The mitigation measures identified in a final version of the Mitigation and Enhancement Strategy (based on Geosphere, September 2021) should be secured by a condition of any consent and implemented in full. The presence of Barbastelle bats on site will require details to ensure connectivity of habitat for this Appendix II and European Protected Species is maintained for foraging and commuting.

This is necessary to conserve and enhance protected and Priority species particularly bats, Badger, nesting birds, reptiles, invertebrates and Priority species (Hedgehog, Harvest Mouse, Common Toad etc.).

It is noted that Biodiversity net gain calculations resulted in a net loss of habitat units (-7.17) and that off site mitigation will be required to achieve a biodiversity net gain at the site.

We also support the proposed reasonable biodiversity enhancements including the inclusion of bat and bird boxes, log piles, reptile hibernacula as well as wildlife-friendly planting within the development and a woodland management plan for the retained woodland, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement should be outlined within a 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. Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

10.6 Place Services (Archaeology)

10.6.1 The proposed development lies within an area of known archaeological remains. The following recommendation is in line with the new National Planning Policy Framework. RECOMMENDATION: An Archaeological Programme of Trial Trenching followed by Open Area Excavation

1. 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.

2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.

3. 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 for Archaeological Recommendations The Historic Environment Record shows that recent excavations to the south of the proposed development found evidence of a medieval settlement, and indications of Late Iron Age and Roman occupation with features including pits and ditches (EHER 48393). Within the area of the proposed development fieldwalking has identified prehistoric artefacts and medieval pottery (EHER 4694). There is therefore the potential for the presence of prehistoric, Roman and medieval remains within the proposed development area. The archaeological work would comprise initial trial trenching to identify the extent and depth of archaeological deposits followed by open area excavation if archaeological deposits are identified. All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this officer.

10.7 Crime Prevention Officer

10.7.1 Whilst there are no apparent concerns with the layout to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

We do note that within the Design and Access Statement there is a reference to 'Secured by Design Principles' an intention that could be reinforced by a desire to achieve a Secured by Design award.

We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy at the same time as achieving a Secured by Design award.

10.8 NATS Safeguarding

10.8.1 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

10.9 National Trust East of England

10.9.1 The proposed development is approximately 5.6km from the SSSI, National Nature Reserve areas and ancient woodland of Hatfield Forest which extends over 424 hectares, including Wall Wood and Woodside Green. The area has been owned and managed by the National Trust since 1924. Of greatest significance is that Hatfield Forest is the finest surviving example of a small Medieval Royal Hunting Forest. The Forest's ecological and historic importance is reflected in its designations - for its considerable ecological significance and especially for its veteran trees and old growth woodland on undisturbed soils.

On-Site Mitigation - On-site measures which would help relieve the pressure on Hatfield Forest should be provided. These should take the form of: - High-quality, informal, semi-natural areas, to be provided prior to first occupation of the dwellings;
Any other on-site mitigation as advised by Natural England.

Off-Site Mitigation

A financial contribution of £7575 to the National Trust for use at Hatfield Forest towards visitor and botanical monitoring and mitigation works.

10.10 MAG

10.10.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal subject to the following Conditions:

During construction, robust measures must be taken to control dust and smoke clouds.

Reason: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers.

During construction, robust measures to be taken to prevent birds being attracted to the site. No pools of water should occur and prevent scavenging of any detritus.

The drainage swales must be designed to be generally dry (with an underdrain if necessary) and hold water only during and immediately after an extreme rainfall event. Any changes to the drainage scheme must be discussed with the aerodrome safeguarding authority prior to construction.

Reason: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN.

No lighting directly beneath any installed roof lights that will emit light upwards – only downward facing ambient lighting to spill from the roof lights upwards – ideally, automatic blinds to be fitted that close at dusk.

All exterior lighting to be capped at the horizontal with no upward light spill.

Reason: Flight safety - to prevent distraction or confusion to pilots using STN.

No reflective materials to be used in the construction of these buildings. (*please liaise with STN to check).

Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN.

No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN.

Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN.

11. REPRESENTATIONS

- 11.1 Site notice/s were displayed on site and 203 notifications letters were sent to nearby properties. A press notice was also issued.
- 11.2 **Objections:**
- 11.2.1 Unacceptable level of growth that would turn the village into a town
- 11.2.2 Unacceptable increase in traffic on narrow country lanes resulting in likely traffic congestion, accidents and danger to other road users including horses, cyclists and pedestrians
- 11.2.3 There is no need for housing here as sufficient housing has already been provided
- 11.2.4 There would be a loss of countryside/rural character/wildlife/trees/green space etc contrary to policy
- 11.2.5 There is inadequate public transport, infrastructure, services, community provision etc. such that the proposal cannot currently be supported
- 11.2.6 The development would be unsustainable and would not meet CO2 emissions reduction requirements
- 11.2.7 Increase in likely flooding and concerns raised that sustainable drainage cannot be provided
- 11.2.8 The proposal will result in air quality issues arising
- 11.2.9 Other, brownfield, sites are available and should be used first
- 11.2.10 The proposal would have an adverse impact on the ancient woodland, Alma Wood
- 11.2.11 Contrary to Policy S7/not an allocated site in 2016 draft Local Plan

12. MATERIAL CONSIDERATIONS

- 12.1 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.
- 12.2 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.

12.3 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

12.4 The Development Plan

- 12.4.1** 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)

13. POLICY

13.1 National Policies

- 13.1.1** National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

- 13.2.1** S7 – The Countryside Policy
 GEN1- Access Policy
 GEN2 – Design Policy
 GEN3 -Flood Protection Policy
 GEN4 - Good Neighbourliness Policy
 GEN5 –Light Pollution Policy
 GEN6 - Infrastructure Provision Policy
 GEN7 - Nature Conservation Policy
 GEN8 - Vehicle Parking Standards Policy
 H9 - Affordable Housing,
 Policy H10 - Housing Mix Policy
 ENV3 - Open Space and Trees, Policy
 Policy - ENV5 - Protection of Agricultural Land Policy
 ENV10 -Noise Sensitive Development, Policy
 ENV13 - Exposure to Poor Air Quality Policy

13.3 Supplementary Planning Document or Guidance

- 13.3.1** Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document- Accessible homes and play space
homes Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Principle of Development**
 - B) Housing Supply**
 - C) Housing Mix**
 - D) Design & Character**
 - E) Climate Change**
 - F) Trees & Landscaping**
 - G) Highways**
 - H) Environmental health**
 - I) Flooding**
 - J) Infrastructure**
 - K) Planning Balance**

14.3 A) Principle of development

14.3.1 Planning history

14.3.2 The nearby Gladman scheme was dismissed on appeal, however it is noted that this site was between a railway on one side and the M11 on the other side. The Inspector did not consider that the harm to the countryside and lack of connectivity significantly impacted on the scheme. However, the impact of noise on the amenity of future occupiers was the main reason the appeal was dismissed.

14.3.3 Loss of agricultural land
The proposed development would result in the loss of an agricultural field. Policy ENV5 states that where development of agricultural land is required, developers should seek to use areas of poorer quality unless sustainability considerations suggest otherwise.

14.3.4 The site comprises principally of two agricultural fields which includes 3.8ha of grade 2 quality agricultural land and 13.1ha of subgrade 3a land as demonstrated in the submitted application. Annex 2 (glossary) of the NPPF describes Best and Most versatile land as 'land in grades 1, 3 and 3a of the Agricultural Land Classification'.

Most of the agricultural land within Uttlesford District is classified as best and most versatile land. Indeed, most of the sites that are being identified for development within the emerging Local Plan are on such land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of brownfield land within the district is very restricted. Virtually all the agricultural land within the district is classified as Grade 2 or 3 with some small areas of Grade 1.

14.3.5 The site is outside the development limits as defined by the Proposals Map and is therefore located within the countryside where ULP Policy S7 applies. This states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to the rural area, with development only being permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

14.3.6 The National Planning Policy Framework (NPPF 2021) applies a presumption in favour of sustainable development. Development will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. In any case, paragraph 80 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. In this regard, housing site should be within or adjacent to existing settlements to prevent sporadic development in the countryside.

14.3.7 As such the development should be assessed against the three strands of sustainable development (social, economic and environmental).

14.3.8 Social: The site as proposed is in close proximity to Elsenham Station.

Economic: The development will deliver an economic role by the creation of employment during the construction phase and the occupier(s) of the houses would contribute to the local economy in the long term, as such there would be a positive economic benefit.

Environmental: The site is outside of the development limits and currently comprises agricultural land. The proposed development would result in a built-up form which could be minimised to limit harm to the countryside.

Therefore, a balanced approach should be applied in the assessment of the proposed development and whether the potential harm the development might cause 'significantly and demonstrably' outweighs the potential positive outcomes of the development as a whole. It is considered that the poor connectivity of the site would render the scheme unsustainable.

14.4 B) HOUSING SUPPLY

14.4.1 The NPPF describes the importance of maintaining a 5 YHLS of deliverable housing sites. The Council's housing land supply currently falls short of this and is only able to demonstrate a supply of 3.52 years (5 YHLS update April 2021).

14.4.2 Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or where policies which are most important for determining the application are out-of-date. This includes where the 5 YHLS cannot be delivered. As the council is currently unable to demonstrate a 5 YHLS, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

14.4.3 The proposed development would contribute to the provision of housing in the district where there is an evident need, and the balance is tilted in favour of the provision of housing.

14.5 C) HOUSING MIX

14.5.1 Policy H10 Housing Mix of the adopted Local Plan requires new developments to provide a mix of dwelling types.

The housing mix is not clear from the submitted indicative plans; however it is indicated that the housing mix is as follows:

- 1 x one bed
- 31 x Two bed
- 18 three bed

14.5.2 95% of the properties will be M4(2) and 6 units will be M4(3) bungalows. All of the houses across the site would meet the minimum size standard of the Nationally Described Space Standard. Amendments to the scheme have been made as requested by the Housing and Enabling Officer to enable the affordable and market housing mix to meet the need identified within the SHMA 2017 and the inclusion of both market and affordable bungalows is welcomed.

14.5.3 Policy H9 states that the Council will seek to negotiate on a site-to-site basis an element of affordable housing of 40%. Policy H9 states that the Council will seek to negotiate on a site-to-site basis an element of affordable housing of 40%. The applicant has proposed 40% affordable housing, however there is concern raised by the Housing and Enabling Officer that the offer would be concentrated within a particular area and would wholly comprise flatted units. It is considered that the affordable housing should be tenure blind and distributed evenly thorough the site. Furthermore, a mix of units should be provided to meet the immediate affordable housing need. Such details will need to be shown at the details stage (in the DFO application). Should the scheme be recommended for

approval, affordable housing provision would form part of a S106 legal agreement.

14.6 DESIGN AND CHARACTER

14.6.1 National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets and is a key aspect of sustainable development.

14.6.2 Policy GEN2 of the Local Plan states seeks to ensure that design of all new development is compatible with the scale, form, layout, appearance and materials of surrounding buildings. Policy GEN2 of the Local Plan states seeks to ensure that design of new development would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

Amenity space

14.6.3 From the illustrative plans submitted, it is considered that there is sufficient space on site to accommodate the dwellings whilst meeting the provisions of the Essex Design Guide and providing sufficient separation and spacing between dwellings within the site and outside of the site. However, this matter is for further consideration under any future reserved matters application.

Scale, layout, detailing (as shown on illustrative plans)

14.6.4 The proposed illustrative development would comprise two-character areas: the 'formal centre' and the 'park edge'. The applicants indicate that there would be a formal centre comprising the heart of the development formed around the main street. And that the park edge would form a "doughnut" located on the outer edges of the development.

14.6.5 The parameter heights of the buildings would be predominately two-storeys with some single storey bungalows. It is also proposed that there would be 3-storey terracing to the rear (west/south-west). It is considered that a terrace to the rear and 3-storey height upto 12m above ground level would not impact on the streetscene given its rear location with lower housing forms in advance while performing the dual role of mitigating noise from the M11, forming a solid barrier.

14.6.6 The properties proposed comprise semi-detached, detached and short terraces extending two-stories and the three-storey element would be a single long block.

14.6.7 Details of the elevations and treatment have been proposed however given that this is an outline application, this will be dealt with by means of access.

- 14.6.8** The separation distances afforded between facing habitable room windows within the proposed development itself would, if adhered to in the reserved matters submission, be satisfactory, preventing a loss of privacy and provide suitable daylighting. Details will need to be assessed fully at the details stage.
- 14.6.9** Dwellings are proposed to have access to amenity space which is secure and useable.
- 14.6.10** Therefore, the illustrative plans show that it would be possible to comply with Policies GEN2 and GEN4 in relation to the level of amenities for future occupiers. However, further assessments will need to be made at the details stage in this respect and also in respect of the impact on existing occupiers' residential amenities.

14.7 E) CLIMATE CHANGE

- 14.7.1** Policy GEN2 of the Local Plan seeks to ensure that the design of new development It helps to minimise water and energy consumption.

Uttlesford Interim Climate Change Policy sets out a list of Policies of note a demonstration of how developments demonstrate the path towards carbon zero.

The NPPF seeks to ensure that new development should avoid increased vulnerability arising from climate change. More so, developments should help to reduce greenhouse gas emissions.

- 14.7.2** The applicant has proposed the following sustainability measures: fabric first principles, energy efficient appliances and lighting, water efficiency measures. It is observed that no renewable energy sources are proposed however the proposal will need to meet minimum building regulation requirements which were updated on 15th June 2022.

14.8 F) TREES AND LANDSCAPING

- 14.8.1** Policy ENV3 (open spaces and trees) seeks to ensure that trees and open spaces are not lost unless the need for development outweighs their amenity value.

- 14.8.2** 100m² of natural play space has been proposed on the periphery of the site adjacent to the woodland. This will be along a trim trail path. The PROW is proposed to be enhanced and there would be provision of a direct link to Alsa Woods.

- 14.8.3** It is considered that the play areas and open space are limited on the site, albeit the site is in close proximity to Alsa Woods and communal and private amenity space provision is compliant with the Essex Design Guide.

- 14.8.4** Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that: 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'
- 14.8.5** Natural England raised no objection subject to providing sufficient mitigation. However, they state "... *notwithstanding the current (draft) status of the developing Mitigation Strategy, Natural England would anticipate that mitigation measures, such as an appropriate financial contribution towards measures within Hatfield Forest SSSI/NNR are sought to ensure compliance with the above referenced local and national policies*". An offsite contribution towards Hatfield Forest SSSI/NNR would need to be calculated and included within the S106 legal agreement.
- 14.8.6** The applicant proposes the following biodiversity measures: habitat retention; new boundary hedgerow and tree planting; the provision of bird boxes; woodland and hedgerow planting.
- 14.8.7** Subject to the recommended conditions, the application proposal is considered to accord with ULP Policy GEN7 and the NPPF.
- 14.8.8** Paragraph 126 of the NPPF states that "*the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*". As such, the design quality of the proposal should be duly considered in the overall planning balance.
- 14.8.9** The design ethos is centred on interpreting local patterns to create a *simple minimalistic architectural language*. Symmetry and regularity are main features in the design. Articulation is proposed through the use of canopy's, porches, gables, bays and dormers. This is nonetheless subject to the details application.
- 14.8.10** In general terms, the proposed design ethos for the development would enhance the setting of the development. The proposals are therefore considered to be consistent with the provisions of Policies GEN2 of the adopted Uttlesford Local Plan 2005.

14.9 G) HIGHWAYS

- 14.9.1** Policy GEN1 seeks to ensure that development is only permitted if the access is appropriate, traffic generation does not have a detrimental impact on the surrounding road network, it is designed to meet the needs of people with disabilities and it encourages sustainable modes of transport.

14.9.2 The Highways Authority consider the site to be sustainable on the basis that mitigation is provided. On this basis the parking provide is considered to be adequate.

14.9.3 The main access if provided on Bedwell Road. The Highway Authority state *“The location of the site to the north of the village is such that the journey to Stansted Mountfitchet quicker via the Pound Lane and the B1383 route than Stansted Road and Grove Hill so the impact on this junction is will be very limited. There will be an impact to the west of the site on Pound Lane but this is also limited. This is estimated as an additional 5 trips eastbound and 14 westbound in the morning peak and 12 trips eastbound and 5 westbound in the evening peak hour which will not have a significant impact on the road”*.

The Highways Authority consider that the impact of the proposed development would have a limited impact on the highway as such the development meets the requirements of GEN1.

14.9.4 In order to facilitate walking a contribution to mitigate the impact on the footpath network has been sought as a link into the developments below is made via footpaths 13/31 and a condition to improve 51/29 within the site. In addition, a contribution to the bus service and bus infrastructure is being sought to improve the bus service between Elsenham, Stansted Mountfitchet, Stansted Airport and Bishops Stortford.

14.9.5 Policy GEN 8 applies appropriate car parking standards which include minimum cycle spaces and maximum vehicle spaces. The applicant complies with these standards through the provision of 1 parking space and cycle space for one-bedroom units; 2 parking spaces for two and three bedroom units and two cycle spaces; and three parking spaces and three cycle spaces for four bedrooms plus

14.9.6 The parking provision is considered acceptable given the sustainable location of the site, including the enhancement and provision of pedestrian links and enhanced public transport. Electrical Vehicle Charging Points are required; as of 15 June 2022, the Building Regulations requires the provision of EV Charging points for new development where the Building Notice was not submitted prior to that date.

14.10 H) ENVIRONMENTAL HEALTH

14.10.1 Noise

14.10.2 Policy ENV10 of the Local Plan seeks to ensure that residential development will not be permitted if the occupants would experience significant noise disturbance.

Policy ENV10 of the Local Plan seeks to ensure that residential development will not be permitted if the occupants would experience significant noise disturbance.

The submitted Noise Impact Assessment found that the site as subject to environmental noise from the nearby M11 motorway which is elevated over Bedwell Road. The applicants propose to provide a 12m high, three-storey residential block to the western part of the site to provide a noise mitigation barrier.

The Environmental Health Officer has reviewed the Noise Impact Assessment and had no objection on noise grounds on the basis that the mitigation measures – the implementation of a 3-storey residential block to the west of the application site (or similar alternative acoustic barrier) - are adhered to. Nonetheless this is subject to modelling/ and further details are submitted to demonstrate this at reserved matters/details stage that the mitigation measures will be acceptable. Suitable conditions can be attached to any planning approval.

14.10.3 Air Quality

14.10.4 Policy ENV13 (Exposures to Poor Air Quality) and seeks to protect users of residential properties from exposure to poor level air quality. The application was not supported by an Air Quality Assessment. However, Environmental Health Officers have received a number of assessments for recent neighbouring developments and have concluded that in respect of the end use on the application site that no additional mitigation techniques are required to meet relevant air quality objectives.

In respect of reducing the impact of the development on air quality, the applicant has proposed electrical charging points for each new dwelling.

14.11. I) FLOODING

14.11.1 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The outline consent included conditions to ensure the flood risk is minimised and drainage is sufficient.

14.11.2 Policy ENV12 (Surface water flooding) seeks to ensure all development will incorporate Sustainable Urban Drainage Systems (SUDs).

The proposed Sustainable Urban Drainage Strategy (SUDs) is based on infiltration due to the permeability of the chalk geology. In line with SuDS officer's comments, it is considered that this would provide suitable drainage of the site.

14.12. J) INFRASTRUCTURE

14.12.1 Taking into account the nature and scale of the development it is considered that there would be requirement for improvements to off-site infrastructure. A number of financial contributions have been secured to

mitigate the impact of development with regards to education. No feedback from the NHS has been provided despite chasing several times therefore an NHS contribution has not been sought. Mitigation towards Hatfield Forest has been sought, however UDC has not adopted this mitigation strategy.

- 14.12.2** A request has been made by the Parish Council for a contribution to a new Community Hall; the proposed contribution of £199,231 has been pro-rata-ed from one of the amounts secured against an approved scheme in Elsenham and that expected from a scheme awaiting the signing of a S106 agreement. The applicants have advised that the pro-rata payments were £2,171, £2,000 and £2,385 a dwelling respectively. The applicants have made an offer of £100,000.00. The Parish Council have not confirmed that they agree to this reduced amount. An oral update is expected to be made at the Committee meeting.

Overall, it is considered that the proposals could comply with GEN3 and ENV12 of the Local Plan.

14.13 K) PLANNING BALANCE

- 14.13.1** The LPA are unable to demonstrate a 5 YHLS, therefore paragraph 11d of the NPPF is engaged, and the titled balance should be in favour of housing.

- 14.13.2** The nearby Gladman scheme (UTT/19/2266/OP refused 15.4.21) was dismissed on appeal, however it is noted unlike the application site, that this site was between a railway on one side and the M11 on the other side – two noise generators. The Inspector did not consider that the harm to the countryside and lack of connectivity significantly impacted on the scheme. However, the impact of noise on the amenity of future occupiers was the main reason the appeal was dismissed. The applicant has liaised with the Council's Environmental Health Officer and has provided information to demonstrate that, providing the 3-storey block of flatted development forms part of the details following outline submission, future occupiers would have a reasonable quality of accommodation. As this is a material consideration, on balance the proposed development would not warrant a refusal.

- 14.13.3** The planning benefits of the site includes the provision of 50 new homes and tenures including 40% affordable units. Although it is acknowledged that the housing mix is limited and the affordable housing is not indicated at the outline stage to be well distributed across the site, the overall quantum/provision of housing has significant weight. The provision of public open space and new habitat is limited, however given the improvements to connect to nearby woodland this is given moderate weight.

14.13.4 It is considered that the public benefits of the scheme as a whole which includes the provision of a significant amount of housing are such that they outweigh the harm identified.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised

15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

16. CONCLUSION

16.1 The proposal would result in the loss of agricultural land from the countryside. There are issues relating to noise and biodiversity net gain nonetheless, there are no objections from relevant expert consultees, subject to the imposition of suitable conditions.

16.2 The application would make an important contribution to housing land supply position and on balance, it is recommended that approval be granted subject to the signing of a S106 legal agreement and planning conditions.

17 106/Conditions

17.1

S106 HEADS OF TERMS

- (i) Provision of 40% affordable housing
- (ii) Payment of education financial contributions; Early Years, Primary and Secondary
- (iii) Libraries' contribution
- (iv) Financial contribution for Community Hall provision
- (v) Provision and long-term on-going maintenance of public open space (including LAP and LEAP)
- (vi) Financial contribution to provide sustainable highway improvements.
- (vii) Financial contribution to mitigate on impact of Hatfield Forest
- (viii) Monitoring cost
- (ix) Payment of the council's reasonable legal costs.

- 1** Approval of the details of layout, scale, landscaping, and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2** Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

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.

- 3** The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

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.

- 4** The development hereby permitted shall be carried out in accordance with the approved plans as follows:

Plan Ref	Version	Received
----------	---------	----------

BEE.SLP.000

17th November 2020

BEE.IPL.001

17th November 2020

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

- 5 Prior to the construction of any dwellings, samples of the colours and details of the materials to be used for the construction of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 6 Prior to the construction of any dwelling's 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 and thereafter be retained as such. These details shall include: -

- i. means of enclosure including details of the proposed walls and fencing
- ii. a scheme for the erection of fencing adjacent to the recreation ground to protect residents from cricket balls.
- iii. vehicle and pedestrian access and circulation areas.
- iv. hard surfacing materials.
- v. details of the safety measures proposed
- vi. minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, street lighting, etc.);

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 programme].

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) and the NPPF.

- 7 All hard and soft landscape works shall be carried out in accordance with the approved details shall thereafter be retained as such. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area and for the safety of all residents and visitors in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 8 Prior to the commencement of development, a management plan for the site shall be submitted to and approved in writing by the local planning authority to detail arrangements for the provision, maintenance and retention of:

- i. All roads and footpaths.
- ii. All common areas; and
- iii. Lighting.

Thereafter, the development shall be implemented and retained in accordance with the management plan.

REASON: To ensure an acceptable standard of development is provided and maintained in compliance with Policies GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 9 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace.

- 10 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;

- i. vehicle routing,
- ii. the parking of vehicles of site operatives and visitors,
- iii. loading and unloading of plant and materials,
- iv. storage of plant and materials used in constructing the development,
- v. wheel and underbody washing facilities.
- vi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

REASON: To ensure that 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 Policy DM1 of the Highway Authority's Development Management Policies February 2011 and Policy GEN1 of the Uttlesford Local Plan 2005.

- 11 AS PART of the Reserved matters applications, an additional noise report shall be submitted, including full and detailed plans, specifications, and noise mitigation measures, to demonstrate how the internal and external noise target levels given in BS 8233: 2014. The approach shall have regard to the guidance contained in ProPG; Planning and Noise guidance, with any internal noise calculations to be done in accordance with the more rigorous approach detailed in Annex G2.1 of BS 8223;2014.

REASON: In to ensure that future occupiers of the proposed development are protected from noise nuisance from the M11 Motorway in accordance with Policy GEN2 of the ULP (2005) and the NPPF (2021)

- 12 Prior to the occupation of any building electric vehicle charging points shall be provided for all the dwellings these shall be incorporated within the residential garage(s) or accessible from any on plot parking space associated with that dwelling. Thereafter these charging points shall be maintained and retained as provided.

REASON: To provide residents with access to more sustainable forms of transport in accordance with DM9 of the Essex Development Management Policies (2011) Policy GEN1 of the Uttlesford Local Plan 2005 and the NPPF

- 13 The development hereby approved shall not be implemented other than in accordance with the recommended acoustic mitigation measures outlined in the acoustic report by WSP Acoustic Report (ref. No 70053753) dated September 2020 and WSP Acoustic Report Addendum (ref. No 70091019) dated 6th December 2021 and shall thereafter be retained as approved.

REASON: To safeguard the amenities of the occupiers on the site, the neighbourhood and to comply with policy GEN4 Uttlesford Local Plan (adopted 2005) and the NPPF.

- 14 No extension, enlargement, alteration or provision within the curtilage of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - F of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-

enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

REASON: The Local Planning Authority considers that given the sensitive location of the site, permitted development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and to comply with Policy GEN2 of the Uttlesford Local Plan 2005.

- 15 During construction robust measures must be taken to control dust and smoke clouds.

REASON: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers in accordance with Policy GEN2 of the Uttlesford Local Plan 2005.

- 16 During construction, robust measures to be taken to prevent birds being attracted to the site. No pools of water should occur and prevent scavenging of any detritus.

The drainage swales must be designed to be generally dry (with an underdrain if necessary) and hold water only during and immediately after an extreme rainfall event. Any changes to the drainage scheme must be discussed with the aerodrome safeguarding authority prior to construction.

REASON: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN in accordance with Policy GEN2 of the Uttlesford Local Plan 2005.

- 17 No lighting directly beneath any installed roof lights that will emit light upwards – only downward facing ambient lighting to spill from the roof lights upwards – ideally, automatic blinds to be fitted that close at dusk.

All exterior lighting to be capped at the horizontal with no upward light spill.

REASON: Flight safety - to prevent distraction or confusion to pilots using STN.

- 19 No reflective materials to be used in the construction of these buildings.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using STN.

- 20 No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using STN.

- 21 No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 22 A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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 (Priority habitats & species) and Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 23 CONCURRENT WITH RESERVED MATTERS ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS
All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Final Mitigation and Enhancement Strategy (based on Geosphere, September 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

REASON: To conserve and enhance 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 (Priority habitats & species).

24 CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

“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.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) 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) to include: protection of Badger, nesting birds, Bluebell and retained habitat as well as sensitive lighting during the construction phase.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) 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 (Priority habitats & species).

25 CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: REPTILE MITIGATION STRATEGY

“No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

REASON: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

26

CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: BIODIVERSITY NET GAIN DESIGN STAGE REPORT

“A Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report & audit templates (July 2021) shall be submitted to and approved in writing by the local planning authority which provides biodiversity net gain, using the DEFRA Biodiversity Metric 3.0 or any successor.

The content of the Biodiversity Net Gain Design Stage Report should include the following:

- Baseline data collection and assessment of current conditions on site;
- A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;
- Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- Details of the implementation measures and management of proposals;
- Details of any off-site provision to be secured by a planning obligation;
- Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

REASON: In order to demonstrate measurable net gains and allow the LPA to discharge its duties under the NPPF (2021).

27 CONCURRENT WITH RESERVED MATTERS PRIOR TO ANY WORKS ABOVE SLAB LEVEL BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.”

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

28 CONCURRENT WITH RESERVED MATTERS PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

“A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed including the retained woodland and grassland habitats.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term 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 (Priority habitats & species).

29 CONCURRENT WITH RESERVED MATTERS: PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

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 (Priority habitats & species).

30 No works except demolition shall takes 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.

Limiting discharge rates to 2.07l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.

Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.

Final modelling and calculations for all areas of the drainage system.

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.

Detailed engineering drawings of each component of the drainage scheme.

A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

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.

- 31 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.

- 32 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.

- 33 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. 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.

- 34 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.

REASON: The proposed development lies within an area of known archaeological remains.

36 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: The proposed development lies within an area of known archaeological remains.

Appendices:

Your Ref: UTT/20/2908/OP
Our Ref:HT/TPD /SD/KW/ 47880
Date:-29 March 2021



Essex County Council

Andrew Cook
Director for Highways and Transportation

CC: Essex Highways DM
Cllr Gooding

To: Uttlesford District Council
Assistant Director Planning & Building Control
Council Offices
London Road
SAFFRON WALDEN
Essex CB11 4ER

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/20/2908/OP

Applicant Rochester Properties Ltd, J F C Sergeant And J F M Anderson C/o Pegasus Group

Site Location Land South Of Bedwell Road Ugley

Proposal Outline application for 50 market and affordable dwellings, public open space and associated highways and drainage infrastructure - all matters reserved except access.

Note

This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2019 and in particular paragraphs 108 – 109, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

The location of the site to the north of the village is such that the journey to Stansted Mountfitchet quicker via the Pound Lane and the B1383 route than Stansted Road and Grove Hill so the impact on this junction is will be very limited. There will be an impact to the west of the site on Pound Lane but this is also limited. This is estimated as an additional 5 trips eastbound and 14 westbound in the morning peak and 12 trips eastbound and 5 westbound in the evening peak hour which will not have a significant impact on the road.

A contribution to the bus service and bus infrastructure is being sought to improve the bus service between Elsenham, Stansted Mountfitchet, Stansted Airport and Bishops Stortford. This is part of the developing strategy for Elsenham to improve the service to half hourly and extend morning and evening services. There is the opportunity to extend the service along Bedwell Road down the B1383 to Stansted Mountfitchet, a possible variant of the current service, providing Bedwell Road with an hourly service (2 hourly on Sundays) and collectively providing the village with a half hourly day time service. If this is taken forward a bus stop will be provided on Bedwell Road to decrease walking distances.

In order to facilitate walking a contribution to mitigate the impact on the footpath network has been sought as a link into the developments below is made via footpaths 13/31 and a condition to improve 51/29 within the site.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions:

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;
 - I. vehicle routing,
 - II. the parking of vehicles of site operatives and visitors,
 - III. loading and unloading of plant and materials,
 - IV. storage of plant and materials used in constructing the development,
 - V. wheel and underbody washing facilities.
 - VI. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

Reason: To ensure that 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 Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. **Access:** Prior to first occupation of the development, the access as shown in principle on submitted drawing 2774/SK10 shall be provided, including a clear to ground visibility splays with dimensions of 2.4 metres by 59 metres to the north west and 2.4 metres by 43m in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall retained free of any obstruction at all times thereafter. Works shall include any necessary Traffic Regulations Order being sought to control parking and keep the vicinity of the access clear. **Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
3. **Footway:** Prior to first occupation of the development provision of the footway improvements to the east and west of the access shown in principle in drawing number SK03 REV C minimum width 2m where sufficient highway is available, footway to the east to have suitable connection to existing footway on Bedwell/New Road and leave the site entirely in land in control of the applicant and tie into the existing footway. **Reason:** To ensure safe and suitable access for pedestrians in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011
4. **Public Right of Way within the site:** Prior to occupation of the development the enhancement of the public right of way 51/29 with surfacing works including but not limited to provision of semi-hard, semi-permeable surface and any associated drainage work, signage and appropriate adoption to be carried the satisfaction of the Local Planning Authority. **Reason:** In the interests of reducing the need to travel by car and

promoting sustainable development and transport in accordance with policies DM9 and DM11 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

5. **Footpath contribution** Prior to the occupation of the development, pay a contribution of £21,735, (index linked from the date of this contribution) for the enhancement of the public right of way 13/31 with surfacing works including but not limited to provision of semi-hard, semi-permeable surface and any associated drainage work and signage to be carried to the satisfaction of the Local Planning Authority, subject to these works not already being undertaken to the satisfaction of the highway authority . **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM11 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011
6. **Passenger Transport:** Prior to first occupation the payment of a contribution of £133,588 (index linked from the date of this recommendation) to support or enhance a bus service to provide an improved service between Elsenham and Stansted Mountfitchet, Bishops Stortford and the airport, improvements to include a half hourly weekday service and extended morning and evening services and/or sustainable transport infrastructure within the vicinity of the site and local amenities. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011
7. **Travel Packs:** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

The above conditions are 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.

Informatives:

- (i) In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only.
- (ii) Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction. To be provided prior to the issue of the works licence.
- (iii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by

email at development.management@essexhighways.org or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

- (iv) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- (v) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- (vi) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

required.

- (vii) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public right of way no 51/29 shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

Thank you for your email of 18 November 2020 seeking HSE's comments on planning application UTT/20/2908/OP.

HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines, and has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain our advice.

As the proposed development does not lie within the consultation distance of a major hazard site or major accident hazard pipeline, there is no need to consult HSE on this application, and HSE therefore has no comments to make.

I should be grateful if you would arrange for the HSE Planning Advice Web App to be used to consult HSE for advice on all future proposals for developments which do lie within the consultation distance of a major hazard site or major accident hazard pipeline.

Should you or your colleagues need any additional help in using HSE Planning Advice Web App to obtain HSE's advice on a proposed development, a central support service is available at lupenquiries@hsl.gsi.gov.uk or by telephone on 02030 0283708.

**Developments Affecting Trunk Roads and Special Roads
Highways England Planning Response (HEPR 16-01)
Formal Recommendation to an Application for Planning Permission**

From: Martin Fellows
Operations (East)
planningee@highwaysengland.co.uk

To: Uttlesford District Council

CC: growthandplanning@highwaysengland.co.uk

Council's Reference: UTT/20/2908/OP

Referring to the planning application referenced above, dated 25 August 2020, planning application for 50 market and affordable dwellings, public open space and associated highways and drainage infrastructure, Land south of Bedwell Road, Ugley, notice is hereby given that Highways England's formal recommendation is that we:

- a) offer no objection;
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);~~
- ~~c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);~~
- ~~d) recommend that the application be refused (see Annex A – Reasons for recommending Refusal).~~

Highways Act Section 175B ~~is~~ is not relevant to this application.¹

¹ Where relevant, further information will be provided within Annex A.

Annex A Highways England recommendation no objection

HIGHWAYS ENGLAND has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regards to UTT/20/2908/OP and has been prepared by Mark Norman.

Given the size and location of the development, it is unlikely to result in a severe impact upon the strategic road network.

It is expected that there will be a noise barrier erected to protect the new dwellings, although there are no details in the application, this will not be allowed on Highways England land.

We also take the opportunity to point out that Highways England will not allow third party connections to our drainage asset.

Dear Mr Tyler,

Consultation Response – UTT/20/2908/OP - Land South Of Bedwell Road Ugley

Thank you for your email received on 18/11/2020 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a **holding objection** to the granting of planning permission based on the following:

The discharge rate needs to be restricted to the 1 in 1 greenfield rate of 2.07 l/s. If the half drain time cannot be subsequently met for the 1 in 30 year storm event then we can accept sufficient capacity for a subsequent 1 in 10 year storm event.

In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning

2

Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours sincerely,

Dear Mr Tyler

Planning consultation: UTT/20/2908/OP. Outline application (amendment) for 50 market and affordable dwellings, public open space and associated highways and drainage infrastructure - all matters reserved except access.
Location: Land South Of Bedwell Road Ugley

Thank you for your consultation on the above which was received by Natural England on 07 January 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE: NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application has potential to damage or destroy the interest features for which Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) has been notified.

Natural England is working alongside the National Trust in carrying out research into visitor patterns, impacts and mitigation measures to Hatfield Forest SSSI/NNR. To date, this work has included winter and summer visitor surveys and identified a Zone of Influence (Zoi) of 14.6km which has been shared with your authority with the view of establishing a strategic solution for visitor impacts to the Forest.

On this basis, this application falls within the currently identified Zoi for recreational impacts to Hatfield Forest SSSI, NNR, whereby new housing within this zone is predicted to generate impacts and therefore will be expected to contribute towards mitigation measures, such as a financial contribution.

Whilst we are working towards a strategic solution, Natural England advises that for the purposes of addressing the interim situation, a bespoke mitigation package should be sought for this application, which we suggest is designed in consultation with the National Trust as site managers.

In the absence of a strategic solution, Natural England would not want to see any permissions granted that would create a precedent of acceptability for additional housing developments close to Hatfield Forest SSSI, NNR. As these mitigation are in the process of being defined in a 'mitigation package', we cannot comment further at this stage of the particulars of a future mitigation strategy.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured.

Further advice on mitigation

Hatfield Forest is a National Nature Reserve (NNR). It is nationally designated as a Site of Special Scientific Interest (SSSI) and regarded to be of international importance for its ancient wood pasture-forest habitats. The interest features of these habitats are vulnerable to recreational impacts and within recent years there has been increasing concern regarding the number of visitors. It has been noted that there has been significant increases in visitor numbers, linked to nearby residential development. Both Natural England and the National Trust therefore have concerns regarding the impacts of increasing visitor pressure on the designated site and it is apparent that the current number of visitors is exceeding carrying capacity of some important SSSI habitats and features.

More recently, the National Trust has undertaken visitor surveys to establish a Zone of Influence (Zoi) for recreational impacts to Hatfield Forest SSSI, NNR. To date, the results of the winter and summer surveys have indicated a zone of 14.6km radius from the site. Natural England regards this information as material and therefore would anticipate that the application be assessed in the context of these issues and the developing strategic solution. Please note Natural England's Impact Risk Zones have since been updated to reflect this Zoi. New residential housing within this Zoi therefore is likely to damage the interest features of Hatfield Forest SSSI/NNR and consequently requires further assessment in the context of this development.

The evidence in relation to these joint concerns have been shared with your authority and we wrote to all Local Planning Authorities identified as falling within the Zoi to confirm Natural England's position via the letter dated 5th April 2019 and letter dated 24th September 2019. We would direct you to these letters for further information on Natural England's recommended approach. Whilst we are working towards a strategic solution with the relevant Local Planning Authorities Natural England advises that for the purposes of addressing the interim situation, a bespoke mitigation package should be sought for this application, which we suggest is designed in consultation with the National Trust as site managers. Where possible this should be designed in-line with the package of mitigation measures as drafted by the National Trust.

We would take this opportunity to highlight your authority's duties under the Wildlife and Countryside Act 1981 (as amended), notably under section 28G with respect of the SSSI. Appropriate measures, such as the mitigation outlined above, should therefore be taken to ensure the conservation and enhancement of the SSSI. This is further reflected within policies of the NPPF 170, 171, whereby authorities should seek to protect and enhance the natural environment, including sites of biodiversity value.

In terms of Local Policy, which in this case is the current adopted Uttlesford DC Local plan (2005), we note that policy ENV7 refers to the protection of the Natural Environment and designated sites. The policy states that "Development proposals that adversely affect areas of nationally important nature concerns, such as Sites of Special Scientific Interest and National Nature Reserves will not be permitted unless the need for development outweighs the particular importance of the nature conservation value of site or reserve...".

On this basis, notwithstanding the current (draft) status of the developing Mitigation Strategy, Natural England would anticipate that mitigation measures, such as an appropriate financial contribution towards measures within Hatfield Forest SSSI/NNR are sought to ensure compliance with the above referenced local and national policies.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

In this instance, due to the 'outline' nature of the application, Natural England would anticipate that an assessment is made as to the capacity of the site to provide adequate mitigation and that confirmation of these details is sought through the appropriate method, such as an appropriately worded planning condition or obligation.

Local authorities have responsibilities towards the conservation of SSSIs under [s28g of the Wildlife & Countryside Act \(1981 as amended\)](#), and your biodiversity duties under [s40 of the NERC Act 2006](#). If you have not already done so, we recommend that you ensure that sufficient information in the form of an SSSI impact assessment report or equivalent is built into the planning application validation process.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Ancient woodland and veteran trees

You should consider any impacts on ancient woodland and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forest Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

Environmental enhancement

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 8, 102, 118, 174 and 175 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way;
- Restoring a neglected hedgerow;
- Creating a new pond as an attractive feature on the site;
- Planting trees characteristic to the local area to make a positive contribution to the local landscape;
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds;
- Incorporating swift boxes or bat boxes into the design of new buildings;
- Designing lighting to encourage wildlife;
- Adding a green roof to new buildings;

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access;
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips);
- Planting additional street trees;
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links;
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore);

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#)

This concludes Natural England's advice at this stage which we hope you will find helpful.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

If you have any queries relating to the advice in this letter please contact me on 07385 400068.

Yours sincerely

Tessa Lambert
Lead Advisor – Land Use Planning, West Anglia Team

Thank you for consulting Sport England on the above application.

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications

If the proposal involves the **loss of any sports facility** then full consideration should be given to whether the proposal meets Par. 97 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a **new sports facility**, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:

<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional **housing** (then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how **any new development**, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.



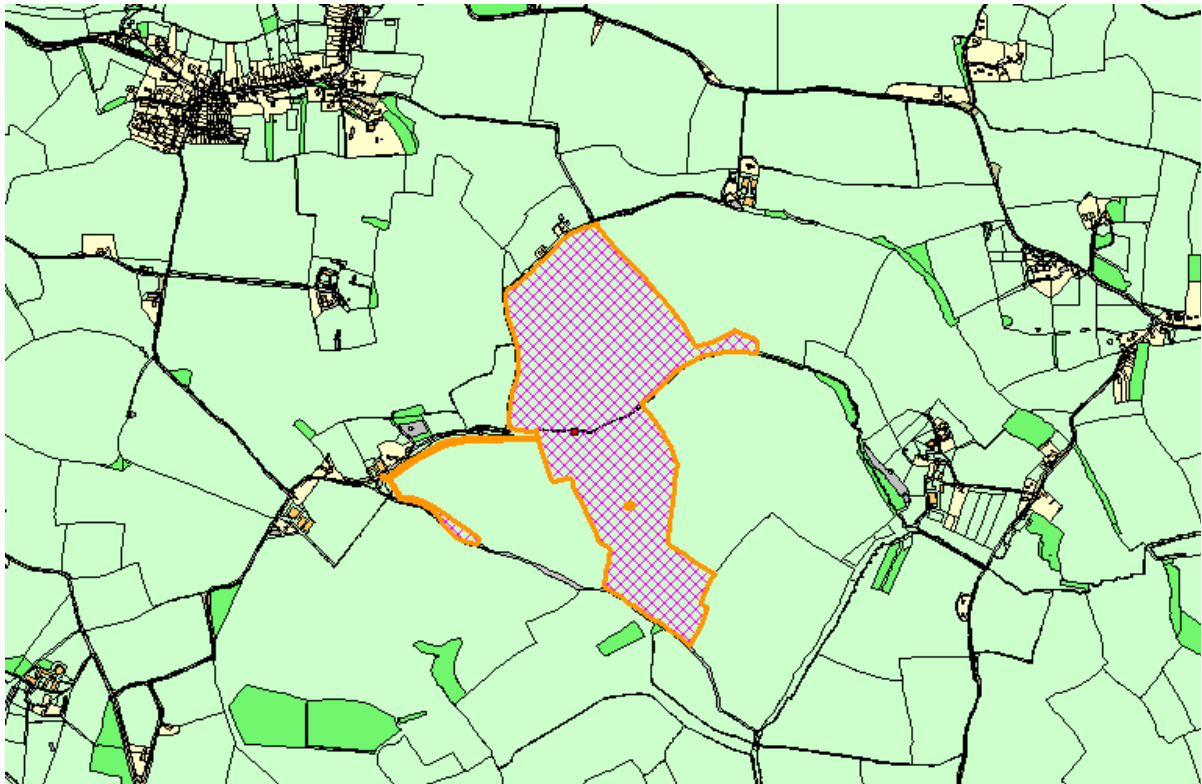
ITEM NUMBER: 8

PLANNING COMMITTEE DATE: 6 July 2022

REFERENCE NUMBER: UTT/21/0688/FUL

LOCATION: Land At Cole End Lane, Wimbish

SITE LOCATION PLAN:



© Crown copyright and database rights 2021 Ordnance Survey 0100018688
Organisation: Uttlesford District Council Date: 20/6/2022

PROPOSAL: Construction and operation of a ground mounted solar farm together with associated infrastructure, including inverters, customer switchgear, substation, medium voltage power station, security cameras, perimeter fence, access tracks and landscaping.

APPLICANT: Long Meadow Solar Farm Ltd

AGENT: Mr Jack Ellis (Pegasus Planning Group Ltd)

EXPIRY DATE: 08 June 2021

EOT Expiry Date: 08 July 2022

CASE OFFICER: Chris Tyler

NOTATION: Outside Development Limits, Adjacent Listed Buildings, Public Right of way, Archaeology Site, Scheduled Monument

REASON THIS APPLICATION IS ON THE AGENDA: Major Application

1. EXECUTIVE SUMMARY

1.1 The proposal is for the construction of a solar farm and associated development on 54.92 arable agricultural land. The nature of the proposal is such that the development would be temporary and reversible. There would be some adverse impacts on the local landscape and rural character of the area however the impact on the character of the area needs to be weighed against the benefits of the provision of renewable energy.

1.2 This application has been made under the principles of the “Rochdale Envelope” which allows a degree of flexibility when the final detailed design is not known e.g., due to the procurement options not being available. The Rochdale Envelope requires the worst-case scenario to be assessed by selecting a maximum set of parameters including,

the maximum extent of the development
the maximum heights of any equipment and buildings
the maximum number of equipment and buildings

- 1.3 The development includes proposals for landscape, legacy woodland planting and nature conservation enhancement. The proposals would present considerable opportunity for landscape and biodiversity mitigation and enhancement by providing habitat and landscape enhancements through new planting and the creation of extensive grassland areas to replace arable land and species diverse wildflower meadow grassland.
- 1.4 The development would not result in the permanent loss of agricultural land and the land will be returned to full agricultural use. During the operational stage of the development, the land will have time to assist in the rebalancing of soil nutrients, re-establishing soil biota, breaking crop pest and disease cycles, and provide a haven for wildlife thus enhancing the quality of land for future agricultural use following the decommissioning of the solar farm.
- 1.5 On balance it is thereby considered that weight should be given to the benefits of the scheme, and it would not result in a significant loss of BMV agricultural land or harm the agricultural industry.
- 1.6 It is considered that the proposed access and traffic management strategy for the site during both the operational and temporary construction stages of the development will have a negligible impact on the surrounding highway network.
- 1.7 It is considered the harm arising from the development would be of a lesser magnitude than the public benefits. Consequently, taking into account the Framework as a whole, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits

2. **RECOMMENDATION**

That the Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

- A) Completion of a s106 Obligation Agreement in accordance with the Heads of Terms as set out
- B) Conditions

And

If the freehold owner shall fail to enter into such an agreement, the Director Planning shall be authorised to **REFUSE** permission at their discretion at any time thereafter.

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site comprises two large scale geometrical and irregular fields located east of Cole End Lane and 2.7km to the south-east of Saffron Walden. The land is split in to two large agricultural fields and are

well screened by existing vegetation, including hedgerows, trees and significant areas of woodland. The size of the application site is 54.92 hectares.

- 3.2** The fields are generally separated by mature hedgerow and tree planting. The land within the site gently undulates with a discernible dip in the central part of the site due to changes in levels with a small watercourse draining the site.
- 3.3** The nearest residential properties to the site abut the northern edge of the northern land parcel, Frogsgreen Cottage and Frogsgreen Farm. A small number of dwellings are located in Wimbish, a hamlet c.0.8km to the east of the site. C. 0.9km to the north of the site boundary is Swards End. Saffron Walden is the largest settlement in the vicinity, located c. 2.7km to the west of the development site.
- 3.4** There are no sensitive landscape features either within or immediately adjacent to the site. Six Acre Wood, Harrison's Wood and Crowney Wood located to the west and southwest of the site. There are no statutory environmental designations within the site's boundaries or within a 3km radius of the site, including SSSIs.
- 3.5** The site can only be accessed via two routes, Cole End Lane runs to the site from Swards End and the B184. There is also an unnamed access track that runs to the northern field from Walden Road. Site access is currently taken via an access point to the west of the southern parcel on Cole End Lane. This access currently serves the agricultural vehicles that farm the land. A number of public right of ways are located around the inside and outside of the application site.

4. PROPOSAL

- 4.1** This application is for the construction and operation of a ground mounted solar farm together with associated infrastructure including:

Approximately 18 Inverters,
Customer switchgear,
Substation,
Medium voltage power station,
Security cameras,
Perimeter fence,
Access tracks,
Landscaping,
New woodland approximately 7.5ha equating to some 12,000 trees being planted.

- 4.2** The design principle of the layout of the solar farm are:

The solar panels would be laid out in straight south-facing arrays from east to west across the field enclosures.

There will be a gap of approximately 3-4m between each row of arrays,

The maximum height of the solar panels would be 2.8m.

The proposal includes the retention and enhancement of existing public right of way and legacy tree planting.

The buffer area would be used for ecological enhancement measures and the trimming and maintenance of existing and proposed vegetation

4.3 The components of the solar farm include:

The solar panel modules are made from photovoltaics which are blue, grey, or black in colour and constructed of anodized aluminium alloy.

A galvanised steel frame mounting system will support the solar array.

Inverters cabins will be situated across the site towards the centre of each solar compound to reduce visual impact.

Customer Switchgear and DNO Substation.

Temporary construction and main site access tracks of permeable construction.

Internal access tracks of permeable construction.

The scheme does not propose battery storage.

4.4 In terms of the dimensions of the physical structures to be found within the application site, the following provides details:

Distribution Network Operator (DNO) substation – 8m x 6m x 4.1m

Customer Substation – 10.0m x 4.0m x 3.0m

Inverter Building – 12.2m x 2.5m x 2.9m

Security Fence – 2.0 metres in height

CCTV Camera – 2.3m pole with camera on top

The development would have an operational lifespan of 40 years.

4.5 It is estimated that the proposed development would generate approximately 30 MW of renewable energy, which could provide approximately enough energy to power up to 9,090 homes and displace approximately up to 12,900 tonnes of CO₂ per annum.

4.6 The applicant has further advised that the approach involved assessing the maximum (and where relevant, minimum) parameters for the elements where flexibility is required. For example, the solar panels have been assessed for the purposes of landscape and visual impact as being maximum of 2.8 high, which is the worst-case. The panels could be lower. The approach also involved defining development zones, rather than having a defined layout. This would allow the future contractor to optimise the layout of the solar farm following any grant of planning permission, rather than being bound to a precise layout.

4.7 The zones define where certain infrastructure should be located within the Site, but there is flexibility in terms of the layout within each zone. The infrastructure that is permitted to only be located within each zone is as follows:

Development Zone 1 – solar panels and inverters; and

Development Zone 2 – solar panels, inverters, DNO substation and customer switch room.

4.8 The proposed development will be unmanned with infrequent visits made for maintenance purposes. Continuous lighting is therefore unnecessary at the site. The only permanent lighting on site will be timer controlled and motion sensor activated security lighting on the proposed buildings (including switchgear, inverter, and substation and battery container units). This will be downwards facing to limit spread. Task lighting (low in luminance and typically comprising a torch or similar) will only be necessary when an engineer is in attendance. If deemed necessary, the applicant is happy to accept an appropriately worded planning condition to secure the submission of a detailed lighting strategy prior to the commencement of development. Furthermore, the proposed facility will also be fitted with CCTV and/or infrared security cameras at regular intervals along the edge of the perimeter fencing and facing into the site to protect privacy which do not require illumination to function at night.

5. ENVIRONMENTAL IMPACT ASSESSMENT

5.1 An application for a screening opinion for the above proposal under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), under Regulation 6 of the stated Regulations, was submitted under application UTT/20/3024/SCO.

5.2 The 2017 Regulations provides guidance regarding procedures which are required in establishing whether an EIA is required. This guidance requires the Local Planning Authority (LPA) to consider whether the proposed development is described in Schedule 1 or 2 of the Regulations. Schedule 2 identifies 13 different categories, of which Class 3 is 'Energy Industry' and a) relates to 'Industrial installations to produce electricity, steam and hot water (unless included in Schedule 1)'. The proposal

exceeds the thresholds. The proposal is not, however located in wholly or partly within a 'sensitive area' as defined by the Regulations.

5.3 It was concluded that the proposal does constitute a Schedule 2 form of development as defined by the Regulations. Under these circumstances it is necessary to establish whether the proposal is likely to give rise to 'significant effects' on the environment by virtue of its nature, size, or location.

5.4 Given the location of the proposals and taking into consideration the potential of cumulative impacts arising, it was considered that the proposals would not give rise to significant adverse effects. Therefore, an Environmental Impact Assessment was not required to be submitted with the application.

6. RELEVANT SITE HISTORY

6.1 There are no planning applications linked to this proposal on this site.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 Pre application discussion took place prior to the submission of the planning application. A statement of community Involvement has been included with the application setting out the consultation of the local community.

7.2 The consultation strategy was designed to respond and adapt to the restrictions on physical movement and contact as imposed by Government's COVID-19 response. Whilst it was not possible to hold a public exhibition, the applicant ensured that the combination of a letter drop, press advert and project website delivered a robust pre-submission consultation package. The responses from the public were constructive and very helpful and influenced a number of changes made to the design prior to submission, such as setting panels away from the public footpath.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following conditions:

- 1) Prior to the commencement of the development the access will be widened and no unbound materials will be used within the first 10m of the highway
- 2) Prior to the commencement of the development, submission and approval of Construction Traffic Management Plan
- 3) The public right of way within the site and vicinity shall be maintained free and unobstructed at all times.

See appendix 1.

8.2 Local Flood Authority

- 8.2.1** Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission.

See appendix 2.

8.3 Environment Agency

- 8.3.1** We have reviewed the plans as proposed and have no objection the application.

See appendix 3

8.4 Historic England

- 8.4.1** Historic England has no objection to the application on heritage grounds. We advise that should your authority be minded to approve this application, this should be conditional on a scheme of archaeological work being secured, in accordance with the NPPF paragraph 199. The archaeological advisor to the Local Planning Authority (Essex County Council Place Services) will be able to comment on the scheme of the archaeological investigation.

See appendix 4.

8.5 Natural England

- 8.5.1** No objection, based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

See appendix 5

9. PARISH COUNCIL COMMENTS

9.1 Wimbish Parish Council;

Objection, the ecology statement is very poor quality, and it was only a one-day assessment. The proposal will result in a loss of agricultural land. Concerns are raised in regard to the decommissioning of the solar farm and also its impact of the nearby heritage assets.

9.2 Swards End PC are very concerned about the following: -

- 9.3** The solar farm will be located off a narrow single tracked lane. During the construction period the PC are concerned about the lane becoming

congested with traffic and issues will be caused for residents using the lane. Can controls be stipulated regarding the timing and volume of construction traffic? The site access must only be from Cole End Lane because that utilises much more of a tarmac lane. Traffic should not be allowed to access or exit the site via the Water Tower in the middle of Swards End.

- 9.4** What is the duration of the build? Cole End Lane is a narrow single-track lane which will be severely damaged by heavy construction traffic. Will the Solar Farm developers be responsible for returning the condition of the lane after the development has been built?
- 9.5** If planning is approved a condition must be made about how the site will be decommissioned and clear details of financial responsibility for decommissioning. A named entity must be held accountable for the decommissioning process, within 2 years of the site having stopped producing a certain % of energy.
- 9.6** The PC are concerned about wildlife in the area and the issues caused by the fencing impeding the natural inhabitant of the deer population and other wildlife in the area.
- 9.7** With the increase in applications for Solar Farms in UDC it is imperative that UDC approve a policy including a consistent set of conditions covering decommissioning, the amount of countryside that is taken up with solar farms etc.
- 9.8** S106 funding for the local community to be part of the planning application and consent for a Solar Farm. The amount of funding to be set by reference to the size of the solar farm.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

- 10.1.1** No objection subject a noise survey to demonstrate the development will not result in harmful impact to the nearby residential properties. An informative is recommended regarding construction management.

10.2 UDC Landscape Officer/Arborist

- 10.2.1** I'm in broad agreement with the findings of the submitted Landscape and Visual Impact assessment. Additional mitigation to reduce the visual impact of the proposed development should be sort in the form of new woodland planting. In the circumstances of a recommendation being made for approval of this application, I advise that it is conditional on the provision of mitigating legacy mixed native species woodland planting. A woodland planting proposed consists of 3 compartments (A-C). These new woodlands would be linked by existing hedgerows to be retained. In total the area of new woodland would be approximately 7.5ha in extent,

which would equate to some 12,000 trees being planted within the application site. Such new woodland would take agricultural land out of production, but this should be balanced against the benefits of the development.

10.3 Place Services (Conservation and Heritage)

10.3.1 It is considered that the proposals would result inevitably in a setting impact to several designated heritage assets. With regards to that of Cole End Farmhouse (list entry number: 1238641) and Hoys Farmhouse (list entry number: 1274070), the level of harm would be less than substantial, through change in their setting and at the lowest end of the scale, Paragraph 202 of the NPPF (2021) being relevant. Frogs Green Cottage (list entry number: 1239700) would also have an impact upon its setting through the proposed development however with the proposed mitigation such as the legacy woodland the scale of harm is considered to be at the low end of less than substantial (Paragraph 202). It is not considered that the proposals to result in harm to the significance of the Grade I listed Tiptofts (list entry number: 1274093) or Dovecote (list entry number: 1238643).

10.4 Place Services (Ecology)

10.4.1 No objection subject to securing biodiversity mitigation and enhancement measures. The mitigation measures identified in the Ecological Assessment (Landscape Science Consultancy Ltd, February 2021) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly Badger, nesting birds, reptiles and Brown Hare.

To further protect ecological receptors during the construction phase, a Construction Ecological Management Plan (CEMP) should be secured by a condition of any consent. A specific Skylark mitigation strategy should also be provided and secured by a condition of any consent to ensure the loss of Skylark territories is compensated for. Recommended conditions include:

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment.

Submission and approval of construction management plans for biodiversity.

Submission and approval of Skylark mitigation strategy,

Submission and approval of biodiversity enhancement strategy.

10.5 Place Services (Archaeology)

10.5.1 No Objection subject to conditions.

A Heritage Statement has been undertaken for the above application and has assessed the potential of surviving below ground deposits. The document concluded that there was the potential for the medieval remains of a possible moated enclosure within the proposed development. However, aerial photographic evidence identifies a range of archaeological features being present within the proposed development area (EHER 47932 and 47933).

Recommendation: Archaeological field evaluation post decision in advance of a planning decision.

10.6 NATS Safeguarding

10.6.1 Advise that the proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

10.7 MAG Aerodrome Safeguarding

10.7.1 Advise that the Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal.

10.8 Essex Police Crime Prevention

10.8.1 It should be noted that 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. As a consequence, the solar trade body has been in talks with the National Metal Crime Working Group. In view of this we would like to see greater consideration given to the security of the site.

Clearly planning to install "Deer fencing" in relation to crime will only provide a symbolic boundary, we would draw attention to the BREEAM document "Guide to large scale ground mounted solar PV systems" (www.bre.co.uk/filelibrary/pdf/other_pdfs/KN5524_Planning_Guidance_reduced.pdf) and would welcome to consult with the developer in relation to this and other proposed large scale solar farms.

10.9 Ministry of Defence- Abandoned Pipe Lines

10.9.1 We can confirm that the Ministry of Defence has no safeguarding objections to this proposal.

10.10 CLH Pipeline System

10.10.1 CLH-PS, does not have apparatus situated within the vicinity of your proposed works, and as such do not have any further comments to make.

10.11 Northwest Essex Swift Group

10.11.1 If this application is approved, could the Council please ensure that the measures stipulated to enhance biodiversity and aid local wildlife in the Ecological Assessment are enforced. The wildflower meadows, management plans, low intensity grazing, mammal gates and 10m buffers between boundaries would be advantageous.

10.12. Campaign to Protect Rural England Charity

10.12.1 CPRE are becoming increasingly concerned about the number of large-scale solar farm applications coming forward in Uttlesford. Since the rather surprising grant of permission for the Terriers Farm scheme it would appear that developers (and Low Carbon in particular) see the District as an easy target. You will no doubt appreciate the reference in government planning guidance to the 'cumulative impact' of this form of development and it is necessary to first point out that Uttlesford probably already has more than its fair share of these schemes and the impact on such an important rural landscape is worrying.

Concerns raised:

Visibility of the proposal,
Land Classification,
Introduction of the operation housing units on the site,
Lack of decommissioning details

11. REPRESENTATIONS

11.1 Site notices were displayed on site and 59 notifications letters were sent to nearby properties. The application was also advertised in on site and in the local newspaper.

11.2 Numerous representations were received from neighbouring resident and the following observations have been made:

11.2.1 Object,

Loss of agricultural land,
Impact to the setting of Heritage Assets,
Loss of rural character of the site,
Impact to the public right of way,
The development will be highly visible,
Due consideration needs to be made to the decommissioning of the development,
The proposed screening will not mitigate the harm,

Impact from noise and disturbance,
Increase in traffic,
Solar panel should be put of new buildings only,
The development is in the wrong location,
Safety impact to aircraft.

11.3 Comment

11.3.1 The above concerns have been addressed through the assessment of this report.

12. MATERIAL CONSIDERATIONS

12.1 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.

12.2 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.

12.3 Section 66(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.

12.4 The Development Plan

12.4.1 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)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

S7 – The countryside Policy

GEN1- Access Policy

GEN2 – Design Policy

GEN3 -Flood Protection Policy

GEN4 - Good Neighbourliness Policy

GEN6 - Infrastructure Provision Policy

GEN7 - Nature Conservation Policy

GEN8 - Vehicle Parking Standards Policy

ENV2 - Development affecting Listed Buildings Policy

ENV3 - Open Space and Trees, Policy

ENV4 - Ancient monuments and Sites of Archaeological Importance

ENV5 - Protection of Agricultural Land Policy

E4 – Farm Diversification

13.3 Neighbourhood Plans

There are no relevant adopted neighbourhood plan policies.

13.4 Supplementary Planning Document or Guidance

Uttlesford Interim Climate Change Policy (2021)

Landscape Character Assessment of Uttlesford District (2006).

14. CONSIDERATIONS AND ASSESSMENT

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

14.2 A) Whether the use of the site for the purpose of a solar farm would be appropriate in terms of land use and impacts on the character of the area

B) Heritage

C) Impact on neighbour's amenity

D) Access and highway safety

E) Impact on biodiversity

F) Whether the development would increase flood risk issues

G) Other Material consideration: Section 106 Agreement and Decommissioning.

14.3 A) Whether the use of the site for the purpose of a solar farm

would be appropriate in terms of land use and impacts on the character of the area.

- 14.3.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the planning policies set out in the Adopted Development Plan unless material considerations indicate otherwise. The planning policies contained within the National Planning Policy Framework (the Framework) are also a material planning consideration, particularly where the policies in the Adopted Development Plan are out of date whereby the revised NPPF provides the statutory guidance for determining planning applications at a national level. The adopted development plan for Uttlesford comprises the Uttlesford Local Plan which was adopted in January 2005 and is therefore now over 16 years old and pre-dates both the original NPPF (2012) and the latest version (2021).
- 14.3.2** Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. Local planning authorities are responsible for renewable and low carbon energy development of 50 megawatts or less installed capacity (under the Town and Country Planning Act 2008 Section 15 (2c) significant contribution towards the district and County's renewable energy production.
- 14.3.3** The applicant has advised that it is estimated that the proposed development would generate approximately 30 MW of renewable energy, which could provide approximately enough energy to power over 9,090 homes and displace approximately up to 12, 900 tonnes of CO₂ per annum. These benefits need to be weighed against the impacts. 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.
- 14.3.4** In June 2019, the Government raised the UK's commitments in tackling climate change by legislating a net-zero gas emissions target for the economy by 2050. Following the Climate Change Committee's advice in the Sixth Carbon Budget, Prime Minister Boris Johnson has agreed to legislate a new target to reduce national emissions by 78% by 2035, with the target due to be enshrined in law by the end of June 2020. This builds on the nations new Nationally Determined Contribution (NDC) to the Paris Agreement, which will see the UK reduce emissions by 68% by 2030 compared to 1990 levels. Decarbonising the power sector is integral to achieving these targets and requires major investment into renewable technologies, such as solar power, which are supported by planning policy at both local and national levels.
- 14.3.5** At a local level, Uttlesford District Council voted to declare a climate emergency in August 2019 and are currently in the process of preparing a climate change action plan that will set out realistic, measurable, and

deliverable targets that define how the Council will achieve net-zero carbon by 2030. It is anticipated that the action plan will be adopted in April 2023. Further, in February 2021 Uttlesford District Council adopted its Interim Climate Change Planning Policy.

- 14.3.6** The application site is located outside any Development Limits and in the countryside where Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. A review of Policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. Policy S7, however, is still a saved local plan policy and carries moderate weight
- 14.3.7** The application includes an Agricultural Land Classification (ALC) report concludes that proposal to be comprised of Grade 3b land. Accordingly, the site does not comprise best and most versatile agricultural land.
- 14.3.8** In terms of the loss of Grade 3b agricultural land i.e. moderate quality agricultural land Natural England have not raised any objection, however the application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land. This is because the solar panels would be secured to the ground with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur. Therefore, we consider that the proposed development is unlikely to lead to significant and irreversible long-term loss of best and most versatile agricultural land, as a resource for future generations.
- 14.3.9** Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Whilst this view is clearly at odds with that of Parish Council's, local residents, and the Campaign to Protect Rural England (CPRE), this is the opinion of the statutory independent consultee, and should be given significant weight.
- 14.3.10** The applicant had provided additional information in regard to Food Production Vs Renewable Energy. Whilst it should be noted that the Cole End application has been found to be grade 3b in its entirety (as demonstrated by the Amet study submitted with the application) and, therefore, not Best and Most Versatile Land (BMV) it is worth noting the points below.

In summary the appraisal concludes that the loss of BMV land is deemed to be temporary, and in an area with such high proportions of BMV Land, is difficult to avoid and it appears to be accepted that the loss of BMV land will be inevitable in Uttlesford.

With regards to the food versus energy debate, England is largely self-sufficient when it comes to production of grains, producing over 100% of domestic consumption of oats and barley and over 90% of wheat.

In respect of energy, 40.8 percent of our electricity was generated using fossil fuels in 2020. Gas accounted for 35.7% of electricity produced but 59% of gas was imported. Wind and solar accounted for 28.4% of electricity production in 2020. With global prices dictating the cost of imported gas and England's high reliance on imported gas, energy prices are soaring. The cost of living crisis and rising energy costs in particular, are a major concern for the entire population.

Overall, as a country we are highly reliant on imported energy, but we are largely self-sufficient when it comes to production of grains for domestic consumption which are currently cropped from the existing site. We are in the midst of an energy crisis and there is an overwhelming need to become both more self-sufficient in terms of our energy consumption, and reduce our reliance on fossil fuels. This is subsequently considered to be a more pressing matter than the temporary loss of just 0.0001% of the overall croppable area in England.

- 14.3.11** The proposal relates to the installation of rows of solar panels which would be within fenced enclosures. Each of these enclosures would be within the existing field boundaries and would ensure that the existing hedge rows would remain. In response to discussions during the planning application the applicant has advised that key elements of the design approach have included the following:

The development will aim to preserve existing trees, hedgerows, woodland, and ecological features both within and in close proximity of the site where possible.

Orientating the solar panels south to benefit from maximum solar irradiation.

The access point will be upgraded with improved visibility splays to serve both operational and construction vehicles.

Providing additional screen planting, including where there are currently gaps or no vegetation, to minimise the visual impacts of the proposed development on surrounding sensitive receptors, including nearby residential dwellings, PRowS and heritage designations.

Proposed legacy woodland planting,

Providing significant habitat improvements within the site, including the conversion of arable farmland to higher value grassland, the provision of wildflower meadow along field margins and the provision of new hedgerows and tree.

- 14.3.12** The Council's Landscape Officer has advised the visual impact of the proposal on the agrarian character of the site would be significant and evident from the public footpath network which runs through the site. The impact on the wider landscape would be limited by existing tree belts, field hedges, woodland, and the topography. The Officer is in agreement with the findings of the submitted LVIA; Additional mitigation to reduce the visual impact of the proposed development should be sort in the form of new woodland planting. It is recognised that new planting would take some years before becoming effective, however, after 15 years the new woodland would likely have a significant ameliorating effect. In the circumstances of a recommendation being made for approval of this application, advise that it is conditional on the provision of mitigating legacy mixed native species woodland planting. The new woodlands would be linked by existing hedgerows to be retained. In total the area of new woodland would be approximately 7.5ha in extent, which would equate to some 12,000 trees being planted within the application site. The long term protection of such new woodland beyond the life time of the solar farm could be secured by the making of a woodland tree preservation order, which could take effect at the time the woodland is planted. Such new woodland would take agricultural land out of production, but this should be balanced against the increase of woodland cover in the district and the potential biodiversity gains.
- 14.3.13** A Landscape Appraisal has been submitted with the application and due consideration has been made to this. It is concluded in terms of effects upon landscape character, these have been assessed as minor. This would translate to minor effects upon the host B8 Thaxted Farmland Plateau LCA (district level – Landscape Character Assessment of Uttlesford District (2006)), and the Glacial Till Plateau LCT B, and more specifically its Central Essex Farmlands (B1) LCA (county level – Essex Landscape Character Assessment).
- 14.3.14** The proposed development has been designed to reduce its physical extent and level of inter-visibility. It would physically introduce a new element into the receiving landscape, but its presence would not manifest itself due to the relatively high level of enclosure within and around the site. The underlying agricultural character of the surrounding landscape would be retained with the perceptual and sensory aspects of the landscape also largely retained. The visual assessment has concluded that the proposed development would be almost completely screened, taking advantage of the topographical variations in the local landscape, vegetative screening such as tree belts and woodlands, and roadside vegetation across the landscape

- 14.3.15** In overall terms, it is not considered that the development would meet the requirements in full of Policy S7 of the Local Plan and that, therefore the proposal is contrary to that policy. However, it is considered with mitigation measures as set out above, the proposal would meet the aims of Policy ENV8, which seeks to secure appropriate landscape mitigation.
- 14.3.16** Policy ENV15 of the adopted Local Plan 2005 states that small scale renewable energy development schemes to meet local needs will be permitted if they do not adversely affect the character of sensitive landscapes, nature conservation interests or residential and recreational amenity. However, the adopted Local Plan is silent on policies relating to large scale proposals such as this, other than that it is expected that acceptable schemes in the district would be relatively small scale. The application therefore needs to be assessed based on other material considerations, and therefore guidance contained within the National Planning Policy Framework 2021 (NPPF) is material to the consideration of this planning application.
- 14.3.17** In this regard, the NPPF states that “Renewable and low carbon energy: Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).”
- 14.3.18** Section 14 of the NPPF – Meeting the challenge of climate change, flooding and coastal change, and states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 14.3.19** The NPPF further advises that new development should be planned for in ways that:
- avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
- can help to reduce greenhouse gas emissions, such as through its location, orientation, and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.

14.3.20 To help increase the use and supply of renewable and low carbon energy and heat, plans should:

provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts).

consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and

identify opportunities for development to draw its energy supply from decentralised, renewable, or low carbon energy supply systems and for co-locating potential heat customers and suppliers

14.3.21 On balance, and with appropriate mitigation, it is considered that this proposal is consistent with the provisions of the National Planning Policy Framework 2021, together with appropriate policies contained within the Uttlesford Local Plan 2005.

14.4 B) Heritage

14.4.1 There are no statutory listed heritage assets within the site boundary. There is one Grade II listed structure adjacent to the northern site boundary: Frogsgreen Cottage. Beyond this, there exists a large collection of Grade II buildings c. 1km to the north-west of the site at Swards End, and a Grade I listed building, Church of All Saints, located c. 1km to the east of the site in Wimbish. Three further Grade II listed structures can also be located at Cole End, approximately 500m west of the site.

14.4.2 There are two Scheduled Monuments within the local area: 'Tiptoff's moated site and fishponds', c. 0.6km west from the site; and 'Moated site and three ponds at Parsonage Farm', c. 0.8km south from the site.

14.4.3 A Heritage Statement is submitted in support of this planning application and includes a consideration of all the heritage assets identified and which of those assets have the potential to be sensitive to development within the vicinity of the site, and the degree of harm which may arise.

14.4.4 The Council's Heritage Officer has been consulted as part of the application process and has visited and assessed the application site. It is considered that the proposals would result inevitably in a setting impact to several designated heritage assets. With regards to that of Cole End Farmhouse and Hoys Farmhouse (the level of harm would be less than substantial, through change in their setting and at the lowest end of the scale. Paragraph 202 of the NPPF (2021) being relevant. Frogsgreen Cottage (list entry number: 1239700) would also have an impact upon its setting through the proposed development however with the proposed

mitigation such as the legacy woodland the scale of harm is considered to be at the low end of less than substantial (Paragraph 202).

14.4.5 Taking into consideration the comments by the Heritage Officer due consideration should be made to paragraph 202 of the NPPF and where the proposal results in less than substantial harm to the heritage asset the public should be weighed against the public benefits of the development.

14.4.6 In regard to the impact on the significance of two scheduled monuments Historic England have been consulted. Following visiting the site and assessment the Historic England consider the proposed solar farm will result in a slight change to the setting of the 'Tiptofts moated site and fishponds'. This is because the moated site draws a considerable amount of significance from its landscape setting. In our view, however, the harm would be towards the lower end of less than substantial. Taking into consideration the comments from Historic England the proposed development will not have a harmful impact to the nearby Scheduled Monuments.

14.4.7 In regard to the impact to the location of the site the development has the potential to affect archaeological remains, as recommended by the Council's Archaeological Consultant any planning permission should include conditions to conduct a programme of assessment, secured and undertaken in accordance with a written scheme of investigation. The works would enable due consideration to be given to the historic environment implication and would lead to the proposals for preservation in situ and/ or the need for further investigation. Taking into consideration the comments from the Councils Archaeology consultant the proposal accords with ULP Policy ENV4 and the NPPF.

14.4.8 Place Services Heritage and Historic England identify harm at the lower end of the spectrum, but this harm needs to be balanced against the public benefits of the proposal. The concerns raised by the Heritage Officer have been duly assessed in the context of the site and setting of the heritage assets. The public benefits arising from the development includes:

Generation of electricity for export to the grid,
Generation of renewable energy,
Contribute towards reducing carbon emissions, and local and national targets,
Economic investment, and
Helping to ensure energy security in the UK

It is considered the harm arising from the development would be of a lesser magnitude than the public benefits. Consequently, taking into account the Framework as a whole, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits.

14.5 (C) Impact on neighbour's amenity

14.5.1 In terms of the impact to nearby residential amenity, nearby dwellings include, Frogreen Cottage, Frogreen Farm, Hoys Farm and Cole End Farm. The proposed inverters would have a sound level of 75 dB (A) at a 1 metre distance. Given the location of the inverters and the existing background noise, there would be no adverse noise impact on any neighbouring receptors.

14.5.2 The Uttlesford Environmental Health Officer has advised that noise associated with the operational phase of the development is considered unlikely to cause any adverse impacts. Therefore, and subject to conditions, the proposal would comply with the implementation of Policies GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005.

14.6 D) Access and highway safety

14.6.1 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.

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

14.6.2 In this regard, Essex County Council as Local Highway Authority have advised that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following measures:

Provision of widened access,
Construction Management Plan,
Unobstructed public right of ways.

14.6.3 A temporary construction compound will be set up within the development boundary during construction. Any vehicles associated with construction will therefore be contained within the site and no unnecessary parking will occur on the local highway network. Furthermore, post construction parking will provided within the site. From a highway and transportation perspective, the impact of the proposal is acceptable to the Local Highway Authority, subject to mitigation and conditions, and that the proposal is consistent with the implementation of Policy GEN1 of the adopted Uttlesford Local Plan 2005

14.7 E) Impact on biodiversity

14.7.1 Policy GEN7 and paragraph 174 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. The application is supported by an Ecological Impact Assessment relating to the likely impacts of development on designated sites, protected species and Priority species and habitats. These submissions have been assessed by Place Services Ecology Officers, who that they are satisfied subject to conditions that there is sufficient ecological information available for determination.

14.7.2 Therefore, and subject to the submission and implementation of appropriate conditions, the application is acceptable, being consistent with the implementation of Policy GEN7 of the adopted Uttlesford Local Plan 2005, and the NPPF.

14.8 F) Whether the development would increase flood risk issues

14.8.1 The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. The built form of the development proposed lies within Flood Zone 1 (low probability of flooding) as defined by the Environment Agency. The proposed development will not add any significant areas of impermeable surfacing. Surface water runoff will drain partially to ground, as existing, and overland flows collected via new swale systems to slow run-off and improve water quality. Lead Local Flood Authority and the Environment Agency raises no objections to the proposals.

14.8.2 It is proposed to allow the site to drain as close as naturally possible to the existing situation with run-off intercepted by a series of shallow swales / filter trenches adjacent to the proposed new internal access roads and swales located at the low parts of the site to collect and slow surface water run-off prior to discharging to the existing watercourses. It is considered that due to the nature of the development that displaced flood risk is low and therefore such it is considered the proposals comply with Policy GEN3 and the National Planning Policy Framework 2021.

14.9 G) Other Material consideration: Section 106 Agreement and Decommissioning

14.9.1 The planning application will be accompanied by a robust s106 Agreement under the terms of the terms of the Town and Country Planning Act 1990, as amended.

14.9.2 Uttlesford DC as Local Planning Authority requires a decommissioning plan, prior to construction. This plan typically includes:

The anticipated life of the project,
The anticipated present value cost of decommissioning,
An explanation of the calculation of the cost of decommissioning,
The physical plan for decommissioning,
A broad understanding of the lease arrangements with the Landowner,
A surety or bond to cover the cost of decommissioning

14.9.3 In addition, or augmentation to the above, we recommend using the following requirements:

Financial security in the form of surety bond, letter of credit, or cash escrow held by an appropriate insured financial institution.

Updated decommissioning costs and salvage value projections every five years and including a mechanism for truing up the security.

A reserve factor to the cost projections to protect against changes in market values.

A detailed decommissioning plan with a documented decommissioning costs and salvage value projections. This plan should be either produced by, or reviewed by, a licensed civil engineer; and

A process to require decommissioning if the solar energy system is no longer operational

14.9.4 Such an Agreement will be secured in advance of the release of any planning permission.

14.9.5 The heads of terms of the S106 have been reviewed and it is considered it provides protection to the local authority. The obligation to review and update the decommissioning estimate and bond or deposit every 5 years goes beyond what is typically provided and would give the local authority additional protection with the updates for salvage, disposal, equipment and labour costs.

It is recommended a bond of or deposit of £20,000 is secured as a minimum when the decommissioning amount is nil or a net receipt, in order to provide the local council with funds that would cover their time and costs in making arrangements for a contractor to perform the decommissioning work in the event that the developer walks away from the project.

14.9.6 Anticipated disassembly methods are included in appendix 6.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

- 15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised

15.2 Human Rights

- 15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

16. CONCLUSION

- 16.1** The proposal would lead to loss of 54.92 arable agricultural land; however, the nature of the proposal is such that the development would be temporary and reversible. There would be some adverse impacts on the local landscape and rural character of the area, especially those experienced by the users of the nearby public rights of way. The impact on the character of the area needs to be weighed against the benefits of the provision of renewable energy and in this instance the benefits outweigh the harm.
- 16.2** It is considered when taking the National Planning Policy Framework 2021, that the benefits of the proposal, where mitigation has been offered to make the development acceptable, are considered not to outweigh the harm which would be caused to the character of the rural area, and any less than substantial harm to the significance of the Grade II listed buildings.
- 16.3** Consideration has been given to paragraph 11 c) i, and Footnote 7 of the National Planning Policy Framework 2021 in terms of impacts of the development upon designated heritage assets. Given that the identified harm to assets is categorised at the lower half of the spectrum of harm,

this does not give the Local Planning Authority a clear reason for refusing the development, and given the identified public benefits as set out, the application can be supported. The “tilted balance” is in favour of the proposal, including a presumption in favour of sustainable development, as set out in paragraph 14 of the National Planning Policy Framework 2021, which is therefore engaged.

- 16.4** The proposal subject to mitigation would not result in any material detrimental loss of residential amenity
- 16.5** The impact on the local highway would be minimal, even during the construction phase given the limited number of vehicular movements.
- 16.6** The proposals would not adversely affect protected species. There would be new hedgerows and other landscape features and the planting of new trees belts. It is not considered that the proposal would have any material detrimental impact in respect of protected species or biodiversity.
- 16.7** The proposals would not result in increased flooding.
- 16.8** The proposal would not impact on airport safeguarding.

17. S106 / CONDITIONS

17.1 S106 HEAD OF TERMS

- 17.2** I. Decommissioning of the PV Plant and associated infrastructure
II. Pay the Council’s reasonable legal costs
III. Pay the monitoring fee

17.3 CONDITIONS

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

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

- 2** Prior to the commencement of the development, precise details of the layout of the site(s), including the layout of the Solar Arrays, buildings, CCTV cameras, fencing, and associated infrastructure shall be submitted to and approved in writing by the local planning authority. The works thereafter shall be carried out in accordance with the submitted agreed details.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2021.

Pre-commencement condition justification: To ensure that the resulting development does not prejudice the visual qualities of the countryside area or the setting of nearby designated heritage assets

- 3** Prior to commencement of development, samples of materials to be used in the construction of the external surfaces of any buildings hereby permitted shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall 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)

Pre-commencement condition justification: To ensure that the resulting development does not prejudice the visual qualities of the countryside area or the setting of nearby designated heritage assets

- 4** No commencement of the development shall take place until the following has been provided

- i. The site access shall be widened to accommodate the swept path of vehicles associated with the proposal, as shown in principle on DWG no. FIGURE 2 REV.B (dated – 28/10/2021).
- ii. No unbound material shall be used in the surface treatment of the access within 10 metres of the highway.

REASON: 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.

Pre-commencement condition justification: To ensure that the resulting development does not result in a harmful impact to highway safety.

- 5** Prior to commencement of the development, planning document 'Construction Traffic Management Plan' shall be updated/revised and submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, to include the following, in addition:

- i. A package of signage and safety measures to protect the users of the public rights of way (PROW) network within and in the vicinity of the site during the construction phase.
- ii. Construction traffic routing, including prohibiting the use of southern-most entrance to Cole End Lane off Thaxted Road for vehicles associated with construction of the site.

iii. Provision of passing places and appropriate hardening of existing carriageway/highway along Cole End Lane, from the junction with Thaxted Road to the site access, to facilitate construction vehicles.

iv. Comprehensive before and after survey of the highway network from B184 Thaxted Road junction with Cole End Lane, along Cole End Lane to application site, and the PROW network in the immediate vicinity of the site.

v. Appropriate widening of the southern kerb line of the northern junction of Cole End Lane onto B184 Thaxted Road.

vi. Wheel and underbody washing appropriate for the site.

The approved statement shall thereafter be adhered to throughout the construction period.

REASON: 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.

Pre-commencement condition justification: To ensure that the resulting development does not result in a harmful impact to highway safety.

- 6** The definitive width and line of the public rights of way (PROW) network within the site and vicinity of the site and the public's rights and ease of passage over the PROWs shall be maintained free and unobstructed at all times.

REASON To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with ULP Policy GEN1.

- 7** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Landscape Science Consultancy Ltd, February 2021) including but not limited to buffer zones along boundary features, creation of wildflower meadows and the retention, enhancement and strengthening of boundary features as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance 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 (Priority habitats & species) and in accordance with ULP Policy GEN7.

- 8** Prior to the commencement of the development hereby approved a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. Details on the protection of boundary features and retained habitats during construction, pre-commencement Badger survey and protection measures for Badger during construction, protection measures for nesting birds during site clearance and construction works and protection measures for reptiles, Brown Hare and other species during site clearance and construction works shall be included.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) 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).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) 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 (Priority habitats & species) and in accordance with ULP Policy GEN7.

Pre-commencement condition justification: To ensure that the resulting development conserves and protects Priority species

- 9** Prior to the commencement of the development hereby approved a Skylark Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss of any Skylark territories. This shall include provision of the evidenced number of Skylark nest plots, to be secured by legal agreement or a condition of any consent, in nearby agricultural land, prior to commencement.

The content of the Skylark Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed Skylark nest plots;
- b) detailed methodology for the Skylark nest plots following Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c) locations of the Skylark plots by appropriate maps and/or plans;
- d) 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 a minimum period of 10 years.

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 (Priority habitats & species) and in accordance with ULP Policy GEN7.

Pre-commencement condition justification: To ensure that the resulting development conserves and protects Priority species

- 10** Prior to any works above slab level a Biodiversity Enhancement Strategy for protected and Priority species including but not limited to the provision of mammal gates in security fencing for Badger and other small mammals and implementation of a Biodiversity Management Plan shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) timetable for implementation;
 - e) persons responsible for implementing the enhancement measures;
 - f) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7.

- 11** Prior to beneficial use (i.e. generation of energy), a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and Page 79 technical specifications) so that it

can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To conserve and enhance 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 (Priority habitats & species), and Policy GEN7 of the adopted Uttlesford Local Plan 2005.

- 12** No development or preliminary groundworks can commence until a programme of assessment has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

REASON: In the interest of site archaeology in accordance with the provisions of Policy ENV4 of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021

- 13** A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

REASON: In the interest of site archaeology in accordance with the provisions of Policy ENV4 of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021.

- 14** No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork/or preservation, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

REASON: In the interest of site archaeology in accordance with the provisions of Policy ENV4 of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021

- 15** The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of 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: In the interest of site archaeology in accordance with the provisions of Policy ENV4 of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021.

- 16** Prior to operational use of the development hereby approved, a manned measured noise survey must be carried out and a report of the findings shall be submitted to and approved in writing by the Local Planning Authority.

The noise emitted by the combined operation of all plant hereby permitted (including power inverter units, battery storage units, transformer station & generators etc) shall have a rating level that does not increase the background noise level at any time at the boundary of the nearest residential premises including Frogsgreen Farm, Frogsgreen Cottage, Tiptoft Farm and Cole End Farm.

Measurement parameters must include the LA90, LAeq, LA Max and 1:1 frequency analysis, and appropriate corrections shall apply in accordance with BS4142:2019

Should the plant fail to comply with this condition 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 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 or silencers have been implemented. The plant shall be serviced in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained at all times.

REASON: To ensure the development does not result in any harmful impact to the amenity of neighbouring residential properties in accordance with Policies GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005.

- 17** Prior to the commencement of the development, a detailed Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.

- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
- l) Loading and unloading of plant and materials;
- m) Storage of plant and materials used in constructing the development;
- n) Wheel and underbody washing facilities

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

REASON: To ensure that 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 control of environmental impacts in accordance with ULP Policies GEN1 and GEN4.

- 18** Prior to any decommissioning of the site a Decommissioning Transport Management Plan shall be submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the decommission period. The Plan shall provide for;

- I Safe access to the site and subsequent reinstatement of the highway
- II vehicle routing,
- III the parking of vehicles of site operatives and visitors,
- IV loading and unloading of plant and materials,
- V storage of plant and materials used in constructing the development,
- VI wheel and underbody washing facilities.
- VII Protection, treatment, and reinstatement of the PROW network
- VIII Before and after condition survey to identify defects to highway and PROW network in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense were caused by developer .

REASON: To ensure that impact of decommissioning of the site on the highway and PROW network is mitigated in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 19** 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 thereafter be carried out as approved. These details shall include [for example]:-

- proposed finished levels or contours;
- legacy planting proposals
- means of enclosure;
- car parking layouts;
- other vehicle and pedestrian access and circulation areas;

hard surfacing materials;
minor artefacts and structures (e.g. furniture, play equipment, 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.)

retained historic landscape features and proposals for restoration, where relevant.

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 programme].

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 and S7 of the Uttlesford Local Plan (adopted 2005).

- 20** A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, including legacy planting, shall be submitted to and approved in writing by the local planning authority before development, for its permitted use. The landscape management plan shall be carried out as approved.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2 and S7 of the Uttlesford Local Plan (adopted 2005).

- 21** If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, the applicant/developer shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to ensure that the site is made suitable for its end use.

REASON: To protect human health and the environment and in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

Appendices.

Appendix 1- Highway Authority

Your Ref: UTT/21/0688/FUL
Our Ref: 48606
Date: 29th November 2021



CC: (by email) *DM, SMO2, Chelmsford
PROW, Chelmsford
Cllr Martin Foley*

Andrew Cook
Director for Highways
and Transportation

To: Uttlesford District Council
Assistant Director Planning & Building Control
Council Offices
London Road
SAFFRON WALDEN CB11 4ER

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/21/0688/FUL
Applicant Long Meadow Solar Farm Ltd
Site Location Land at Cole End Farm Lane Wimbish Essex
Proposal Construction and operation of a ground mounted solar farm together with associated infrastructure, including inverters, customer switchgear, DNO substation, medium voltage power station, security cameras, perimeter fence, access tracks and landscaping

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following measures:

1. No commencement of the development shall take place until the following has been provided or completed;
 - i. The site access shall be widened to accommodate the swept path of vehicles associated with the proposal, as shown in principle on DWG no. FIGURE 2 REV.B (dated – 28/10/2021).
 - ii. No unbound material shall be used in the surface treatment of the access within 10 metres of the highway.
2. Prior to commencement of the development, planning document 'Construction Traffic Management Plan' shall be updated/revised and submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, to include the following, in addition:
 - i. A package of signage and safety measures to protect the users of the public rights of way (PROW) network within and in the vicinity of the site during the construction phase.
 - ii. Construction traffic routing, including prohibiting the use of southern-most entrance to Cole End Lane off Thaxted Road for vehicles associated with construction of the site.
 - iii. Provision of passing places and appropriate hardening of existing carriageway/highway along Cole End Lane, from the junction with Thaxted Road to the site access, to facilitate construction vehicles.
 - iv. Comprehensive before and after survey of the highway network from B184 Thaxted Road junction with Cole End Lane, along Cole End Lane to application site, and the PROW network in the immediate vicinity of the site.

- v. Appropriate widening of the southern kerb line of the northern junction of Cole End Lane onto B184 Thaxted Road.
 - vi. Wheel and underbody washing appropriate for the site.
- The approved statement shall be adhered to throughout the construction period.
Reason: In the interests of highway safety.

- 3. The definitive width and line of the public rights of way (PROW) network within the site and vicinity of the site and the public's rights and ease of passage over the PROWs shall be maintained free and unobstructed at all times. **Reason:** To ensure the continued safe passage of the public on the definitive right of way and accessibility.

The above conditions are 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.

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- iii. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 20, 21, 41 (Wimbish), public bridleway no. 30 (Wimbish) and public byway no. 17, 29 (Wimbish) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

- iv. All costs associated with the implementation of the Construction Traffic Management Plan should be met by the applicant including but not limited to any Temporary Traffic Regulation Order(s) and signing and lining.

- v. The Highway Authority may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access by vehicles servicing the application site. The construction vehicle route to the site should be clearly signed and a strict regime of wheel washing and street cleaning should be in place.
- vi. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.

F. Masnie

.....
pp. Director for Highways and Transportation
Enquiries to Sophie Currey
Telephone: 03330 133058
Email: sophie.currey@essex.gov.uk

Appendix 2- Lead local Flood Authority

Essex County Council
**Development and Flood Risk
Environment and Climate Action,**
C426 County Hall
Chelmsford
Essex CM1 1QH



Chris Tyler
Uttlesford District Council
Planning Services

Date: 24th Aug 2021
Our Ref: SUDS-005147
Your Ref: UTT/21/0688/FUL

Dear Chris Tyler,

Consultation Response –UTT/21/0688/FUL– Land At Cole End Farm Lane Wimbish Essex

Thank you for your email received on 15/07/2021 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we **do not object** to the granting of planning permission.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment>

In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours sincerely,

Rohit Singh, Development and Flood Risk Officer

Team: Development and Flood Risk

Service: Waste & Environment

Essex County Council

Internet: www.essex.gov.uk

Email: suds@essex.gov.uk

Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be

achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications '[Preparing for Floods](#)' and '[Improving the flood performance of new buildings](#)'.

Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

Appendix 3- Environment Agency



Chris Tyler
Uttlesford District Council
Development Control
Council Offices London Road
Saffron Walden
Essex
CB11 4ER

Our ref: AE/2021/126190/01-L01
Your ref: UTT/21/0688/FUL
Date: 10 June 2021

Dear Mr Tyler

CONSTRUCTION AND OPERATION OF A GROUND MOUNTED SOLAR FARM TOGETHER WITH ASSOCIATED INFRASTRUCTURE, INCLUDING INVERTERS, CUSTOMER SWITCHGEAR, DNO SUBSTATION, MEDIUM VOLTAGE POWER STATION, SECURITY CAMERAS, PERIMETER FENCE, ACCESS TRACKS AND LANDSCAPING.

LAND AT COLE END FARM LANE WIMBISH ESSEX

Thank you for your consultation we have reviewed the plans as proposed and have no objection the application, we have taken the opportunity to provide advice on biodiversity.

Biodiversity

We wish to see all open ditches, watercourses and ponds retained and enhanced with generous buffer strips of native vegetation. This is a perfect opportunity to gap up and thicken up hedge growth allowing them to grow thicker and taller for landscape and biodiversity benefits.

Solar farms can be a win-win for wildlife and people if biodiversity gain is planned for as an intrinsic element of design. Species rich grassland is resilient and a perfect ground cover for field based panels allowing flora, invertebrates and small mammals to flourish alongside native reptiles and ground nesting birds. Where panels are elevated slightly wildlife can flourish beneath them.

Many close spaced intensive solar farms are little benefit for wildlife but we wish to see a win-win for nature and people so recommend a wildlife friendly approach in a similar approach to the Broxted Solar farm at Hundon in West Suffolk.

Environment Agency
Iceni House Cobham Road, Ipswich, IP3 9JD.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
Cont/d..

We trust you find this advice useful.

Yours sincerely



Ms Gemma Allsop
Sustainable Places - Planning Advisor

Direct dial 020 7714 0541
E-mail planning.ipswich@environment-agency.gov.uk

Appendix 4- Historic England



Mr Chris Tyler
Uttlesford District Council
Council Offices
London Road
Saffron Waldon
Essex
CB11 4ER

Direct Dial: 01223 582769

Our ref: P01417770

Date: 12 April 2022

Dear Mr Tyler

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**Land at Cole End Farm Lane, Wimbish, Essex
Application UTT/21/0688/FUL**

Historic England provided detailed comments in our consultation response of 27 April 2021. We provided further comments on 23 August 2021.

We previously raised concerns about the assessment of the impact on the significance of two scheduled monuments, 'Tiptofts moated site and fishponds' (LEN 1008702) and 'Moated site and three ponds at Parsonage Farm' (LEN 1007841), both of which are within the Zone of Theoretical Visibility.

Historic England's position on the proposals

Following a site visit and walkover on 11 April 2022, we offer the following further advice to assist your authority in determining the application.

In our view, the proposed solar farm will result in a slight change to the setting of the 'Tiptofts moated site and fishponds'. This is because the moated site draws a considerable amount of significance from its landscape setting. In our view, however, the harm would be towards the lower end of less than substantial. We do not consider there will be any harm to the 'Moated site and three ponds at Parsonage Farm'.

Recommendation

Historic England has no objection to the application on heritage grounds. We advise that should your authority be minded to approve this application, this should be conditional on a scheme of archaeological work being secured, in accordance with the NPPF paragraph 199. The archaeological advisor to the Local Planning Authority (Essex County Council Place Services) will be able to advise on the scheme of the



24 BROOKLANDS AVENUE, CAMBRIDGE, CB1 8BU

Telephone 01223 582749
HistoricEngland.org.uk





archaeological investigation.

Yours sincerely

Dr Jess Tipper MCIfA FSA
Inspector of Ancient Monuments (Essex and Hertfordshire)
Email: Jess.Tipper@HistoricEngland.org.uk

Appendix 5- Natural England

Date: 12 March 2021
Our ref: 346267
Your ref: 21/0424/FUL



UTTLESFORD DISTRICT COUNCIL
planning@uttlesford.gov.uk

BY EMAIL ONLY

Hombeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Sir or Madam

Planning consultation: construction and operation of a ground mounted solar farm together with associated infrastructure, including inverters, customer switchgear, DNO substation, medium voltage power station, security cameras, perimeter fence, access tracks and landscaping.

Location: Land At Cole End Farm Lane Wimbish

Thank you for your consultation, which was received by Natural England on 09 March 2021

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to

make the best use of soils on site.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours faithfully

Corben Hastings
Consultations Team

Appendix 6- Anticipated disassembly methods



Table 1: Anticipated Disassembly Methods

Item	Removal Method	Type of value
PV Modules	Hand Removal. Place modules face down on pallets, tape wire ends, tied down and transport via skid-steer to staging location.	At 1-year: 99.5% Salvage/Resale, 0.5% Disposal End of Life: Cost free disposal by producer
DC cables	Disconnect PV connectors, cut cable ties, and remove wires from cable tray. Transport via dump truck to staging area.	Salvage
Central Substations Client Substation	Removal by crane and transport via flat-bed to staging location. Assume no disassembly.	At 1-year: 100% Salvage/Resale, 0% Disposal End of Life: Salvage container, rest is Scrap disposal
String Inverters	Removal and transport via flat-bed to staging location. Assume no disassembly.	At 1-year: 99% Salvage/Resale, 1% Disposal End of Life: Scrap disposal
Monitoring Cabin	Removal by crane and transport via flat-bed to staging location. Assume no disassembly.	At 1-year: 100% Salvage/Resale, 0% Disposal End of Life: Scrap disposal
Mounting structure	Stabilize with machine. Cut legs and lower to ground level. Cut cross beams to appropriate size and transport via dump truck to staging location. Ground posts removal via post-puller and transport via dump truck to staging location.	Salvage
Main AC/DC, HV and earth copper underground cables	Excavate to cable depth at one end of trench. Use tractor to pull out all cables in common trench. Main AC/DC cables are direct buried so complete excavation of trenches is not required. Transport via dump truck to staging area.	Salvage
Fence and CCTV posts	Machine roll fence fabric. Remove access gates and posts via post-puller and transport via dump truck to staging location.	Salvage
CCTV equipment	Remove CCTV equipment from posts and transport via dump truck to staging location.	At 1-year: 98% Salvage/Resale, 2% Disposal End of Life: Scrap disposal
Concrete	Remove with excavator and jack hammer. Backfill and compact as needed. Transport via dump truck to staging area.	Scrap disposal
Access track gravel	Remove with skid steer. Transport via dump truck to staging area.	Salvage
General waste offsite disposal	Assumed disposal of general mixed waste at £200 per tonne.	Scrap disposal
Re-Seeding	Re-seed native grasses using a tractor pulled drill seeder. Stabilize and mulch on areas where concrete or gravel was removed only.	Cost included in Site Restoration
Re-Grading	No bulk re-grading is included as this could trigger additional storm water control requirements.	n/a
Erosion & Sediment Control	Install silt fence around project perimeter. Install tracking control at site entrance and replace once during disassembly. Remove at end of disassembly.	Cost included in Site Restoration

Appendix 7- Applicants Additional Information:

JE/ P20-1299

04 May 2022

Mr Christopher Tyler
Uttlesford District Council
Planning and Development
Council Offices
London Road
Saffron Waldon
CB11 4ER

BY EMAIL

Dear Mr Tyler,

Additional information provided in support of application UTT/21/0688/FUL.

As you are aware, the Solar Farm proposed by Low Carbon at Land West of Thaxted, Cutlers Green (UTT/21/1833/FUL), was reported to Planning Committee meeting on the 19th January 2022. The application was deferred, and Members were seeking additional information on a number of matters. Some of these matters are relevant to the Saffron Walden site and pre-empting that Members may have similar questions, we are providing additional information regarding the following areas:

- Level of detail within the application on layout and equipment proposed
- Fire Safety
- Visualisations
- Lighting
- Noise
- Decommissioning
- Food Production vs Renewable Energy

The above items are discussed in greater detail below together with the applicant's detailed response to each of the comments raised.

Level of detail within the application on layout and equipment proposed

There seemed to be some confusion during the committee as to what was applied for, whether there were detailed plans included with the application and whether there was insufficient detail to be able to determine the application. This application, like the Cutlers Green application, has been made under the principles of the "Rochdale Envelope" which allows a degree of flexibility when the final detailed design is not known e.g., due to the procurement options not being available. The Rochdale Envelope



requires the worst-case scenario to be assessed by selecting a maximum set of parameters including,

- the maximum extent of the development
- the maximum heights of any equipment and buildings
- the maximum number of equipment and buildings

All of the surveys have assessed the development at the maximums and therefore the worst-case scenario. It is possible that the project could be underdeveloped but not overdeveloped against these parameters.

However, a layout and all of the necessary infrastructure to facilitate a solar farm has been provided in drawing form and forms part of the planning application so the detail has been provided. The important distinction is that this represents the worst-case scenario.

One such example of how this could work is that a panel section drawing showing the arrays at 3m high has been assessed and submitted for determination. However, at the final detailed design stage, it is possible that the height may be reduced from 3m to a lower height. The LVIA and photomontages are consequently assessed at 3m.

We trust that this helps to explain that the application can be comprehensively assessed in its current form and there should be no doubts over the worst-case being asked to be determined.


Battery Safety

Questions were raised regarding the risk of fire in relation to the Battery Energy Storage System (BESS) element of the development, but this scheme does not propose battery storage.

Lighting

The proposed development will be unmanned with infrequent visits made for maintenance purposes. Continuous lighting is therefore unnecessary at the site. The only permanent lighting on site will be timer controlled and motion sensor activated security lighting on the proposed buildings (including switchgear, inverter, substation and battery container units). This will be downwards facing to limit spread.

Task lighting (low in luminance and typically comprising a torch or similar) will only be necessary when an engineer is in attendance. If deemed necessary, the applicant is happy to accept an appropriately worded planning condition to secure the submission of a detailed lighting strategy prior to the commencement of development. Furthermore, the proposed facility will also be fitted with CCTV and/or infrared security cameras at regular intervals



along the edge of the perimeter fencing and facing into the site to protect privacy which do not require illumination to function at night.

Noise

Questions were raised by Members of the planning committee in relation to the noise impacts of the proposed development and how any subsequent impacts will be mitigated by the development.

Overall, the noise generated from the development will be minimal. The only noise generating equipment which will be installed on the site would be limited to the proposed inverter units across the site.

The inverters would be dispersed across the site in small numbers and located toward the centre of the solar panel areas in each development zone to reduce visual and noise impacts on surrounding receptors. Given the distance of the proposed units from the closest residential receptors and the low predicted specific noise levels there would be no adverse noise impact on any neighbouring receptors.

Given the above, it is considered that there are no noise-related issues associated with the proposed solar farm which would prevent the granting of full planning permission.

Decommissioning

It was noted members had concerns over the detail of the section 106 in respect of decommissioning of the Thaxted proposals. You will recall the discussions that have taken place and, to clarify, the following was provided to William Allwood, on 23rd November 2021 in support of the scheme at Thaxted:

- A draft s106 agreement that reflects the points requested by the Council;
- An example of what the decommissioning plan referenced in the s106 agreement will look like, broadly speaking. The report submitted was produced by RINA, a large global engineering consultancy with experience in this field.
- A second example of a similar decommissioning analysis for a battery storage site. This is based on a theoretical 10MW & 50MW battery storage system using standard lithium-ion technology and other standard components.

Accordingly, it is not clear to us what additional information we could provide at this stage that would help you or members above and beyond what we have already for the Thaxted scheme but perhaps you could respond with an update on this.

Food production Vs Renewable Energy

Land and Energy Resource Appraisal – Technical Note (Kernon Countryside Consultants Limited)

Lastly, members wrestled with the issue of food production/security and renewable energy production/security, which we appreciate are both important considerations.

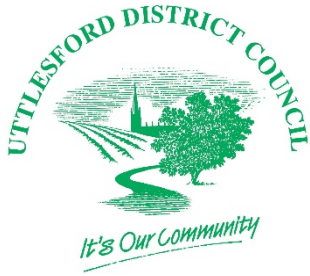
To seek to put these issues into context, the applicant commissioned Kernon Countryside Consultants, a specialist agricultural, equestrian and rural planning consultant to undertake a formal land and energy resource appraisal of the Thaxted solar site and proposed development. Whilst it should be noted that the Cole End application has been found to be grade 3b in its entirety (as demonstrated by the Amet study submitted with the application) and, therefore, not Best and Most Versatile Land (BMV) it is worth noting the points below.

In summary the appraisal concludes that the loss of BMV land is deemed to be temporary, and in an area with such high proportions of BMV Land, is difficult to avoid and it appears to be accepted that the loss of BMV land will be inevitable in Uttlesford.

With regards to the food versus energy debate, England is largely self-sufficient when it comes to production of grains, producing over 100% of domestic consumption of oats and barley and over 90% of wheat. In respect of energy, 40.8 percent of our electricity was generated using fossil fuels in 2020. Gas accounted for 35.7% of electricity produced but 59% of gas was imported. Wind and solar accounted for 28.4% of electricity production in 2020. With global prices dictating the cost of imported gas and England's high reliance on imported gas, energy prices are soaring. The cost of living crisis and rising energy costs in particular, are a major concern for the entire population.

Overall, as a country we are highly reliant on imported energy, but we are largely self-sufficient when it comes to production of grains for domestic consumption which are currently cropped from the existing site. We are in the midst of an energy crisis and there is an overwhelming need to become both more self-sufficient in terms of our energy consumption, and reduce our reliance on fossil fuels. This is subsequently considered to be a more pressing matter than the temporary loss of just 0.0001% of the overall croppable area in England.

Agenda Item 9



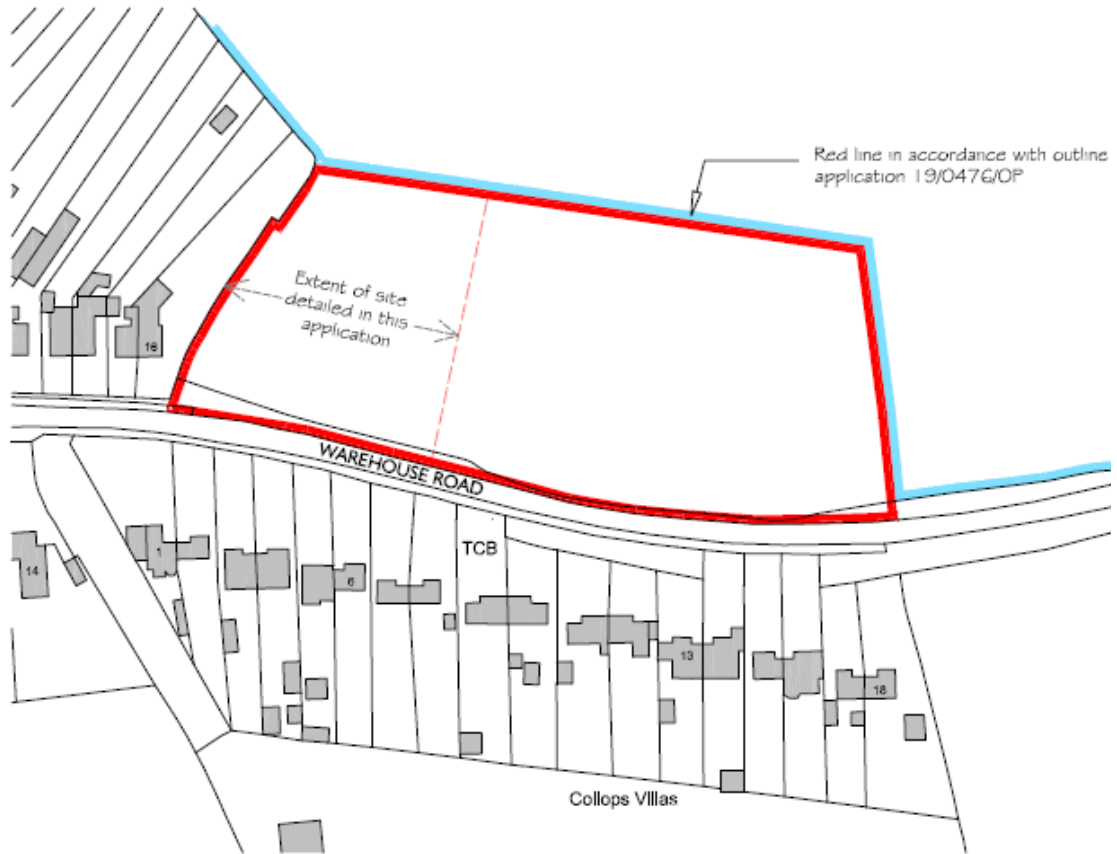
ITEM NUMBER: 9

PLANNING COMMITTEE DATE: 6 July 2022

REFERENCE NUMBER: UTT/22/0676/DFO

LOCATION: Land East of Warehouse Villas, Stebbing Road, Stebbing

SITE LOCATION PLAN:



© Crown copyright and database rights 2021 Ordnance Survey 0100018688
Organisation: Uttlesford District Council Date: June 2022

PROPOSAL: Reserved matters application consisting of details of layout, scale, landscaping and appearance of the Affordable Housing Plots 1-7 following outline application UTT/19/0476/OP for the erection of 17 dwellings

APPLICANT: Mr G Mann

AGENT: Mr C Wragg

EXPIRY DATE: 03 May 2022

EOT Expiry Date 17 June 2022

CASE OFFICER: Madeleine Jones

NOTATION: Outside Development Limits.

REASON THIS APPLICATION IS ON THE AGENDA: Major application

1. EXECUTIVE SUMMARY

- 1.1** This scheme is for 7 residential affordable housing units and follows an outline application reference UTT/19/0476/OP. As such the principle of the development has already been established. There are no further relevant changes in planning policy since that date that would reverse that decision.
- 1.2** The reserved matters to be considered are therefore only appearance, layout, landscaping and scale which are considered below.
- 1.3** Planning application UTT/ 19/0476/OP was for Outline application with all matters reserved except access, for the erection of a new residential development comprising of 17 dwellings along with associated works.
- 1.4** The application relates to the western parcel of the site that encompasses the Affordable Housing dwellings (plots 1-7) that form the 40% of the total site approved under UTT/19/0476/OP for 17 dwellings.

2. RECOMMENDATION

That the Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

A) Conditions

3. SITE LOCATION AND DESCRIPTION:

3.1 The site lies on the north side of Stebbing Road to the east of Warehouse Villas and comprises agricultural land which fronts onto the road behind a ditch line and partial hedge and tree line which run parallel with the road

3.2 A ribbon of post-war former local authority dwellings with long rear gardens front onto the north side of Stebbing Road extending from Collops Lane to the west to Warehouse Villas, whilst a similar ribbon of former local authority dwellings with long rear gardens fronts onto the south side of Stebbing Road extending out from Collops Lane to Collops Villas, with the last dwelling in the line (No.18 Collops Villas) standing opposite and being flush with the eastern boundary of the site

3.3 The site is substantially level. Stebbing Road is a Class 3 highway.

4. PROPOSAL

4.1 The proposal is for reserved matters consisting of layout, scale, landscape and appearance of the Affordable Housing Plots 1-7 following the approved UTT/19/0476/OP Outline application with all matters reserved except access for the erection of 17 dwellings with associated works.

4.2 The following documents have been submitted in support of the application:

- Design and Access Statement
- Landscape Management Plan
- Landscape details and Tree Protection

5. ENVIRONMENTAL IMPACT ASSESSMENT

5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. RELEVANT SITE HISTORY

6.1	Reference	Proposal	Decision
	UTT/19/0476/OP	Outline application with all matters reserved except access for	Conditional Approval.

	the erection of 17 no. dwellings with associated works.	
--	---	--

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 N/A

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to mitigation and conditions

9. PARISH COUNCIL

9.1 No objections. Parking appears to be restrictive within the site. The speed limit of 40mph to 30 mph should be moved towards Stebbing Green to reduce vehicle speed before approaching the proposed houses.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

10.2 The affordable provision on the site will assist towards meeting the housing needs for the district identified within the SHMA 2017 including provision of one wheelchair adaptable M4(3) property.

Each of the affordable properties exceed the Nationally Described Space Standards (NDSS) and have private amenity space which exceeds the standards set by the Essex Design Guide.

The scheme is to be delivered by English Rural Housing Association (ERHA) who have expertise in delivering affordable housing schemes in rural areas such as Uttlesford and their involvement with this development is welcomed.

10.3 UDC Landscape Officer

10.4 The planting proposals are considered to be satisfactory

11. REPRESENTATIONS

11.1 A site notice was displayed on site and 38 notifications letters were sent to nearby properties.

11.2 Support

11.3 There is a shortage of homes to purchase in this area and

we are 110% for this development. I'll be the first to register my interest once available to do so.

Well done to the developer and hope there will be more to choose from in near future

12. MATERIAL CONSIDERATIONS

12.1 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.

12.2 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.

12.3 The Development Plan

12.3.1 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)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

S7 – The countryside Policy
GEN1- Access Policy

GEN2 – Design Policy
GEN3 -Flood Protection Policy
GEN4 - Good Neighbourliness Policy
GEN6 - Infrastructure Provision Policy
GEN7 - Nature Conservation Policy
GEN8 - Vehicle Parking Standards Policy
H9 - Affordable Housing,
H10 - Housing Mix Policy
ENV5 - Protection of Agricultural Land Policy

13.4 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document- Accessible homes and play space
homes Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Principle of Development**
 - B) Design, scale, landscaping and appearance**
 - C) Affordable Housing, housing mix**
 - D) Biodiversity**
 - E) Climate Change**
 - F) Highway safety and access**

14.3 A) Principle of development

14.3.1 Outline permission has been granted for this site under application UTT/19/0476/OP. As such the principle of housing on this site has been established

14.4 B) Design, scale, landscaping and appearance

14.4.1 The application relates to the western parcel of the site that encompasses the Affordable housing dwellings (plots 1-7) that form the 40% of the total site approved under UTT/19/0476/OP for 17 dwellings.

14.4.2 National and local policies seek to secure good quality design which respects general townscape and is a key aspect of sustainable development

14.4.3 Policy GEN2 of the Local Plan states seeks to ensure that design of all new development is compatible with the scale, form, layout, appearance and materials of surrounding buildings. Policy GEN2 of the Local Plan seeks to ensure that design of new development would not have a materially adverse effect on the reasonable occupation and enjoyment of

a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

14.4.4 The site layout submitted is similar to the layout submitted at outline stage and is considered to be appropriate for the site.

14.4.5 The properties comprise semidetached properties of traditional vernacular. A mix of materials is proposed consisting of render and facing brick. To add interest ornate details will be included such as arched brick soldier courses above windows, stone window cills, mono pitched and lead lined flat roof porches and chimneys. Each property will also have a timber shed for storage.

The design, appearance, scale and external materials of the proposed dwellings reflect the Essex vernacular as detailed in the Essex Design Guide.

14.4.6 All of the units would have private amenity spaces. The Essex Design Guide recommends that dwellings or 3 bedrooms or more should have private amenity spaces of 100sqm+.and 2-bedroom properties 50 sqm+. Each plot would have adequate private amenity space to accord with the requirements of the Essex Design Guide (also see table below).

14.4.7 The proposed dwellings have been positioned and designed so that there would not be any material detrimental impact by way of overlooking, overshadowing or overbearing impact to neighbour's amenity. The proposed layout of the development takes into account the position and orientation of the existing adjacent properties and the distances set out in the Essex Design guide to prevent any overlooking and loss of amenity to the occupiers of existing properties.

14.4.8 The proposal is considered to be of acceptable design and scale. The proposal would therefore comply with the requirements of ULP Policies GEN2 and GEN4

14.5 C) Affordable Housing, housing mix

14.5.1 Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total

14.5.2 The housing mix and parking provision of the individual plots for this application is as per the table below.

14.5.3

Plot	Housing type	Garden size	Parking
1	1 Bed flat	50sm ² +	2
2	1 Bed flat	50sm ² +	2
3	2 Bed	50sm ² +	2

4	2 Bed	50sm ² +	2
5	2 Bed	50sm ² +	2
6	2 Bed	50sm ² +	2
7	3 Bed	100m ²	2
Visitor.			2

14.5.4 Policy H9 states that the Council will seek to negotiate on a site for site basis an element of affordable housing of 40% of the total provision of housing. This proposal is for the 40% affordable housing units of the total 17 dwellings that were approved under UTT/

14.5.5 The proposal complies with policies H9 and H10 of the Uttlesford Local plan (2005)

14.6 D) Biodiversity

14.6.1 Policy GEN7 and paragraph 174 of the NPPF require development proposals to aim to protect and enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species.

14.6.2 The site currently comprises arable farmland subject to ploughing with a frontage ditch, hedge and partial tree line onto Stebbing Road. A Preliminary Ecological Appraisal Report was submitted with the outline application and a number of conditions were attached to the outline application

14.6.3 Th existing trees to the west of the site are to be protected. Additional tree planting and hedge planting is proposed. It is proposed to remove the low value trees to allow for the ditch at the site frontage to be culverted and provides adequate space for a new footpath to be provided

14.6.4 Although not part of this application a new hedge and tree planting will be provided along the northern boundary to screen the development from the open fields beyond. The development layout has been landscape lead. The low density of development ensures that there is plenty of new hedge, shrub and tree planting. The proposal seeks to retain the vegetation on the western boundary whilst creating vast areas of lawn and new planting. An entire new hedge row along the northern boundary will add to the biodiversity gain. Additional features will be included such as bird boxes and hedgehog proof fencing. A few trees will have to be removed to allow for access to the development and to provide adequate sight lines for vehicles exiting onto the highway. However new trees have been proposed to mitigate any trees lost. The entire northern boundary will be planted with a native hedge row to aid in biodiversity net gain but to also soften the development into its surroundings.

14.6.5 The landscape office has been consulted and considers the landscaping scheme to be satisfactory.

14.6.6 As such it is not considered that the proposal would have any material detrimental impact in respect of protected species to warrant refusal of the proposal and accords with ULP policy GEN7.

14.7 E) Climate Change

14.7.1 Since the outline application has been approved, the council has adopted an Interim Climate change Planning Policy.

14.7.2 The proposal seeks to minimise carbon emissions and green house emission. Detailed design will seek that the buildings will comply and exceed the minimum standards within the Approved Building Regulation Documents. To encapsulate this ethos the dwellings are ideally orientated with south facing roofs ideal for the proposed solar PV technology. The provision of Electric Vehicle Charging infrastructure will be included to promote the use of electric cars. Other technology that will be explored is the use of air source heat pumps to limit the need for natural gas.

14.7.3 The development will be built to meet and exceed the requirements of the Approved Building Regulation Documents. Low water consumption sanitary ware and aerated taps will be specified specifically. In addition each dwelling will include a water butt in the garden space to minimise water consumption.

14.7.4 Within the house the developers standard specification is to provide suitable 'adaptable' and 'future-proofed' infrastructure that will enable low carbon heating technology, such as an air source heat pump, to be fitted with minimum upheaval for the residents.

14.7.5 The client is proposing to use PV panels on the roof of the new buildings which are ideally located to make use of the south facing elevations.

14.7.6 A key feature of this development is the inclusion of a new footpath that links to the existing network. The new footpath entices the new residents to travel by foot or by cycle. Each new dwelling will benefit from secure cycle storage and the bus service is easily available close to the site which gives the residents a viable alternative transport method than be reliant on a car

14.7.7 The provision of Electric Vehicle Charging infrastructure will be included to promote the use of electric cars

14.8 E) Highway safety and access

14.8.1 Policy GEN1 seeks to ensure that development is only permitted if the access is appropriate, traffic generation does not have a detrimental impact on the surrounding road network, it is designed to meet the needs of people with disabilities, and it encourages sustainable modes of transport.

- 14.8.2** The access proposals were approved at the outline stage.
- 14.8.3** The vehicular access to the affordable housing remains the same as shown on the plans considered at outline.
- 14.8.4** In view of the above it is considered that the proposal would comply with the aims of Policy GEN1.
- 14.8.5** The proposed properties are a mixture of one-, two-, and three-bedroomed dwellings. The adopted Essex County Council parking standards require the provision for two parking spaces per dwelling for two and three bedroomed dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces.
- 14.8.6** As set out in the table above it can be seen that each property would be able to meet the required parking standards. There is sufficient space for two unallocated parking spaces within the development to provide visitor parking.

Therefore, the proposals comply with Policy GEN8.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and

home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

16. CONCLUSION

16.1 The principle of the development has been established under UTT/19/0476/OP

16.2 The design and scale of the dwellings is considered to be appropriate for this site. Adequate amenity space can be provided.

16.3 The housing mix for the development is considered to be acceptable.

16.4 The proposal would comply with Uttlesford Local Plan Policy GEN7

16.5 The proposal complies with the aims of the Interim climate change Policy.

16.6 The new access road is considered to be acceptable and to comply with ULP policy GEN1 and was granted under UTT/19/0476/OP. Adequate parking is provided to comply with ULP policy GEN8

17. Conditions

17.1 Dwellings shall not be occupied until such time as their associated vehicle parking area indicated on drawing number 20/35/03 rev A (May 2022), has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

17.2 Dwellings shall not be occupied until such time as their associated cycle parking indicated on drawing number 20/35/03 rev A (May 2022) approved plans, has been provided.

REASON: To ensure appropriate bicycle parking is provided In accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Appendices

ECC Highways

- 14** UTT/22/0676/DFO | Reserved matters application consisting of details of layout, scale, landscaping and appearance of the Affordable Housing Plots 1-7 following outline application UTT/19/0476/OP for the erection of 17 dwellings
Land East Of Warehouse Villas Stebbing Road Stebbing Essex

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions:

1. Dwellings shall not be occupied until such time as their associated vehicle parking area indicated on drawing number 20/35/03 rev A (May 2022), has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. **Reason:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
2. Dwellings shall not be occupied until such time as their associated cycle parking indicated on drawing number 20/35/03 rev A (May 2022) approved plans, has been provided. **Reason:** To ensure appropriate bicycle parking is provided In accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Informatives

- I. All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- II. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements

and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

- III. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- IV. The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- V. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- VI. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway

Katherine Wilkinson | Strategic Development Engineer
Strategic Development

Late List –Planning Committee 06/07/22

This document contains late items received up to and including the end of business on the Friday before Planning Committee. The late list is circulated and placed on the website by 5.00pm on the Monday prior to Planning Committee. This is a public document and it is published with the agenda papers on the UDC website.

Item Number	Application reference number	Comment
7	UTT/20/2908/OP Land South Of Bedwell Road Ugley	<p>ELSENHAM PARISH COUNCIL and UGLEY PARISH COUNCIL</p> <p>Late List comment</p> <p>The above application is due to be re-considered at the meeting of the Planning Committee on 6 July. The Officer's Report includes:</p> <p>14.12.2 A request has been made by the Parish Council for a contribution to a new Community Hall; the proposed contribution of £199,231 has been pro-rata-ed from one of the amounts secured against an approved scheme in Elsenham and that expected from a scheme awaiting the signing of a S106 agreement.</p> <p>The amount of the proposed contribution should be £119,231, as noted in the email from Mr Colin Hart of Rochester Properties, 22 June 2022, 14:15, which was copied to Patricia Coyle.</p> <p>Could you please make the necessary correction.</p> <p>Officer comment: figure typo; make correction to paragraph 14.12.2 to indicate requested contribution is £119,231.</p> <p>Also, that:</p> <p>Elsenham Parish Council is content that the revised proposed figure of £100,000 should be included in the S106 by way of contribution to the new Community Hall. You are of course aware that our view on the matter is expressed without prejudice to our position concerning the application as a whole, and also that the S106 is agreed between the owner and UDC.</p>

		<p>The question of the timing of the contribution remains to be defined. We suggest 50% before occupation of the first dwelling, and the remaining 50% before occupation of 50% of the dwellings.</p> <p>The applicants has written and indicated in response:</p> <p>“I am happy to agree your suggested timings for the contribution.”</p> <p>Officer comment: The agreed amount and the proposed timings will need to be included in the S106 legal agreement.</p>
8	<p>UTT/21/0688/FUL</p> <p>Land at Cole End Lane, Wimbish</p>	<p>Planning Agent- Pegasus Group</p> <p>Late List Comments</p>



JE/ P20-1299

01 July 2022

Members of the Planning Committee

Uttlesford District Council
Planning and Development
Council Offices
London Road
Saffron Waldon
CB11 4ER

BY EMAIL

Dear Councillors,

Representation to Members in support of application UTT/21/0688/FUL – Land at Cole End Lane, Wimbish, ahead of 6th July Planning Committee.

Ahead of the Planning Committee meeting on the 6th July, we find it prudent to provide a response to a number of the matters which were discussed at the recent meeting of the Planning Committee to determine Low Carbon's other current planning application at Land West of Thaxted (Ref: UTT/21/1833/FUL) which was deferred by Members for a second time. In their deferral of the application, Members requested further information, some of which we believe is relevant to the proposed scheme at Land at Cole End Lane (Ref: UTT/21/0688/FUL) which is being presented to Members at the 6th July Committee, including:

- Proposed Decommissioning Strategy and S106 Agreement
- Use of Best and Most Versatile Agricultural Land
- Clarifications on proposed landscaping and ongoing management/maintenance
- Alterations to proposed conditions

Information and clarifications on those topics are provided below.

Proposed Decommissioning Strategy and S106 Agreement

At the committee, Members raised concerns with the level of information that had been provided in regard to the proposed decommissioning strategy which would be secured via Section 106 Agreement upon reaching a resolution to grant.

At the request of officers and, indirectly, members, the applicant has provided a significant level of information on decommissioning to officers over the last 12+ months. This includes an independent verification from a globally renowned technical advisor that the draft schedule to the s106 would provide a good level of protection to the Council. It is difficult to see what further the applicant can do at this point without receiving any substantive feedback from the Council.

Use of Best and Most Versatile Land

Several comments were raised by Members at the recent committee meeting questioning the use of BMV land and the justification for the site location. The scheme at Cole End Lane, similarly to the scheme at west Thaxted, is located within an area which is 'provisionally' graded as Grade 2 Agricultural Land on the Natural England Provisional Agricultural Land Classification Maps and as per Annex 2 of the NPPF, may be deemed BMV land.

However, the NE provisional grading only provides a broad definition of agricultural land grading and does not provide a detailed understanding of soil qualities on any given site. The applicant has subsequently commissioned a detailed ALC survey of the site by an independent third party. The ALC survey has demonstrated that the separate parcels of agricultural land within the site are comprised of Grade 3b quality land and thus is not BMV land as per annex 2 of the NPPF.

Clarifications on Proposed Landscaping and Ongoing Management/Maintenance

Further to the above, a number of clarifications were sought by Members regarding the prescriptions of the proposed landscape proposals and ongoing management and maintenance of this during the lifetime of the development.

The submission of final soft landscaping details is proposed to be secured through an appropriately worded pre-commencement planning condition (See condition 22). This condition will require and secure:

- 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; and
- an implementation programme

Similarly to this, an appropriately worded pre-commencement planning condition (condition 23) is also recommended by the officer to secure the submission (and implementation) of a Landscape management Plan or 'LEMP' to set out the long term design objectives, management responsibilities and maintenance schedule for all landscape areas proposed within the site, including the proposed legacy woodland planting.

Alterations to Proposed Conditions

It was noted that a few Members requested that some minor text changes be made to the recommended conditions included in the officer's report. On the whole, the applicant is very happy to accept minor amendments that do not materially impact the project, however there could be instances where what may appear to be a minor amendment has a material impact on the deliverability of the project.

Unfortunately, the nature of the process of the planning committee forum makes it nigh on impossible to work through those perceived minor amendments in a constructive and

		<p>timely manner. Therefore, the applicant requests that should Members be minded to approve the project, an element of delegation is provided to officers to explore Members requests with the applicant as to what can be achieved, as that would then enable a forum within which this could take place in a constructive manner.</p> <p>We hope that the above information helps to clarify some of the Member's questions and concerns raised at the previous Planning Committee and enables them to reach a resolution to Grant Planning Permission for Low Carbon's Scheme at Land at Cole End Lane, in accordance with the officer recommendation.</p> <p>Should you have any questions regarding the above or attached ahead of the Committee please do not hesitate to let us know.</p> <p>Yours faithfully</p> <p>Jack Ellis Senior Planner e-mail: jack.ellis@pegasusgroup.co.uk</p>
--	--	---

Note – The purpose of this list is to draw Members attention to any late changes to the officer report or late letters/comments/representations. Representations are not reproduced in full they are summarized

Late items from **STATUTORY CONSULTEES** are reproduced in full.