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Uttlesford District Council

Chief Executive: Peter Holt

Planning Committee

Date: Wednesday, 3rd August, 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 - 10
To consider the minutes of the previous meeting.
- 3 Speed and Quality Report** 11
To note the Speed and Quality Report.
- 4 Quality of Major Applications Report** 12 - 27
To note the report.
- 5 S62A Applications to PINS** 28
To note applications which have been submitted direct to the Planning Inspectorate.
- 6 UTT/22/0007/FUL - Land East of School Lane, FELSTED** 29 - 91
To consider application UTT/22/0007/FUL.
- 7 UTT/22/1134/FUL - Land at Holmwood, Whiteditch Lane, NEWPORT** 92 - 118
To consider application UTT/22/1134/FUL.
- 8 UTT/22/1486/DFO - 22 Tye Green, Maple Lane, WIMBISH** 119 - 135
To consider application UTT/22/1486/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

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Agenda Item 2

PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 6 JULY 2022 at 10.00 am

Present: Councillor M Lemon (Chair)
Councillors G Bagnall, J Emanuel, P Fairhurst, R Freeman,
G LeCount, R Pavitt, M Sutton and J De Vries

Officers in attendance: C Edwards (Democratic Services Officer), C Gibson (Democratic Services Officer), A Luck (Environmental Health Officer), N Makwana (Senior Planning Officer), B O'Brien (Senior Planning Officer), M Shoemith (Development Management Team Leader), E Smith (Solicitor) and C Tyler (Senior Planning Officer)

Public Speakers: E Durrant, J Hartley-Bond, R Haynes, G Jones, Councillor G Mott (Elsenham PC & Ugley PC), R Siddle and M Young.

PC173 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Merifield and Loughlin. Councillor De Vries acted as substitute for Councillor Merifield and had sent apologies for lateness.

Councillor Freeman declared that he was a Member of Saffron Walden PC.

PC174 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 22 June 2022 were approved.

PC175 **S62A APPLICATIONS**

The Chair introduced the S62A Applications report that detailed three applications which had been submitted direct to the Planning Inspectorate.

The report was noted.

PC176 **SPEED AND QUALITY REPORT**

The Chair introduced the Speed and Quality Report.

The report was noted.

PC177 **QUALITY OF MAJOR APPLICATIONS REPORT**

The Chair introduced the Quality of Major Applications report.

The report was noted.

PC178 **S62A/22/0000004 (UTT/22/1474/PINS) - LAND EAST OF PARSONAGE ROAD, AND SOUTH OF HALL ROAD TAKELEY**

The Senior Planning Officer presented an application for the erection of a 14.3MW solar photovoltaic farm with associated access tracks, landscaping, supplementary battery storage and associated infrastructure.

The report was in relation to a major planning application submitted to the Planning Inspectorate (PINS) for determination, with the Council having the status of consultee.

The report recommended that PINS approve the application subject to completion of a S106 Obligation Agreement in accordance with Heads of Terms and Conditions as set out in Section 16 of the report.

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

- The possible benefits of the development.
- The position relating to Listed buildings.
- Provision of electricity for the airport.
- Landscape mitigation.
- The validity of the tilted balance argument
- S8 and the CPZ.
- CIL Regulations.
- De-commissioning arrangements.

Members discussed:

- S8 and not compromising the CPZ.
- Benefits to the airport of green energy against the benefits to the community.
- Potential harm to a heritage asset.
- Appropriate landscape buffers.
- The proposed location and any evidence of alternative sites having been considered.
- De-commissioning and restoration of the site; whether professional counsel had been taken.
- Control of the S106 Agreement.

Councillor De Vries had joined the meeting at 10.45 am but took no part in the discussion.

Councillor Bagnall proposed that PINS refused the application as it contravened S7, S8, ENV2 and E4. This was seconded by Councillor Sutton. The motion was lost on the casting vote of the Chair.

Following discussion on the next Agenda item, Councillor Bagnall raised a point of order and this item was returned to.

The Chair then proposed that PINS approve the application in line with the report's recommendation. This was seconded by Councillor Le Count. The motion was lost.

Councillor Fairhurst proposed that a neutral response be communicated to PINS but that the following concerns be highlighted:

- Landscaping around properties.
- The need for consideration of other sites.
- Re-enforcing the S106 Agreement such that it is future proof.
- That the CPZ is considered sacred and that this proposal conflicts with S8.

Councillor Emanuel seconded the motion.

RESOLVED to communicate a neutral response to PINS but that the following concerns be highlighted:

- Landscaping around properties.
- The need for consideration of other sites.
- Re-enforcing the S106 Agreement such that it is future proof.
- That the CPZ is considered sacred and that this proposal conflicts with S8.

PC179 **UTT/20/2908/OP - LAND SOUTH OF BEDWELL ROAD, UGLEY**

The Senior Planning Officer presented an outline application for up to 50 market and affordable dwellings, public open space and associated highways and drainage infrastructure - all matters reserved except access. This application had been deferred at the Planning Committee meeting on 8 June 2022 to enable a site visit to take place and for further discussions and clarification to be undertaken on noise, air pollution and the request from the Parish Council for a contribution.

He referred to comments made by Elsenham Parish Council and Ugley Parish Council that had not been included in the Late List. He said that the parish councils considered the revised offer of £100,000 to be acceptable and also corrected Paragraph 14.12.2 that should have quoted the request for a contribution as being in the sum of £119,231. References were also made to noise issues, the clustered affordable homes and the unsuitability of three-storey flats.

The Senior Planning Officer recommended that the Director of Planning be authorised to grant permission for the development subject to those items set out in section 17 of the report .

The meeting adjourned between 11.25 am and 11.35 am following the public speakers.

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

- Tree removal.
- Noise issues and the possible use of dwellings as acoustic barriers.
- The inclusion of three-storey buildings in the application, together with the possible habitable room layouts of the buildings.
- The elevation level of the motorway.
- Current land use arrangements.

The Environmental Health Officer responded to various questions relating to noise and pollution concerns.

Members discussed:

- The location of the proposed development being inappropriate in the countryside.
- Lack of sustainability.
- The level of noise and the need for measurable metrics.
- Acoustic barriers being provided by three-storey buildings.
- The possible layout of habitable rooms that might preclude some rooms from being used.
- Potential poor living standards.
- The removal of trees, alongside a lack of a tree replacement policy.
- The elevation level of the motorway.

Councillor Pavitt proposed refusal of the application on the basis of NPPF paragraph 185, GEN 2, PPG paragraph 35, ENV10 and 13 (air quality).

This was seconded by Councillor Freeman.

RESOLVED to refuse the applications on the grounds as specified in the motion.

Councillor G Mott (representing both Elsenham Parish Council and Ugley Parish Council) raised various concerns about the application.

E Durrant (Agent) spoke in support of the application).

PC180 UTT/21/0688/FUL - LAND AT COLE END LANE, WIMBISH

The Senior Planning Officer presented an application regarding the 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.

He recommended that the Director of Planning be authorised to grant permission for the development subject to those items set out in section 17 of the report:

The meeting adjourned between 1.10 pm and 2.10 pm after the public speakers had made their representations.

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

- The grading of existing land and the nature of the two different assessments.
- 12,000 trees to be planted and none removed.
- Listed buildings affected.
- De-commissioning costs.
- The Rochdale envelope implications.
- Energy output calculations.
- Arrangements for construction traffic routing and commuted sums .
- De-commissioning concerns.
- The basis for the calculation of a bond or deposit of £20,000.

Some further specific information was also provided by the applicant's representative.

Members discussed:

- De-commissioning aspects that would be picked up in the S106 Agreement.
- Security arrangements in respect of fencing, lighting and cameras, together with the need for screening and low-level red lighting.
- Food security concerns, alongside the evaluations of the grading of existing land.
- The need for efficient use of land and whether the proposed location was correct.
- Sustainable energy.
- The overall need for more information in respect of solar farms and the lack of a policy.
- The proposed bond or deposit of £20,000 and the need for specialist advice in respect of any calculation of the cost of future de-commissioning.
- No objections being expressed by Historic England relating to heritage assets and a scheduled ancient monument; the Council Heritage Officer had assessed low level harm.

Councillor Fairhurst proposed that the Director of Planning be authorised to grant permission for the development subject to those items set out in section 17 of the report together with additional conditions:

- The need for an informative on security fencing and lighting and the need to provide hedging as landscape screening.
- The need for the S106 Agreement to cover how the de-commissioning of the site would be undertaken and by whom.
- The need for an independent consultant to consider the necessary de-commissioning costs.
- The proposed 12,000 trees to be slightly more mature trees.
- The requirement for the S106 agreement to be brought back to the Committee to be ratified.

Councillor LeCount seconded the proposal.

RESOLVED that the Director of Planning be authorised to grant permission in line with the recommendation and the additional conditions

listed above, with the S106 Agreement to be brought back to the Committee to be ratified.

M Young, G Jones and R Haynes (CPRE) spoke against the application. Statements were also read out from R Siddle and J White opposing the application.

J Hartley-Bond (Low Carbon) spoke on behalf of the applicant in support of the application.

PC181 **UTT/22/0676/DFO - LAND EAST OF WAREHOUSE VILLAS, STEBBING ROAD, STEBBING**

The Senior Planning Officer presented a 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. The application related only to the western parcel of the site that encompassed the Affordable Housing dwellings that formed 40% of the total site approved under UTT/19/0476/OP for 17 dwellings. These were to be delivered by a specialised provider.

He recommended that the Director of Planning be authorised to grant permission for the development, subject to those items set out in section 17 of the report:

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

- The 7 affordable homes that would remain as social housing under the control of the English Rural Housing Association.
- The footpath to be delivered that linked to the existing network. The footpath was approved under the outline application, UTT/19/0476/OP.

Members discussed:

- The high quality of the scheme.
- The need for more detailed planting schemes to be provided.

Councillor Freeman proposed that the Director of Planning be authorised to grant permission for the development subject to those items set out in section 17 of the report, together with an additional landscaping condition that a more detailed planting scheme to be provided. This was seconded by Councillor Fairhurst.

RESOLVED that the Director of Planning be authorised to grant permission for the development, subject to those items set out in section 17 of the report, together with the additional condition.

The meeting ended at 3.30 pm.

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%)	60% (85.49%)	District - P151a
Speed of non-major Development	70% (74.43%)	70% (82.75%)	70% (85.1%)	70% (83.33%)	P153

UDC performance in green % 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

*UDC performance in green is good and red means that we exceeded the maximum %. *To note there are appeal decisions outstanding and this data may change.*

Agenda Item 4

Committee: Planning Committee
Date: 3 August 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 07/07/2022 – 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	£89,321 (to 14/07/2022)	£56,281.89 (to 14/07/2022)

*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		

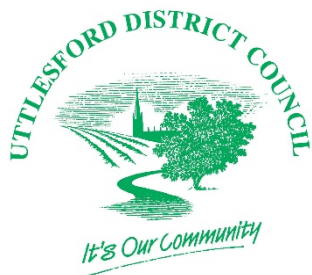
UTT/20/1098/FUL	Land To The East Of Tilekiln Green Great Hallingbury	Construction of 15 new dwellings, including 6 affordable dwellings, vehicular access and associated parking and landscaping				Appeal Non Determination	Allowed	01-Nov-21
UTT/21/2465/DFO	Land South Of Radwinter Road Radwinter Road Saffron 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		

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/22/000001	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/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
06 July 2022	S62A/0000005	UTT/22/1897/PINS	Canfield Moat High Cross Lane Little Canfield Dunmow Essex	Erection of 15 dwellings – The application has been submitted and we await notification that it is valid - (21/07/2022)	Consultee
20 July 2022	S62A/0000006	UTT/22/2046/PINS	Land At Berden Hall Farm Dewes Green Road Berden	Development of a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping - The application has been submitted and we await notification that it is valid - (21/07/2022)	Consultee



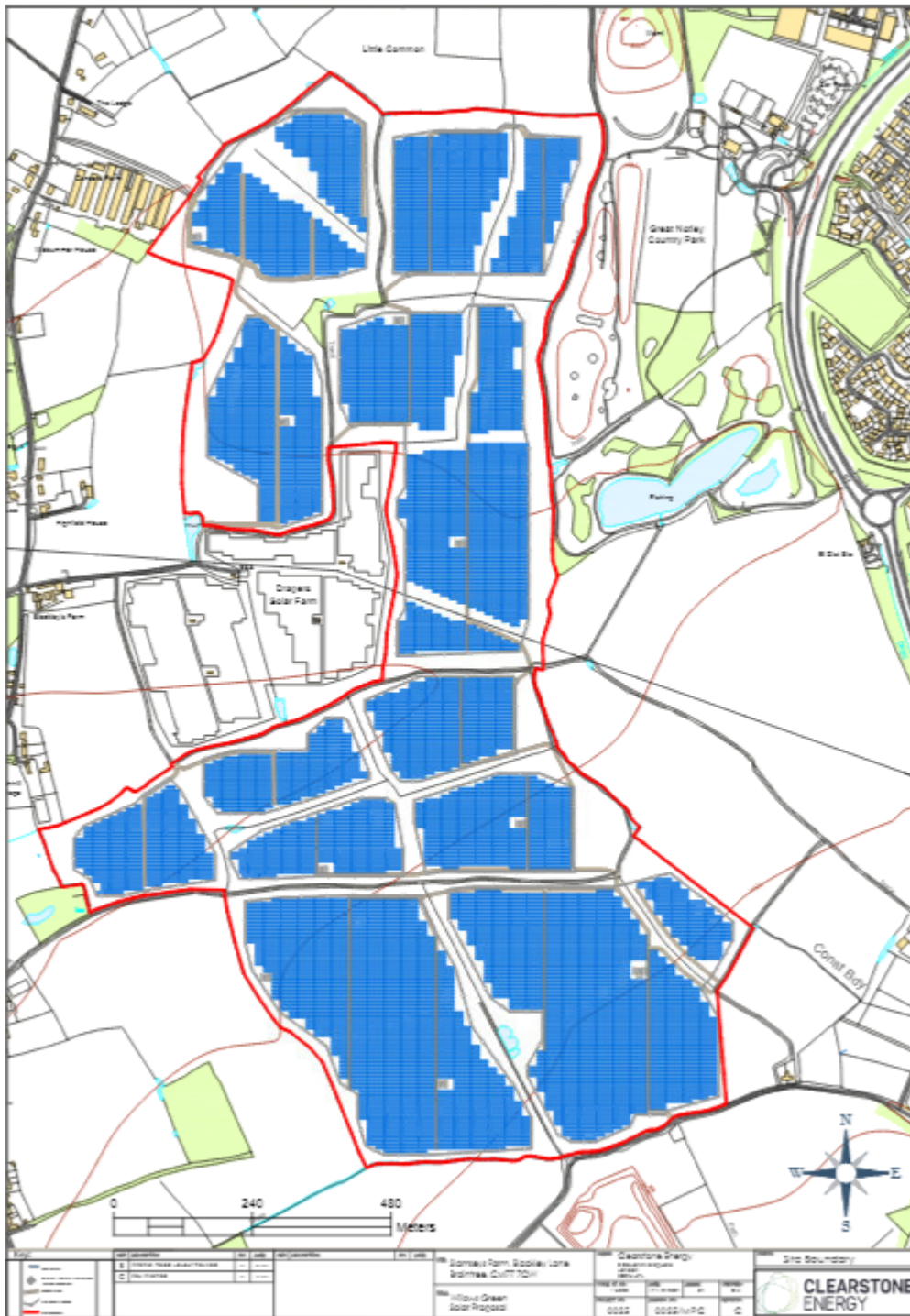
ITEM NUMBER: 6

PLANNING COMMITTEE DATE: 03 August 2022

REFERENCE NUMBER: UTT/22/0007/FUL

LOCATION: Land East of School Road and Main Road,
Felsted,

SITE LOCATION PLAN:



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 Organisation: Uttlesford District Council Date: August 2022

PROPOSAL: Erection of a Solar Photovoltaic Farm with an output capacity not to exceed 49.9MW of energy, with supporting infrastructure and battery storage, inverters and transformers, fencing and landscaping works

APPLICANT: Clearstone Energy Ltd

AGENT: DLP Planning Ltd

EXPIRY DATE: 07 April 2022

EOT Expiry Date: N/A

CASE OFFICER: Mr Lindsay Trevillian

NOTATION: Outside Development Limits, Adjacent Public Right of Way (PROW), Part Archaeological Site, Flood Zone 1.

REASON THIS APPLICATION IS ON THE AGENDA: Major Planning Application

1. EXECUTIVE SUMMARY

- 1.1** Full planning permission is sought by the applicant (Clearstone Energy Ltd) for the erection of a solar photovoltaic farm with an output capacity not to exceed 49.9MW of energy alongside supporting infrastructure with all matters reserved at the site known as 'Land East of School Road and Main Road, Felsted, Essex.
- 1.2** The application site lies outside the defined settlement boundary limits and is thereby located within the countryside. Therefore, the proposals are contrary to Policies S7 the Adopted Local Plan. However, as the proposals cannot be tested against a fully up-to-date Development Plan, and thereby paragraph 11 of the NPPF is engaged. As such, a detailed "Planning Balance" has been undertaken of the proposals against all relevant considerations.
- 1.3** In respect to addressing the benefits of the development, the proposal for a large-scale renewable and low carbon energy scheme would assist in tackling climate change and provide a valuable contribution to cutting greenhouse gas emissions. There is also general support within the

Framework for renewable energy schemes. In addition, the proposal would secure some limited ecological enhancement in terms of new tree planting and the creation of a wildflower meadow and biodiversity enhancements. The development would assist in increasing the security of electricity supply and contribute towards replacing the UK's dated fossil-fuel based energy infrastructure. It would also deliver moderate social and employment benefits by providing employment in the construction and operational phase and generally contributing to sustaining jobs in the wider solar industry.

- 1.4** The application site has been assessed as being Grade 3 Agricultural Land (the data available to officers does not distinguish whether this is 3a or 3b land) but it is likely to be defined as 'best and most versatile' land as set out in Annex 2 of the Framework. The loss of best and versatile land needs to be balanced against the benefits of the provision of renewable energy and any other benefits.
- 1.5** Turning to the adverse impacts of development, the negative environmental effect of the development on the character and appearance of the area is afforded moderate weight due to the level of encroachment and intrusion of built development into the countryside. The proposals would inevitably result in an adverse impact to the setting and experience of some designated heritage assets and thereby result in the lower end of 'less than substantial harm' to the setting and significance of these assets. This too, weighs against the proposal.
- 1.6** This report gives significant weight to both the identified harm and benefits of the scheme and concludes that taken together, weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. It has been found that the benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development. In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.

2. RECOMMENDATION

That the Director Planning be authorised to **GRANT** planning 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 area of land subject to this full planning application relates to the land known as 'Land East of School Road and Main Road, Felsted, Essex.' The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.
- 3.2** The site is located on agricultural land located between and to the east of the small hamlets of Willows Green, Bartholomew Green, Molehill Green and Ranks Green. The larger settlements of Great Notley and Braintree are located approximately 470m and 2km retrospectively to the east and northeast of the site. The site lies 4.3km to the west of National Grid's Braintree substation.
- 3.3** Great Notley Country Park abuts the eastern boundary of the site with further residential properties located beyond. To the south and opposite Blackleys Lane is Chelmsford City Racecourse and a quarry. In the wider area to the west there are agricultural fields up to and beyond School Road and the site areas wraps around an existing solar farm known as Drapers Solar Farm. To the north there are also further agricultural fields extending up to the A120 and industrial buildings known as Concord farm abuts the northern boundary. The wider area contains scattered farms and other residential properties.
- 3.4** The site area is approximately 114 hectares in overall size and is made up of 12 irregular shaped agricultural fields which are used for a mix of crop production and pasture. A topographical survey has been produced which shows the site contains undulating slopes throughout with slight variation in levels, but overall, the site generally is relatively level.
- 3.5** The sites boundaries and internal fields are made up of either linear tree groups or managed hedgerows and ditches. The local landscape can be described as rural with the occasional domestic dwellings, farmsteads and associated agricultural buildings.
- 3.6** There are no designated heritage assets located within the site. The nearest conservation area being the village of Rayne 1km to the north of the site. There are several listed buildings within the surrounding hamlets and to the west of the site.
- 3.7** In terms of local designations, there are no nearby woodlands or county wildlife sites or any other local environmental designations nearby. The site is not adjacent to any statutory or non-statutory landscape designations and the Environmental Agency Flood Risk Maps identifies the whole of the site lying within 'Flood Zone 1'.

3.8 There are a number of public rights of way which bisect the site in places or pass in very close proximity, linking the small hamlets within the vicinity of the site.

4. PROPOSAL

4.1 This application seeks full planning permission for the construction, operation, maintenance and decommissioning of a ground-mounted solar farm with battery storage alongside associated works.

4.2 The proposed development containing the whole of the development would include the construction and operation of the following equipment:

Solar panels arrays. The scheme comprises 3288 full tables and 543 half table arrays to be mounted south facing in rows spaced approximately 4-9m apart.

9 No. AC Boxes/Inverters. Transformers and Switchgear units.

1 No. Substation

1 No. Storage Building

18 No. Battery Storage Units

Secure compound fencing to the electric infrastructure comprising m fencing, with a series of 300mm badger/small mammal gates fitted to the main fence.

CCTV cameras located to provide surveillance to the site's boundaries, mounted on poles not to exceed 3m in height.

4.3 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 4-9m between each row. The maximum height of the PV panels will not exceed 3m above the immediate ground level and they would be angled at 15-25 degrees, the optimum position for absorbing year-round solar irradiation.

4.4 The proposed inverters and transformers will comprise containerised units or small cabin type structures and will be situated across the site. The proposed inverters will measure approximately 12.2m long, 2.4m wide and no higher than 2.9m. The units are typically mounted either directly on shallow concrete pads or raised on compacted stone base.

4.5 The proposed battery energy storage units will be in containers spread across the site. The dimensions and appearance will be like the Invertors/Transformer containers being 12.2m in length, 2.4m wide and would not exceed 2.6m in height.

- 4.6** The customer substation will be provided within a 40ft container and will serve to collect the electricity from all the distributed inverters/transformers across the site and export it at set current and voltage suitable for connection to the national grid.
- 4.7** The proposals will also include perimeter fencing that will be installed at a height of approximately 2m along the outer edges of the separate parcels of fields. In addition to the fencing, it is proposed to install pole mounted CCTV security cameras that would be positioned at intervals along the inside face edge of the fencing at a height of no more than 3m.
- 4.8** In addition to the above fix apparatus, the proposals also include the following legacy features which will remain once the solar farm has been decommissioned
- 7.3 hectares of new woodland and tree belts
 - 20 hectares of wildflower margins
 - 3.5 hectares of amphibian habitat
 - 4 new ponds
 - 6.2km of new hedgerows/screening.
- 4.9** The landscape proposals would equate to a biodiversity gain of 60% for habitat and a gain of 21% for hedgerows.
- 4.10** Access to the proposed solar farm for construction vehicles and its ongoing operation will be via Blackly Lane as shown in drawing reference E5093-1PD-003 of the Transport Statement.
- 4.11** **Operation, Construction and Decommissioning**
- 4.12** Temporary planning permission is sought, with the solar farm having an operational lifespan of 40 years. After this, the scheme would be decommissioned with all of the structures and equipment removed, and the land would revert to its present undeveloped agricultural condition.
- 4.13** During the operational phases, activities would amount to the maintenance, cleaning and servicing of plant and equipment, plus vegetation management.
- 4.14** Temporary construction compounds would be set up with the site development boundary during construction. The compounds would contain temporary portable buildings, containerised storage containers, parking, temporary hardstanding, temporary gated compound and wheel washing facilities.

- 4.15 Construction working hours would typically be 07:00 – 18:30 Monday to Friday and 0800 – 12:30 on Saturdays.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1 A screening opinion request was submitted to the Council on the 17th May 2021. The Council issued a screening opinion on 4th November 2021 (application ref: UTT/21/1671/SC20) under the Town and Country Planning Environmental Impact Assessment (EIA) Regulations 2017 stating that the proposal development was considered to fall within Part 3(a) of Schedule 2 of the EIA regulations as an industrial installation to produce electricity.

- 5.2 Considering the characteristics and location of the development and the types and characteristics of potential impacts, the scale, nature and location of the proposed development, it was not anticipated that the proposals would result in significant environmental effects. The Council considered that based on the information provided, the proposals did not constitute 'EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulation 2017.

6. **RELEVANT SITE HISTORY**

6.1 Application Site

- 6.1.2 A search of Council's records indicates that there is no relevant recorded planning history for the site.

6.2 Surrounding Sites.

- 6.2.1 The site is adjacent to Drapers Solar Farm which abuts in part the western boundary. Planning permission was granted subject to conditions for this solar farm in March 2013 for the '*installation and operation of a ground mounted solar photovoltaic facility*'. This solar farm comprises an area of approximately 15 hectares and generates approximately 6MW.

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

- 7.1 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and that good quality pre-application discussions enable better coordination between public and private resources, and improved results for the community. The Applicant has entered into a Planning Performance Agreement (PPA) with the Council.

- 7.2 A request for pre-application advice was submitted to the Council in September 2020 and a meeting took place with officers in October 2020 to discuss the key points and considerations of the scheme under

application reference UTT/20/2260/PA. Both the Council and the Applicant entered into a Planning Performance Agreement in April 2021. Throughout the course of the PPA, regular meetings have been held between officers of the Council and the applicant in respect to matters concerning landscape impact, arboriculture, biodiversity, flood risk, highways, sustainability and construction malmanagement that has led to the front loading of the application prior to its submission.

7.3 Furthermore, the Applicant has also given a pre-application presentation to Members of the Council's Planning Committee and Members of Felsted Parish Council.

7.4 The applicant has undertaken public consultation with the local community. This included a brochure and invitation for a public consultation event in which letters were sent out in October 2021 to approximately 1638 residential households and 20 business inviting them to an in-person public exhibition on 27th October 2021. A website of the project was also created which provided visitors an overview of the proposals and an opportunity to provide feedback to the applicant.

7.5 Full details of the consultation exercise conducted is discussed within the supporting Consultation Report. The applicant submits that they listened to all views expressed by consultees, the public and Parish Council, throughout the duration of the consultation and has made appropriate changes to the proposed development to address and mitigate concerns raised where possible.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 ECC Highway Authority – No Objection

8.1.1 The highway authority confirmed that they have reviewed all supporting documentation including the applicant's transport statement and have carried out a site visit. The highway authority has confirmed that the impact of the development on the highway network is limited to the construction period and accessibility of the site is appropriate. From a highway and transportation perspective, the impact of the proposal is acceptable to the highway authority subject to mitigation and conditions. These form part of the suggested conditions outlined in Section 17 of this report.

8.2 ECC Local Flood Authority – No Objection

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 for planning application UTT/22/0007 subject to conditions. These conditions form part of the suggested conditions outlined in Section 17 of this report.

8.3 ECC Minerals & Waste – No Objection

8.3.1 A significant proportion of the proposed development is within a Mineral Safeguarding Area (MSA), which is calculated to equate to approximately 35.5 hectares. The application site passes through a Mineral Consultation Area associated with minerals workings in Blakley Quarry. It was confirmed that there is no requirement for a Minerals Resource Assessment due to confirmation that the development is temporary and will be cleared from the site.

8.4 Natural England – No Comments

8.4.1 Natural England confirmed in their formal response that they have no comments to make in respect to the proposals.

8.5 Historic England – No Comments

8.5.1 On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

9. PARISH COUNCIL COMMENTS

9.1 Felsted Parish Council

9.1.2 Felsted Parish Council does not object in principle to this development, but requests that if the development is approved by UDC, that a number of matters and assurance are included as conditions of approval. The Parish Council notes:

A section 106 agreement which includes details to ensure funds are collected and protected including assurance of how the ‘bond’ and escrow will be administered.

Confirmation of who will hold and manage the third part funds.

There should be a clearly defined responsible party for long term maintenance of the ecological corridors, public footpaths and hedgerows.

The Parish also seeks clarification on the width of the ecological corridors and stress the importance of them being as wide as possible for deer population that uses that area.

It is also suggested that there be a condition within the decommissioning plan that the planting legacy, corridors and habitat are protected.

There is a concern that a huge development like this might generate a humming sound that could affect wildlife and residents.

An additional concern is the appearance of security fencing installed around the site and whether it will have an impact upon the appearance of the countryside setting.

Felsted Parish Council supports the 'one access point' from Blackleys Lane but needs certainty that this will only ever be from the southeast via London Road / Blackleys Lane / A131 and no time from the southwest via Blackleys Lane.

The Parish welcome the £15,000 community fund to be paid annually over the lifetime of the scheme. This should be reference that this financial contribution should be paid to the 'Felsted Community Trust' which is an appropriate vehicle for receipt of these community funds.

The Parish are concerned about the security of the site and believes that it needs a further security assessment.

9.2 Great Notley Parish Council

9.2.1 The Parish Council wish to make the following representations:

9.2.2 The Parish Council supports the comments from ECC built heritage officer in that there should be a more detailed report as to how the listed buildings can be protected in their environment.

It is noted that the response from Essex Police suggests more substantial security fencing on site, however, the Parish is concerned as to how this would impact upon the rural environment and safeguard the deer population.

Bearing in mind that the size of construction traffic, it would be more appropriate to access the site from the A131 at Moulsham Hall Lan and then turn behind Chelmsford City Racecourse which is a long straight road.

10. CONSULTEE RESPONSES

10.1 **UDC Environmental Health – No Objection**

10.1.1 Councils Environmental Health Officer suggested appropriate conditions should be imposed if permission is approved in respect to noise & disturbance, air quality and construction management. These have been added to the list of suggested conditions outline in Section 17 of this report.

10.2 **UDC Landscape Officer – No Objection**

10.2.1 The existing solar farm and associated infrastructure adjacent to the proposed site, together with topography, makes the location advantageous. The cumulative visual impact on the landscape plan of

the existing Drapers Solar Farm and proposed solar farm has been considered.

10.2.2 A Landscape and Visual Impact Assessment (LVIA) has been submitted by the applicant. The findings of the LVIA are considered to be sound. The adverse landscape and visual effects are for the greater part generally localised. There would be a significant visual impact on the existing openness and bucolic character as perceived from public footpath network within the boundary of the site. Proposed mitigation measures include planting of woodland belts. In total some 18 acres (7.3 hectares) of new native species woodland planting is proposed, together with native hedgerows. Such planting would be a long-term benefit.

10.3 ECC Place Services (Heritage) – No Objection

10.3.1 Place Services confirmed that there are no listed buildings within the development boundary, however, there are 22 within 1.5km search area around the site.

10.3.2 Place Services disagree with the conclusions set out in the applicant's heritage statement in that they suggest that three grade two listed building (Spinners, Blackleys & Milch Mill Cottage) will be adversely affected. It is concluded that insufficient details have been provided within the supporting documentation to support the proposals acceptance. Overall, the proposals would fail to preserve the agricultural setting of the above buildings and it would result in an impact to the rural setting and character, resulting in low level of less than substantial harm, and thereby para 202 of the NPPF is engaged.

10.4 ECC Place Services (Ecology) – No Objection

10.4.1 Place Services confirmed that they have review all supporting documentation provided by the applicant. They confirm that they support the proposed reasonable biodiversity enhancements including the planting of species rich grassland and wildflower meadow, infilling and widening hedgerows, improving existing ponds, creating new ponds, native shrub and tree planting which have been secured to provide net gains.

10.4.2 Place services recommends conditions if permission is approved requiring details of a construction environmental management plan (CEMP), landscape and ecological management plan (LEMP), great crested newt survey and for mitigation measures to be carried out in accordance with the ecological impact assessment. These have all been added to the list of suggested conditions outline in Section 17 of this report.

10.5 Crime Prevention Officer – No Objection

10.5.1 We would like to see greater consideration given to the security of the site. To reduce the opportunity and the fear of crime, we would recommend that where the footpaths intersect the solar farm that great care is given to ensure the placement of the solar arrays or planting is not to the detriment of uninterrupted sight lines. Planning to install 'deer fencing' in relation to crime will only provide a symbolic boundary. Some high-risk areas such as batteries and other equipment will need a boundary treatment of appropriately secured rated fencing and gates. It should be noted that CCTV will be provided history of an event, to be an effective deterrence and security measure, CCTV needs to be monitored incorporating an alarm.

10.6 ECC Specialist Archaeological Advice – No Objection

10.6.1 Given the proximity to known archaeological features, the lack of previous excavation within the large development area and more recent excavations outside the study area it is considered there is potential for significant archaeological deposits within the application area. It is therefore recommended that a program of archaeological evaluation is undertaken to ensure that the implications of the development on the heritage assets on the site are defined. This would initially comprise a program of geophysical survey potentially followed by ground truthing by targeted trial trench evaluation which is needed to assess the significance of any heritage assets. It is thereby recommended that conditions be imposed if the Council are mindful approving the scheme.

10.7 London Stanstead Airport – No Objection

10.7.1 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 proposals.

10.8 NATS Safeguarding – No Objection

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.

10.9 Chelmsford City Council - Comments

10.9.1 Chelmsford City Council would recommend that considerations is given to introducing a deeper planting belt along Blackkeys Lane. The proposals would be sited next to Drapers Farm solar farm and cumulative effects of the proposals upon Drapers Farm should be considered. Careful consideration needs to be given to ensuring that the proposals does not materially harm the living environments of neighbouring residential properties. The site and its surroundings have ecological value and consideration should be given to ensure that these

areas are sufficiently protected should the proposals be granted planning permission.

10.10 Braintree District Council - Comments

10.10.1 The red line boundary of the application is adjacent to the District Boundary between Uttlesford and Braintree. Whilst Braintree District Council is supportive of renewable and low carbon energy generating in suitable locations, there are significant concerns with regards to the proposals in terms of the wider impacts. These concerns include:

The scale and size of the proposals could have a detrimental and dominate impact on the landscape views beyond, particular when considered cumulatively with other existing developments in the vicinity.

The industrial appearance of the solar farm would detract from the countryside setting of Great Notley Country Parks and represents a loss of amenity to users of this public facility.

The adjoining country park contains features which host a variety of wildlife including water birds. Should the application be approved, mitigation by way of appropriate conditions in relation to Ecological Management and Mitigation are recommended.

An important asset to Braintree Council is the Horizon 120 Business Park which sits to the southeastern boundary of the application site and is currently under construction. Any impact on drainage and pedestrian permeability at this point needs careful consideration so as not to impact on the approved proposals at Horizon 120.

Careful consideration should be given to the management of the land to ensure that soil quality remains and Best and Most Versatile Land is not permanently lost.

The Impact on heritage assets should be taken into consideration.

11. REPRESENTATIONS

11.1 The application was publicised by sending letters to adjoining and adjacent occupiers, displaying a site notice and advertising it within the local newspaper. Representations have been received by the Council objecting and supporting to the proposals for the following reasons:

11.2 Object

11.3 Highways and Traffic: - The proposals will result in a massive increase in construction vehicles that will result in traffic congestion, detrimental to highway safety and further degrade the condition of existing surrounding highways.

Landscape/Countryside: - The scale of the development will be visually intrusive upon the local countryside and in particular views from Great Notley Country Park.

11.4 Support

11.5 Low Carbon: - For the country to meet the net carbon zero requirements we need to support renewable energy applications. Renewable energy is a much-needed resource and a solar farm is less obtrusive and less damaging to the environment than other options. The need for sustainable sources of energy is very clear and this is one small but helpful contribution to that.

Biodiversity: Most solar farms actually support local biodiversity. The solar farm brings potential to improve biodiversity. Additional planting will help flora and fauna.

Visual Impact: - The project is in a good no-obtrusive site, it is on flat ground and will not be visible from major adjacent roads.

11.6 Comment

11.7 The above concerns have been addressed in detail in the main 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) (a)The provisions of the development plan, so far as material to the application:
- b) (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- c) (b) any local finance considerations, so far as material to the application, and
- d) (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 – Countryside
 - GEN1 – Access
 - GEN2 – Design
 - GEN3 – Flood Protection
 - GEN4 – Good Neighbourliness
 - GEN5 – Light Pollution
 - GEN6 – Infrastructure Provision
 - GEN7 – Nature Conservation
 - GEN8 – Vehicle Parking Standards
 - ENV3 – Open Spaces and Trees
 - ENV7 – Protection of the Natural Environment
 - ENV8 – Other Landscape Elements of Importance
 - ENV10 – Noise Sensitive Developments
 - ENV11 – Noise Generators
 - ENV12 – Groundwater Protection
 - ENV13 – Exposure to Poor Air Quality
 - ENV14 – Contaminated Land
 - ENV15 – Renewable Energy

13.3 Felsted Neighbourhood Plan

- 13.3.1** The Felsted Neighbourhood Plan was made on the 20 February 2020 and is thereby relevant to the proposals. Relevant development plan policies and material considerations:

FEL/ICH1 – High Quality Design
FEL/CW1 – Landscape Charact and Countryside Character
FEL/CW3 – Footpaths, Bridleways and Cycleways

13.4 Supplementary Planning Document or Guidance

- 13.4.1** 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:

- A) Principle of Development**
- B) Context of presumption in favour of sustainable development**
- C) Countryside Impact**
- D) Heritage Assets**
- E) Archaeological**
- F) Neighbouring Amenity**
- G) Loss of Agricultural Land**
- H) Transport, access and public rights of way**
- I) Nature Conservation & Biodiversity**
- J) Flooding**
- K) Construction considerations and site restoration**
- L) Planning Obligations**
- M) M) Other Issues**

14.2 A) Principle of Development

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

14.2.2 The principle of solar development is supported in the National Planning Policy Framework (NPPF) which states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.

14.2.3 The Government expects future low cost, net zero consistent electricity to be made up of prominent on shore and offshore wind and solar, complemented by technologies which provide power or reduce demand when the wind is not blowing, or the sun does not shine.

- 14.2.4** Renewables now account for over one third of all UK electricity generation, up from 7 per cent in 2010, driven by the deployment of wind, solar and biomass. Electricity demand is predicted to double in the UK by 2050, driven in part by the electrification of vehicles and increased use of clean electricity replacing gas for heating. The Government has set a target to cut greenhouse gas emissions compared to 1990 levels in the UK by 100% by 2050.
- 14.2.5** More widely, the UK is committed to meeting a target of net-zero by or before 2050. This means that across the UK, emissions of Green House Gas for all sources will have to reduce from the current figure of 4352 million tonnes. The UK Government industrial and green growth strategies have made further pledges to invest in green growth low carbon infrastructure and investment in efficiency.
- 14.2.6** In August 2019, Uttlesford District Council declared a Climate and Ecological emergency. The declaration represented a commitment to take appropriate action to make the Council's activities net-zero carbon by 2030.
- 14.2.7** On 9 February 2021, Uttlesford District Council approved as non-statutory development management guidance an Interim Climate Change Planning Policy. This policy aims to ensure that development contributes to climate change mitigation and adaptation, however, it mainly refers to guidance in the green and intelligent design section of possible sources of renewable energy which could be upscaled for local housing developments and not specific to renewable energy schemes.
- 14.2.8** The NPPF talks generally about renewables within the context of planning for climate change and makes no specific reference to solar farms. It favours sustainable energy systems as long as any impacts are (or can be) made acceptable, and states that local planning authorities should approach these as part of a positive strategy for tackling climate change.
- 14.2.9** Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - b) approve the application if its impacts are (or can be made) acceptable.
- 14.2.10** Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent

applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

- 14.2.11** All planning proposals and decisions should contribute and enhance the natural and local environment. NPPF paragraphs 174a and 174b require proposals to:
- a) protect and enhance the valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 14.2.12** The NPPG outlines guidance on the specific planning considerations that relate to large scale ground-mounted solar PV farms. It states that one consideration amongst others should be whether land is being used effectively; recommending that large scale solar farms are focused on previously developed and non-agricultural land.
- 14.2.13** There are several local policies that are relevant to the consideration of a solar farm application. Those being policies S7 and ENV15 of the Adopted Local Plan
- 14.2.14** The application site is located outside the development limits of Felsted within open countryside and is therefore located within the Countryside where policy S7 applies.
- 14.2.15** 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 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. 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.
- 14.2.16** The supporting text for Policy ENV15 states that schemes should be sited close to settlements or groups of buildings in rural areas and close to the origin of the energy resource. Development will only be permitted in locations where the local road network is capable of handling any additional traffic generated by the proposal.
- 14.2.17** In May 2021, the Council published its draft Solar Farm Development Supplementary Planning Document Consultation Document (draft SPD). The draft SPD contains local guidance on preparing and submitting proposals for solar farms. It also gives guidance on how planning

applications should be considered in light of national and local requirements. The SPD was considered at Policy Board on 14th October 2021 where it was agreed to recommend to the Councils Cabinet that the SPD be adopted subject to a schedule of proposed changes.

14.2.18 Uttlesford District Council therefore supports the development of solar PV development in principle provided there are no significant environmental or visual impacts that cannot be appropriately managed through the planning application process.

14.2.19 The approach in the NPPF, local planning policies and the draft Solar SPD is to be supportive to the principle of solar energy developments provided that the environmental impacts can be appropriately managed.

14.2.20 A key environmental benefit is that the proposal has capacity to generate up to 49.9 MW of renewable energy, which the applicant states could provide approximately enough energy to power over 15,200 homes and displace up to 47,000 metric tonnes of CO₂ per annum.

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

14.2.22 Paragraph 11 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.

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

14.3. B) Context of presumption in favour of sustainable development

14.3.1 The NPPF considers that achieving sustainable development means that the planning system has three overarching objectives which are independent and need to be pursued in mutually supportive ways so that opportunities can be undertaken to secure net gains across economic, social and environmental objectives.

14.3.2 The proposal is a renewable energy project which in principle is supported by national and local planning policies due to the benefits it would deliver in reducing greenhouse gas emissions. It would also deliver moderate social and employment benefits by providing employment in the construction and operational phase and generally contributing to sustaining jobs in the wider solar per industry. There

would be significant habitat and biodiversity net gains associated with the development arising from habitat retention, creation and enhancement from the change of arable fields into grassland when managed as a wildflower meadow, plus additional trees and ponds. However, the proposals would amount to some harm to landscape character, visual amenity and upon the heritage assets as detailed and justified further in this report below.

14.3.3 Based on the consideration given above and further below, it is considered that the proposal does meet these objectives of sustainable development collectively and thereby the proposals conform to sustainable development.

14.4 C) Landscape and Visual Impact

14.4.1 A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

14.4.2 The Landscape Character of Uttlesford District Assessment identifies the site as falling within the 'Felsted Farmland Plateau' landscape character area with extends from the A120 in the north to Black Notley in the east, Chatham Green in the south and Felsted in the west.

14.4.3 The character assessment stipulates that this area consists of farmland that is gently undulating with a patchwork of irregular medium to large fields. Their boundaries are enclosed by either thick but intermittent hedgerows, or just marked by grassy banks and ditches. In long views scattered small woods and copses and hedgerow trees coalesce to sometimes create the illusion of a wooded horizon. The farmland surrounding the villages of Mole Hill Green, Bannister Green and Watch House Green is composed of smaller irregular predominantly pastoral grass fields. The area is fairly densely populated with villages straggling along the roads to coalesce with each other. The farmsteads also form clusters of buildings. The character assessment concludes that overall, this character area has low – to moderate sensitivity to change.

14.4.4 The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively with effective screening and appropriate land topography the area of a zone of visual influence could be limited. Although solar farms often cause changes to the landscape and whilst they may not be able to achieve a limited visual influence, they should be minimised as far as possible.

14.4.5 The skyline of the site and the surrounding slopes are visually sensitive to potential new development, with open views possible along across

and the wider countryside. There is strong sense of historic integrity, resulting from a wealth of historic buildings and a historic settlement pattern comprising dispersed hamlets and villages, which are connected by a series of winding lanes.

- 14.4.6** The development would be located across a series of agricultural fields with gently sloping gradients. The fields within the site are delineated and divided by existing tree belts woodland, and some hedgerows.
- 14.4.7** The proposal will lead to a change in the character and appearance of the landscape, which could be argued to lead to a change in the quality of the landscape and loss of agricultural character. However, the green energy equipment such as solar arrays and wind turbines are rapidly becoming features that are becoming an integrated part of the agricultural landscape.
- 14.4.8** This is none so more evident by the acceptance of local policy ENV15 which generally accepts renewable energy schemes of a small scale by their very nature and them likely to result in some adverse impact upon the character and appearance of the countryside. As such they are not precluded from rural areas. However, in this case, the proposals result in a significant large renewable energy scheme outside the aims and guidance of policy ENV15 which accepts smaller scheme subject to meeting certain criteria.
- 14.4.9** The proposal would retain the original field pattern in situ. Within the site, the panels would be sat on the rolling slope and flat land within east-westerly arrays (rows).
- 14.4.10** The applicant has provided a Landscape and Visual Impact Assessment (LVIA). This document describes the baseline qualities and current condition of local landscape character. It identifies several locations (visual receptor viewpoints) from which the site can be viewed. The LVIA also identifies steps that would be taken to mitigate against any harm that would likely to arise from the implementation of the development.
- 14.4.11** The application site does not form part of any designated landscape. However, the Framework also requires the intrinsic character and beauty of the countryside to be recognised when assessing development proposals.
- 14.4.12** This 114ha of land is situated within an area of open countryside. The proposed solar panels and associated infrastructure, including the access track and security fencing would be new elements within the landscape.
- 14.4.13** Whilst the countryside is able to accommodate many forms of development, the long rows of panels, internal access track and ancillary buildings would comprise a rather utilitarian form of development that would contrast awkwardly with the unspoilt open qualities of the site.

- 14.4.14** For the duration of the development (40 years) the proposal would markedly alter the character of the site. Although the panels would in part be semi screened by natural existing and proposed vegetation, they would be seen from the public realm and wider distance views. The likely arrays of dark grey coloured panels would disrupt the harmonious pattern of open fields and would appear as a discordant element amongst the patchwork of green and yellow coloured fields.
- 14.4.15** The proposal would detract from the pleasing rural scene and erode the qualities of the 'lower rolling farmed and settled undulating slopes'. As the solar panels are 3m high, it will not be possible to mitigate the effects of this development.
- 14.4.16** The area is popular with locals and visitors utilising PWOW within and surrounding the site and, as a consequence, even small-scale changes are likely to be apparent to those who spend their time enjoying / relaxing in this attractive rural area. The proposal would result in moderate adverse visual impacts.
- 14.4.17** Proposed mitigation measures include planting of woodland belts. In total some 18 acres (7.3 hectares) of new native species woodland planting is proposed, together with native hedgerows. Such planting would be a long-term benefit, however this would not on its own would not overcome the identified harm resulting from the proposals.
- 14.4.18** The adverse effect upon the character and appearance of the area weighs against an approval.

14.5 D) Heritage Assets

- 14.5.1** Where any development may have a direct or indirect effect on designated heritage assets, there is a legislative framework to ensure the proposals are considered with due regard for their impact on the historic environment.
- 14.5.2** There are no designated heritage assets located within the site, however, there are approximately 22 listed buildings with a 1.5km search area of the site in which the proposals may harm.
- 14.5.3** Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large-scale solar farms on such assets. Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset

- 14.5.4** The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.
- 14.5.5** The NPPF defines significance as 'the value of a heritage asset to this and future generations because of its heritage interest'. Such interest may be archaeological, architectural, artistic or historic'.
- 14.5.6** The 'Setting of a heritage asset' is defined as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'
- 14.5.7** Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 14.5.8** Paragraphs 201 and 202 address the balancing of harm against public benefits. If a balancing exercise is necessary (i.e. if there is any harm to the asset), considerable weight should be applied to the statutory duty where it arises. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (as per Paragraph 201). Whereas, Paragraph 202 emphasises that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal, including securing its optimum viable use. Policy ENV2 seeks to protect the historical significance, preserve and enhance the setting of heritages assets that include both conservation areas and listed buildings.
- 14.5.9** The application was consulted to Place Services conservation officer who confirmed that whilst they do not object to this type of development in principle, they have concerns in relation the impact of the scheme on the historic environment and consider it would result in harm and they recommend that further, more detailed assessments should be undertaken to establish the impact of these proposals on the significance of heritage assets. In particular, it is suggested that the supporting heritage statement does not provide clear and convincing justification to demonstrate the harm arising from the proposals, contrary to Paragraph 200 of the NPPF (2021).
- 14.5.10** Amongst the concerns raised by the conservation officer was the potential impact on the setting on three grade two listed buildings known as Spinners, Blackleys & Milch Mill Cottage.
- 14.5.11** The conservation officer states that there are views from these three heritage assets to the application site and the proposals would therefore

have an impact on their setting because fundamental change in character of the rural landscape with the introduction of solar arrays. While there are some hedgerows between the listed buildings and the site, the screening afforded by vegetation is seasonal and impermanent as it can be subject to damage or removal. Furthermore, whilst there are small field buffers between the site and the listed buildings, the scale and size of the proposals means that a large proportion of the surrounding agricultural land would be covered by solar arrays, fundamentally changing the experience of longer views of these heritage assets.

14.5.12 It was suggested by conservation officer that the proposed Solar Farm would result in an industrialising effect, contrary to the verdant and rural landscape setting and would result in an erosion of the rural character of the designated heritage assets.

14.5.13 The officer concluded that overall the proposals fail to preserve the agricultural setting of Milch Mill Cottage, Blackleys and Spinners and that the proposals would result in an impact to their rural setting and character, resulting in a low level of 'less than substantial harm' and thereby paragraph 202 of the NPPF is relevant.

14.5.14 With regards to the case for public benefit for the historic environment, there is a clear public benefit as a result of the proposals being able to generate up to 49.9 MW of renewable energy.

14.5.15 It is acknowledged that more details could have been provided within the applicants supporting documentation as required by the conservation officer. However, it is noted that the conservation officer identified that the harm caused would be low level, and that they were still able to provide a detailed assessment of the potential harm upon surrounding heritage assets. Thereby it is regarded the need for further documentation is no warranted in this circumstance as a detailed assessment of the potential harm has been identified and any further information provided from the applicant would most likely no change the conclusions made by the conservation officer in this instance.

14.5.16 It is concluded that the that the proposals will result in the lowest level of 'less than substantial harm' to the setting of three listed buildings. Weight has been given to the public benefits of the proposals in respect to generating renewable energy, and this is considered to outweigh the harm as identified. The proposals on balance are thereby appropriate in respect to complying with policy ENV2 of the adopted Local Plan and the NPPF.

14.6 E) Archaeological

14.6.1 In accordance with policy ENV4 of the adopted local plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the

archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.

14.6.2 The submitted desk-based assessment shows that the proposed development area has the potential to contain significant archaeological remains. The site lies between the historic settlement of Bartholomew Green and a Roman Road (London Road). Adjacent to the site, previous excavations has identified finds indicating late prehistoric activity. Within the wider landscape, concentrations of burnt and worked flint have been found. Late Iron/Roman features have been excavated at land west of the A131 and Horizon 120.

14.6.3 The Historic Environment officer stipulated that given the extent of the recorded archaeology on the Historic Environment Record and identified within the desk-base study in an area where little previous development has been undertaken there is a high potential for previously unknown significant archaeological deposits to be identified within the development area. As such it is therefore recommended that the applicant undertakes a programme of archaeological evaluation to ensure that the implications of the development on the heritage assets on the site are defined. This would initially comprise a programme of geophysical survey potentially followed by ground truthing by targeted trial trench evaluation. A condition has been suggested in Section 17 of this report requiring an archaeological evaluation by geophysics and potentially ground truther by trial trenching prior to works commencing on site. The proposals thereby comply with Policy ENV4 of the Adopted Local Plan and the NPPF.

14.7 F) Neighbouring Amenity

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

14.7.2 There are many residential dwellings within the nearby hamlets, along with individual or groups of farmsteads and other wider dwellings that are in close proximity of the proposals given the land mass of the site. The proposals will be noticeable from many residential receptors.

14.7.3 The arrays themselves are passive during operation, they have no running parts and emit no carbon, noise smell or light. Once installed, the system itself needs minimum maintenance and will be unmanned.

- 14.7.4** The proposal would be visible from many residential properties, some more than others. The panels themselves, at a maximum of only 3 metres in height are not considered to be overbearing in relation to proximity from existing residential properties. The impact of residential first floor views would only offer a more expansive viewpoint and would not be unacceptable given their separation distance and the inclusion of substantial planting along the boundaries of internal fields and around the perimeter of the whole of the site.
- 14.7.5** In relation to glint and glare, the solar panels are designed to absorb light, rather than reflect light. Although the surface is glass, it is not reflective in the same way as a mirror or window.
- 14.7.6** Many residential receptors already benefit from existing vegetation which removes views of the reflective area. For those receptors where there is no existing screening, mitigation in the form of planting, secured by the Landscape and Ecological Management Plan (LEMP), is recommended to reduce any perceived impact in this regard.
- 14.7.7** The solar panels are not considered to harmfully affect nearby residential amenity by way of adverse glint or glare to warrant a reason for refusal on this ground.
- 14.7.8** The substations, control buildings, inverters and transformer stations will be acoustically rated and can produce sound, but this can be managed and rated such that acceptable noise levels are achieved.
- 14.7.9** Council's Environmental Health Officer raise no objections to the proposal, and it is not considered that the proposal would lead to material adverse impacts on noise.
- 14.7.10** It is acknowledged that during the construction phases, there will be periods when works are likely to be audible to at nearby receptors. A Traffic Construction Management Plan be required to minimise against these temporary impacts.
- 14.7.11** Construction/delivery hours will also be restricted to 8am – 6:30pm (Monday to Friday) and 8 am – 12:30pm (Saturday) to ensure compliance with the Council's standard working times and to reduce any impact upon nearby residents.
- 14.7.12** Conditions relating to construction traffic management plan and hours of operation would control the impacts of the proposal during the assembly of the site. The use of the site is not considered to result in unacceptable noise and disturbance.
- 14.8** **G) Loss of Agricultural Land and Farm Diversification**
- 14.8.1** Paragraph 174(b) of the Framework states "Planning policies and decision should contribute to and enhance the natural and local

environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland’.

- 14.8.2** Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification”.
- 14.8.3** Local Policy ENV5 states that where agricultural land is required, developers should seek to use areas of poorer quality except where other sustainable considerations suggest otherwise.
- 14.8.4** Most of the land in Uttlesford District Council 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 previously developed land within the district is very restrictive. Virtually all agricultural land in the district is classified as Grade 2 or 3a with some areas of Grade 1.
- 14.8.5** The application site has been assessed as being Grade 3 and therefore is likely to be defined as ‘best and most versatile’ land as set out in Annex 2 of the Framework.
- 14.8.6** The solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.
- 14.8.7** The development is proposed for a temporary period for up to 40 years after which the site will be restored to its former state to continue agricultural use, therefore there will be no permanent loss of agricultural land as a result of the development.
- 14.8.8** However, it is acknowledged that during the life of the proposed development consisting of up to 40 years that there is likely that there will be a reduction in agricultural productivity over the whole development area including food production.
- 14.8.9** As the global human population continues to rise, more land will need to be committed to agricultural production to meet a likely rise in demand for food. This also has the potential to increase or to intensify agricultural activities on land already used for food productions such as the existing field subject to these proposals.
- 14.8.10** However, it is also recognised that the production of agriculture has over the course of time been associated with the loss of vegetation,

biodiversity loss and with reductions in presence of wildlife as a consequence of post-war agricultural intensification thereby resulting in environmental harm.

- 14.8.11** Given the above, a balance must be found on farms and agricultural land which allows for the needs of vegetation renewal and wildlife without impacting on the potential for food production.
- 14.8.12** Farming is and will continue to be an important economic activity in the district whereby the quality of the land provides a high basis for crops. However, it is recognised that farms also need to diversify which may include non-agricultural activities to offset the falling trend of falling prices for crops.
- 14.8.13** However, the size and scale of permitting non-agricultural activities will need to be sensitive to the character of it setting, protect or enhance the land in question.
- 14.8.14** ULP Policy E4 states that alternative uses for agriculture land will be permitted subject to certain criteria. This criterion is set out below,
- a) The development includes proposals for landscape and nature conservation enhancement;
 - b) The development would not result in a significant increase in noise levels or other adverse impacts beyond the holding;
 - c) The continued viability and function of the agricultural holding would not be harmed;

The development would not place unacceptable pressures on the surrounding rural road network (in terms of traffic levels, road safety countryside character and amenity).

- 14.8.15** In respect to the above, it is considered that the proposals would meet criteria as set in policy E4. 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.
- 14.8.16** As confirmed by Councils environmental health officer, the proposals will not result in significant increase in noise levels or other adverse impacts beyond the holding subject to appropriate mitigation measures.
- 14.8.17** 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.

14.8.18 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.

14.8.19 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 agricultural land or harm the agricultural industry.

14.9 H) Transport, access & public rights of way

14.9.1 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must not compromise road safety and to take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than the car.

14.9.2 The site features three existing points of access, each comprising a boundary opening. The first is located to the south of the site via Blackley Lane, the second is located to the west of the site via a private track from the Main Road, whilst the third is also located to the west of the site via Drapers Solar Farm access track from Milch Lane.

14.9.3 It is proposed that the site in its entirety would be served via a single point of access at Blackley Lane to the south. An internal track will extend through the site connecting to the northern sections.

14.9.4 Within the site, construction vehicles will be provided with a space to turn, un-load and exit the site in a forward gear. Temporary compounds will be located throughout the site reserved for parking. Full details of this will be confirmed in the Construction Management Plan.

14.9.5 The application is supported by a Highways Statement that concludes that there are no highway reasons why planning permission for the proposed development should be withheld. The application was consulted to the Lead Local Highway Authority who concluded that they do not object to the proposals on highway and transportation grounds subject to imposing conditions if permission is approved.

14.9.6 In terms of vehicle parking, developments are expected to provide off-street vehicle parking in accordance with the Council's adopted parking standards as provided by Policy GEN8 of the adopted Local Plan and Supplementary Planning Guidance 'Vehicle Parking Standards'.

- 14.9.7** A temporary car parking area will be provided on the site within the temporary compounds. Parking will therefore be contained within the site and no unnecessary parking will occur on the local highway network.
- 14.9.8** Any Public Rights Of Way (PROW) through or surrounding the site should remain usable, retain their recreational amenity and character, and be integrated as part of the development proposal. They should remain accessible by the general public during construction and through the operational stage of the development to ensure the continued safe passage of the public on the definitive right of way.
- 14.9.9** It is also acknowledged that PROW as amenities for local communities to improve their mental and physical health and wellbeing is important recognised. The character and amenity value of retained PROW should be maintained and buffers between paths and panels should be used. For example, for retained PROW not enclosed by hedges/tree line i.e. those passing within a field used for solar panels and passing between them, a width of 5m for the footpath would be required to provide openness and to avoid walkers feeling hemmed in.
- 14.9.10** A total of 8 public rights of way (PROW) and 1 public bridleway run through or are directly adjacent to the site boundaries. During construction of the solar farm, some public rights of way will be either temporary diverted or closed.
- 14.9.11** The applicant confirms that the PROW's will be maintained within the site once it is operational with 5 to 10 metre buffers. This will ensure that the proposals still remain a sense of openness and to avoid walkers feeling hemmed in as per the above guidance.
- 14.9.12** In respect to the PROW's part of the concerns raised by the highway authority stipulated that further details would be required to ensure that the PROW network is not affected and is thoroughly considered. Furthermore, in locations whereby the construction traffic would cross the PROW network details of the surface treatment to the crossing points should be included in the construction traffic management plan, to ensure the integrity of the public rights of way.
- 14.10 I) Nature Conservation**
- 14.10.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.
- 14.10.2** Development sites should lead to net biodiversity gain of at least 10% as mandated by the new Environment Act 2021. Although there is a minimum mandatory 10% biodiversity net gain (BNG), we would encourage proposals to aim for a higher BNG taking into consideration

that larger sites and sites of higher agricultural value should naturally seek greater BNG.

14.10.3 The application was consulted to Place Services ecology officer who in respect to BNG, they confirmed that they support the reasonable biodiversity enhancements, which have been outlined within the Ecological Impact Assessment. This includes details of the planting of species rich grassland and wildflower meadow, infilling and widening hedgerows, improving existing ponds, creating new ponds, native shrub and tree planting. The landscape proposals would equate to a biodiversity gain of 60% for habitat and a gain of 21% for hedgerows. This will ensure net gain for biodiversity, which will meet the requirements of Paragraph 174d of the National Planning Policy Framework 2021.

14.10.4 Place services recommends conditions if permission is approved requiring details of a construction environmental management plan (CEMP), landscape and ecological management plan (LEMP), great crested newt survey and for mitigation measures to be carried out in accordance with the ecological impact assessment. These have all been added to the list of suggested conditions outline in Section 17 of this report.

14.11 J) Flooding

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

14.11.2 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.

14.11.3 Most of the development is solar panels which are supported on piled struts, and thereby the surface area of the site is comparatively small in comparison to the overall development site area.

14.11.4 A check of the Environmental Agency's website and the Councils policy maps has identified the site as being located in Flood Zone 1. The Framework indicates that all types of development are appropriate in this zone and hence there is no requirement for sequential or exception testing.

14.11.5 As the proposal is identified as major development, a Flood Risk Assessment (FRA) has been submitted with the application. The FRA concludes that it has considered the local sources of flood risk and assessed the potential implications both to and resulting from the development proposals. The FRA proposes within a number of flood mitigation and management measures. It also considers the impact of

the development proposals on surface water runoff regime and sets out a conceptual strategy for these to be managed appropriately.

- 14.11.6** It has been confirmed that to facilitate wide management of surface water, it is proposed to utilise the existing drainage channels located adjacent to the majority of the field boundaries for capture and conveyance of surface water runoff across the wider site. New swales would be introduced in locations where there may not be an existing drainage channels. A retention basin is proposed at the end of the drainage network in the western part of the site. This would provide attenuation storage volume to manage the surface water runoff.
- 14.11.7** The FRA concludes that with the incorporation of the suggested mitigation and management measures, the proposed development of the site is considered to be appropriate in terms of flood risk and drainage.
- 14.11.8** The application has been consulted to lead local flooding authority who confirmed that they have reviewed all relevant supporting documentation and that they have no objections to the proposals subject to imposing conditions if permission is approved.

14.12 K) Construction considerations and site restoration

- 14.12.1** Construction methods should minimise disruption to land e.g. intrusive groundworks, such as trenching and foundations, should be minimised and the use of concrete avoided where possible and should be detailed through a CEMP. On agricultural land, frames should be pile driven or screw anchored and not concrete-based, and capable of easy removal, allowing the ground to be fully restored. If permission were to be approved, a pre-comment condition requiring a CEMP would be imposed.
- 14.12.2** A restoration plan should be identified at the earliest stage of planning. Solar farms are temporary developments and should be capable of removal and reversible i.e. at the end of the life of the development, the land can be return to its pre-development use. After the use of the site as a solar photovoltaic farm, land should be restored to its previous state including removal of all panels, supporting infrastructure and other temporary structures onsite. This can be secured by way of a Section 106 Agreement.

14.13 L) Planning Obligations

- 14,13.1** 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 Levey (CIL) Regulations. The following identifies those matter that the

Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

14.13.2 Following the operation stage, it is proposed that the solar farm is decommissioned, with the solar panels and other infrastructure will be removed and the majority of the site will be retained as grassland back to its previous condition with the exception of the landscaping legacy as detailed in Section 4 of this report which will remain.

14.13.3 The restoration process is intended to ensure that the site is restored to the same quality as existing, and the applicant has confirmed within their supporting documentation that this can be secured with the Council through the use of a Section 106 agreement as has been secured on other solar developments in the district. It is considered that an appropriately worded planning condition would not be strong enough in respect to ensuring the site is returned back to its original state in 40 years' time, and therefore a legal agreement is required. An agreement can appropriately secure and set out limitations on what kinds of obligations should be entered into.

14.13.4 At the time of presenting this application to planning committee, a S106 Agreement had not been prepared or completed.

14.14 M) Other Issues

14.14.1 In addition to the above main considerations, numerous other considerations have been raised with the main ones considered below.

14.14.2 The applicant has undertaken an appraisal of the site selection process. The application site has been chosen for a combination of reasons including that the site is of a suitable area to accommodate the solar PV arrays, is located in close proximity to an existing grid connection point, it is served by an appropriate access and is well located geographically for solar gain. Other land, including previously developed and the physical capacity constraints of available rooftops is considered by the applicant to be unviable to the scale of the development proposed.

14.14.3 There is no substantiated evidence to demonstrate that the proposal would lead to any other impacts on health of local residents nor interference with radio waves, tv reception and Wi-Fi.

14.14.4 Essex Police advise that following an increase in solar farms being targeted by thieves in other counties, consideration must be given to providing suitable site security for the proposal. This will be a matter for the developer.

14.14.5 The Council is aware that there may be services within the area and has consulted with relevant stakeholders. Services, including Cadent and National Grid. There may be separate arrangements outside of the planning process to notify utilities stakeholders separately.

- 14.14.6** In relation to the suitability of other sites, preference for the use of alternative forms of energy such as wind and nuclear and precedent, planning law is clear that applications must be considered on their merits against the relevant development plan and other material considerations that apply. In this regard, the proposal has been assessed against this criterion and any future planning applications will also be considered on a site-by-site basis without prejudice basis to decisions the Council has taken.
- 14.14.7** The western boundary of the red line area wraps around an existing solar farm known as Drapers Solar Farm and the northern boundary of the site is near the industrial buildings of Concord Farm. Drapers Solar Farm is approximately 15 hectares in size.
- 14.14.8** Cumulative effects are not only experienced between developments of the same type, i.e. multiple solar farms, they can also be experienced in combination with other development in the surrounding landscape, including industrial buildings and other forms of renewable energy.
- 14.14.9** When one takes into account the cumulative affects of the size and scale of the proposals including the existing Drapers Solar Farm, it is considered an extensive area of the general landscape being 130 hectares in total will be affected resulting is an intensive change over the surrounding locality. People who will perceive the change include surrounding residents, recreational users – walkers horse riders, cyclists with an interest focused on the landscape.
- 14.14.10** The prominence of the development proposal in association with the existing Drapers Solar Farm is not overwhelming to the landscape setting. Landform and vegetation do not play a significant screening role. It is regarded that the development proposal in association with the existing relevant development creates the appearance of a moderately extensive and visually prominent development. It is acknowledged that the development proposal in association with the existing relevant development will be at odds with the landscape, with some disturbance to general pattern and scale. The visual appreciation of the landscape is affected as the views will change to a more industrial character rather than agriculture. The proposal have some potential to create significant cumulative effects.
- 14.14.11** However, the visual effects can be wholly reversed (when the proposal is decommissioned) the proposals reinstatement will not create residual adverse effects upon the landscape character after the life span of the development ceases.
- 14.14.12** Concerns were highlighted within some representations regarding the safety of the development. Any fire risks of proposed solar and (battery) energy storage systems should be considered and appropriately managed to minimise fire risks. A management plan should demonstrate

how the facility will be constructed and operated safely, in consultation with Essex Fire and Rescue Service where appropriate. The developer will further be obliged to ensure the safe installation and operation of all apparatus to satisfy insurance requirements.

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 PLANNING BALANCE AND CONCLUSION

16.1.1 Paragraph 11 of the NPPF 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.

16.1.2 In respect to addressing the benefits of the development, the proposal for a large-scale renewable and low carbon energy scheme would assist in tackling climate change and provide a valuable contribution to cutting greenhouse gas emissions. This is afforded significant weight in favour of the proposal. There is also general support within the Framework for renewable energy schemes. In addition, the proposal would secure

some limited ecological enhancement in terms of new tree planting and the creation of a wildflower meadow and biodiversity enhancements. This is afforded moderate weight in favour. The development would assist in increasing the security of electricity supply and contribute towards replacing the UK's dated fossil-fuel based energy infrastructure. It would also deliver moderate social and employment benefits by providing employment in the construction and operational phase and generally contributing to sustaining jobs in the wider solar industry.

- 16.1.3** The above economic and environmental benefits can be given considerable weight in the overall planning balance. Thus, these taken together, significant weight to the benefits of the development have been considered.
- 16.1.4** Turning to the adverse impacts of development, the negative environmental effect of the development on the character and appearance of the area would be modest due to the level of encroachment and intrusion of built development into the countryside. This would have modest negative environmental effects.
- 16.1.5** The proposals have been identified to result in low level 'less than substantial harm upon the rural setting to three listed buildings known as Milch Mill Cottage, Blackleys and Spinners. This is afforded limited weight against the proposal. Limited weight is given to the loss of land for agricultural purposes.
- 16.1.6** All other factors relating to the proposed development have been carefully considered and are capable of being satisfactorily mitigated, such that they weigh neutrally within the planning balance. These factors include biodiversity, highways, noise, ground conditions and arboriculture.
- 16.1.7** Therefore, and taken together, weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development. In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.
- 16.1.8** Overall, the proposals are in conformity with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.
- 16.1.9** It is therefore recommended that the application be approved subject to the suggested conditions and section 106 agreement as per below.

17. S106 / CONDITIONS

17.1 S106 HEADS 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** The development hereby approved shall be carried out in accordance with the approved plans as listed unless otherwise agreed in writing by the Local Planning Authority.

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

- 3** Prior to commencement of development, samples 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. 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).

- 4** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Weddle Landscape Design, November 2021), (Weddle Landscape Design, July 2021) and letter from Neil Northrop (Weddle Landscape Design) dated 2nd March 2022, 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 Local Policy GEN7 and the NPPF.

- 5** Any works which will impact the breeding or resting place of Great Crested Newt, shall not in in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) a method statement relating to a registered site supplied by an individual registered to use a Great Crested Newt Low Impact Class Licence; or
 - c) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - d) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve protected 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 s17 Crime & Disorder Act 1998, and in accordance with Local Policy GEN7 and the NPPF.

- 6** A Bird Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss or displacement of any Bird territories identified as lost or displaced including those of Skylark, Lapwing and Yellow Wagtail. This shall include provision of offsite compensation measures to be secured by legal agreement or a condition of any consent, in suitable land nearby, prior to commencement. The content of the Bird Mitigation Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed compensation measure e.g. Skylark plots;
 - b) detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots';
 - c) locations of the compensation measures by appropriate maps and/or plans; d) persons responsible for implementing the compensation measure. The Bird 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 allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species), and in accordance with Local Policy GEN7 and the NPPF.

- 7 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) including a wildlife-sensitive lighting scheme with lighting plans, drawings and technical specifications of lighting to be used.
 - 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.
 - i) Containment, control and removal of any Invasive non-native species present on site

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 Local Policy GEN7 and the NPPF.

- 8 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), and in accordance with Local Policy GEN7 and the NPPF.

9 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to beneficial use 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.
- c) Appropriate management options for achieving aims and objectives.
- d) Prescriptions for management actions
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- f) Details of the body or organisation responsible for implementation of the plan.
- g) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Local Policy GEN7 and the NPPF.

10 Prior to commencement of the development or preliminary groundworks, a written scheme of investigation including a programme of archaeological trial trenching and excavation must be submitted to and approved in writing by the local planning authority. The archaeological work must be carried out in accordance with the approved details prior to commencement of the development.

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. This condition must be 'pre-commencement' to allow investigation prior to the loss of archaeological remains.

- 11** Before the development hereby approved is brought into use, 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.

REASON: To protect the character and amenities of neighbouring areas by ensuring that measures are implemented to avoid any noise nuisance. To comply with Policy ENV10 of the Adopted Local Plan and the NPPF.

- 13** Any fixed plant (including power inverter units, battery storage units, transformers & generators etc) to be used in pursuance of this permission shall be so installed prior to the first use of the premises, and be so retained and operated, so that the noise generated at the boundaries of the nearest noise sensitive locations shall achieve a rating level of 5dB (LAeq) below the typical existing background level (inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics) when measured or calculated according to the provisions of BS4142:2019. Measurement parameters must include the LA90, LAeq, LA Max and 1:1 frequency analysis, and appropriate corrections shall apply in accordance with BS4142:2019.

REASON: To protect the character and amenities of neighbouring areas by ensuring that measures are implemented to avoid any noise nuisance. To comply with Policy ENV10 of the Adopted Local Plan and the NPPF.

- 14** 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 protect the character and amenities of neighbouring areas by ensuring that measures are implemented to avoid any noise nuisance. To comply with Policy ENV10 of the Adopted Local Plan and the NPPF.

- 15** Prior to the commencement of development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of 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.

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

REASON: In the interests of protecting the amenity of nearby residents and businesses in accordance with Local Policy GEN2, GEN4 and the NPPF.

- 16** 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. This approved plan shall be adhered to throughout the construction period. The Plan shall provide for;

- a) The parking of vehicles of site operatives and visitors
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials used in constructing the development
- d) Wheel and underbody washing facilities
- e) Routing strategy for construction vehicles
- f) Details of protection of the public rights of Way and their users
- g) Details of control of the accesses and crossing points of public rights of way

REASON: To ensure that on-site 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 interest of highway safety and Policy DM1 of the Highway Authorities Development Management Policies February 2011 and Local Policy GEN1 and the NPPF.

- 17** Prior to the commencement of the development, the temporary construction access as shown in principle on submitted drawing E5093-1PD-003 shall be provided, with a minimum width of 6m, including clear to ground visibility splays with dimensions of 2.4 metres by 43 metres in

both directions, as measured from and along the nearside edge of the carriageway. The associated vehicular visibility splays shall be retained free of any obstruction at all times thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in a forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety and Policy DM1 of the Highway Authorities Development Management Policies February 2011 and Local Policy GEN1 and the NPPF.

- 18** Upon completion of the solar farm construction the temporary construction vehicle access shall be suitably downgraded incorporating the reinstatement to full height of the highway verge. Full details to be agreed in writing with the Local Planning Authority.

REASON: To ensure that an appropriate access is provided for the lifetime of the maintenance of the solar farm in the interests of highway safety in accordance with Policy DM1 of the Highway Authorities Development Management Policies February 2011 and Local Policy GEN1 and the NPPF.

- 19** Any gates provided at the vehicular access shall be inward opening only and shall be setback a minimum of 20 metres from the back edge of the carriageway.

REASON: To enable HGV's and other vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent highway in the interests highway safety in accordance with Policy DM1 of the Highway Authorities Development Management Policies February 2011 and Local Policy GEN1 and the NPPF.

- 20** No unbound material shall be used in the surface treatment o the vehicular access within 10 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy DM1 of the Highway Authorities Development Management Policies February 2011 and Local Policy GEN1 and the NPPF.

- 21** Prior to the commencement of the development a scheme of passing places as shown in principle in drawing number E5093-1PD-003 shall be provided between Blackley Lane and London Road unction, the scheme shall be approved by the highway authority and include new passing places and surfacing and extending of existing passing places as necessary to accommodate the solar farm constructions vehicles.

REASON: To assist access to the site during the construction in the interest of highway safety in accordance with Policy DM1 of the Highway

Authorities Development Management Policies February 2011 and Local Policy GEN1 and the NPPF.

- 22** Prior to the commencement of any works on the site a joint inspection of any part of Blackley Lane to be used by construction vehicle, including the junction with London Road, shall be carried out by the applicant and the highway authority, the methodology shall be agreed with the highway authority and include photographic evidence. The route should then be inspected again, after completion of the development, and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the highway authority.

REASON: To preserve the integrity and fabric of the highway, in the interest of highway safety in accordance with Policy DM1 of the Highway Authorities Development Management Policies February 2011 and Local Policy GEN1 and the NPPF.

- 23** Prior to the construction a plan for the protection of the public rights of way and users affected by the development (within the site and adjacent to it) shall be submitted to the highway authority for approval. The Plan will address the treatment of the public rights way during construction and operation of the solar farm. The approved plan shall be implemented thereafter. The plan will contain but not limited to the following:

- a) Details of any temporary diversions required during construction
- b) Details of the method of the protection of users during construction, such as fencing, use of banksmen
- c) A before and after condition survey of the PROW network within the vicinity of the site and where necessary ensure repairs are undertaken at the developer expense where identified as being caused by developer.
- d) Details of the method of protection of the PROW network during operation phase – ensuring vehicle maintenance routes avoid the network or appropriate crossing points and protection are provided.
- e) Details of planting and fencing adjacent to public rights of way, ensuring appropriate buffer zones within the site and at the edges of the site
- f) A maintenance regime for any screen planting adjacent to a public right of way
- g) Any signing required.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with highway safety and Policy DM1 of the Highway Authorities Development Management Policies February 2011 and Local Policy GEN1 and the NPPF.

- 24** No new screening planting shall be located within 3m of a public right of way, a 2.5m wide unobstructed buffer strip shall be provided on both sides of the adopted routes of public footpaths.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with highway safety and Policy DM1 of the Highway Authorities Development Management Policies February 2011 and Local Policy GEN1 and the NPPF.

- 25** 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 167 and 174 states that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution as well as Policy GEN3 of the Adopted Local Plan.

- 26** Prior to the commencement of development, a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the local planning authority. The DCEMP shall include the consideration of the following aspects of demolition and construction:

- a) Demolition, construction, and phasing programme.
- b) Contractor's access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures.
- c) Construction/Demolition hours shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation. Prior notice and agreement procedures for works outside agreed limits and hours.
- d) Delivery times for construction/demolition purposes shall be carried out between 0730 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and at no time on Sundays, bank or public holidays, unless otherwise agreed in writing by the local planning authority in advance.
- e) Noise method, monitoring and recording statements in accordance with the provisions of BS 5228-1: 2009.
- f) Maximum noise mitigation levels for construction equipment, plant and vehicles.
- g) Dust management and wheel washing measures in accordance with the provisions of London Best Practice Guidance: The control of dust and emissions from construction and demolition.

- h) Prohibition of the burning of waste on site during demolition/construction.
- i) Site lighting.
- j) Screening and hoarding details.
- k) Access and protection arrangements around the site for pedestrians, cyclists and other road users.
- l) Procedures for interference with public highways, including permanent and temporary realignment, diversions, and road closures.
- m) Prior notice and agreement procedures for works outside agreed limits.
- n) Complaint's procedures, including complaints response procedures.
- o) Membership of the Considerate Contractors Scheme.

The development shall then be undertaken in accordance with the agreed plan

REASON: In the interests of the residential and rural amenities of the area, in accordance with the provisions of GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005

27 Prior to the commencement of the development hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-

- a) proposed finished levels or contours;
- b) legacy planting proposals
- c) means of enclosure;
- d) car parking layouts;
- e) other vehicle and pedestrian access and circulation areas;
- f) hard surfacing materials;
- g) minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting, etc.);
- h) proposed and existing functional services above and below ground (e.g. drainage power),
- i) communications cables, pipelines etc. indicating lines, manholes, supports);
- j) 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 programmed.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 28** 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 GEN7 of the Uttlesford Local Plan (adopted 2005).

Appendix

Local Highway Authority

Your Ref: UTT/22/0007
Our Ref: HT/TPD /SD/KW/50419/4B
Date: 12/05/2022



Paul Crick
Director for Highways and Transportation

CC: Essex Highways DM
PROW
Cllr Graham Butland

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/22/0007/FUL

Applicant Mr Digby Willoughby

Site Location Land East Of School Road And Main Road Felsted School Road Felsted

Proposal Erection of a Solar Photovoltaic Farm with an output capacity not to exceed 49.9MW of energy, with supporting infrastructure and battery storage, inverters and transformers, fencing and landscaping works

Note

This application was accompanied by a Transport Statement which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The impact of the development on the highway road network is limited to the construction period which is forecast to be 26 weeks, during this period an average of 16 daily movements of construction vehicles (1242 deliveries / 2484 two way trips) deliveries in total over the 26 week period) and 20 staff movements a day. Two accesses are considered in the transport statement, the highway authority considers that the Blackley Lane access is most appropriate, as it is close to the strategic network and the route can be improved with passing places. While a small number of vehicles may not be able to use the route due to the bridge on the route – for example the crane delivery – these can be planned for and the route (with additional passing places) is considered acceptable for the vast majority of vehicles.

There are a number of public rights of way that will be affected by the application. Planting and buffer zones are required to protect these, we recommend that these are conditioned and note that they are shown on the submitted plans.

We also recommend conditions for before and after surveys of the highway network and public right of way network and any defects caused by construction remedied at the developer's expense.

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. the parking of vehicles of site operatives and visitors,
 - II. loading and unloading of plant and materials,
 - III. storage of plant and materials used in constructing the development,
 - IV. wheel and underbody washing facilities.
 - V. Routing strategy for construction vehicles
 - VI. Details of the protection of the public rights of Way and their users
 - VII. Details of control of the accesses and crossing points of public rights of way.

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 commencement of the development, the temporary construction access as shown in principle on submitted drawing E5093-1PD-003 shall be provided, with a minimum width of 6m, including clear to ground visibility splays with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. The associated vehicular visibility splays shall be retained free of any obstruction at all times thereafter. **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. **Maintenance Access:** Upon completion of the solar farm construction the temporary construction vehicular access shall be suitably downgraded incorporating the reinstatement to full height of the highway verge. Full details to be agreed in writing with the Local Planning Authority. **Reason:** To ensure to ensure that an appropriate access is provided for the life time of the maintenance of the solar farm. in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
4. **Gates:** Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 20 metres from the back edge of the carriageway. **Reason:** To enable HGV's and other vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety in accordance with policy DM1.
5. **Surfacing of access:** No unbound material shall be used in the surface treatment of the vehicular access within 10 metres of the highway boundary. **Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1
6. **Passing Places:** Prior to commencement of the development a scheme of passing places as shown in principle in drawing number E5093-1PD-003 shall be provided

by the highway authority and include new passing places and surfacing and extending of existing passing places as necessary to accommodate the solar farm construction vehicles. **Reason:** to assist access to the site during the construction 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.

7. **Highway condition survey:** Prior to the commencement of any work on the site a joint inspection of any part of Blackley Lane to be used by construction vehicles, including the junction with London Road, shall be carried out by the applicant and the highway authority, the methodology shall be agreed with the highway authority and include photographic evidence. The route should then be inspected again, after completion of the development, and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the Highway Authority. **Reason:** To preserve the integrity and fabric of the highway, in the interests of highway safety and in accordance with Policy DM1.
8. **Public Rights of Way:** Prior to construction a plan for the protection of the public rights of way and users affected by the development (within the site and adjacent to it) shall be submitted to the highway authority for approval. The plan will address the treatment of the public rights of way during construction and operation of the solar farm. The approved plan shall be implemented thereafter. The plan will contain but not be limited to the following:
 - i. Details of any temporary diversions required during construction
 - ii. Details of the method of the protection of users during construction, such as fencing, use of banksmen
 - iii. A before and after condition survey of the PROW network within the vicinity of the site and where necessary ensure repairs are undertaken at the developer expense where identified as being caused by developer.
 - iv. Details of the method of protection of the PROW network during operation phase – ensuring vehicle maintenance routes avoid the network or appropriate crossing points and protection are provided
 - v. Details of planting and fencing adjacent to public rights of way, ensuring appropriate buffer zones within the site and at the edges of the site.
 - vi. A maintenance regime for any screen planting adjacent to a public right of way
 - vii. Any signing required

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

9. **Public Rights of Way:** No new screening planting shall be located within 3m of a public right of way, a 2.5m wide unobstructed buffer strip shall be provided on both sides of the adopted routes of public footpaths. The applicant will be responsible for the maintenance of the buffer strips. **Reason:** To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

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.

Lead Local Flooding Authority

Essex County Council
Development and Flood Risk
Environment and Climate Action,
C426 County Hall
Chelmsford
Essex CM1 1QH



Henrietta Ashun
Uttlesford District Council
Planning Services

Date: 18th February 2022
Our Ref: SUDS-005748
Your Ref: UTT/22/0007/FUL

Dear Sir/Madam,

Consultation Response – UTT/22/0007/FUL– Land East Of School Road And Main Road Felsted School Road Felsted, Essex

Thank you for your email received on 07/1/2022 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 for planning application UTT/22/0007/FUL based on the following:

Condition 2

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 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.

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.

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>

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

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.

INFORMATIVE S:

- 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,

xxxxxxx, Development and Flood Risk Officer
Team: Green Infrastructure and Sustainable Drainage
Service: Climate Action and Mitigation
Essex County Council

Internet: www.essex.gov.uk
Email: suds@essex.gov.uk

Essex Minerals and Waste

Essex County Council
Minerals & Waste Planning
County Hall
Chelmsford
Essex CM1 1QH



Your ref: UTT/22/0007/FUL
Our ref:
Date: 17 January 2022

Dear Sir / Madam

Planning Application for: Erection of a Solar Photovoltaic Farm with an output capacity not to exceed 49.9MW of energy, with supporting infrastructure and battery storage, inverters and transformers, fencing and landscaping works

Location: Land East Of School Road And Main Road Felsted School Road Felsted Essex

Uttlesford Application Ref: UTT/22/0007/FUL

Thank you for your email received 7th January 2022 consulting the Mineral and Waste Planning Authority on the above application.

Essex County Council in its capacity as the Minerals and Waste Planning Authority places a holding objection against this application due to the need to satisfy the provisions of Policy S8 of the Essex Minerals Local Plan 2014 and Policy 2 of the Essex and Southend-on-Sea Waste Local Plan 2017.

The spatial relationship between the proposed development and minerals and waste related designations is shown in Appendix One. Appendix Two contains a schedule of minerals and waste interests which potentially would be impacted upon by the proposal.

The remainder of this response sets out a requirement for the completion of a Minerals Infrastructure Impact Assessment and a Waste Infrastructure Impact Assessment. The MWPA welcomes early engagement to clarify the scope of these documents.

General Matters

It is noted that the description of the Statutory Development Plan as set out in Section 6 of the Planning Statement (PS) fails to recognise that the site pertaining to the application is also subject to the Essex Minerals Local Plan 2014 and the Essex and Southend-on-Sea Waste Local Plan 2017. It is assumed that this has resulted in a failure to consider the relevance of minerals and waste planning policies through the application.

Mineral Resource Matters

As shown in Appendix One below, a significant proportion of the proposed development is within a Mineral Safeguarding Area (MSA), which is calculated to equate to approximately 35.5ha. This means that the application is subject to Policy S8 of the Essex Minerals Local Plan 2014 (MLP). The MLP can be viewed on the County Council's website via the following link:

<http://www.essex.gov.uk/Environment%20Planning/Planning/Minerals-Waste-Planning-Team/Planning-Policy/minerals-development-document/Documents/Essex%20Minerals%20Plan%20-%20Adopted%20July%202014%20v2.pdf>

Policy S8 requires that a non-mineral proposal located within an MSA which exceeds defined thresholds must be supported by a Minerals Resource Assessment to establish the existence, or otherwise, of a mineral resource of local or national importance. This will ascertain whether there is an opportunity for the prior extraction of that mineral to avoid the sterilisation of the resource, as required by the National Planning Policy Framework (Paragraph 204).

However, Policy S8 of the MLP makes reference to Appendix 5 of the MLP which sets out a number of development types that are excluded from the provisions of Policy S8. One such excluded development type are temporary buildings, structures or uses where such uses are proposed for up to five years. Whilst supporting information submitted with this application notes that the development applied for is intended to be temporary in nature, the expected duration is expected to be approximately 40 years. As such, the proposal does not fall under the exclusionary criteria and the requirements of Policy S8 remain in place.

Nonetheless, the MPA notes Paragraph 14.5 of the ES which states that 'the proposed development is capable of being decommissioned and removed from the site and moreover that the site can be returned to agricultural use once the period of the consent expires'. If this is accepted by the Planning Officer of UDC, the MWPA would consider that the proposed development is not likely to result in the sterilisation of mineral in perpetuity. On that basis, the MWPA would not seek to apply Policy S8 with respect to the requirement for Minerals Resource Assessment.

Mineral Infrastructure Matters

The application site passes through a Mineral Consultation Area associated with mineral workings in Blackley Quarry as shown in Appendix One and listed in Appendix Two. With regard to Mineral Consultation Areas, Policy S8 of the MLP seeks to ensure that existing and allocated mineral sites and infrastructure are protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation or ability to carry out their allocated function in the future. Policy S8 of the MLP defines Mineral

Consultation Areas as extending up to 250m from the boundary of an infrastructure site or allocation for the same.

Paragraph 187 of the NPPF states that "Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

Due to the proposed project passing through a Mineral Consultation Area, a Mineral Infrastructure Impact Assessment (MIIA) is required as part of the planning application. The MWPA has designed a generic schedule of information requirements that should be addressed as relevant through an MIIA. The detail to be provided should be in proportion to the nature of the proposed application.

Mineral Infrastructure Impact Assessment Components

Minerals Infrastructure Impact Assessment Components	Information requirements & sources
Site location, boundaries and area	Application site area in relation to safeguarded site(s), Description of proposed development, Timescale for proposed development,
Description of infrastructure potentially affected	Type of safeguarded facility e.g. wharf, rail depot, concrete batching plant; asphalt plant; recycled aggregate site, Type of material handled/processed/supplied, Throughput/capacity.
Potential sensitivity of proposed development as a result of the operation of existing or allocated safeguarded infrastructure (with and without mitigation)	Distance of the development from the safeguarded site at its closest point, to include the safeguarded facility and any access routes, The presence of any existing buildings or other features which naturally screen the proposed development from the safeguarded facility, Evidence addressing the ability of vehicle traffic to access, operate within and vacate the safeguarded development in line with extant planning permission,

	<p>Impacts on the proposed development in relation to:</p> <ul style="list-style-type: none"> • Noise • Dust • Odour • Traffic • Visual • Light
Potential impact of proposed development on the effective working of the safeguarded infrastructure/allocation	<p>Loss of capacity – none, partial or total, Potential constraint on operation of facility – none or partial.</p>
Mitigation measures to be included by the proposed development to reduce impact from existing or allocated safeguarded infrastructure	<p>External and internal design & orientation e.g. landscaping; living & sleeping areas facing away from facility, Fabric and features e.g. acoustic screening & insulation; non-opening windows; active ventilation.</p>
Conclusions	<p>How the MIIA informed the final layout of the proposed development. Potential sensitivity of proposed development to effects of operation of the safeguarded infrastructure/facility and how these can be mitigated satisfactorily; or if loss of site or capacity, or constraint on operation, evidence it is not required or can be re-located or provided elsewhere.</p>

A MIIA is expected to be evidence based and informed by quantified information. It is recognised that the requirements of an MIIA may be addressed through other evidence base documents, such as those addressing transport, odour and noise issues. In these instances, it would be acceptable for the MIIA to signpost to the relevant section of complementary evidence supporting the planning application. The MWPA welcomes early engagement to clarify the requirements of MIIA.

Waste Matters

Waste Consultation Areas

As shown in Appendix One, part of the application area falls within Waste Consultation Areas (WCA) associated with Blackley Quarry and a pyrolysis plant. This means that the application is subject to Policy 2 of the Essex and Southend-on-Sea Waste Local Plan 2017 (WLP). The WLP can be viewed on the County Council's website via the following link:

https://www.essex.gov.uk/Environment%20Planning/Minerals-Waste-Planning-Team/Planning-Policy/Documents/Waste_Local%20Plan2017.pdf

Policy 2 of the WLP seeks to ensure that existing and allocated waste sites and infrastructure are protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation or ability to carry out their allocated function in the future. Policy 2 defines Waste Consultation Areas as extending up to 250m from the boundary of existing or allocated waste infrastructure, unless they are Water Recycling Centres, where the distance increases to 400m.

Due to the proposed project passing through a Waste Consultation Area, a Waste Infrastructure Impact Assessment (WIIA) is required as part of a planning application. In order to satisfy the provisions of Policy 2, the MWPA has designed a generic schedule of information requirements that should be addressed as relevant within the supporting evidence of any application which falls within a Waste Consultation Area. The detail to be provided should be in proportion to the nature of the proposed application.

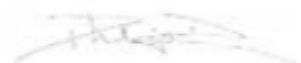
Waste Infrastructure Assessment Components

Waste Infrastructure Assessment Components	Information requirements & sources
Site location, boundaries and area	<ul style="list-style-type: none"> • Application site area in relation to safeguarded site(s) • Description of proposed development • Timescale for proposed development
Description of infrastructure potentially affected	<ul style="list-style-type: none"> • Nature of relevant safeguarded facility • Type of material handled/processed/supplied • Throughput/capacity
Potential sensitivity of proposed development as a result of the operation of existing or allocated safeguarded infrastructure	<ul style="list-style-type: none"> • Distance of the development from the safeguarded site at its closest point, to include the safeguarded facility and any access routes. • The presence of any existing buildings or other features which naturally screen the proposed development from the safeguarded facility • Evidence addressing the ability of vehicle traffic to access, operate within and vacate the safeguarded

	<p>development in line with extant planning permission.</p> <ul style="list-style-type: none"> • Impacts on the proposed development in relation to: <ul style="list-style-type: none"> o Noise o Dust o Odour o Traffic o Visual o Light
Potential impact of proposed development on safeguarded infrastructure/ allocation	<ul style="list-style-type: none"> • Loss of capacity – none, partial or total • Potential constraint on operation of facility – none, partial or full
Measures to mitigate potential impacts of operation of infrastructure on proposed development	<ul style="list-style-type: none"> • External and internal design & orientation eg landscaping; living & sleeping areas facing away from facility. • Fabric and features eg acoustic screening & insulation; non-opening windows; active ventilation
Conclusions	<ul style="list-style-type: none"> • Sensitivity of proposed development to effects of operation of safeguarded infrastructure/facility can be mitigated satisfactorily; or • If loss of site or capacity, or constraint on operation, evidence it is not required or can be re-located or provided elsewhere

A WIA is expected to be evidence based and informed by quantified information. It is recognised that the requirements of a WIA may be addressed through other evidence base documents, such as those addressing transport, odour and noise issues. In these instances, it would be acceptable for the WIA to signpost to the relevant section of complementary evidence supporting the planning application. The MWPA welcomes early engagement to clarify the requirements of WIA.

Yours sincerely,



Philip Dash
Principle Planner
Email: philip.dash@essex.gov.uk

Natural England

From: [SM-NE-Consultations \(NE\)](#)
To: [Planning](#)
Subject: [External] Planning Consultation UTT/22/0007/FUL Natural England Response
Date: 20 January 2022 18:13:03

Dear Sir or Madam,

Application ref: UTT/22/0007/FUL

Our ref: 380191

Natural England has no comments to make on this application.

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.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Yours faithfully

Corben Hastings
Support Adviser, Operations Delivery
Consultations Team
Natural England
Hombeam House, Electra Way
Crewe, Cheshire, CW1 6GJ
Tel: 0300 060 3900
Email: consultations@naturalengland.org.uk



Ms Henrietta Ashun
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

Direct Dial: 01223 582716

Our ref: **W**: P01451877

27 January 2022

Dear Ms Ashun

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LAND EAST OF SCHOOL ROAD AND MAIN ROAD, FELSTED, ESSEX
Application No. UTT/22/0007/FUL**

Thank you for your letter of 7 January 2022 regarding the above application for planning permission for the erection of a Solar Photovoltaic Farm with an output capacity not to exceed 49.9MW of energy, with supporting infrastructure and battery storage, inverters and transformers, fencing and landscaping works.

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Yours sincerely

Sheila Stones
Inspector of Historic Buildings and Areas
E-mail: Sheila.Stones@HistoricEngland.org.uk

Agenda Item 7



ITEM NUMBER: 7

PLANNING COMMITTEE DATE: 03 August 2022

REFERENCE NUMBER: UTT/22/1134/FUL

LOCATION: Land At Holmwood
Whiteditch Lane
Newport

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 30/06/2022

PROPOSAL: Application to remove conditions 6 (highways) and 7 (highways) of UTT/15/0879/OP (allowed at appeal ref APP/C1570/W/15/3137906).

APPLICANT: Mr & Mrs P Stringer

AGENT: Mr G Fisher / GF Planning Limited

EXPIRY DATE: 21 July 2022

EOT Expiry Date: 04 August 2022

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Outside Development Limits.
PROWs (Byway – W, Footpaths – S, E).

REASON THIS APPLICATION IS ON THE AGENDA: Major application

1. EXECUTIVE SUMMARY

1.1 This is an application for the removal of conditions 6 and 7 from the planning permission under UTT/15/0879/OP. The conditions refer to the submission of 'before' and 'after' surveys, as well as repair works before the development begins and after its completion. The case officer recommends that conditions 6 and 7 are removed and the application is approved.

1.2 Conditions 6 and 7 fail all the tests of paragraph 56 of the NPPF, including being unenforceable and unreasonable. The removal of the conditions would not make the development unacceptable, as improving highway safety and facilitating the passage of vehicles from a public highway are responsibilities that belong to the Essex County Council. The conditions attempt to create a mechanism to improve highway safety and ensure maintenance of the highway, which is the responsibility of Essex County Council. However, without there being a direct link to development that falls beyond the scope of planning and the responsibilities of the LPA. The practical difficulty and subjectivity in attributing specific damage of the highway to the development of the 12 no. dwellings make the conditions irrelevant to this specific development, unenforceable, unprecise, and

unreasonable. The wording of conditions 6 and 7 is also vague and unclear.

- 1.3 The possibility of varying the conditions as per s73(2)(a) of the Town and Country Planning Act 1990 was dismissed for similar reasons as above. The position of ECC Highways has not been consistent over the years. Other LPA decisions in the area have consistently approved the removal of such conditions and there is no material change in circumstances in comparison to those decisions that would indicate an alternative approach for the current application. The condition of the public highway is a matter for the Essex County Council.

2. **RECOMMENDATION**

Approve the removal of conditions 6 and 7 subject to the conditions set out at section 17 of this report.

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site is 1.48 ha and lies at the northern end of Whiteditch Lane, 450m north of its junction with Bury Water Lane. It is rectangular in shape and previously was occupied by a bungalow along with its gardens, outbuildings, menage and a series of paddocks.

4. **PROPOSAL**

- 4.1 The proposal refers to the removal of conditions 6 and 7 imposed by the Planning Inspector when allowing the appeal under reference APP/C1570/W/15/3137906 (application ref. UTT/15/0879/OP). Both conditions refer to issues of highway safety in relation to the condition of Whiteditch Lane, requiring from the developer to provide comprehensive condition surveys before commencement and after completion of the development allowed on appeal.

- 4.2 The application is supported by the following:

Application form
UTT/15/0879/OP - Appeal Decision Notice

Additional information from the agent regarding conditions

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/15/0879/OP	Outline application for the erection of 12 no. dwellings with all matters reserved except access.	Allowed on appeal (24.07.2015).
UTT/19/1064/DFO	Details following outline application UTT/15/0879/OP for 12 dwellings (allowed on appeal under reference APP/C1570/W/15/3137906) Details of Layout, scale, appearance and landscaping.	Approved with conditions (24.01.2020).
UTT/20/3113/DOC	Application to discharge condition 4 (Access), 5 (construction method statement) and 8 (passing bay provision) attached to UTT/15/0879/OP (Previously approved under Appeal APP/C1570/W/15/3137906).	Discharged in part (04.03.2021).
UTT/21/1847/DOC	Application to discharge condition 4 (access), 6 (condition survey), 8 (passing bay), 10 (Biodiversity enhancement), 12 (surface water drainage) and 13 (foul water) attached to UTT/15/0879/OP (approved under Appeal APP/C1570/W/15/3137906).	Discharged in part (07.04.2022). <u>Condition 6 was not discharged.</u>
UTT/22/1422/DOC	Application to discharge condition 12 (surface water drainage scheme) attached to UTT/15/0879/OP (approved under Appeal APP/C1570/W/15/3137906).	<i>Pending consideration.</i>
UTT/22/1564/DOC	Application to discharge condition 4 (access) attached to UTT/15/0879/OP approved under APP/C1570/W/15/3137906.	<i>Pending consideration.</i>

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

7.1 No pre-application discussions.

7.2 The applicant did not submit a Statement of Community Involvement.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 Objections:

- a) Conditions no. 6 and 7 were applied by the planning inspector at appeal and therefore it would be reasonable to assume that the planning conditions imposed met criteria and are enforceable and it is not the place of the highway authority to go against the inspector's position.
- b) The conditions are consistent with ones that the highway authority would recommend on applications, either as standalone conditions or within a construction management plan, when we are concerned that the impact of the construction traffic on the highway will be significant.
- c) The requirement to carry out surveys supports the implementation of Section 9 of the Highways Act, 1980 which allows the highway authority to recover costs for damage caused by the 'extraordinary traffic' associated with development construction traffic
- d) The majority of the permitted development along Whiteditch Lane has been built out, and therefore the Whiteditch Lane will be subject to less construction traffic than was anticipated when similar conditions were removed from earlier applications. This will make the identification and apportionment of damage much more reliable.
- e) Any developer would be expected to make good any damage that was as a result of their construction traffic.

8.1.2 ECC Highways recommended a variation to the conditions into a single condition including three parts:

- a) Prior to commencement a comprehensive highway condition 'before' survey of Whiteditch Lane from its junction with Bury Water Lane to the application site shall be undertaken. The results of such "before" survey shall be submitted to and approved in writing by the local planning authority.
- b) Prior to occupation of the 11th dwelling a comprehensive highway condition 'after' survey of Whiteditch Lane from its junction with Bury Water Lane to the application site shall be undertaken (this survey should be undertaken in consultation with an Essex Highways engineer). The results of the 'after' survey and a schedule of works that rectify any damage that can be reasonably attributed to the construction traffic from this development shall be submitted to and approved in writing by the local planning authority.
- c) Prior to occupation of the 12th dwelling but after construction of that dwelling the repair works identified in the agreed schedule of works identified in b) shall be carried out at the expense of the developer and to the satisfaction of the highway authority.

9. NEWPORT PARISH COUNCIL COMMENTS

9.1 No comments received.

10. CONSULTEE RESPONSES

10.1 N/A.

11. REPRESENTATIONS

11.1 A site notice was displayed on site and expired on 27 May 2022 and notification letters were sent to nearby properties. The application was advertised in the press.

11.2 Support

11.2.1 No letters of support received.

11.3 Object

- 11.3.1**
- a) Whiteditch Lane in poor condition/disrepair (potholes, surface damages).
 - b) Previous developers were allowed not to repair the lane.
 - c) Cumulative detrimental impact from developments in the lane.
 - d) Location and size of the development adds to existing damages.
 - e) Accountability from developer necessary.
 - f) Difficulty in measuring new damages not enough justification to remove conditions.
 - g) Other future developers relieved from this responsibility.
 - h) Conflicting traffic and near misses.
 - i) In support of Highways view.
 - j) Traffic from a significant construction will cause further damage.
 - k) It would be beneficial for Highways to have repaired the lane first to have clearer negotiation over damage.
 - l) 'Before' survey useful to chase Highways.
 - m) Full repair beneficial to the applicant as the lane's defects reduce the value of the properties.
 - n) Revised condition that Highways must do the remediation within a time scale?
 - o) Difficult to assign specific patches/damages caused by the development.
 - p) Not the job of planning application to fix existing potholes.
 - q) Potholes are a direct result of other applications ignoring the issue.
 - r) Inspector decided the issue should not be ignored.

11.4 Comment

11.4.1 All material planning considerations raised by third parties were taken into account when considering this application.

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:
- b) (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- c) any local finance considerations, so far as material to the application, and
- d) (c) any other material considerations.

12.3 Section 73 of the Town and Country Planning Act 1990 (as amended) refers to the determination of applications to develop land without compliance with conditions previously attached:

(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

(2A) See also section 100ZA, which makes provision about restrictions on the power to impose conditions under subsection (2) on a grant of planning permission in relation to land in England.]

(3) Special provision may be made with respect to such applications—

- (a) by regulations under section 62 as regards the form and content of the application, and

(b) by a development order as regards the procedure to be followed in connection with the application.

(4) This section does not apply if the previous planning permission was granted subject to a condition as to the time within which the development to which it related was to be begun and that time has expired without the development having been begun.

(5) Planning permission must not be granted under this section [F4for the development of land in England] to the extent that it has effect to change a condition subject to which a previous planning permission was granted by extending the time within which—

(a) a development must be started;

(b) an application for approval of reserved matters (within the meaning of section 92) must be made.

12.4 Section 73 of the Town and Country Planning Act 1990 enables an applicant to apply to develop land without compliance with conditions attached to an extant permission. The LPA may amend or remove condition but may not amend any other part of the permission and therefore the original permission remains intact. Therefore, this means that a developer may elect which permission to implement.

12.5 The Development Plan

12.5.1 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 GEN1 – Access Policy

13.3 Newport, Quendon & Rickling Neighbourhood Plan (made 28 June 2021)

13.3.1 No relevant policies for the conditions proposed to be removed.

13.4 Supplementary Planning Document or Guidance

- 13.4.1** 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 main considerations in the determination of the original outline consent (UTT/15/0879/OP) relate to following issues.

- 14.2** **A) Principle of amendments**
 B) Highway safety

14.3 As this application is made under Section 73 of the Town and Country Planning Act, consideration is limited to those matters which vary compared to the extant permission

14.4 **A) Principle of amendments**

14.4.1 The removal of conditions 6 and 7 is acceptable for the reasons elaborated in Section B of this report.

14.5 **B) Highway safety**

14.5.1 The application proposes the removal of conditions 6 and 7 from UTT/15/0879/OP for 12 no. dwellings that was allowed on appeal APP/C1570/W/15/3137906. Both conditions were recommended by the Highway Authority and the Inspector imposed them when overturning the refusal on 23 May 2016. The conditions read as follows:

14.5.2 Condition 6: No development shall take place until a comprehensive condition survey of Whiteditch Lane from its junction with Bury Water Lane to the application site has been completed, details of which have first been submitted to and approved in writing by the local planning authority for approval. The results of such “before” survey and any required repair work necessary to facilitate the passage of construction vehicles shall be submitted to and approved in writing by the local planning authority with any repair work being carried out prior to the construction period.

14.5.3 Condition 7: Following completion of the development, a further comprehensive survey of Whiteditch Lane from its junction with Bury Water Lane to the application site shall be completed in accordance with the details approved in condition 6 above. The results of the survey and any identified damage/repair work shall be submitted to and approved in writing by the local planning authority. Any repair works identified in the “after” survey shall be carried out within 3 months of the completion of the construction of the development to a programme to be agreed by the local planning authority.

- 14.5.4** The Inspector states the planning conditions requiring ‘before’ and ‘after’ surveys for the condition of Whiteditch Lane are necessary in the interests of highway safety (appeal decision, paragraph 25) and the surveys “*would ensure [the lane] would be capable of accommodating construction traffic and for any necessary repairs on completion of the development*” (appeal decision, paragraph 22).
- 14.5.5** The applicant applied to discharge condition 6 (UTT/21/1847/DOC), however, this was refused on 07 April 2022, as Highways objected for the following reasons:
“The condition survey has itemised a number of defects in which the report concludes ‘requires remediation prior to construction traffic entering the proposed development site’. I would like to see the Developer prepare a method statement or programme of works detailing how the defects will be remediated. If this is not something that is possible now, the development management team at Essex Highways could pick this up during the Technical Review phase as long as the Developer has accepted the general requirements”.
- 14.5.6** As part of UTT/21/1847/DOC, the applicant submitted a Highway Condition Survey (March, 2021), concluding significant verge damage and defects to the carriageway itself, as well as a number of repairs that have already been carried out along Whiteditch Lane (mostly in good condition) and “*a number of repairs that are still required including those to ‘temporary fixes’ that have been undertaken by residents*” (paragraph 3.2). The document ends saying it “*has detailed the defects that require remediation prior to construction traffic entering the proposed development site*” (paragraph 3.3).
- 14.5.7** The Highway Authority was consulted for the current application and raised **objections** to the removal of conditions 6 and 7 due to:
- a) It would be reasonable to assume that the conditions imposed by the Inspector met criteria and are enforceable and it is not the place of the highway authority to go against the inspector’s position.
 - b) The conditions are consistent with ones that the Highway Authority would recommend on applications, either as standalone conditions or within a construction management plan, when we are concerned that the impact of the construction traffic on the highway will be significant.
 - c) The requirement to carry out surveys supports the implementation of Section 59 of the Highways Act 1980 which allows the Highway Authority to recover costs for damage caused by the ‘extraordinary traffic’ associated with development construction traffic.
 - d) The majority of the permitted development along Whiteditch Lane has been built out, and therefore Whiteditch Lane will be subject to less construction traffic than was anticipated when similar conditions were removed from earlier applications. This will make

the identification and apportionment of damage much more reliable.

- e) Any developer would be expected to make good any damage that was as a result of their construction traffic.

14.5.8 It is well-established law that previous decisions can be material considerations because like cases should be decided in a like manner, to ensure consistency in decision-making. However, previous Secretary of State or LPA decisions do not set a precedent for the assessment of similar developments; the benefits and harm, and the levels of each, depend on the specific characteristics of a site and scheme. Therefore, the application must be considered on its own merits, however, the weight to be attributed to other planning decisions in the area depends on whether there is a material change in circumstances in comparison to the time when those decisions were made.

14.5.9 In the following paragraphs, planning decisions from the area are discussed (see summary **Table** below). This analysis informs the weight to be allocated on those previous decisions. The conditions attached to those permissions are identical or very similar to the ones currently under scrutiny (see **Appendix 2**).

Ref. No.	Condition to be removed	Highways' consultation	Development	Decision
Current	6, 7	Objections.	12 no. dwellings (UTT/15/0879/OP)	-
UTT/17/0222/FUL (Tudhope Farm)	5, 6	No comments received	2 no. dwellings (UTT/16/1756/FUL)	Conditions removed
UTT/16/3663/FUL (Branksome)	7, 8	<u>No objections</u> to removal	1 no. dwelling (UTT/16/0280/FUL)	Conditions removed
UTT/16/0782/FUL (Tudhope Farm)	5, 6	No comment. LPA should assess the conditions' acceptability in planning terms	1 no. dwelling (UTT/15/3022/FUL)	Conditions removed

UTT/16/0786/DFO (Branksome)	Officer recommended conditions 10 and 11	Recommended conditions 10 and 11	Details following outline UTT/14/1794/OP for the erection of 15 no. dwellings	Conditions removed
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14.5.10 The applicant points to the most recent of those permissions (UTT/17/0222/FUL) granted on 03 Apr 2017 to remove conditions 5 and 6 from UTT/16/1756/FUL (2 no. dwellings – Land South of Tudhope Farm). The then case officer tested the conditions’ compliance with paragraph 56 of the NPPF and his reasons for approving their removal are summarised below:

- (a) Controls outside planning legislation govern the necessary repairs, and thus not relevant to planning (test 2).
- (b) Impossible to quantify the impact of the development and attribute it to this specific development due to cumulative impacts from other developments on Whiteditch Lane, and thus not relevant to the development permitted (test 3) and not enforceable (test 4).

The case officer stated it would not be appropriate to impose alternative conditions. Highways did not provide any comments for that application.

14.5.11 Conditions 7 and 8 were removed (UTT/16/3663/FUL) on 16 Feb 2017 from UTT/16/0280/FUL (1 no. dwelling – Branksome). The reasons are summarised below:

- (a) Controls outside planning legislation govern the necessary repairs, and thus not relevant to planning (test 2).
- (b) Impossible to quantify the impact of the development and attribute it to this specific development due to cumulative impacts from other developments on Whiteditch Lane, and thus not relevant to the development permitted (test 3) and not enforceable (test 4).

As previously, the case officer considered it would not be appropriate to impose alternative conditions. It should be highlighted that Highways raised **no objections** on this occasion, and as such, the approach on the matter from Highways has not been consistent. The applicant also pointed out to UTT/16/0786/DFO which is discussed below.

14.5.12 Conditions 5 and 6 were removed (UTT/16/0782/FUL) on 11 Jan 2017 from UTT/15/3022/FUL (1 no. dwelling – Land South of Tudhope Farm). The reasons are summarised below:

- (a) It would be unreasonable to refuse the application for 1 no. dwelling if the conditions were not imposed, as this type of condition is usually imposed for large scale developments. Therefore, the condition is wider in scope than is necessary to achieve the desired objective (test 1).

- (b) ECC Highways requested the conditions to control matters outside the scope of the planning permission, plus the upkeep of the byway is their responsibility, and thus not relevant to planning (test 2).
- (c) The surveys are unlikely to identify only damages arising from the development permitted, as several projects are ongoing at the same time, and the conditions may require the developer to remedy an issue not created by the development (test 3).
- (d) Identifying only damages from the development permitted is beyond the applicant's control, and thus the conditions are not enforceable (test 4).
- (e) The end-result of the conditions is not precise (test 5).
- (f) Unreasonable for the above reasons.

Highways refrained from commenting and stated that "*suitability and appropriateness of the suggested highway related conditions in planning terms is for the planning authority to assess*".

14.5.13 The last permission in this list of relevant decisions is a reserved matters permission (UTT/16/0786/DFO – 15 no. dwellings) in which the case officer, following the advice of ECC Highways, recommended conditions 10 and 11 for 'before' and 'after' surveys. However, when discussing the application in planning committee (14 Dec 2016), Members decided to remove those conditions from the permission.

14.5.14 Paragraph 56 of the NPPF sets out the tests¹ that must be complied with by all conditions:

- (a) necessary;
- (b) relevant to planning;
- (c) relevant to the development permitted;
- (d) enforceable;
- (e) precise; and
- (f) reasonable in all other respects.

14.5.15 Both conditions are tested as follows:

- (a) **necessary**:
The question is whether the development would become unacceptable in planning terms if the condition was not there.

14.5.16 Both conditions were imposed by the Inspector in the interests of highway safety to ensure the lane is capable of accommodating construction traffic and for any necessary repairs on completion of the development. ECC Highways confirmed this on 27 Jun 2022, stating that the "*intention of the conditions was to ensure that any damage caused by construction vehicles to the highway is made good after construction is finished*".

14.5.17 However, as currently worded, conditions 6 and 7 are not necessary *by themselves* as their absence cannot make the development unacceptable in planning terms because it is not necessary to know the existing

¹ Each condition must comply with all the tests. If a condition fails even one test, it must not be imposed as per paragraph 56 of the NPPF.

condition of the byway (condition 6) or the final condition of the byway after completion of the development (condition 7), for the development to go ahead.

- 14.5.18** For condition 6, the requirement for repair works before construction even begins also fails the test, as it is not reasonably necessary to require repair works before the construction vehicles even use the highway.
- 14.5.19** Most importantly, conditions 6 and 7, by referring to ‘any required repair work necessary to facilitate the passage of construction vehicles’², they essentially place the responsibility of improving highway safety, maintaining the highway and ensuring the passage of vehicles to the developer and the LPA, whereas this task belongs de facto to ECC Highways. Therefore, conditions 6 and 7 are not necessary as their removal cannot make the development unacceptable in planning terms.
- 14.5.20** As the stated objective for conditions 6 and 7 is vaguely worded so as to ‘facilitate the passage’ of vehicles, and not, for example, ‘repair work necessary to offset damages caused by the development’. Therefore, notwithstanding the condition of the road and how it would affect other users, if a construction vehicle can simply pass from Whiteditch Lane, no repair works are required for the purposes of conditions 6 and 7.
- 14.5.21** Finally, the ‘after’ survey (condition 7) does not need to be completed in accordance with the details approved for the ‘before’ survey (condition 6). This vaguely worded statement ignores that the ‘after’ survey should be a survey on its own, so that comparisons can be made between the two surveys, and therefore, it is not necessary to accord with the findings of the ‘before’ survey.
- 14.5.22** (b) **relevant to planning:**
The question is whether the condition relates to planning objectives and it is within the scope of the permission to which it is to be attached. Matters solely governed by non-planning legislation would fail the above test.
- 14.5.23** The ‘before’ survey (condition 6) and the ‘after’ survey (condition 7) are only relevant to planning in combination with their counterpart surveys and the restoration of damages because it is only then that they serve the interests of highway safety. However, as discussed in the previous paragraph, improving highway safety and the upkeep of the highway are responsibilities of ECC Highways as their link to the development in context is somewhat tenuous (see further assessment below on conditions). In the words of the Highway Authority, s59 of the Highways Act 1980 allows the Highway Authority to recover costs for damage caused by the ‘extraordinary traffic’ associated with development construction traffic. Therefore, conditions 6 and 7 are somewhat tenuous in their link to the development, and as such, the conditions fail to establish their direct relevance to planning.

² Condition 7 links back to condition 6 where it states ‘completed in accordance with the details approved in condition 6 above’.

- 14.5.24** In addition, the ‘repair work’ required by condition 6 for the passage of vehicles before commencement of the construction is also governed by other legislation (ie Highways Act – s278 and s59 and the Highway Authority has a duty to maintain under s41) and thus the failure to link the requirements of conditions 6 and 7 to the development would fall outside the scope of planning.
- 14.5.25** (c) **relevant to the development permitted:**
The question is whether the conditions fairly and reasonably relate to the development permitted by reason of the nature or impact of this specific development.
- 14.5.26** The ‘repair work’ before construction begins (condition 6) is not relevant to the development permitted because the erection of the 12 no. dwellings has nothing to do with the current condition of the byway. A condition cannot be imposed to remedy a pre-existing problem not created by the development permitted.
- 14.5.27** Most importantly, the LPA cannot reasonably require from the developer repair works on the highway if the repair works cannot be specifically tied to the traffic associated only with this development. There is no effective traffic survey or monitoring that would be able to effectively apportion damages to the highway from the development of the 12 no. dwellings because other users (including existing neighbouring occupiers, visitors, delivery drivers, or construction vehicles for other developments in the area) would still use the lane at the same time as the construction.
- 14.5.28** ECC Highways stated (17 May 2022) the condition is used when there are concerns the impact of the construction traffic on the highway will be significant, and that the intention of conditions 6 and 7 is to ensure any damage caused by construction vehicles to the highway is made good after construction is finished (27 Jun 2022). Notwithstanding this, the afore-mentioned lack of mechanism to accurately attribute specific damages solely to the development of the 12 no. dwellings due to the cumulative impacts of developments in the area and the use of the highway by other users, makes conditions 6 and 7 irrelevant to the development permitted.
- 14.5.29** ECC Highways address this point (17 May 2022) by stating that the majority of the development along Whiteditch Lane has been built out, and therefore Whiteditch Lane will be subject to less construction traffic than was anticipated when similar conditions were removed from earlier applications, and this will make the identification and apportionment of damage much more reliable. However, this is not enough to escape ambiguity as per to what damages can be specifically attributed to the development in question (see also preciseness test).
- 14.5.30** (d) **enforceable:**
The question is whether:

- it is practically possible for the LPA to detect non-implementation or remedy any breach of the conditions.

the conditions relate to land not controlled by the applicant (outside the site only a Grampian condition may be valid).

- 14.5.31** The LPA would be able to detect non-implementation if a 'before' survey (condition 6), an 'after' survey (condition 7) and their results are not submitted, or if repairs are not delivered. However, conditions 6 and 7 are not enforceable for the reasons explained below.
- 14.5.32** In the previous test, it was concluded that there is no mechanism to accurately attribute specific damages solely to the development of the 12 no. dwellings due to the cumulative impacts of developments in the area and the use of the highway by other users. As this task is impossible, there is no policy or legal basis on which the LPA can oblige the developer to carry out repairs before starting the construction (condition 6) or after completion of the development (condition 7).
- 14.5.33** In addition, conditions 6 and 7 have not been consistently applied to all other developments in the area. The position of ECC Highways has been changed from providing no comments (UTT/16/0782/FUL) to even not objecting to the removal of the conditions (UTT/16/3663/FUL) that were originally recommended by them when consulted for UTT/16/0786/DFO (see **Table** in paragraph 14.1.5).
- 14.5.34** Despite the above, paragraph 73(2)(a) of s73 of the Town and Country Planning Act 1990 allows the variation of the conditions instead of their complete removal subject to the applicant's agreement in writing. This scenario was considered and supported by ECC Highways who suggested a variation of conditions 6 and 7 into a single condition with three parts:
- Prior to commencement a comprehensive highway condition 'before' survey of Whiteditch Lane from its junction with Bury Water Lane to the application site shall be undertaken. The results of such "before" survey shall be submitted to and approved in writing by the local planning authority.
 - Prior to occupation of the 11th dwelling a comprehensive highway condition 'after' survey of Whiteditch Lane from its junction with Bury Water Lane to the application site shall be undertaken (this survey should be undertaken in consultation with an Essex Highways engineer). The results of the 'after' survey and a schedule of works that rectify any damage that can be reasonably attributed to the construction traffic from this development shall be submitted to and approved in writing by the local planning authority.
 - Prior to occupation of the 12th dwelling but after construction of that dwelling the repair works identified in the agreed schedule of works identified in b) shall be carried out at the expense of the developer and to the satisfaction of the highway authority.

14.5.35 The Planning Practice Guidance³ addresses the issue of when can conditions be used relating to land not in control of the applicant (paragraph 009):

Conditions requiring works on land that is not controlled by the applicant, or that requires consent or authorisation of another person or body often fails the tests of reasonableness and enforceability. It may be possible to achieve a similar result using a condition worded in a negative form (a Grampian condition) – ie prohibiting development authorised by the planning permission or other aspects linked to the planning permission (eg occupation of premises) until a specified action has been taken (such as the provision of supporting infrastructure) (own emphasis).

14.5.36 Therefore, the varied condition suggested by ECC Highways is a more suitably worded Grampian-style condition in comparison to currently worded conditions 6 and 7.

14.5.37 However, the varied condition itself fails to meet the tests of paragraph 56 of the NPPF. The required ‘schedule of works that rectify any damage that can be reasonably attributed to the construction traffic from this development’ (own emphasis) is not enforceable or adequately precise, as discussed above. Even if a ‘margin of appreciation’ were to be agreed with by the LPA and the developer, there is no policy or legal basis on how to impartially set this threshold, and as such, the damages ‘reasonably attributed’ to the development can only be defined subjectively. If the LPA were to disagree with the developer in the latter’s assessment of what damages are ‘reasonably attributed’ to the development, there would be no robust basis to enforce the LPA’s position. Therefore, paragraph 73(2)(a) of s73 of the Town and Country Planning Act 1990 cannot be triggered and as such the case officer did not seek the applicant’s agreement to vary the conditions.

14.5.38 (e) **precise:**

The question is whether the condition is worded in a way that makes it clear to the applicant what must be done and when to comply with it.

14.5.39 Condition 6 states ‘any repair work’ instead of, for example, ‘all repair work identified in the survey’, plus it refers to ‘*repair work necessary to facilitate the passage*’ and not, for example, ‘repair work necessary to offset damages caused by the development’. Condition 7 states a ‘further comprehensive survey’, instead of, for example, a ‘further comprehensive condition survey’ as in condition 6, plus it refers to ‘any identified damage/repair work’ instead of being more precise in saying, for example, ‘all identified damage/repair work arising from the development permitted’. It also states ‘any repair work’ (as condition 6) instead of, for example, ‘all repair work identified in the survey’. Therefore, conditions 6

³ Last updated 23 July 2019 – website: <https://www.gov.uk/guidance/use-of-planning-conditions>

and 7 are not precise by reason of the wrong choice of words and their vagueness.

14.5.40 Again, ECC Highways (17 May 2022) state that the majority of the development along Whiteditch Lane has been built out, and therefore Whiteditch Lane will be subject to less construction traffic than was anticipated when similar conditions were removed from earlier applications, and this will make the identification and apportionment of damage much more reliable. However, this is not enough to escape ambiguity as per to what damages can be specifically attributed to the development in question. The practical difficulty and subjectivity in attributing specific damages to the development of the 12 no. dwellings for the reasons explained above is a failure of the preciseness test, not just irrelevant to the development permitted.

14.5.41 (f) **reasonable in all other respects:**
The question is whether the condition is reasonable in terms of not placing unjustifiable and disproportionate burdens on the applicant and following the *Wednesbury* principles⁴.

14.5.42 Notwithstanding the intention behind the use of conditions 6 and 7, it would not be justifiable or proportionate to require such repairs if they cannot be specifically tied to the developer and the construction traffic associated only with this development for the reasons elaborated above.

14.5.43 It is not reasonable for the LPA to require from the developer to do 'repair work' (let alone 'any repair work') on the byway before the development commences (condition 6) or after the development's completion (condition 7) as that fails the tests set out in paragraph 56 of the NPPF and would not be reasonable in any event (failing the *Wednesbury* principles⁵). More specifically, the principle of taking into account a matter which ought not to be taken into account for decision-making (as the repairs are not relevant to planning or the development permitted), as well as the principle of not being so unreasonable that no reasonable person acting reasonably could have made (as conditions require improvements on the highway even before the development commences and improvements to highway safety that fall outside the scope of planning). The reasons why the conditions fail the above test known as *Wednesbury* principles have been elaborated in the preceding paragraphs of this report.

14.5.44 It is also unenforceable to ask the developer to do the 'after' survey any time after the completion of the development and at the same time require

⁴ Associated Provincial Picture Houses Ltd v *Wednesbury* Corporation (1948) 1 KB 223.

This case law laid the reasonableness tests (*Wednesbury* principles): (A) whether the decision-makers have taken into account matters which ought not to be taken into account, (B) whether the decision-makers have failed to take into account matters which ought to be taken into account, and (C) whether the conclusion reached by the decision-makers was so unreasonable that no reasonable person acting reasonably could have made it.

⁵ *Ibid.*

the repair works to be carried out within 3 months from completion of the development. The time restrictions conflict with each other.

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 Overall, there is no material change in circumstances in comparison to those of the other applications to remove such conditions, and the previous LPA decisions must be attributed significant weight. Therefore, on this occasion, for the reasons of consistency in decision-making and after considering the application on its own merits, as well as after exploring and dismissing the possibility to vary the conditions for the reasons elaborated in the preceding paragraphs, it is recommended that **conditions 6 and 7 should be removed** from UTT/15/0879/OP as they fail to meet the tests of paragraph 56 of the NPPF.

17 Conditions

- 1 CONDITION 1 DELETED.
- 2 CONDITION 2 DELETED.
- 3 CONDITION 3 DELETED.
- 4 Prior to commencement of development, the provision of an access into the site as shown in principle on Drawing No. 14076/4F shall be provided with a minimum 5.5 metre carriageway width, details of which shall be submitted to and approved in writing by the local planning authority in consultation with the Highway Authority prior to the commencement of development. The approved scheme of works shall then be implemented in its entirety prior to commencement on site.
PENDING CONSIDERATION UNDER UTT/22/1564/DOC.
- 5 The development shall be implemented in accordance with the Construction Method Statement submitted to and approved in writing by the local planning authority under UTT/20/3113/DOC. The approved Statement shall be adhered to throughout the construction period, and shall provide for the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development and wheel and underbody washing facilities.
- 6 THIS CONDITION IS REMOVED.
- 7 THIS CONDITION IS REMOVED.
- 8 The development shall be implemented in accordance with the passing bay of 6 metres in length along the site frontage in the position as shown on Drawing No. 14076/4F that was submitted to and approved in writing by the local planning authority under UTT/21/1847/DOC. The approved scheme of works shall be implemented in its entirety prior to first occupation of the dwellings hereby permitted.
- 9 The existing access shall be permanently closed incorporating the reinstatement to full height of the highway verge immediately the proposed new access is brought into use and retained as such thereafter.
- 10 The development shall be implemented in accordance with the Biodiversity Management Plan that was submitted to and approved in writing by the local planning authority under UTT/21/1847/DOC.
- 11 The development shall be implemented in accordance with the programme of archaeological trial trenching followed by open area excavation that was secured and undertaken in accordance with a written scheme of investigation which was submitted to and approved in writing by the local planning authority under UTT/21/0052/DOC.

- 12** The development shall be implemented in accordance with the detailed surface water drainage scheme for the site based on sustainable drainage principles and the assessment of the hydrological and hydrogeological context of the development that were submitted to and approved in writing by the local planning authority under UTT/22/1422/DOC. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings hereby permitted.
- 13** The development shall be implemented in accordance with the foul water strategy that was submitted to and approved in writing by the local planning authority under UTT/21/1847/DOC. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.

APPENDIX 1 – STATUTORY CONSULTEES (ECC HIGHWAYS)

From: [Katherine Wilkinson - Strategic Development Engineer](#)
To: [Planning](#)
Cc: [Avgerinos Vlachos; Transport Development Admin Assistant](#)
Subject: [External] FW: UTT/22/1134/FUL Highways consultation response 16212
Date: 17 May 2022 15:22:56

UTT/22/1134/FUL | Application to remove conditions 6 (highways) and 7 (highways) of UTT/15/0879/OP (allowed at appeal ref APP/C1570/W/15/3137906). | Land At Holmwood Whiteditch Lane Newport Saffron Walden Essex CB11 3UD

Our ref 16212/4C

The highway authority would not support the removal of the above condition for the following reasons:

1. Conditions no. 6 and 7 were applied by the planning inspector at appeal and therefore it would be reasonable to assume that the planning conditions imposed met criteria and are enforceable and it is not the place of the highway authority to go against the inspector's position .
2. The conditions are consistent with ones that the highway authority would recommend on applications, either as standalone conditions or within a construction management plan, when we are concerned that the impact of the construction traffic on the highway will be significant.
3. The requirement to carry out surveys supports the implementation of Section 59 of the Highways Act, 1980 which allows the highway authority to recover costs for damage caused by the 'extraordinary traffic' associated with development construction traffic
4. The majority of the permitted development along Whiteditch Lane has been built out, and therefore the Whiteditch Lane will be subject to less construction traffic than was anticipated when similar conditions were removed from earlier applications. This will make the identification and apportionment of damage much more reliable.
5. Any developer would be expected to make good any damage that was as a result of their construction traffic.

Therefore from a highways point of view the highway authority would not wish for these conditions to be removed.

Kind regards,

Sophie Currey | Strategic Development Engineer



Sent: 27 June 2022 10:34
To: Avgerinos Vlachos
Cc: Sophie Currey - Strategic Development Officer
Subject: [External] RE: Conditions 6 and 7 - UTT/22/1134/FUL

Hi Avgerinos

Sorry I thought I had sent this. I have looked at the conditions and have the following comments. Let me know if you want to discuss anything?

The current condition that was applied by the inspector is copied below in italics. I believe that the intention of the conditions was to ensure that any damage caused by construction vehicles to the highway is made good after construction is finished. I think that the 2 conditions below that could be combined and streamlined to achieve this aim and be compliant with the tests.

In my view the revised condition should be in 3 parts

- a) Prior to commencement a comprehensive highway condition 'before' survey of Whiteditch Lane from its junction with Bury Water Lane to the application site shall be undertaken. The results of such "before" survey shall be submitted to and approved in writing by the local planning authority
- b) Prior to occupation of the 11th dwelling a comprehensive highway condition 'after' survey of Whiteditch Lane from its junction with Bury Water Lane to the application site shall be undertaken (this survey should be undertaken in consultation with an Essex Highways engineer). The results of the 'after' survey and a schedule of works that rectify any damage that can be reasonably attributed to the construction traffic from this development shall be submitted to and approved in writing by the local planning authority
- c) Prior to occupation of the 12th dwelling but after construction of that dwelling the repair works identified in the agreed schedule of works identified in b) shall be carried out at the expense of the developer and to the satisfaction of the highway authority.

Current conditions

6) No development shall take place until a comprehensive condition survey of Whiteditch Lane from its junction with Bury Water Lane to the application site has been completed, details of which have first been submitted to and approved in writing by the local planning authority for approval. The results of such "before" survey and any required repair work necessary to facilitate the passage of construction vehicles shall be submitted to and approved in writing by the local planning authority with any repair work being carried out prior to the construction period.

7) Following completion of the development, a further comprehensive survey of Whiteditch Lane from its junction with Bury Water Lane to the application site shall be completed in accordance with the details approved in condition 6 above. The results of the survey and any identified damage/repair work shall be submitted to and approved in writing by the local planning authority. Any repair works identified in the "after" survey shall be carried out within 3 months of the completion of the construction of the development to a programme to be agreed by the local planning authority.

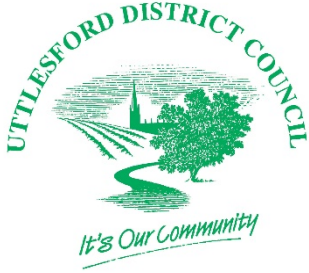
Katherine Wilkinson | Strategic Development Engineer
Strategic Development

APPENDIX 2 – TABLE OF CONDITIONS ATTACHED TO OTHER PERMISSIONS IN THE AREA

	<u>Conditions on 'before' survey</u>
Current application	<p>Condition 6</p> <p>No development shall take place until a comprehensive condition survey of Whiteditch Lane from its junction with Bury Water Lane to the application site has been completed, details of which have first been submitted to and approved in writing by the local planning authority for approval. The results of such “before” survey and any required repair work necessary to facilitate the passage of construction vehicles shall be submitted to and approved in writing by the local planning authority with any repair work being carried out prior to the construction period.</p>
UTT/17/0222/FUL	<p>Condition 5</p> <p>No development shall take place until a comprehensive condition survey of Whiteditch Lane from its junction with Bury Water Lane to the application site has been completed, the details of such survey having first been submitted to and approved by the Local Planning Authority. The results of such 'before' survey and any required repair work necessary to facilitate the passage of construction vehicles shall be submitted to and approved in writing by the local planning authority with any repair work being carried out prior to the construction period.</p>
UTT/16/3663/FUL	<p>Condition 7</p> <p>Prior to commencement of development, a comprehensive condition survey of Whiteditch Lane from its junction with Bury Water Lane to the application site shall be completed, details of which shall be submitted to and approved by the Local Planning Authority. The results of such 'before' survey and any required repair work necessary to facilitate the passage of construction vehicles shall be submitted to and approved in writing by the local planning authority with any repair work being carried out prior to the construction period.</p> <p>REASON: In the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).</p> <p>Condition justification: The condition survey is required to enable White Ditch Lane to be in a physical condition of repair suitable to accommodate construction vehicles visiting the site in connection with the development hereby approved.</p>

UTT/16/0782/FUL	<p>Condition 5</p> <p>No development shall take place until a comprehensive condition survey of White Ditch Lane from its junction with Bury Water Lane to the application site has been completed, details of such survey having first been submitted to and approved by the Local Planning Authority. The results of such 'before' survey and any required repair work necessary to facilitate the passage of construction vehicles shall be submitted to and approved in writing by the local planning authority with any repair work being carried out prior to the construction period.</p> <p>REASON: In the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).</p>
UTT/16/0786/DFO	<p>Condition 10</p> <p>No development shall take place until a comprehensive condition survey of Whiteditch Lane from its junction with Bury Water Lane to the application site has been completed. Details of such survey having first been submitted to and approved by the Local Planning Authority. The results of such 'before' survey and any required repair work necessary to facilitate the passage of construction vehicles shall be submitted to and approved in writing by the local planning authority with any repair work being carried out prior to the construction period.</p> <p>REASON: In the interests of highway safety, in accordance with Uttlesford Local Plan Policy GEN1 (2005).</p>
<u>Conditions on 'after' survey</u>	
Current application	<p>Condition 7</p> <p>Following completion of the development, a further comprehensive survey of Whiteditch Lane from its junction with Bury Water Lane to the application site shall be completed in accordance with the details approved in condition 6 above. The results of the survey and any identified damage/repair work shall be submitted to and approved in writing by the local planning authority. Any repair works identified in the "after" survey shall be carried out within 3 months of the completion of the construction of the development to a programme to be agreed by the local planning authority.</p>
UTT/17/0222/FUL	<p>Condition 6</p> <p>Following completion of the construction of the dwellings, a further comprehensive survey of Whiteditch Lane from its junction with Bury Water Lane to the application site shall be completed in accordance with the details approved in 5 above. The results of the survey and any identified damage/repair work shall be submitted to and approved in writing by the Local Planning Authority. Any repair works identified in the 'after' survey shall be carried out within 3 months of the completion of the construction of the dwellings to a programme to be agreed with the Local Planning Authority.</p>

UTT/16/3663/FUL	<p>Following completion of the construction of the dwellings, a further comprehensive survey of Whiteditch Lane from its junction with Bury Water Lane to the application site shall be completed in accordance with the details approved in 7 above. The results of the survey and any identified damage/repair work shall be submitted to and approved in writing by the Local Planning Authority. Any repair works identified in the 'after' survey shall be carried out within 3 months of the completion of the construction of the dwellings to a programme to be agreed with the Local Planning Authority.</p> <p>REASON: In the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).</p>
UTT/16/0782/FUL	<p>Condition 6</p> <p>Following completion of the construction of the dwellings, a further comprehensive survey of White Ditch Lane from its junction with Bury Water Lane to the application site shall be completed in accordance with the details approved in condition 5 above. The results of the survey and any identified damage/repair work shall be submitted to and approved in writing by the Local Planning Authority. Any repair works identified in the 'after' survey shall be carried out within 3 months of the completion of the construction of the dwellings to a programme to be agreed with the Local Planning Authority.</p> <p>REASON: In the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).</p>
UTT/16/0786/DFO	<p>Condition 11</p> <p>Following completion of the construction of the dwellings, a further comprehensive survey of Whiteditch Lane from its junction with Bury Water Lane to the application site shall be completed in accordance with the details approved in 5 above. The results of the survey and any identified damage/repair work shall be submitted to and approved in writing by the Local Planning Authority. Any repair works identified in the 'after' survey shall be carried out within 3 months of the completion of the construction of the dwellings to a programme to be agreed with the Local Planning Authority.</p> <p>REASON: In the interests of highway safety, in accordance with Uttlesford Local Plan Policy GEN1 (2005).</p>



ITEM NUMBER: 8

PLANNING COMMITTEE DATE: 03 August 2022

REFERENCE NUMBER: UTT/22/1486/DFO

LOCATION: 22 Tye Green
Maple Lane
Wimbish

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 07/07/2022

PROPOSAL: Details following outline application UTT/21/1855/OP for the erection of 1 no. dwelling - details of access, appearance, layout, landscaping and scale.

APPLICANT: Uttlesford District Council (Mr P Lock)

AGENT: The Design Partnership (Ely) Ltd (Mr T Welland)

EXPIRY DATE: 20 July 2022

EOT Expiry Date: 05 August 2022

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Outside Development Limits.
Within Area A of Debden Radar.
Road Classification (Mill Road/Tye Green – Class III).

REASON THIS APPLICATION IS ON THE AGENDA: The applicant is UDC.

1. EXECUTIVE SUMMARY

- 1.1 This is an application for the approval of reserved matters for 1 no. dwelling, following the outline approval under UTT/21/1855/OP. The reserved matters include access, appearance, layout, landscaping and scale. The application was considered against local and national policies and complies with the relevant policy context. The case officer recommends that the application is approved and planning permission is granted subject to the conditions set out in section 17 of this report and the conditions set out in the outline approval.

2. RECOMMENDATION

That the Director Planning be authorised to **GRANT** planning permission for the development subject to the conditions set out in section 17 of this report.

3. SITE LOCATION AND DESCRIPTION:

3.1 The application site comprises undeveloped land, located outside development limits in the hamlet of Tye Green. The overall area contains dwellings of similar architectural styles, sizes, ages and materials on the northern side of the lane and some bungalows on the southern side.

4. **PROPOSAL**

4.1 Details following outline application UTT/21/1855/OP for the erection of 1 no. dwelling – details of access, appearance, layout, landscaping and scale.

4.2 The application includes the following documents:

Application form.

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**

Reference	Proposal	Decision
UTT/21/1855/OP	Outline application with all matters reserved for the erection of 1 no. four bedroom dwelling together with new access, vehicular parking and associated external works.	Approved with conditions (06.09.2021).
UTT/21/0743/PA	Development of side gardens to create additional dwellings and replacement of defective existing dwellings.	Closed (23.04.2021).

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

7.1 Pre-application advice (UTT/21/0743/PA) for the proposed dwelling was given prior to the outline stage. The case officer concluded “*Subject to the above, I am content that the proposal is consistent with the provisions of relevant Local Plan policies and other material considerations*”.

7.2 The applicant did not carry out a community consultation exercise.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 **Highway Authority**

8.1.1 No objections subject to conditions.

9. PARISH COUNCIL COMMENTS

9.1 No comments received.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health – No objection

10.1.1 No objections subject to conditions.

10.2 Place Services (Ecology) – No objection

10.2.1 No objections subject to a condition for a Biodiversity Enhancement Layout.

11. REPRESENTATIONS

11.1 A site notice was displayed on site and notifications letters were sent to nearby properties, and the application was advertised in the press.

11.2 Support

11.2.1 -

11.3 Object

11.3.1 Loss of light and overshadowing (Study room and garden affected).

11.3.2 Loss of privacy and overlooking (from proposed west elevation).

11.3.3 Too large (largest in that part of Tye Green).

11.3.4 Initial plans showed a bungalow.

11.3.5 Front elevation faces the access track to the recreation ground / different angle than other properties.

11.3.6 Inappropriate appearance.

11.4 Comment

11.4.1 All material planning considerations raised by third parties were taken into account when considering this application.

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

13.2.1 Policy S7 – The Countryside Policy
Policy GEN1 – Access Policy
Policy GEN2 – Design Policy
Policy GEN3 – Flood Protection Policy
Policy GEN4 – Good Neighbourliness Policy
Policy GEN5 – Light Pollution Policy
Policy GEN7 – Nature Conservation Policy
Policy GEN8 – Vehicle Parking Standards Policy
Policy H9 – Affordable Housing,
Policy H10 – Housing Mix Policy

Policy ENV3 – Open Space and Trees, Policy
Policy ENV4 – Ancient monuments and Sites of Archaeological
Importance Policy
Policy ENV8 – Other landscape elements of importance for nature
conservation Policy
Policy ENV10 – Noise Sensitive Development, Policy
Policy ENV12 – Groundwater protection
Policy ENV13 – Exposure to Poor Air Quality Policy
Policy ENV14 – Contaminated Land

13.3 No made Neighbourhood Plan for the area

13.4 Supplementary Planning Document or Guidance

13.4.1 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) Reserved matters: Design, scale, layout, landscaping**
 - C) Amenity**
 - D) Access and parking**
 - E) Ecology**
 - F) Contamination**
 - G) Archaeology**
 - H) Flood risk**
 - I) Housing mix and affordable housing**

14.3 A) Principle of development

14.3.1 The Case Officer visited the site on 06 May 2022. Also, a site notice was erected on a public spot and expired on 27 May 2022, the neighbours were consulted.

14.3.2 The proposal includes:

Details following outline application UTT/21/1855/OP for the erection of 1 no. dwelling – details of access, appearance, layout, landscaping and scale;

Materials (see Application Form, submitted information and drawings).

14.3.3 The principle of the development was accepted in UTT/21/1855/OP and no additional units are proposed now, thus remaining acceptable. The

above outline permission is extant until 06 Sep 2024 and the current application was validated on 25 May 2022, complying with condition 2.

14.3.4 Overall, the principle of the development has been accepted under Outline planning permission UTT/21/1855/OP. Therefore, in this respect the scheme complies with ULP Policies S7, GEN1(e), and the NPPF.

14.4 B) Reserved matters: Design, scale, layout, landscaping

14.4.1 In terms of heritage impacts, there are no heritage assets in the vicinity.

14.4.2 Paragraph 130(b) of the NPPF states that decisions should ensure that developments are visually attractive as a result of good architecture, layout and landscaping, and paragraph 130(c) promotes developments that are sympathetic to local character and history, including the surrounding built environment and landscape setting.

14.4.3 In terms of design and form, the proposed dwelling has a simple vernacular appearance with gabled and clear roof, including solar panels to its front (south) elevation. An open-plan covered porch makes the development comply with the 'Placing of Openings' Essex Design Guide section, which states that symmetry in the front elevation and focus on the front door are important. The dwelling has a traditional rectangular form (see 'Building Form' EDG section) with crosswing shown in the indicative outline drawings omitted. The proposed fenestration is symmetrical and accords with the EDG sections of 'Balance', as horizontally proportioned elevations contain vertically proportioned window openings. The local character on the northern side of the street contains 2-storey dwellings of similar appearance, form and proportion to the application scheme. Therefore, the development complies with paragraphs 130(b)-(c) of the NPPF and policy GEN2.

14.4.4 In terms of size, scale and layout, the building has reasonable dimensions and footprint that preserves the character and appearance of the area over and above the existing built form, being subservient and subordinate to the locality. The dwelling is proportionate within its plot with similar ratios of plot-to-built form to the neighbouring properties, and as such the development is in keeping with the existing pattern of development locally. The dwelling is marginally beyond the building line set out by the neighbouring property to the east (no. 22 Tye Green), however, there is no clear building line on this side of the lane, plus all neighbouring dwellings follow the same pattern of being marginally forward of the ones to the east. The development is also forward of the building line set out by no. 23 Tye Green, which is acceptable due to the existing pattern of development, as no. 22 does the same. In addition, the property stands more than 1m away from the boundary to no. 22, thus eliminating the possibility of a terracing effect. Therefore, the development complies with paragraphs 130(b)-(c) of the NPPF and policy GEN2.

- 14.4.5** Notwithstanding any representations indicating otherwise, the indicative plans submitted at outline stage did not show a bungalow, but a 2-storey dwelling of more sizeable dimensions than the current scheme.
- 14.4.6** In terms of landscaping, trees and boundaries, the Block Plan Landscaping Plan includes hedging to the front boundary and most of the western boundary, as well as additional hedging immediately to the front of the dwelling. However, more clarity is required on specifying the details of the new planting and the location of the proposed close boarded fencing, and therefore, a landscaping condition (pre-commencement) is necessary to preserve the character and appearance of the area and to safeguard residential amenities.
- 14.4.7** The proposed materials are acceptable as they match or visually resemble or upgrade the existing ones that are common within a semi-urban setting.
- 14.4.8** The following conditions are necessary as per paragraph 56 of the NPPF:

Landscaping (pre-commencement), to preserve the character and appearance of the area and to safeguard residential amenities.
- 14.4.9** Overall, the proposal is acceptable, and complies with ULP Policies S7, GEN2, ENV3, and the NPPF.
- 14.5 C) Amenity**
- 14.5.1** In terms of the residential amenity of the occupants, the dwelling is 2-storey and of 4 no. bedrooms/7 no. persons (4B7P) occupancy with gross internal areas of more than the minimum standards (115m² threshold, see Nationally Described Space Standard). In terms of private amenity (garden) space, the garden suffices (>100m² threshold, see Essex Design Guide). The host retains an adequate garden.
- 14.5.2** In terms of noise, odours, dust and other disturbances, the Environmental Health Officer raised **no objections** unconditionally to safeguard the amenity of the occupants (see Section 6 for conditions regarding the protection of human health).
- 14.5.3** In terms of the amenity of neighbouring occupiers, due to the scale, design and position of the dwelling in relation to the neighbouring dwellings, and after applying the design and remoteness tests (see Essex Design Guide) and the 45-degree tests (see SPD Home Extensions), no material overshadowing, overlooking (actual or perceived) and overbearing effects are considered:
- 14.5.4** Notwithstanding the comments of local objectors, the west-facing Bedroom 1 window does not have any direct views towards any habitable room windows or the private rear garden of no. 23 Tye Green, as it is beyond the building line of the neighbouring property and faces the front

space of that property beyond the porch. The separation distance with no. 23 is 15.6m to its closest corner, plus the 25m rule of the Essex Design Guide applies only to back-to-back situations and does not protect any front gardens or elevations. In addition, no first-floor windows are proposed to the east elevation. Therefore, the development does not lead to overlooking of, and loss of privacy to, any habitable room windows or the private garden of neighbouring dwellings, and as such, it does not harm the residential amenity of neighbouring occupiers.

14.5.5 Neighbouring occupiers also raised concerns regarding the loss of light. However, given the separation distance to no. 23, there is no material overshadowing of, and loss of light to, any habitable room windows or the private garden of any neighbouring properties, and as such, the development does not harm the residential amenity of neighbouring occupiers.

14.5.6 By reason of its size and position, no material overbearing effects ('tunnelling effect' or 'sense of enclosure') occurs as a result of the development.

14.5.7 Overall, the development will not materially harm residential amenities, and complies with ULP Policies GEN2, GEN4, ENV10, GEN5, and the NPPF.

14.6 D) Access and parking

14.6.1 Access is a reserved matter; however, such details were provided as part of the outline permission under UTT/21/1855/OP. ECC Highways raised no objections at the outline and the reserved matters stage.

14.6.2 From a highway and transportation perspective, the Highway Authority raised **no objections** subject to conditions in the interests of highway safety, as the development complies with the ECC Supplementary Guidance – DM Policies (Feb 2011) and policy GEN1. The conditions refer to the provision of visibility splays, the dimensions of the access, the surface treatment of the access and the provision of gates. However, the same conditions were imposed in the outline permission (UTT/21/1855/OP) and are not to be repeated here. All conditions from both the outline and the reserved matters stages of the application are relevant to the development's planning permission.

14.6.3 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Also, paragraph 110(b) of the NPPF states that in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. The development accords with the above policies.

14.6.4 Parking arrangements include 3 no. parking spaces of appropriate dimensions on the front drive and an appropriate turning area of more

than 6m. The dwelling has 4 no. bedrooms, and parking provision accords with the Uttlesford Residential Parking Standards (2013) and the Essex Parking Standards (2009).

14.6.5 Overall, the proposal is acceptable in terms of access and parking, and complies with ULP Policies GEN1, GEN8, the Uttlesford Residential Parking Standards (2013) and the Essex Parking Standards (2009), and the NPPF.

14.7 E) Ecology

14.7.1 The Ecology Officer raised **no objections** subject to a condition, as per paragraphs 174(d) and 180(d) of the NPPF. The condition refers to a Biodiversity Enhancement Layout.

14.7.2 Paragraph 43 of the NPPF states that the right information is crucial to good decision-making, particularly where formal assessments are required. Paragraph 174(d) of the NPPF states that planning decision should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, whereas paragraph 180 requires local planning authorities to apply some principles when determining applications, such as (a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused, and (d) development whose primary objective is to conserve or enhance biodiversity should be supported. The development complies with the above policies.

14.7.3 Overall, the proposal is acceptable in nature conservation and biodiversity terms, and accords with ULP Policies GEN7, ENV8, and the NPPF.

14.8 F) Contamination

14.8.1 In terms of contamination, the Environmental Health Officer raised **no objections** subject to conditions to protect human health and the environment. The conditions refer to potential land contamination and an electric charger.

14.8.2 A condition is necessary for electric chargers to improve air quality as per paragraph 107 of the NPPF. However, this condition was already imposed at the outline permission as Condition 9 (UTT/21/1855/OP) and does not need to be repeated. All conditions from the outline permission remain relevant to the planning permission.

14.8.3 Overall, the proposal is acceptable in contamination terms, and accords with ULP Policy ENV14, ENV12, ENV13, and the NPPF.

14.9 G) Archaeology

14.9.1 The site is not within an archaeological site and given its scale no harm is considered to potential archaeological remains.

14.9.2 Overall, the proposal is acceptable in archaeological terms, and complies with ULP Policy ENV4, and the NPPF.

14.10 H) Flood risk

14.10.1 The site falls within Flood Risk Zone 1, and as such a Flood Risk Assessment (FRA) is not required and no material increase in flood risk is considered. The following images show the extent of flooding from rivers and from surface water.



14.10.2 Overall, the proposal is acceptable in terms of flood protection, and accords with ULP Policy GEN3, and the NPPF.

14.11 I) Housing mix and affordable housing

14.11.1 Policy H10 is applicable on sites of 0.1ha and above or of 3 no. or more dwellings; the site is less than 0.1ha (419m² or 0.0419ha) and for 1 no. dwelling, thus H10 is not relevant. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. As such, notwithstanding policy H10 requiring smaller properties, more recent evidence in the UDC Strategic Housing Market Assessment points towards the need for a significant proportion of 3 and 4-bedroom market housing instead of 2 and 3-bedroom properties.

14.11.2 The 40% affordable housing contribution is not triggered because the development site is not exceeding 0.5ha nor does it comprise a 'major development' as per the definition in the NPPF Glossary (p.68). Paragraph 6.20 of the Local Plan states that "*Appropriate sites should still be large enough to ensure a viable scheme and not lead to the provision of only 1 or 2 affordable units on a site which would lead to a fragmented approach to affordable housing in the rural areas*".

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** In conclusion, the development is acceptable and complies with all relevant ULP Policies, and the NPPF.

17. 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 The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

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.

- 3 Prior to slab level, a Biodiversity Enhancement Layout, providing the details and locations of the ecological enhancement measures shall be submitted to and approved in writing by the local planning authority. Thereafter, the enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner in perpetuity.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

- 4 If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant/developer shall notify in writing the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the local planning authority prior to occupation of the dwellings hereby approved to ensure that the site is made suitable for its end use.

REASON: To protect human health and the environment, in accordance with the adopted Uttlesford Local Plan Policies GEN2, ENV14, and the National Planning Policy Framework (2021).

APPENDIX 1 – ECC HIGHWAYS FULL RESPONSE

Your Ref: UTT/22/1486/DFO
Our Ref: 50589
Date: 1st July 2022



CC: (by email) *DM, SM02, Chelmsford*
Cllr Martin Foley

Paul Crick
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/22/1486/DFO
Applicant Mr P Lock
Site Location 22 Tye Green Maple Lane Wimbish
Proposal Details following outline application UTT/21/1855/OP for the erection of 1 no. dwelling - details of access, appearance, layout, landscaping and scale

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, as shown in principle on DWG no. UDC-919-P100 (Titled - Reserved Matters Application Block Plan, Site Plan & Location Plan), subject to the following measures:

1. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times. **Reason:** To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.
2. Prior to occupation of the dwelling the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres (4.5 metres maximum) and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge. **Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.
3. No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary. **Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety.
4. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. **Reason:** To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.

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. There shall be no discharge of surface water onto the Highway.
- iii. 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.



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pp. Director for Highways and Transportation
Enquiries to Sophie Currey
Telephone: 03330 133058
Email: sophie.currey@essex.gov.uk

Late List –Planning Committee 03/08/22

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
6	UTT/22/0007/FUL Land East Of School Road And Main Road Felsted School Road Felsted	<p>In addition to the list of suggested conditions outline in Section 17 of the committee report, it is also suggested that the below condition be imposed if members are mindful of approving the scheme.</p> <p><i>This permission shall be for a limited period of 40 years, starting from the date when electricity is first exported to the National Grid (First Export Date). Written confirmation of the First Export Date shall be submitted in writing to the Local Planning Authority within one month of the relevant date. No later than 40 years after the First Export Date all operations and/or activities on site shall cease.</i></p> <p><i>REASON: In the interests of the landscape and scenic quality of the area and to limit development in the countryside for a timescale when it demonstrates a benefit in sustainability terms and/or is contributing towards reducing the reliance on fossil fuels and offsetting the associated environmental impacts at that time.</i></p>
7	UTT/22/1134/FUL Land At Holmwood Whiteditch Lane Newport	<p>None.</p>
8	UTT/22/1486/DFO 22 Tye Green Maple Lane Wimbish	<p>In addition to the list of suggested conditions outline in Section 17 of the committee report, it is also suggested that the below condition be imposed if members are mindful of approving the scheme.</p> <p><i>Prior to commencement of the development hereby approved, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details prior to occupation of the dwelling hereby approved, and shall be maintained as such in perpetuity.</i></p> <p><i>The landscaping details to be submitted shall include:</i></p> <ul style="list-style-type: none"> <i>a) proposed finished levels (earthworks to be carried out);</i> <i>b) means of enclosure of the land (boundary treatments);</i>

	<p>c) <i>hard surfacing and other hard landscape features and materials;</i> d) <i>existing and protected via Tree Preservation Order(s) trees, hedges or other soft features to be retained;</i> e) <i>planting plans for the woodland planting, including specifications of species, sizes, planting centres, number and percentage mix;</i> f) <i>details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;</i> g) <i>details of siting and timing of all construction activities to avoid harm to all nature conservation features;</i> h) <i>management and maintenance details.</i></p> <p><i>All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five 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, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.</i></p> <p><i>REASON: To preserve or enhance the character and appearance of the area and to safeguard residential amenities in the area, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, GEN4, GEN7, the Essex Design Guide, and the National Planning Policy Framework (2021).</i></p>
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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.