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Uttlesford District Council

Chief Executive: Peter Holt

Planning Committee

Date: Wednesday, 22nd June, 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 ask questions and 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 determined by the Planning Inspectorate the purpose of the report to Planning Committee is not to determine the application but to provide the Planning Inspectorate (PINS) with the Council's view of the planning application. The role of the District Council is solely as a 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 S62A Applications 11

To note applications which have been submitted direct to the Planning Inspectorate.

4 Speed and Quality Report 12

To note the Speed and Quality report.

5 Quality of Major Applications Report 13 - 28

To note the report.

6 UTT/21/1833/FUL - Cutlers Green Lane, Land West of Thaxted, THAXTED 29 - 145

To consider application UTT/21/1833/FUL.

7 UTT/21/3777/OP - Start Hill, GREAT HALLINGBURY (Withdrawn)

This item has been withdrawn.

8 Late List 146 - 149

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 after 3.00 pm and before 5.00 pm on the Monday prior to Planning Committee. This is a public document and it is published with the agenda papers on the UDC website.

9 Planning Committee Presentations 150 - 169

MEETINGS AND THE PUBLIC

In light of the High Court judgement regarding the extension of remote meeting regulations, Council, Cabinet and Committee meetings have returned to in-person. Members of the public are welcome to attend 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, either in person or through Zoom. 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. 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.

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PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 8 JUNE 2022 at 10.00 am

Present:	Councillor S Merifield (Chair) Councillors J Emanuel, P Fairhurst, R Freeman, G LeCount, M Lemon (Vice-Chair), J Loughlin, R Pavitt and M Sutton.
Officers in attendance:	N Brown (Development Manager), P Coyle (Planning Team Leader), C Edwards (Democratic Services Officer), C Gibson (Democratic Services Officer), M Jones (Senior Planning Officer), S Marshall (Planning Enforcement Team Leader), E Smith (Solicitor) and L Trevillian (Principal Planning Officer).
Public Speakers:	G Cook, P Doyle, S Doyle, E Durrant, Councillor J Fulcher (Little Canfield PC), J Liu, Councillor G Mott (Elsenham PC), J Stafford, J Tennant and C Willstead.

PC155 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor Bagnall.

Non-pecuniary declarations of interest were made by:

- Councillor Lemon as Ward Councillor for Hatfield Heath (Item 8).
- Councillors Fairhurst and Freeman as Ward Councillors for Saffron Walden and Members of Saffron Walden PC (Item 11).
- Councillor Loughlin as Ward Councillor for Ugley (Item 10).
- Councillor Sutton as Ward Councillor for Takeley (Item 9).

PC156 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting held on 25 May 2022 were approved.

PC157 **S62A APPLICATIONS**

The Development Manager presented the S62A Applications report that detailed three applications which had been submitted direct to the Planning Inspectorate. He said that the recent addition had meant a slight delay in the process but that it would be brought to the next meeting.

In response to a question, the Development Manager confirmed that advance notifications would be forthcoming prior to the Former Friends' School item being taken forward by PINS.

The report was noted.

PC158 **QUALITY OF MAJOR APPLICATIONS REPORT**

The Development Manager presented the Quality of Major Applications report.

In response to questions in respect of the statistical analyses, he highlighted that it was still a very early stage of the rolling periods and that it was too early to come to clear conclusions.

The report was noted.

PC159 **SPEED AND QUALITY REPORT**

The Development Manager presented the Speed and Quality Report.

The report was noted.

PC160 **PLANNING ENFORCEMENT TEAM UPDATE**

The Planning Enforcement Team Leader presented the Planning Enforcement Team Update report. She outlined the make-up of the team, their priorities and provided examples of two recent cases.

In response to questions, she said that she was looking at taking forward better communication with District Councillors and Parish Clerks, within the bounds of confidentiality. She also spoke about the 'triage' process and de-minimus breach assessments.

The report was noted.

PC161 **PINS S62A/2022/0002/S62A/22/0000004 - LAND EAST OF PARSONAGE ROAD, AND SOUTH OF HALL ROAD, STANSTED, ESSEX, CM22 6PL**

This application had yet to be validated by PINS and had therefore been withdrawn from the Agenda.

PC162 **UTT/19/3173/FUL - LEA HALL, HATFIELD HEATH**

The Senior Planning Officer presented an application for the proposed refurbishment of Lea Hall, including the addition of new detached garage and detached swimming pool building. Conversion of barns and cottage to 8 dwellings and demolition of existing stables to be replaced by 5 dwellings with cart lodges and associated landscaping. This matter had been reported to Planning Committee on 16 March 2022 and the S106 Legal obligation had been brought back for consideration.

The application was recommended for approval subject to conditions as detailed in the recommendation in the report.

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

- The 5 year land supply position.
- The cascade effect of the works being carried out with the works order outlined.
- The infrastructure works up to slab level being completed first.

Councillor Lemon said that he was happy that the S106 package fitted and proposed that the application be approved in accordance with the recommendation.

Councillor Emanuel seconded the proposal.

RESOLVED to approve the application, in accordance with the recommendation.

PC163 **UTT/21/3272/OP - LAND SOUTH OF STORTFORD ROAD, LITTLE CANFIELD**

The Principal Planning Officer presented an outline application with all matters reserved except access for the erection of up to 90 dwellings (including affordable housing together with access from B1256 Stortford Road), sustainable drainage scheme with an outfall to the River Roding, green infrastructures including play areas and ancillary infrastructure. He updated Members on information provided in the Late List and confirmed that the Environment Agency had recently responded as a consultee and had made no comments.

The application was recommended for approval subject to conditions as detailed in the recommendation in the report.

The Officers responded to questions from members in respect of:

- The lack of comments from the Landscape Officer.
- The involvement of the Parish Council in S106 discussions, which must be CIL compliant.
- The lack of response from the Urban Design Officer.
- The Country Protection Zone (CPZ).
- The 5 Year Land Supply calculation last carried out in February 2022.
- The distances to the nearest amenities.
- The net gain assessment and recent Environment Agency input; it was unclear whether the site had actually been visited.
- Future access to schools and health provision facilities, together with funding to be provided locally through the S106.
- Bio-diversity concerns.
- Notifications to Water authorities and consideration of displaced flooding.

Members discussed:

- The importance attached to the CPZ location when considering the tilted balance argument.

- The significance of Building Regulations being amended from 14 June 2022, particularly relating to energy management.
- Concerns regarding the bio-diversity net gains claims.
- The 8 listed buildings in the countryside and the location of the site abutting the Flitch Way.
- Concerns regarding future health surgery provision.
- Issues raised by the Parish Council.
- The need for a 5 year land supply and the appropriateness of the Local Plan.
- The linear extension to the village.
- The apparent lack of significant input from the Environment Agency.

Councillor Fairhurst proposed that the application be refused because of the impact on the CPZ, the listed buildings, the Flitch Way and the environment.

Councillor Sutton seconded the proposal.

This motion was lost.

Councillor Freeman proposed that the application be approved. This was seconded by Councillor LeCount. They accepted the condition that the Development Manager was willing to discuss the S106 with the Parish Council, that had to be CIL compliant.

This motion was lost.

Councillor Fairhurst proposed that the application be deferred in order that discussions could be had with the Landscape Officer, the Parish Council and the Environment Agency. This was seconded by Councillor Emanuel.

RESOLVED to defer the application in line with the proposed motion.

J Stafford, G Cook and Councillor J Fulcher (Little Canfield Parish Council) all spoke against the application.

J Liu (applicant) spoke in support of the application.

The meeting adjourned for a comfort break at 12.05 pm and reconvened at 12.15 pm.

PC164 **UTT/22/1174/TCA - NOTIFICATION OF INTENT TO CARRY OUT TREE WORKS WITHIN A CONSERVATION AREA AT SAFFRON WALDEN CASTLE**

This item was brought forward on the agenda.

The Development Manager presented a notification of intent requiring consideration of proposed tree works at Saffron Walden Castle. The trees were in the ownership of the District Council and the work proposed was the felling of

4 sycamore trees and the reduction of an extended limb of 1 sycamore tree bordering the Castle Hill Tennis Club.

The Development Manager responded to questions from members in respect of:

- There being no need for consultation with Historic England.
- Mechanisms to prevent tree felling.
- There being no formal obligation to notify the public in advance; this had been provided through the Committee agenda.
- The possibility of Tree Preservation Orders (TPOs) being obtained.
- Whether the tennis club was a commercial venture.
- Whether specialist advice had been sought from an arborist.
- The proximity of the fence.
- The fact that the trees belonged to the District Council and the fence to the tennis club.

Members discussed:

- The overall benefits provided by trees.
- The significant changes to views if the trees were removed.
- The possibility of allowing the works on the limb of Tree 1 (T1) to take place as it could constitute as a health and safety risk.
- There being no justification for TPOs.

Councillor Fairhurst proposed that objection be raised to the proposed tree works, with the exception of the essential works that were necessary on T1.

Councillor LeCount seconded the proposal.

RESOLVED that objection was raised to the proposed tree works, with the exception of the essential works to T 1.

J Tennant and C Willstead spoke against the application. Statements were also read out from L Chitson and S Doyle opposing the application.

The meeting adjourned for a lunch break at 12.55 pm and reconvened at 2.00 pm.

PC165 **UTT/20/2908/OP - LAND SOUTH OF BEDWELL ROAD, UGLEY**

The Planning Team Leader presented an outline application for up to 50 market and affordable dwellings, public open space and associated highways and drainage infrastructure with all matters reserved except access.

The application was recommended for approval subject to the signing of a legal agreement and conditions as detailed in the recommendation in the report with the exception of a Head of Terms for a contribution towards health and the removal of duplicated conditions.

Members raised questions in respect of:

- The siting of all of the affordable housing in a cluster, nearest to the M11 on the indicative layout.
- The significant continuous noise levels from the M11 and how this could be mitigated.
- The Air Quality Assessment (AQA) with particular reference to vehicle tyre wear.
- The apparent lack of consultation by the applicant
- The possibility of including Village Hall provision within the S106. This would require agreement from the applicant.

Members discussed:

- The AQA, particulates, tyre wear and environmental assessments.
- The views expressed by the Parish Council.
- Continuous noise issues and whether windows could be opened; together with consideration of a possible independent assessment of the submitted noise assessment.
- The Housing mix as shown in the indicative layout, particularly with reference to three storey buildings possibly being used as acoustic barriers.
- The need to see the existing application site in more detail.
- Possible congestion issues and the adequacy of existing roads.

Councillor LeCount proposed that the application be deferred:

- to enable a site visit to take place,
- to ensure Environmental Health input in respect of the AQA and noise assessments,
- to consider an illustrative layout,
- to involve the Parish Council in discussions,
- to consider provision of a community facility,
- to consider additional condition(s).

The applicant expressed his concern that he had requested that an Environmental Health Officer was present at the meeting to answer any questions which might arise in relation to the noise aspects of the scheme but that there had been no response.

Councillor Fairhurst seconded the proposal.

RESOLVED to defer the application in line with the proposal.

Councillor G Mott (Elsenham Parish Council) spoke to ask that the application be deferred in order that discussions could be held relating to the S106 agreement.

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

The meeting ended at 2.50 pm.

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

Applications which have been submitted direct to the Planning Inspectorate.

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

Criteria For Designation – Speed and Quality

Speed of planning decisions

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

UDC performance in red % greater than the threshold is good

Quality – Appeals

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

Committee: **Planning Committee**

Date: **22 June 2022**

Title: **Quality of Major Applications**

Author: **Tracey Coleman**

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	1		1	0	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 09/06/2022 – 1 additional appeal submitted for Q7.

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*

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

**Not including the Stansted Airport Inquiry.*

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

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

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

Recommendation

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

Impact

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

Risk Analysis

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

1 = Little or no risk or impact

2 = Some risk or impact - action may be necessary

3 = Significant risk or impact - action required

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

MAJOR APPLICATIONS DECISIONS (QUALITY)
April 2020 - March 2022
Current period

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

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

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

UTT/20/1643/FUL	Land At The Stables May Walk Elsenham Road Stansted Essex	Erection of 11 no. dwellings including alterations to existing access, formation of new internal road, landscaping and associated infrastructure	Delegated		Refuse	Refused	Dismissed	30-Oct-21
UTT/20/2175/DFO	Land South Of Radwinter Road Saffron Walden Essex	Details following outline approval UTT/17/3426/OP (approved under appeal APP/C1570/W/19/3227368) for extra care housing (use class C2) together with associated infrastructure including road, drainage and access - details of appearance, landscaping, layout	Committee	14-Apr-21	Approve	Refused	Appeal Withdrawn	23-Nov-21
UTT/19/2055/FUL	Tesco Supermarket Stortford Road Dunmow CM6 1SF	Erection of single storey extension to the Retail Store to provide additional sales and back-of-house space and amended car park layout	Delegated		Refuse	Refused		
UTT/20/3329/DFO	Land To The South West OfLondon RoadGreat ChesterfordEssex	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 OfWater LaneStanstedEssex	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 SchoolParsonage DownsDunmowCM6 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 OfIsabel DriveElsenham	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 OfPound GateStebbingEssex	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		

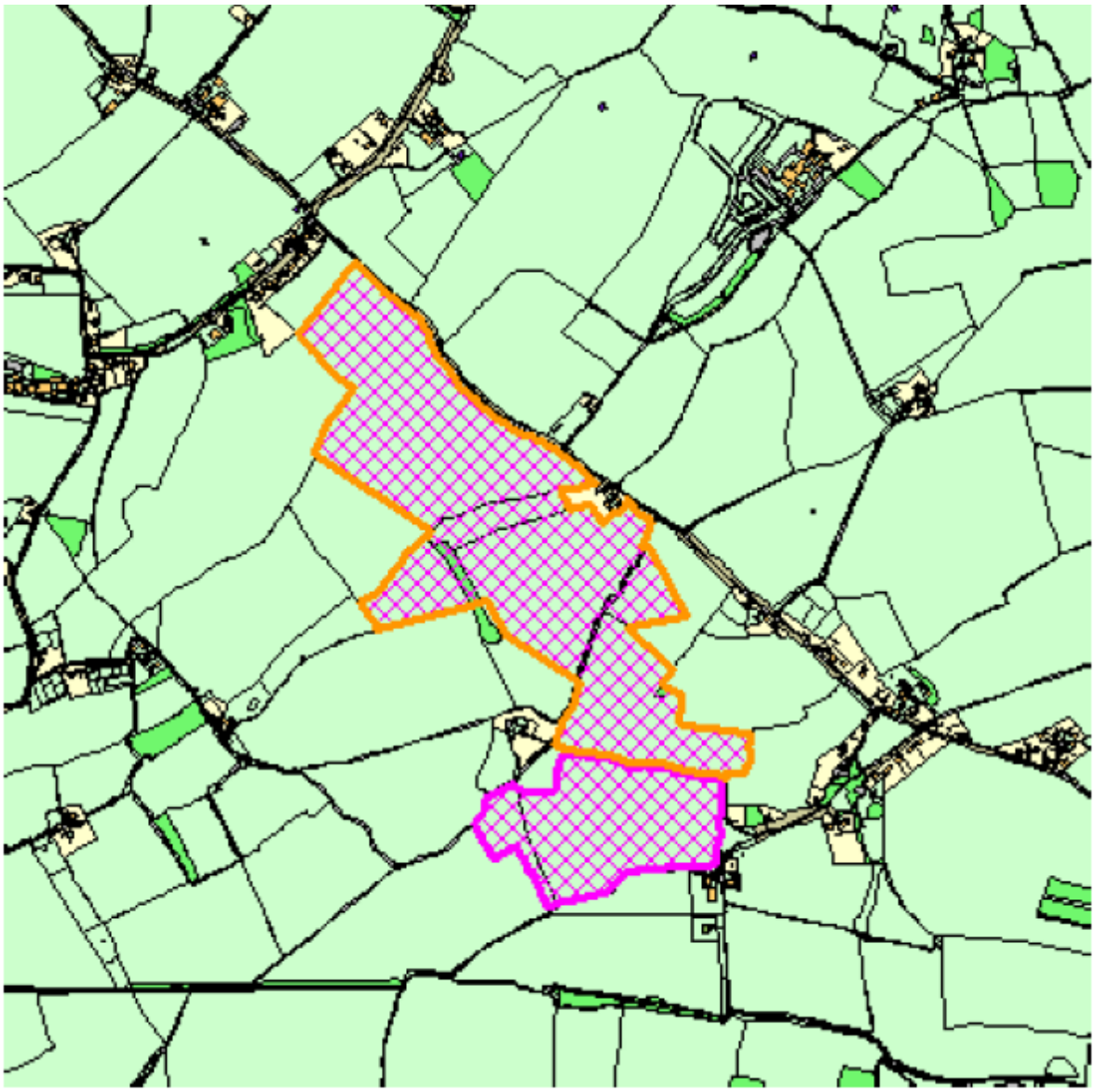
UTT/20/2220/DFO	Land West Of Woodside Way Woodside Way Dunmow	Details following outline approval UTT/13/2107/OP and UTT/18/1826/DFO - details of layout, scale, landscaping and appearance relating to the development of the site to provide 326 residential dwellings and associated infrastructure works	Committee	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 SiteHigh Cross LaneLittle CanfieldDunmowEssexCM6 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 FarmParsonage Farm LaneGreat SampfordEssex	Outline application with all matters reserved except access for proposed residential and community development including 27 dwellings (14 private and 13 affordable), community shop, play area, shared gardens, public green space and associated parking	Delegated		Refuse	Refused	INPROG	
UTT/21/2730/OP	Land East Of Pines Hill Stansted	Outline planning permission with all matters reserved except access, for up to 31 no. dwellings.	Delegated		Refuse	Refused		
UTT/21/2509/OP	Land South Of (East Of Griffin Place) Radwinter Road Sewards End Essex	Outline application for the erection of up to 233 residential dwellings including affordable housing, with public open space, landscaping, sustainable drainage system (SuDS) and associated works, with vehicular	Committee	17-Mar-22	Refuse	Refused	INPROG	

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

ITEM NUMBER:	**6**
PLANNING COMMITTEE DATE:	**22 June 2022**
REFERENCE NUMBER:	**UTT/21/1833/FUL**
LOCATION:	**Cutlers Green Lane, Land West of Thaxted,**

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: June 2022

PROPOSAL:	**Construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and landscaping.**
APPLICANT:	**Cutlers Solar Farm Ltd**
AGENT:	**Pegasus Planning Group Ltd**
EXPIRY DATE:	**7 September 2021**
EOT Expiry Date	**17 June 2022**
CASE OFFICER:	**Mr Lindsay Trevillian**
NOTATION:	**Outside Development Limits. PROW, Local Wildlife Site, Archaeological Site, Oil Pipeline, within 6km of Stansted Airport, Special Verge, SSSI impact zone, listed buildings in the vicinity.**
REASON THIS APPLICATION IS ON THE AGENDA:	**Major Application**

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1. EXECUTIVE SUMMARY

1.1 This application was presented to members of the planning committee on 19th January 2022 with a recommendation for approval subjected to suggested conditions.

1.2 Members concluded and reached an agreement to defer making a decision at this meeting and requested Officers to negotiate with the applicant to directly respond to a number of questions raised by the Committee and seek further information regarding:

Level of detail within the application on layout and equipment proposed
Flooding and Drainage
Fire Safety
Biodiversity
Visualisations
Lighting
Noise
Decommissioning

Topsoil loss
Food Production vs Renewable Energy

1.3 Following the Committee meeting Officers contacted the applicant and discussions were held regarding the above points of interest raised by Members. The applicant provided further information which included:

Covering Letter
Revised Site Location Plan
Revised Landscape Strategy
Land and Energy Resources Appraisal – Technical Note
Outline Fire Safety Management Plan
Photographs and Visualisations

1.4 For the ease of reference for Members of the Planning Committee, this executive summary has been provided in addition to the main body of the original report presented below at the Committee in January and will deal with each of the above points of interest in order.

1.5 Level of detail within the application on layout and equipment proposed

1.6 During the Committee meeting, there was some confusion as to what exactly what was being applied for and whether there was sufficient detail for Members to be able to determine the application. Members thereby requested that further information be provided in respect to the details of the proposals.

1.7 For confirmation, the description of the works as per the application form and detailed in this report are in fact that of which is being proposed as part of this full planning application.

1.8 However, and to be clear, the applicant has submitted the planning application under the principles of what is known as the "Rochdale Envelope". The 'Rochdale Envelope' approach is employed where the nature of the Proposed Development means that some details of the whole project have not been confirmed (for instance the precise dimensions of structures) when the application is submitted, and flexibility is sought to address uncertainty.

1.9 The need for flexibility is identified in a number of National Policy Statements (NPS) which suggest the 'Rochdale Envelope' as an approach to address uncertainties inherent to the Proposed Development e.g. changing market conditions, the environment including climate change, or ground conditions.

1.10 The Rochdale Envelope requires the worst-case scenario to be assessed by selecting a maximum set of parameters including. In this instance the

applicant has provided;

the maximum extent of the development (in respect to layout)
the maximum heights of any equipment and buildings
the maximum number of equipment and buildings

1.11 The construction techniques and infrastructure design are based on current understanding of existing projects and information provided by suppliers. The actual method of construction may deviate from what is described; however, any deviation from that described will be within the parameters of the Rochdale Envelope for the development.

1.12 One such example of how this could work is that a panel section drawing showing the arrays at 3m high has been assessed and submitted for determination. However, at the final detailed design stage, it is possible that the height may be reduced from 3m to a lower height.

1.13 The important distinction is that the 'Rochdale Envelope' represents the worst-case scenario. It could be possible that the proposals could be underdeveloped but not overdeveloped against these parameters.

1.14 Flooding and Drainage

1.15 Members of the Committee previously made several comments in relation to flood risk and the proposed drainage strategy for the site. These comments were generally based upon concerns raised by adjoining occupants of Waterhall Farm to the north-west of the site who raised concerns regarding the impacts of the development on existing surface water run off on their property.

1.16 Members made a request for the applicant to provide further information in relation to the consequences of the proposed development on greenfield run off rates and potential downstream flood risk on Waterhall Farm, with suggestions made as to whether the proposed development could incorporate further attenuation features to reduce any subsequent risks.

1.17 It is considered that solar farms mostly retain their greenfield characteristics in drainage terms because the proposed development produces a negligible increase in impermeable area and would continue to act exactly the same as the existing agricultural fields. It is also noted that the Lead Local Flooding Authority previously raised no objections in respect increase surface run or the risk of increase flooding either on or off the site.

1.18 Nevertheless, the applicant has revised the proposals to incorporate a new attenuation pond in the south-eastern corner of the northern site parcel to further intercept surface water run-off from the site and

surrounding fields. The revision to include the further attenuation pond as part of the development is considered to result in a betterment to existing run off rates and reduce the susceptibility to flood risk.

1.19 Fire Safety

1.20 Within the previous Committee, Members asked questions regarding the risk of fire in relation to the Battery Energy Storage System element of the development, specifically the proposed lithium-ion batteries. Members requested that details be provided by the applicant regarding the specific fire safety measures and procedure that will be implemented with the development be provided.

1.21 The applicant has submitted an Outline Fire Safety Management Plan as further information in support of the proposals. The Management Plan sets out the detailed design approach to be taken, the Health & Safety and other legislation the scheme must follow and the information which is required to be provided in advance of construction of the proposals.

1.22 The applicant has stipulated that they are willing to accept, should the Council be minded approving the application, a suitably worded planning condition imposed on the decision to secure the preparation and submission of a full detailed pre-construction Fire Safety Management Plan in accordance with the submitted Outline Fire Management Plan. A condition has therefore been added to those suggested conditions outline in Section 17 of this report to cover off the above.

1.23 Biodiversity

1.24 Several questions were raised by Members in relation to how the development will impact on deer species, and how the development could provide further enhancement measures to allow for deer to cross the site without enclosure. Furthermore, some references were made as to whether the proposed free zone along the 20m wide easement of the high-pressure gas main through the site could function as an additional wildlife corridor through the site to improve ability for wildlife and deer.

1.25 In respect to the above, the applicant has confirmed that deer species would be prevented from accessing the areas containing panels (which is necessary due to the risk of damage), however they would be free to use all other areas of the site and can freely move between the land either side of the arrays. The applicant has confirmed that there are wide buffers and easements already provided around the edge of each field (typically between 10-25m, although narrowing in a few places to no less than 4m) which the applicant's ecologist has confirmed deer would continue to use.

1.26 Turning to the pipeline easement, the applicant agrees that there would be some merit to utilise the easement of ecological enhancement such as

planting further hedgerows of vegetation. However, the applicant has stipulated that due to the constraints associated with the easement, proposing any landscaping or planting along this would not likely be acceptable. Furthermore, any additional hedgerow which would be proposed along either side of the easement would impact the landowners ability to effectively farm the land in the future once the solar farm has been decommissioned. The applicant states that it will nevertheless remain an open corridor for wildlife.

1.27 Visualisations

1.28 Several comments were raised by Members of the requesting visualisations of what the proposed development would look like. Visualisations of the proposals were original provided with the original Landscape and Visual Impact Assessment, however the applicant in response to the comments from Members has taken the opportunity to revise the photomontages enclosed under the original Landscape and Visual Impact Assessment. Views 3A, 4A, 5B, and 7a provide visualisations of the proposed development at years 0, year 1 and year 15.

1.29 Lighting

1.30 Members at the committee meeting requested further information in respect of the proposed lighting strategy for the site.

1.31 The applicant has confirmed that continuous lighting for the site unnecessary at the site. The only permanent lighting on site will be timer controlled and motion sensor activated security lighting. Furthermore, any installed lighting will only be fitted to proposed buildings (including switchgear, inverter, substation and battery container units) and will be downwards facing to limit any light emittance when lit.

1.32 The applicant has confirmed that they are happy to accept an appropriately worded planning condition to secure the submission of a detailed lighting strategy prior to the commencement of development if the Council feels that this is necessary.

1.33 Noise

1.34 A point of interest in which Members raised at the Planning Committee was in relation to potential noise impacts of the proposed development and how any impacts could be mitigated.

1.35 The applicant has confirmed that the noise generated from the development will be minimal and that the only noise generating equipment which will be installed on the site would be limited to the batteries and proposed inverter units across the site.

1.36 The applicant stipulates that the proposed batteries are housed in storage units and so generate very little external noise and are effectively silent during operation. However, they did point out that associated plant items, specifically heating / cooling equipment associated with the batteries do generate noise when in operation (typically during hot summer months). The solar scheme will only operate during daylight hours, with full capacity reached around the middle of the day on a sunny day. However, the battery storage aspect of the development could, feasibly, operate at any time within a typical 24 hours.

1.37 Furthermore, it is suggested by the applicant that the inverters and accompanying batteries would be dispersed across the site in small numbers and located toward the centre of the solar panels in each development zone to reduce visual and noise impacts on surrounding receptors. It is submitted by the applicant that given the location of the inverters and batteries at the centre of the development zones, existing background noise and the distance of the proposed units from the closest residential receptors (in excess of 200m) there would be no adverse noise impact on any neighbouring receptors.

1.38 The Application has been consulted to Council's Environmental Health Officer who has not raised any concerns in respect to noise. Nevertheless, if the Council are mindful of granting planning permission for the development, an appropriately worded condition could be imposed on the decision notice requiring a detailed noise impact assessment to be submitted and agreed prior to works commencing on site.

1.39 Decommissioning

1.40 It was noted Members had concerns over the detail of the Section 106a in respect of decommissioning

1.41 The applicant has provided a draft head of terms detailing that the development will not to Implement until the Developer has provided to the Council the Decommissioning Plan and the Decommissioning Bond or the Deposit, the terms of which are to be set out in a detailed schedule under the Section106 Obligation.

1.42 The applicant has advised that it is not however possible to get an equivalent draft decommissioning plan generated at this point for the current project under consideration as the model behind the plan requires a lot of very specific project level detail that is only available just prior to construction when the detailed design is finalised.

1.43 The applicant has also hired RINA, an independent global engineering consultancy which specialises in advising other industries in matters

including decommissioning and who have provided cost analysis studies for decommissioning a similar project to those proposed here.

1.44 It is anticipated that the PV plant will first be disassembled, with all above and below grade components removed. This includes all buried cables, conduits, and foundations. While PV modules will need to be removed by hand, the mounting structure, buried cables, and concrete will be removed with the aid of machinery to increase efficiency. Substations will be removed by cranes. For end of life conditions, it is assumed that electrical equipment, substations, and concrete do not have salvage value and will be disposed of.

1.45 It is expected that the entire site will be reseeded with native grasses and vegetation in accordance with the planning approved landscape and ecological management plan. The remainder of site will already be vegetated, and disassembly activities will not significantly disturb the vegetation. Seeding in those areas is included as a precautionary measure. The below table produced by RINA outlines the disassembly methods anticipated.

Table 1: Anticipated Disassembly Methods

Item	Removal Method	Type of value
PV Modules	Hand Removal. Place modules face down on pallets, tape wire ends, tied down and transport via skid-steer to staging location.	At 1-year: 99.5% Salvage/Resale, 0.5% Disposal End of Life: Cost free disposal by producer
DC cables	Disconnect PV connectors, cut cable ties, and remove wires from cable tray. Transport via dump truck to staging area.	Salvage
Central Substations Client Substation	Removal by crane and transport via flat-bed to staging location. Assume no disassembly.	At 1-year: 100% Salvage/Resale, 0% Disposal End of Life: Salvage container, rest is Scrap disposal
String Inverters	Removal and transport via flat-bed to staging location. Assume no disassembly.	At 1-year: 99% Salvage/Resale, 1% Disposal End of Life: Scrap disposal
Monitoring Cabin	Removal by crane and transport via flat-bed to staging location. Assume no disassembly.	At 1-year: 100% Salvage/Resale, 0% Disposal End of Life: Scrap disposal
Mounting structure	Stabilize with machine. Cut legs and lower to ground level. Cut cross beams to appropriate size and transport via dump truck to staging location. Ground posts removal via post-puller and transport via dump truck to staging location.	Salvage
Main AC/DC, HV and earth copper underground cables	Excavate to cable depth at one end of trench. Use tractor to pull out all cables in common trench. Main AC/DC cables are direct buried so complete excavation of trenches is not required. Transport via dump truck to staging area.	Salvage
Fence and CCTV posts	Machine roll fence fabric. Remove access gates and posts via post-puller and transport via dump truck to staging location.	Salvage
CCTV equipment	Remove CCTV equipment from posts and transport via dump truck to staging location.	At 1-year: 98% Salvage/Resale, 2% Disposal End of Life: Scrap disposal
Concrete	Remove with excavator and jack hammer. Backfill and compact as needed. Transport via dump truck to staging area.	Scrap disposal
Access track gravel	Remove with skid steer. Transport via dump truck to staging area.	Salvage
General waste offsite disposal	Assumed disposal of general mixed waste at £200 per tonne.	Scrap disposal
Re-Seeding	Re-seed native grasses using a tractor pulled drill seeder. Stabilize and mulch on areas where concrete or gravel was removed only.	Cost included in Site Restoration
Re-Grading	No bulk re-grading is included as this could trigger additional storm water control requirements.	n/a
Erosion & Sediment Control	Install silt fence around project perimeter. Install tracking control at site entrance and replace once during disassembly. Remove at end of disassembly.	Cost included in Site Restoration

1.46 Topsoil loss

1.47 Members at the previous Committee suggested for a condition requiring no topsoil being removed from the application site as a consequence of the development. The applicant has confirmed that they are happy to accept such a condition. This has been added to the list of suggested conditions in Section 17 of this report.

1.48 Food Production vs Renewable Energy

1.49 Finally, one of the points of discussion by Members was in relation to the issue of food production verses renewable energy production.

1.50 As a result, the applicant commissioned Kernon Countryside Consultants,

a specialist agricultural, equestrian and rural planning consultant to undertake a formal land and energy resource appraisal of the site and proposed development. The appraisal is summarised as per the applicant supporting letter stating:

1.51 *In summary the appraisal concludes that the loss of BMV land is deemed to be temporary, and in an area with such high proportions of BMV Land, is difficult to avoid and it appears to be accepted that the loss of BMV land will be somewhat inevitable in Uttlesford. The Application site represents just a tiny fraction (0.0001%) of the overall croppable area in England and within Uttlesford, the site area represents just 0.08% of agricultural land falling within Grades 2 and 3. As such, the temporary loss of agricultural land will have no impact.*

1.52 *The economic benefits of the existing agricultural site are not significant. A theoretical net profit has shown that the land at the site could make a profit of £19,600 before labour.*

1.53 *With regards to the food versus energy debate, England is largely self-sufficient when it comes to production of grains, producing over 100% of domestic consumption of oats and barley and over 90% of wheat. In respect of energy, 40.8 percent of our electricity was generated using fossil fuels in 2020. Gas accounted for 35.7% of electricity produced but 59% of gas was imported. Wind and solar accounted for 28.4% of electricity production in 2020. With global prices dictating the cost of imported gas and England's high reliance on imported gas, energy prices are soaring. The cost of living crisis and rising energy costs in particular, are a major concern for the entire population.*

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

1.55 The development is proposed for a temporary period in which after 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.

1.56 However, it is acknowledged that during the life of the proposed development there is likely that there will be a reduction in agricultural productivity over the whole development area including food production.

1.57 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 fields subject to these proposals.

1.58 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.

1.59 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.

1.60 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.

1.61 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.

1.62 ULP Policy E4 states that alternative uses for agriculture land will be permitted subject to certain criteria. This criterion is set out below,

1.63 The development includes proposals for landscape and nature conservation enhancement;

The development would not result in a significant increase in noise levels or other adverse impacts beyond the holding;

The continued viability and function of the agricultural holding would not be harmed;

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

1.65 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 though new planting and the creation of extensive grassland areas to replace arable land and species diverse wildflower meadow grassland.

1.66 As confirmed by Council's Environmental Health Officer and as per above,

the proposals will not result in significant increase in noise levels or other adverse impacts beyond the holding subject to appropriate mitigation measures.

1.67 The development would not result in the permanent loss of agricultural land and the land will be returned to full agricultural use. During the operational stage of the development, the land will have time to assist in the rebalancing of soil nutrients, re-establishing soil biota, breaking crop pest and disease cycles, and provide a haven for wildlife thus enhancing the quality of land for future agricultural use following the decommissioning of the solar farm.

1.68 It is considered that the proposed access and traffic management strategy for the site during both the operational and temporary construction stages of the development will have a negligible impact on the surrounding highway network.

1.69 On balance it is thereby considered that weight should be given to the benefits of the scheme, and it would not result in a significant loss of BMV agricultural land or harm the agricultural industry, in accordance with Policies ENV5 and E4 of the Local Plan.

2. RECOMMENDATION

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

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

And

If the freehold owner shall fail to enter into such an agreement, the Interim Director Planning & Building Control 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 site comprises an area of 52.35 hectares of agricultural fields within the open countryside that extend southwest of Bolford Street and west of the hamlet of Cutlers Green. The town of Thaxted is located approximately 1.5 miles to the east with the surrounding area being rural in character.

3.2 There are a series of overhead power cables that run through the site. A

narrow strip of woodland also occupies a central position on the western boundary of the site. The fields within the site boundary are generally surrounded by mature vegetation, including trees and hedgerows. Public rights of way cross the application site. There are several designated heritage assets in proximity to the application site, including Loves Farmhouse, Richmonds in the Wood, and Lower Farmhouse; these properties are all included in the List of Buildings of Special Architectural or Historic Interest as Grade II.

3.3 The hamlet of Cutlers Green comprises several dwellings that span along Bolford Street, approximately 150m from the south-eastern boundary of the site. While to the south, Loves Farm is approximately 50m from the southern boundary. Located to the west of the site, Richmonds in the Wood (an existing residential property) is positioned centrally adjacent to the western boundary. Several dwellings are located approximately 275m to the northwest of the site along Henham Road, some of which overlook the site from the rear of the properties.

3.4 With regards access to the site, there are several existing access points, however an existing access track to the northern boundary, adjacent to Waterhall Farm, is the principal access point to the application site.

3.5 To the south of the application site are four areas of ancient woodland designated as ‘important locally’; Warrens Wood, Horham Wood, Browns Wood and Home Wood. To the west, Grove Spring Woods, Little Wood East and Little Wood West are also designated as Ancient Woodland and as locally important. A small pocket of land to the west, adjacent to Cutters Green, is designated as a Local Wildlife Site.

4. PROPOSAL

4.1 The applicant has advised that it is estimated that the proposed development would generate approximately 40 MW of renewable energy, which could provide approximately enough energy to power over 13,291 homes and displace approximately up to 8,986 tonnes of CO2 per annum. In June 2019, the Government raised the UK's commitments in tackling climate change by legislating a net-zero gas emissions target for the economy by 2050. Following the Climate Change Committee's advice in the Sixth Carbon Budget, Prime Minister Boris Johnson has agreed to legislate a new target to reduce national emissions by 78% by 2035, with the target due to be enshrined in law by the end of June 2020. This builds on the nations new Nationally Determined Contribution (NDC) to the Paris Agreement, which will see the UK reduce emissions by 68% by 2030 compared to 1990 levels. Decarbonising the power sector is integral to achieving these targets and requires major investment into renewable technologies, such as solar power, which are supported by planning policy at both local and national levels.

4.2 At a local level, Uttlesford District Council voted to declare a climate emergency in August 2019 and are currently in the process of preparing a climate change action plan that will set out realistic, measurable, and deliverable targets that define how the Council will achieve net-zero carbon by 2030. It is anticipated that the action plan will be adopted in April 2023.

4.3 The proposed development includes the construction and operation of the following equipment:

Arrays of solar PV panels.
Approximately 18 containerised inverters.
Approximately 18 containerised battery storage units.
Distribution Network Operator (DNO) substation and Customer substation/switchgear and meter equipment.
Internal access tracks.
Perimeter fence and access gates; and
CCTV cameras.

4.4 The applicant has advised that construction work on the proposed development, assuming planning permission is granted, would not commence until a final investment decision has been made by the applicant and a contractor appointed. Following the award of the contract, the appointed contractor would carry out several detailed studies to inform the technology selection for the proposed development and to optimise its layout and design before starting work at the site. It follows that it has not been possible for the applicant to fix all the design details of the proposed development at this stage. The Applicant has therefore sought to incorporate sufficient design flexibility. This relates to the dimensions and layout of structures forming part of the proposed development, including the precise layout of the site and the height of the solar panels.

4.5 The applicant has further advised that the approach involved assessing the maximum (and where relevant, minimum) parameters for the elements where flexibility is required. For example, the solar panels have been assessed for the purposes of landscape and visual impact as being maximum of 3m high, which is the worst-case. The panels could be lower. The approach also involved defining development zones, rather than having a defined layout. This would allow the future contractor to optimise the layout of the solar farm following any grant of planning permission, rather than being bound to a precise layout.

4.6 The zones are shown in the Zoning Layout Plan that forms part of the planning application submission. The zones define where certain infrastructure should be located within the site, but there is flexibility in terms of the layout within each zone. The infrastructure that is permitted shall be allocated as follows:

Development Zone 1 – solar panels, inverters, battery containers, customer switchgear and DNO substation.
Development Zone 2 – solar panels, inverters, and battery containers.
Development Zone 3 – solar panels, inverters, and battery containers.
Development Zone 4 – solar panels, inverters, and battery containers.
Development Zone 5 – solar panels, inverters, and battery containers.
Development Zone 6 – solar panels, inverters, and battery containers.

4.7 The design principles for the layout of the solar farm are: -

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

There will be a gap of approximately 3-4m between each row of arrays and maximum top height of the solar panels would be 3m. The minimum standard height of the lowest part of the solar modules fixed onto the framework will be 0.9m.

Typical minimum distance between edge of panels and perimeter fencing would be 5m to allow a wildlife corridor.

Retention and enhancement of existing Public Rights of Way running through the site, incorporating a 5 - 10m corridor with hedgerow either side to reduce visual impacts.

4.8 The components of the solar farm include:

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

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

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

Customer Switchgear and DNO Substation.

Temporary construction and main site access tracks of permeable construction.

Internal access tracks of permeable construction.

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

Distribution Network Operator (DNO) substation – 8.0m x 6.0m x 4.1m
Customer Substation – 10.0m x 4.0m x 3.0m
Inverter Building – 12.2m x 2.5m x 2.9m

Battery Container - 12.2m x 2.6m x 4.5m (total height)
Security Fence – 2.0 metres in height
CCTV Camera – 2.3m pole with camera on top
The development would have an operational lifespan of 40 years.

5. ENVIRONMENTAL IMPACT ASSESSMENT

5.1 An application for a screening opinion for the above proposal under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), under Regulation 6 of the stated Regulations, was submitted under application UTT/21/0459/SCO.

5.2 The 2017 Regulations provides guidance regarding procedures which are required in establishing whether an EIA is required. This guidance requires the Local Planning Authority (LPA) to consider whether the proposed development is described in Schedule 1 or 2 of the Regulations. Schedule 2 identifies 13 different categories, of which Class 3 is 'Energy Industry' and a) relates to 'Industrial installations to produce electricity, steam and hot water (unless included in Schedule 1)'. The proposal exceeds the thresholds. The proposal is not, however located in wholly or partly within a 'sensitive area' as defined by the Regulations.

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

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

6. RELEVANT SITE HISTORY

6.1

Reference	Proposal	Decision
UTT/12/5601/FUL	Construction of 29.96 ha solar park at Land at Spriggs Farm, Thaxted Road, Little Sampford.	Conditional approval.
UTT/13/2207/FUL	Construction of 18.65 ha solar park at Hyde's Farm, Little Bardfield.	Conditional approval.
UTT/19/1864/FUL	Construction and operation of a solar farm comprising arrays of solar photovoltaic	Conditional approval.

	panels and associated infrastructure (inverters and transformers, DNO building, customer switchgear/ control room, cabling, security fencing, CCTV, access tracks and landscaping) on agricultural land off the B1051. (52 Ha.) Terriers Farm, Boyton End, Thaxted.	

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 The applicant undertook public consultation which comprised of four phases, starting with an informal invitation to a few immediate neighbours for a meeting in December 2020. The formal consultation began with an introduction letter of the proposal to the immediate residents, offering a telephone or video-meeting. This was followed with our third phase, seeking consultation feedback from residents in Cutlers Green and those living nearby to the proposal in Debden Green. This consultation was for two weeks starting on 22nd February 2021, before extending the consultation to the wider surrounding community for a public consultation starting on the 7th April 2021 and closing on the 21st April 2021. This was the fourth phase. Full details of the public consultation are provided within the supporting Consultation Report (May 2021).

7.1 The applicant undertook public consultation which comprised of four phases, starting with an informal invitation to a few immediate neighbours for a meeting in December 2020. The formal consultation began with an introduction letter of the proposal to the immediate residents, offering a telephone or video-meeting. This was followed with our third phase, seeking consultation feedback from residents in Cutlers Green and those living nearby to the proposal in Debden Green. This consultation was for two weeks starting on 22nd February 2021, before extending the consultation to the wider surrounding community for a public consultation starting on the 7th April 2021 and closing on the 21st April 2021. This was the fourth phase. Full details of the public consultation are provided within the supporting Consultation Report (May 2021).

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 Essex County Council as Local Highway Authority have advised that:

8.1.2 In highway terms, the impact of this application is during the construction phase, this is expected to last between 16 and 18 weeks. It is estimated approximately 1500 HGV movements will take place during this period; of

these approximately 1230 will be 15.4m articulated vehicles. Over the 16-week period, this averages at 16 movements a day 14 of which are likely to be 15.4m articulated vehicles. Although the number is likely to vary daily, this gives an approximation of the impact of the HGVs on the network.

8.1.3 A detailed Construction Traffic Management Plan was submitted with the application and has been revised to the satisfaction of the highway authority. This includes details of the site accesses; the routing of vehicles using primary routes where possible; deliveries avoiding peak hours and market day in Thaxted; treatment of public rights of way, giving priority to pedestrians and protecting the network during construction; and before and after surveys condition of the local highway network and public right of way network, and subsequently repairing any damage done by the construction traffic. It is recommended that key aspects of the Construction Traffic Management Plan be conditioned as stated below. Once the facility is in operation it is estimated that one 4 x 4 type vehicle a week will visit the site for maintenance.

8.1.4 From a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority, subject to mitigation and conditions.

8.2 Local Flood Authority

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

8.3 Historic England

8.3.1 <u>The significance of the historic environment</u>

8.3.2 The historic environment is a finite and non-renewable environmental resource which includes designated heritage assets, non-designated archaeology and built heritage, historic landscapes and unidentified sites of historic and/or archaeological interest.

8.3.3 It is a rich and diverse part of England's cultural heritage and makes a valuable contribution to our cultural, social and economic life.

8.3.4 A solar farm in this location near Cutlers Green would have an impact upon a number of designated heritage assets and their settings in and around the site. There are no designated built heritage or archaeological assets within the red line boundary of the site. Designated assets within a 1km radius of the site include 30 listed buildings. There are no scheduled monuments within 1km of the site.

8.3.5 The proposals and their impact on the historic environment

8.3.6 The proposed development site comprises two areas of land, currently in agricultural use, to the west of Thaxted that are divided by a single track which forms the access to Richmond in the Woods. One area extends to 50ha, and the other is 15ha in size.

8.3.7 Approval is sought for the construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and landscaping.

8.3.8 The main elements of the proposal are the construction, maintenance and decommissioning of an approximately 40 MW ground-mounted solar farm with battery storage and associated infrastructure. None of the site is located within the Green Belt.

8.3.9 The Heritage Assessment produced by Pegasus Group assessed the built heritage, archaeological and landscape within a 1km radius of the boundaries of the site. We consider the area of study to be contextually proportionate in this sensitive location. All of the structures at the site would be single storey in height and any intervisibility would be mitigated when the proposed screen planting matures. The solar panels would be laid out in straight south-facing arrays from east to west across the field enclosures.

8.3.10 The racks would respond to topography but there would typically be a gap of 3-4m between each row of arrays and the maximum top height of the solar panels would be 3m.

8.3.11 The typical minimum distance between the edge of the solar panels and the perimeter fencing would be 5m to facilitate a wildlife corridor.

8.3.12 The solar panel modules would be made of PVs which are blue, grey, or black in colour and constructed of anodized aluminium alloy.

8.3.13 The policy context

8.3.14 The National Planning Policy Framework (NPPF) sets out the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, (paragraph 192).

8.3.15 It establishes that great weight should be given to an asset's conservation and the more important that asset, the greater that weight should be, paragraph 193.

8.3.16 This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

8.3.17 Any harm to, or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification, (paragraph 194). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 196).

8.3.18 Setting is then defined in the Framework 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.

8.3.19 Elements of a setting may make a positive or negative contribution to the significance of an asset and may affect the ability to appreciate that significance or may be neutral'.

8.3.20 Further guidance (paragraph 13) of the Planning Practice Guidance states that local planning authorities may need to consider the implications of cumulative change when assessing any application for development that may affect the setting of a heritage asset.

8.3.21 Historic England's position

8.3.22 We have considered the comprehensive documentation submitted with the application, including the Design and Access Statement, Heritage Statement and Landscape and Visual Impact Assessment produced by Pegasus Group.

8.3.23 Historic England acknowledge that a degree of harm would be caused to the significance of the setting of a number of the designated and non-designated heritage assets within a 1.0km radius of the site as a result of the visual impact of the PV panels and ancillary infrastructure.

8.3.24 We are satisfied that the level of that harm would be at a low level of less than substantial. We would therefore have no objections should your authority be minded approving the application.

8.3.25 Recommendation

8.3.26 Historic England considers the level of harm that would be caused to the significance of designated and non-designated heritage assets in the vicinity of the application site because of the impact of the proposed solar farm on their setting would be at a low level of less than substantial

8.3.27 On balance we would have no objections on heritage grounds should your

authority be minded approving the application.

8.3.28 We consider that the application meets the requirements of the NPPF.

8.4 Natural England

8.4.1 Soils and Land Quality

From the documents accompanying the consultation, we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 170 and 171 of the National Planning Policy Framework). This is because the solar panels would be secured to the ground with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur. Therefore, we consider that the proposed development is unlikely to lead to significant and irreversible long-term loss of best and most versatile agricultural land, as a resource for future generations.

8.4.2 Recommendation; No objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscape.

8.5 Anglian Water

8.5.1 The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details. The applicant should check for any Anglian Water assets which cross or are within proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat.

9. PARISH COUNCIL COMMENTS

9.1 The Parish Council resolved unanimously to OBJECT

9.1.1 The Parish Council believe that this development would have a seriously detrimental effect on the character of the countryside that surrounds Thaxted.

9.1.2 It is unquestionably contrary to both local plan policy (Policies S7 and GEN 2) and national planning policy and guidance. Specifically, there it is not necessary for this development to be on agricultural land when it is

estimated by DECC that there are 250,000 has. of south facing commercial roofspace in the UK. It appears in any case that the government now appreciates the inefficiency of large-scale solar energy plants and all recent published policy documents have concentrated on offshore wind as the principal source of renewable energy. It would be devastating if, despite this, Thaxted and its setting were allowed to be destroyed by the granting of permission for this development.

9.1.3 The impact on the local landscape would be dramatic. The prospect of a huge area of land beside one of the key gateways to Thaxted being enclosed by security fencing and with endless arrays of PV panels stretching into the distance is appalling. No amount of mitigation could compensate for the harm that would be done. There are serious concerns for wildlife and stories of the death of deer at the nearby Spriggs Farm solar plant have been circulating on local social media. Bird and bat deaths are also commonplace with solar farms and birds such as lapwing, skylarks and plover would be deprived of their natural habitat.

9.1.4 The impact on local heritage assets is also a major concern. The applicant's heritage statement is wholly inadequate. There is no attempt, even, to consider the effect on the most important domestic building in Thaxted, the Grade 1 listed Horham Hall, while the effect on the historic Loves Farm and Richmonds in the Wood are downplayed to the extent that we wonder whether the authors of the report realise that Richmonds, one of the historic sub-manors of Thaxted, will becompletely surrounded. Photographs to assess impact are completely inadequate while the authors seem to think that the setting of Thaxted church (undoubtedly one of the finest parish churches in the country), is limited to the environs of the Bull Ring. In reality the setting of Thaxted church extends for miles, its 180-foot spire dominating the landscape surrounding the village.

9.1.5 The land has been classified as Grade 2 and as such falls into the Best and Most Versatile category where it is necessary for the applicants to provide the most compelling evidence (Ministerial Statement (HCWS 488.2015)) that it needs to be there. No evidence on that score has even been attempted by the applicants. There are serious concerns about the cumulative effects of these developments. Some 200 acres of land to the east of Thaxted is already covered in solar panels. Another substantial development is proposed for Cole End to the north. This would fill in the gap that currently exists to the west. The incredibly beautiful village of Thaxted is being surrounded on all sides.

9.1.6 Finally, there is the issue of the longer term. The applicants say that the land can revert to agriculture after 40 years. First, it is highly unlikely that the land will be fit for agriculture after 40 years. The effect of large areas of land having been in shadow while other areas have become permanent rainwater run-off channels will probably render the land impossible to cultivate. Then there is the question of de-commissioning. What work has

been done on the scope for re-cycling? Evidence from America suggests that many panels end up in landfill. In the case of Terriers Farm the same applicants offered a bond to ensure the clean-up operation. It would appear however that this is completely worthless and as such it is quite likely that no attempt will ever be made to reinstate the site after 40 years. It will simply become derelict brown field land.

9.1.7 The consequences of allowing this development are frankly frightening and we urge the planning committee to follow the view of the 708 residents who signed the petition against this type of development.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 Solar Glare

I understand that this issue is dealt with by the Civil Aviation

10.1.2 Authority as a consultee. Construction

Noise and dust from the construction phase of the development has the potential to cause adverse impacts to communities in the vicinity of the site and therefore a construction management plan condition is recommended. Noise associated with the operational phase of the development is considered unlikely to cause any adverse impacts.

10.1.3 Conclusion

I have no objection to the application subject to conditions.

10.2 UDC Landscape Officer/Arborist

10.2.1 Advises that the visual impact on the existing character of this gently undulating bucolic landscape would be significate. The visual impact of the proposed development would be particularly evident from the public footpath network which runs through the site.

10.2.2 Whilst I'm in broad agreement with the findings of the submitted LVIA, additional mitigation to reduce the visual impact of the proposed development should be sort in terms of new woodland planting. It is accepted that new planting would take a number of years before it begins to become effective, however, after 15 years the new planting would likely have a significant ameliorating effect.

10.2.3 Maintaining the rural setting of Thaxted village is a matter of fundamental importance. The uninterrupted views of the historic John Webb's Thaxted Windmill would be maintained, as would the spire of St. John the Baptist with

Our Lady and St. Laurence, in views taken from the Bolford Street approach to Thaxted village.

10.2.4 Were there to be a recommendation for approval of this application, I suggest that it is conditional on the provision of mitigating legacy mixed native species woodland planting. The extent the woodland considered appropriate to be sort is indicated on the overmarked plan below. The woodland suggested consists of 7 compartments (A-G) linked for the greater part by existing hedgerows and woodland to be retained. In total the area of new woodland would be approximately 11ha in extent, which would equate to some 20,000 trees being planted within the application site. The long-term protection of such new woodland beyond the lifetime of the solar farm could be secured by the making of a woodland tree preservation order, which could take effect at the time the woodland is planted. Whilst establishing new woodland would take agricultural land out of production, this should be balanced against the increase of woodland cover in the district and the potential biodiversity gains.

10.3 Place Services (Conservation and Heritage)

10.3.1 Advise that the application site comprises several agricultural fields that extend southwest of Bolford Street and west of the hamlet of Cutlers Green. Two PROWs cross the application site, to the north. A key concern is the impact of the proposals upon a number of designated heritage assets in proximity to the site and their setting. Historic England's publication, The Setting of Heritage Assets, provides a stepped approach and within Step 2 a checklist of potential attributes of setting which contribute to significance is provided. This includes 'surrounding landscape, views, tranquillity, seclusion and land use', also environmental factors such as noise, light pollution, seasonal and diurnal changes, and general disturbance must be taken into consideration. The proposals have the potential to affect a total of thirty listed buildings within 1km of the site.

10.3.2 The solar farm will contain panels with a maximum top height of 3m and a 5m distance between the panels and perimeter will be maintained. The PROWs will be accessible, and a corridor created. The DNO substations and converters are located centrally within the solar farm, not exceeding 4.1m in height.

10.3.3 The submitted Heritage Statement has identified a number of designated heritage assets that will be affected, through change in their setting. Such as Loves Farmhouse, Grade II listed (list entry number: 11655549); Richmonds in the Wood, Grade II (list entry number: 1112979); Lower Farmhouse, Grade II listed (list entry number: 1165538) and several others which share intervisibility with the site. The submitted Heritage Statement concludes that less than substantial harm, at the lowermost end of the scale, is relevant for the heritage asset, Richmonds in the

Wood, and no harm to the significance of the other affected heritage assets.

10.3.4 I agree with the assessment of less than substantial harm arising to the setting of Richmonds in the Wood, however it is felt that the proposals would also inevitably result in an adverse change to the setting of several other designated heritage assets within 1km of the site such as Loves Farmhouse (list entry number: 1165549) and Spring Cottage (list entry number: 1317275). Therefore, Paragraph 202 (NPPF 2021) should be considered relevant for the above-mentioned heritage assets, and I suggest that the level of harm would be at the low end of the scale.

10.3.5 Were permission to be granted, I suggest a condition is attached which secures details of landscaping is attached. I also question the necessity for the quantity of CCTV cameras proposed as there is a preference for a reduction in number, to less the visual intrusion of the proposals.

10.4 Place Services (Ecology)

10.4.1 No objection subject to biodiversity mitigation and enhancement measures.

10.5 Place Services (Archaeology)

10.5.1 Advise that the historic environment record and the submitted desk-based assessment shows the proposed development area contains potentially significant archaeological remains. Aerial photography has identified several historic field boundaries (EHER46391, 46393 and 46394) with some evidence of a potential enclosure. Evidence of prehistoric occupation has been identified within the vicinity of the proposed development and the line of a probable Roman road bisects the site from the northeast to southwest (EHER 23871). These features were identified within the heritage document but a discussion of methods of construction and their impact on below ground remains was not undertaken. It is therefore recommended that a programme of archaeological mitigation is used to ensure that the heritage assets on the site are protected. This would initially comprise an appropriate programme of geophysical survey followed by appropriate trial trenching and excavation on those areas which will require ground disturbance.

10.5.2 Recommendation: No objections, subject to conditions

10.6 Crime Prevention Officer

10.6.1 UDC Local Plan Policy GEN2 - Design (d) states" It helps reduce the potential for crime"
We would refer you to our comment of 21/7/21, and have further comment to make.

Previous comments;
Essex Police Response to the Chelmsford City Council Draft Solar Farm Development Supplementary Planning Document

With reference to the recent NOTIFICATION OF CONSULTATION ON CHELMSFORD CITY COUNCIL DRAFT SOLAR FARM DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT.
Essex Police comments pursuant of the National Planning Policy Framework 2019 (NPPF) and Chelmsford City Council polices.
NPPF section 8 “Promoting Healthy and Safe Communities” paragraph 91(b), and section 12 “Achieving Well Designed Places” paragraph 127(c) address creating places that are safe. Chelmsford Local Plan DM23 & DM24 addresses security through “High Quality Design” and “Place Shaping” with a reasoned justification 9.6 - “The layout and design of a development are important in creating a safe environment where people are comfortable to live, work and visit”.

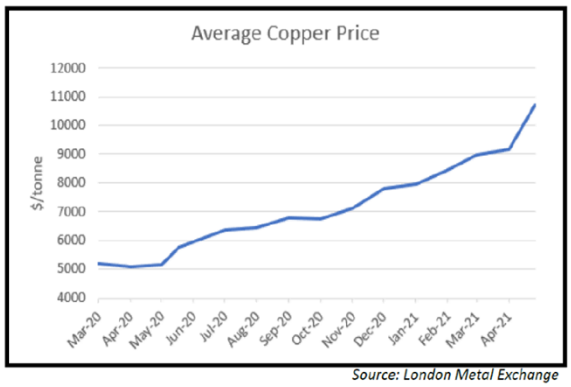
Section 17 of the Crime and Disorder Act 1998
‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.’
We note within the Draft Solar Farm Development Supplementary Planning Document that paragraph 7:23 on page 17 references “Security Fencing and Lighting” in relation to landscape and ecology. Whilst we accept in relation to security measures the importance of “significant consideration given to mitigating their impact on wildlife” we wish draw attention to the inherent crime risk of such sites due to the increase in metal theft crime and the need for serious consideration of risk commensurate security measures.
Crime risk

It should be noted that there was an expediential rise in crime in relation to solar farms during 2020 in Nottingham, Leicestershire, Lincolnshire, Derbyshire, North Yorkshire, Staffordshire, Lancashire, Warwickshire, and Scotland with further offences this year in Windsor and near Chesterfield. Whilst Essex thus far has not experienced a rise in this specific crime. Essex Police are aware that there has been a substantial increase in the numbers of metal thefts from other locations. There is real potential for thefts from solar farms to occur within the County of Essex.

Current Home Office research suggests that the thefts are fuelled by the rising metal prices especially that of copper being at a 10-year high; with everything from solar panels to cabling, batteries and ancillary equipment being targeted. As a consequence, the Solar Trade Association have consulted with the National Metal Crime Working Group, which comprises

of National Police organisations, metal trade and recycling bodies, infrastructure organisations and other allied stakeholders, with a view to seeking risk commensurate options for security measures at solar farms.

The value of metals



Source: London Metal Exchange

As mentioned earlier the price of copper is seeing a 10-year high but this increase is also being seen across of metals as well. Some of these other metals may also be present within solar farms too.

A search of the internet came up with a very useful assessment in a 'Wikipedia' article regarding use of copper in solar power generating sites came up: "Copper in photovoltaic power systems"

The usage of copper in photovoltaic systems is substantial, averaging around 4-5 tonnes per MW or higher if ribbons (conductive strips to connect individual PV cells) are considered.[9] Copper is used in:

1) small wires that interconnect photovoltaic modules.
2) earthing grids in electrode earth pegs, horizontal plates, naked cables, and wires.
3) DC cables that connect photovoltaic modules to inverters.
4) low-voltage AC cables that connect inverters to metering systems and protection cabinets.
5) high-voltage AC cables.
6) communication cables.
7) inverters/power electronics.
8) Ribbons.
9) transformer windings."

The key figure here is the estimate that 4-5 tonnes of copper is needed for every MegaWatt of electricity generated – so with a figure for the projected power generating capacity of a solar farm, it is possible to calculate a rough total figure for the copper likely to be present on site.

"Deer/stock fencing" in relation to crime is not sufficient to deter or mitigate a crime risk and only provides a symbolic boundary. It is also noted on some applications in the past that some cameras will be mounted on posts forming part of the fencing, in itself total unsuitable for security and image capture. Mature dense natural hedging ideally of a spiky nature such as hawthorn and blackthorn provides a stronger deterrent, but as with other measures requires regular inspection to ensure growth it is not obstructing CCTV cameras and to detect intrusion attempts; this needs to be included within maintenance and management plans.

We are quite appreciative of the desire to preserve open site lines across the countryside wherever possible and where stronger boundary treatments are not compatible combining 'deer fencing' with suitable monitored CCTV, Perimeter Intrusion Detection System (PIDS), 24 hour response, and enhanced building and compound security may provide a compromise solution. Where due to increased risk this is not possible a black or green weld-mesh fence has been shown to be less obtrusive.

We would wish to draw attention to the following documents that suggest risk commensurate measures to mitigate the crime risk - BREEAM document "Guide to large scale ground mounted solar PV systems" pages 11 & 12 and "NFU Risk Management Programme for Photovoltaic Field Arrays" paragraphs 7-9 www.bre.co.uk/filelibrary/pdf/other_pdfs/KN5524_Planning_Guidance_reduced.pdf www.nfumutual.co.uk/farming/farm-safety/loss-prevention-guidance-farming/

To assist developers, we would welcome the opportunity of consultation on such projects where there is a desire to mitigate security risks to the development both during and after construction.

10.7 MAG Aerodrome Safeguarding

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

10.8 NATS Safeguarding

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

10.9 Natural Sciences Officer & Uttlesford Special Roadside Verges Coordinator

10.9.1 UTT19C Cutlers Green Special Roadside Verges are on the west and east sides of Bolford Street between grid references TL589313 – TL591311. A map of the verge sites is attached to the email with this response. These verges support species rich chalk grassland. The rich flora includes Nationally Scarce Plant Sulphur Clover Trifolium ochroleucon and a wide range of other chalk grassland plants: Agrimony, Bird's-foot Trefoil, Black Medic, Creeping Buttercup, Meadow Buttercup, Common Knapweed, Greater Knapweed, Field Scabious, Great Willowherb, Hedge Bedstraw, Meadowsweet, Meadow Vetchling, Pyrimidal Orchid, Restharrow, Ribbed Melliot, Sweet Cicely, Tufted Vetch and Yarrow. This habitat is now very rare in the UK. 97% of this grassland had been destroyed in England and Wales by 1984 and

losses have continued since that time from development and other causes.

10.9.2 UTT19b Debden Green Special Roadside Verges are on the west and east sides of Thaxted Road between grid references TL578324 - TL580321. This site should be unaffected by the application if traffic to the solar farm is routed from the south as proposed.

10.9.3 I Object to this application. It will result in a significant increase in traffic accessing the local road network and driving along Bolford Street. The special verges on each side of Bolford Street will be vulnerable to erosion from the wheels of large vehicles and dust created by the development during the period of construction.

10.9.4 I understand from the documents supplied that access to the solar farm would be via an access route on the north side of Waterhall Farm. This should not directly affect the Cutlers Green verges. I would request that if the application is approved the vehicle access route to the south of Waterhall Farm is retained to continue to provide vehicle access to an agricultural storage building so that a new access under application UTT/21/1952/FUL would not be required. That new access road would destroy part of the Cutlers Green West special roadside verge. In such case, the solar farm application is damaging to the special verges both directly and indirectly.

10.9.5 I agree with the Ecological Impact Assessment that a condition needs to be put in place to protect the special verges during the period of construction if development is approved. I would request that such a Condition be applied if the Officer is minded recommending approval of the application.

10.10 Exolum Pipeline System Ltd

10.10.1 No objections

10.11 Northwest Essex Swift Group

10.11.1 Advise that if this application is approved, could the Council please secure the mitigations offered in the ecological appraisal to enhance biodiversity and aid local wildlife. The sowing of wildflowers under the arrays, followed by appropriate management will benefit a whole range of wildlife. This would be far more beneficial, than the sowing of for example a rye grass mix and regular mowing, in addition the creation of 1640m of hedgerow and the proposed bird nesting provision would be welcome and should be secured through a suitable condition.

11. <u>REPRESENTATIONS</u>

11.1 Numerous representations were received from neighbouring residents, and the following observations have been made:

11.2 Object

11.2.1 Impact on ecology and local wildlife, including the deer population
Loss of Best and Most Versatile agricultural land for food production
Impact upon the amenity value of the countryside and use of Public Rights of Way
Serious concerns about the manufacture of PV panels, most of which come from China, and whether this is ethical
No benefits for the local community
This is not sustainable development
Unsafe and inappropriate access
Solar farms should be found on brown field sites, on roofs of existing buildings and on low quality agricultural land
Impact from increased traffic
Impact upon and industrialisation of the countryside
Impact on local character and appearance of the countryside
Impact on residential amenity
Impact on the setting of Thaxted
Impact on views
Solar technology is weather dependant
Thaxted has already had enough Solar Farms
Impact upon Stansted Airport
The submitted Glint and Glare analysis is not robust in its context
Inappropriate site for development
Impact from construction vehicles
Open the floodgates to more development
Need for a s106 Agreement and Decommissioning Bond from the outset

11.2.2 Further, a petition containing nearly 200 signatures has been received in objection to the application, together with a UDC e-petition collecting 708 signatures calling for the urgent adoption by the Council of a policy on solar farm developments within the district.

11.2.3 In addition, the Cutlers Green Residents Group have instructed specialists to register their objections to the application, in terms of a critique of submitted Ecological, LVIA and Heritage matters. A copy of the summary letter is included as **Appendix 1** to this Report.

11.2.4 The Cutlers Green Residents Group have also written directly to applicant in respect of Safety matters pertaining to the application; a copy of this letter is included as **Appendix 2**. A copy of the response from the applicant's agent on the technical critiques and safety issues, is included as **Appendix 3** to this Report.

11.2.5 Finally, the Campaign to Protect Rural England (CPRE) have submitted

extensive representations in objection, and their Policy Statement on Solar Farms, in respect of this application. These comments are included as **Appendix 4 & 5** to this Report.

11.3 Comment

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

12. MATERIAL CONSIDERATIONS

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

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

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

12.3 Section 66(1) 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

Policy S7 – The countryside Policy
GEN1- Access Policy
GEN2 – Design Policy
GEN3 -Flood Protection Policy
GEN4 - Good Neighbourliness Policy
GEN6 - Infrastructure Provision Policy
GEN7 - Nature Conservation Policy
GEN8 - Vehicle Parking Standards Policy
ENV2 - Development affecting Listed Buildings Policy
ENV3 - Open Space and Trees, Policy
ENV4 - Ancient monuments and Sites of Archaeological Importance
Policy ENV5 - Protection of Agricultural Land Policy
ENV14 - Contaminated Land
E4 – Farm Diversification

13.3 Thaxted Neighbourhood Plan

13.3.1 The application site is within the Thaxted Neighbourhood Plan Area as designated on the 10th December 2015. At Council on 21 February 2019 the Thaxted Neighbourhood Plan was formally made (the Neighbourhood Plan legislation's term for adopted) by the District Council as part of the Statutory development plan. The Thaxted Neighbourhood Plan now sits alongside the Uttlesford Local Plan Adopted 2005. Should planning permission be sought in areas covered by the adopted neighbourhood plan, the application must be determined in accordance with both the neighbourhood plan and the Local Plan.

13.3.2 The following policies contained within the Thaxted Neighbourhood Plan are applicable to the determination of this planning application:

TX HC1 – Heritage and Development
TX LSC1 – Protection of the Countryside and Rural Setting of Thaxted
TX LSC2 – Protection and Enhancement of the Landscape
TX LSC3 - Wildlife Habitats and Landscape Features
TX HD1 – Scale and Location of New Development
TX LSC4 – Development in Outlying Settlements

TX HD10 – Design Principles

13.4 Supplementary Planning Document or Guidance

Uttlesford Interim Climate Change Policy (2021)
Landscape Character Assessment of Uttlesford District (2006).

14. CONSIDERATIONS AND ASSESSMENT

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

14.1.1

A) Whether the use of the site for the purpose of a solar farm would be appropriate in terms of land use and impacts on the character of the area
B) Impact on neighbour's amenity
C) Access and highway safety
D) Impact on biodiversity
E) Whether the development would increase flood risk issues
F) Impact upon sites of local archaeological importance and listed buildings
G) Other Material consideration: Section 106 Agreement and Decommissioning.

14.2

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

14.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the planning policies set out in the Adopted Development Plan unless material considerations indicate otherwise. The planning policies contained within the National Planning Policy Framework (the Framework) are also a material planning consideration, particularly where the policies in the Adopted Development Plan are out of date whereby the revised NPPF provides the statutory guidance for determining planning applications at a national level. The adopted development plan for Uttlesford comprises the Uttlesford Local Plan which was adopted in January 2005 and is therefore now over 16 years old and pre-dates both the original NPPF (2012) and the latest version (2021). A Neighbourhood Plan does currently exist for Thaxted, which forms part of the Development Plan, and the Plan area includes this application site.

41.2.3 Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. Local planning authorities are responsible for renewable and low carbon energy development of 50 megawatts or less

installed capacity (under the Town and Country Planning Act 1990) significant contribution towards the district and County's renewable energy production. The applicant has advised that it is estimated that the proposed development would generate approximately 40 MW of renewable energy, which could provide approximately enough energy to power over 13,291 homes and displace approximately up to 8,986 tonnes of CO2 per annum. These benefits need to be weighed against the impacts. The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes, however, the visual impact of a well-planned and well screened solar farm can be properly addressed within the landscape if planned sensitively.

14.2.4 In June 2019, the Government raised the UK's commitments in tackling climate change by legislating a net-zero gas emissions target for the economy by 2050. Following the Climate Change Committee's advice in the Sixth Carbon Budget, Prime Minister Boris Johnson has agreed to legislate a new target to reduce national emissions by 78% by 2035, with the target due to be enshrined in law by the end of June 2020. This builds on the nations new Nationally Determined Contribution (NDC) to the Paris Agreement, which will see the UK reduce emissions by 68% by 2030 compared to 1990 levels. Decarbonising the power sector is integral to achieving these targets and requires major investment into renewable technologies, such as solar power, which are supported by planning policy at both local and national levels.

14.2.5 At a local level, Uttlesford District Council voted to declare a climate emergency in August 2019 and are currently in the process of preparing a climate change action plan that will set out realistic, measurable, and deliverable targets that define how the Council will achieve net-zero carbon by 2030. It is anticipated that the action plan will be adopted in April 2023. Further, in February 2021 Uttlesford District Council adopted its Interim Climate Change Planning Policy.

14.2.6 The application site is located outside the Development Limits of Thaxted within Grade 2 agricultural land and is therefore located within the countryside where Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. Policy S7, however, is still a saved local plan policy and carries moderate weight.

14.2.7 In terms of the loss of Grade 2 agricultural land i.e. Best and Most

Versatile agricultural land, Natural England have advised that *…from the documents accompanying the consultation, we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 170 and 171 of the National Planning Policy Framework). This is because the solar panels would be secured to the ground with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur. Therefore, we consider that the proposed development is unlikely to lead to significant and irreversible long-term loss of best and most versatile agricultural land, as a resource for future generations.*

14.2.8 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscape.

14.2.9 Whilst this view is clearly at odds with that of Thaxted Parish Council, local residents, and the Campaign to Protect Rural England (CPRE), this is the opinion of the statutory independent consultee, and should be given significant weight.

14.2.10 The proposal relates to the installation of rows of solar panels which would be within fenced enclosures. Each of these enclosures would be within the existing field boundaries and would ensure that the existing hedge rows would remain. In view of the sensitiveness of the site, in this regard, specialist landscape advice has been sought. The application was also the subject of pre- application advice.

14.2.11 In response to discussions, the applicant has advised that key elements of the design approach have included the following:

Preserving existing trees, hedgerows, woodland, and ecological features both within and in close proximity of the site where possible.
Orientating the solar panels south to benefit from maximum solar irradiation.

Upgrading of existing field access point with improved visibility splays.

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

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

14.2.12 The Council's Landscape Officer has advised that were there to be a recommendation for approval of this application, I suggest that it is conditional on the provision of mitigating legacy mixed native species woodland planting. The extent the woodland considered appropriate to be sort is indicated on the overmarked plan below. The woodland suggested consists of 7 compartments (A-G) linked for the greater part by existing hedgerows and woodland to be retained. In total the area of new woodland would be approximately 11ha in extent, which would equate to some 20,000 trees being planted within the application site. The long-term protection of such new woodland beyond the lifetime of the solar farm could be secured by the making of a woodland tree preservation order, which could take effect at the time the woodland is planted. Whilst establishing new woodland would take agricultural land out of production, this should be balanced against the increase of woodland cover in the district and the potential biodiversity gains. If planning permission is granted, the details of legacy woodland planting would be secured by way of planning condition; the details of which would be submitted for approval to the Local Planning Authority prior to any commencement of development.

14.2.13 In overall terms, it is not considered that the development would meet the requirements in full of Policy S7 of the Local Plan and that, therefore the proposal is contrary to that policy. However, it is considered with mitigation measures as set out above, the proposal would meet the aims of Policy ENV8, which seeks to secure appropriate landscape mitigation.

14.2.14 Policy ENV15 of the adopted Local Plan 2005 states that small scale renewable energy development schemes to meet local needs will be permitted if they do not adversely affect the character of sensitive landscapes, nature conservation interests or residential and recreational amenity. However, the adopted Local Plan is silent on policies relating to large scale proposals such as this, other than that it is expected that acceptable schemes in the district would be relatively small scale. The application therefore needs to be assessed based on other material considerations, and therefore guidance contained within the National Planning Policy Framework 2021 (NPPF) is material to the consideration of this planning application.

14.2.15 In this regard, the NPPF states that:

Renewable and low carbon energy: Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

14.2.16 Section 14 of the NPPF – Meeting the challenge of climate change, flooding and coastal change, states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

14.2.17 The NPPF further advises that new development should be planned for in ways that:

avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and

can help to reduce greenhouse gas emissions, such as through its location, orientation, and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

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

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

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

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

14.2.19 Further, the NPPF sates that in determining planning applications, local planning authorities should expect new development to:

comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

take account of landform, layout, building orientation, massing, and landscaping to minimise energy consumption.

14.2.20 Finally, the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:

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

approve the application if its impacts are (or can be made) acceptable. 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.

14.2.21 On balance, and with appropriate mitigation, it is considered that this proposal is consistent with the provisions of the National Planning Policy Framework 2021, together with appropriate policies contained within the Uttlesford Local Plan 2005, and the Made Thaxted Neighbourhood Plan 2019.

14.3 B) Impact on neighbour's amenity

14.3.1 In terms of nearby residential properties, Richmond's in the Woods is located at the western edge of the application site; to the southwest, Leggatt's Farmhouse is located approximately 250m from the application site. Further dwellings are found locally in Cutlers Green to the east, with additional residential properties to the northwest along Henham Road.

14.3.2 The proposed inverters and accompanying batteries would be located in the centre of the solar panels in each development zone to reduce visual and noise impacts on surrounding receptors. The inverters would have a sound level of 75 dB (A) at a 1 metre distance. Given the location of the inverters at the centre of the development zones, and the existing background noise, there would be no adverse noise impact on any neighbouring receptors.

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

14.4 C) Access and highway safety

14.4.1 Policy GEN1 states: Development will only be permitted if it meets all of the following criteria:

a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network
c) The design of the site must not compromise road safety and must take account of the needs of cyclists.
d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to access.

14.4.2 In this regard, Essex County Council as Local Highway Authority have advised that:

In highway terms, the impact of this application is during the construction phase, this is expected to last between 16 and 18 weeks. It is estimated approximately 1500 HGV movements will take place during this period; of these approximately 1230 will be 15.4m articulated vehicles. Over the 16-week period, this averages at 16 movements a day 14 of which are likely to be 15.4m articulated vehicles. Although the number is likely to vary daily, this gives an approximation of the impact of the HGVs on the network.

A detailed Construction Traffic Management Plan was submitted with the application and has been revised to the satisfaction of the highway authority. This includes details of the site accesses; the routing of vehicles using primary routes where possible; deliveries avoiding peak hours and market day in Thaxted; treatment of public rights of way, giving priority to pedestrians and protecting the network during construction; and before and after surveys condition of the local highway network and public right of way network, and subsequently repairing any damage done by the construction traffic. It is recommended that key aspects of the Construction Traffic Management Plan be conditioned as stated below. Once the facility is in operation it is estimated that one 4 x 4 type vehicle a week will visit the site for maintenance.

14.4.3 From a highway and transportation perspective, the impact of the proposal is acceptable to the Local Highway Authority, subject to mitigation and conditions, and that the proposal is consistent with the implementation of Policy GEN2 of the adopted Uttlesford Local Plan 2005.

14.5 D) Impact on biodiversity

14.5.1 Policy GEN7 of the adopted Uttlesford Local Plan 2005 seeks to protect biodiversity, protected species and habitats. The application is supported

by various habitat surveys, a Biodiversity Checklist, an Arboricultural Impact Assessment, Breeding Bird Survey and Ecological Impact Assessment, relating to the likely impacts of development on designated sites, protected species and Priority species and habitats. These submissions have been assessed by Place Services Ecology Officers, who that they are satisfied that there is sufficient ecological information available for determination.

14.5.2 Therefore, and subject to the submission and implementation of appropriate conditions, the application is acceptable, being consistent with the implementation of Policy GEN7 of the adopted Uttlesford Local Plan 2005, and the appropriate sections of the National Planning Policy Framework 2021.

14.6 E) Whether the development would increase flood risk issues

14.6.1 The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. The built form of the development proposed lies within Flood Zone 1 (low probability of flooding) as defined by the Environment Agency. The application is accompanied by a Flood Risk Assessment. The Lead Local Flood Authority raises no objections to the proposals, subject to conditions.

14.6.2 As such, the proposals comply with Policy GEN3 and the National Planning Policy Framework 2021

14.7 F) Impact upon sites of local archaeological importance and listed buildings

14.7.1 Section 16(2) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 state that LPAs should seek to protect the integrity and setting of listed buildings. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that this harm should be weighed against the public benefits of the proposal. Policy ENV2 of the Uttlesford Local Plan 2005 relating to heritage protection states that “Development affecting a listed building should be in keeping with its scale, character and surroundings. Demolition of a listed building, or development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building, will not be permitted.

14.7.2 There are several designated heritage assets located within the vicinity of the site, including:

Grade II Listed Loves Farmhouse c. 40m south of the site.
The Grade II Listed Richmonds in the Wood c. 70m west of the site (1112979);
The Grade II Listed Lower Farmhouse c. 240m east of the site (1165538);
The Grade II Listed Spring Cottage c. 40m east of the site (1317275);
The Grade II Listed Tower Cottage c. 125m east of the site (1112978);
The Grade II Listed Wayside c. 185m east of the site (1322221);
The Grade II Listed 57-60 Henham Road c. 305m north of the site (1170903);
The Grade II Listed Potts Cottage c. 305m north of the site (1112411);
The Grade I Listed Church of St John the Baptist c. 1.6km south- east of the site (1112151).

14.7.3 Place Services Heritage identify harm at the lower end of the spectrum, but this harm needs to be balanced against the public benefits of the proposal.

14.7.4 In terms of archaeology, the Place Services Team advise that the historic environment record and the submitted desk-based assessment shows the proposed development area contains potentially significant archaeological remains. Aerial photography has identified several historic field boundaries (EHER46391, 46393 and 46394) with some evidence of a potential enclosure. Evidence of prehistoric occupation has been identified within the vicinity of the proposed development and the line of a probable Roman road bisects the site from the northeast to southwest (EHER 23871). These features were identified within the heritage document but a discussion of methods of construction and their impact on below ground remains was not undertaken. It is therefore recommended that a programme of archaeological mitigation is used to ensure that the heritage assets on the site are protected. This would initially comprise an appropriate programme of geophysical survey followed by appropriate trial trenching and excavation on those areas which will require ground disturbance.

14.7.5 On balance, the proposal would comply with Policies ENV2 and ENV4 of the adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021

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

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

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

The anticipated life of the project

The anticipated present value cost of decommissioning

An explanation of the calculation of the cost of decommissioning

The physical plan for decommissioning

A broad understanding of the lease arrangements with the Landowner

A surety or bond to cover the cost of decommissioning

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

Financial security in the form of surety bond, letter of credit, or cash escrow held by an appropriate insured financial institution.
Updated decommissioning costs and salvage value projections every five years and including a mechanism for truing up the security.

A reserve factor to the cost projections to protect against changes in market values.
A detailed decommissioning plan with a documented decommissioning costs and salvage value projections. This plan should be either produced by, or reviewed by, a licensed civil engineer; and
A process to require decommissioning if the solar energy system is no longer operational

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

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

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

15.2 Human Rights

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

16. CONCLUSION

16.1. The proposal would lead to loss of 52 ha of Grade 2 arable agricultural land; however, the nature of the proposal is such that the development would be temporary and reversible. There would be some adverse impacts on the local landscape and rural character of the area, especially those experienced by the users of the many adjacent public rights of way. The impact on the character of the area needs to be weighed against the benefits of the provision of renewable energy and in this instance the benefits outweigh the harm.

16.2 It is considered when taking the National Planning Policy Framework 2021, that the benefits of the proposal, where mitigation has been offered to make the development acceptable, are considered not to outweigh the harm which would be caused to the character of the rural area, and any less than substantial harm to the significance of the Grade II listed buildings.

16.3 Consideration has been given to paragraph 11 c) i, and Footnote 7 of the National Planning Policy Framework 2021 in terms of impacts of the development upon designated heritage assets. Given that the identified harm to assets is categorised at the lower half of the spectrum of harm, this does not give the Local Planning Authority a clear reason for refusing the development, and given the identified public benefits as set out, the application can be supported. The "tilted balance" is in favour of the proposal, including a presumption in favour of sustainable development, as set out in paragraph 14 of the National Planning Policy Framework 2021, which is therefore engaged.

16.4 The proposal subject to mitigation would not result in any material detrimental loss of residential amenity

16.5 The impact on the local highway would be minimal, even during the construction phase given the limited number of vehicular movements.

16.6 The proposals would not adversely affect protected species. There would be new hedgerows and other landscape features and the planting of new

trees belts. It is not considered that the proposal would have any material detrimental impact in respect of protected species or biodiversity

16.7 The proposals would not result in increased flooding.

16.8 Subject to conditions the proposal would not impact on airport safeguarding.

17. <u>S106 / CONDITIONS</u>

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

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

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

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

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

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

4 The submitted Construction Traffic Management Plan Revision A shall be implemented in consultation with the highway authority and adhered to throughout the construction period.

REASON: To ensure safe and suitable construction access is provided, 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 and the public rights of way are protected in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

5 Prior to implementation, the access from Bolford Street shown in principle on submitted drawing P20-1298 Figure 1 A, and entirely separate from PROW 49/14 shall be provided, including a minimum width of 6m, 10m radii and clear to ground visibility splays with dimensions of 2.4 metres by 215 metres in both directions, as measured from and along the nearside edge of the carriageway and shall be provided with an appropriate dropped kerb vehicular crossing highway verge. The visibility splays shall be retained free of any obstruction thereafter. A minimum 2m effective width of the PROW 49/14 and the extension to the road shall be maintained.

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, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

6 Upon completion of the construction phase, the Bolford Street construction vehicular access shall be reduced to a size appropriate for operation and maintenance 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 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, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

7 On commencement of development a temporary construction access, shall be constructed at right angles to the existing carriageway on the north and south side of the unnamed road, leading to the dwelling known as Richmond in the Woods, the position of which is shown in principle on submitted drawing P20-1298 Figure 2. The accesses shall only be used to travel north and south between the two construction areas and not along the highway a banksman shall be provided to assist construction vehicles. Upon completion of the construction phase the northern temporary construction vehicular access shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge and the southern temporary access shall be constructed as per condition 8. Full details to be agreed in writing with the Local Planning Authority.

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, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

8 Prior to operation, the access from the unnamed single track road, leading to the dwelling known as Richmond in the Woods, shown in principle on submitted drawing P20-1298 Figure 2 shall be provided, including a minimum width of 4.9m, radii of 6m and the clear to ground visibility splays, as measured from and along the nearside edge of the carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge. The visibility splays shall be retained free of any obstruction thereafter. This access shall be entered from the north only during the construction phase and not from the east.

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, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

9 Any gates provided at the Bolford Street vehicular access shall be inward opening only and shall be set back a minimum of 16 metres from the back edge of the carriageway. Any gates provided at the Southern Operation

access shall be inward opening only and shall be set back a minimum of 8 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 and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway 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, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

10 No unbound material shall be used in the surface treatment of the vehicular accesses within 16 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 Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

11 Construction traffic and delivery vehicles shall be programmed to arrive and depart outside the peak hours of 07:30 – 09:30 and 16:30 – 18:30 Monday to Thursday and 07:00 – 15:00 on Fridays (to avoid market day in Thaxted).

REASON: To avoid congestion and conflict in the 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, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

12 Prior to implementation a detailed plan for protection of the public rights of way network during construction shall be submitted to, and approved in writing by, the local planning authority, it shall include but not limited to a drawing identifying the PROWs position and widths and showing proposed crossing points, use of banksmen, signing, fencing, gates, and protection and maintenance of surface at crossing points. The objective of the plan will be the safety and convenience of pedestrians using the network. The approved plan to be adhered to throughout the construction phase.

REASON: To protect PROW network and in the interest of highway safety in accordance with policy DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

13 The definitive widths of PROWs within the site shall be protected within a 10m corridor between bound on both sides by hedging and fencing, the new boundary planting adjacent to the PROWs shall be planted a minimum of 3.5 m back from the definitive width of the PROW and the vegetation maintained throughout operation of the Solar Farm to ensure no encroachment. Full details to be agreed in writing with the Local Planning Authority

REASON: To protect PROW network and in the interest of pedestrian safety in accordance with policy DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

14 Any vehicular crossing points of the PROW within the development shall be suitably treated to provide priority and safe crossing for pedestrians and the surface protected and maintained to a suitable level for the safe and convenient use of pedestrians through the operation of the site. Full details to be agreed in writing with the Local Planning Authority

REASON: To protect PROW network and in the interest of pedestrian safety in accordance with policy DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

15 No development shall take place until a comprehensive condition survey of the highway network as shown in drawing number P20-1298 Figure 5 (and including the highway adjacent to the Southern Operational Access and structure 2160 Waterhall Bridge) and PROW network affected by the site as shown in Plate 2 of the Construction Traffic Management Plan has been completed in conjunction with the highway authority and submitted and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety and retaining the amenity of the byway, should the construction of the development impact on it, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

16 Following completion of the construction phase, a further comprehensive survey of the highway network as shown in drawing number P20-1298 Figure 5 (and including the highway adjacent to the Southern Operational Access and structure 2160 Waterhall Bridge) and PROW network as shown in Plate 2 of the Construction Traffic Management Plan shall be completed in conjunction with the highway authority. 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 site to a programme to be agreed with the Local Planning Authority.

REASON: In the interests of highway safety and retaining the amenity of the byway, should the construction of the development impact on it, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

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

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

REASON: To ensure that impact of decommissioning of the site on the highway and PROW network is mitigated in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management

18 All mitigation, enhancement and monitoring measures and/or works shall be carried out in accordance with the details contained in the Breeding Bird Survey (Clarkson & Woods, July 2021), Ecological Impact Assessment (Clarkson and Woods, May 2021) and letter from Clarkson & Wood dated 16th September 2021 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details. A report describing the results of monitoring of off-site Skylark compensation shall be submitted to the local planning authority at intervals identified in the legal agreement to secure this provision. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with

the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and Policy GEN7 of the adopted Uttlesford Local Plan 2005.

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

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

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

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species), and Policy GEN7 of the adopted Uttlesford Local Plan 2005.

20 Prior to any works above slab level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment (Clarkson and Woods, May 2021), shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

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 Policy GEN7 of the adopted Uttlesford Local Plan 2005.

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

I. Description and evaluation of features to be managed.
II. Ecological trends and constraints on site that might influence management.
III. Aims and objectives of management.
IV. Appropriate management options for achieving aims and objectives.
V. Prescriptions for management actions.
VI. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
VII. Details of the body or organisation responsible for implementation of the plan.
VIII. Ongoing monitoring and remedial measures.

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

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and Policy GEN7 of the adopted Uttlesford Local Plan 2005.

22 Prior to beneficial use, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and

technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and Policy GEN7 of the adopted Uttlesford Local Plan 2005.

23 No development or preliminary groundworks can commence until a programme of assessment has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

REASON: In the interest of site archaeology in accordance with the provisions of Policy ENV4 of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021.

24 A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

REASON: In the interest of site archaeology in accordance with the provisions of Policy ENV4 of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021.

25 No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork/or preservation, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

REASON: In the interest of site archaeology in accordance with the provisions of Policy ENV4 of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021.

26 The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: In the interest of site archaeology in accordance with the provisions of Policy ENV4 of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021.

27 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:

I. Demolition, construction, and phasing programme.
II. 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.
III. 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.
IV. 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.
V. Noise method, monitoring and recording statements in accordance with the provisions of BS 5228-1: 2009.
VI. Maximum noise mitigation levels for construction equipment, plant and vehicles.
VII. 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.
VIII. Prohibition of the burning of waste on site during demolition/construction.
IX. Site lighting.
X. Screening and hoarding details.
XI. Access and protection arrangements around the site for pedestrians, cyclists and other road users.
XII. Procedures for interference with public highways, including permanent and temporary realignment, diversions, and road closures.
XIII. Prior notice and agreement procedures for works outside agreed limits.
XIV. Complaint's procedures, including complaints response procedures.
XV. 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

28 No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

I. Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
II. Final modelling and calculations for all areas of the drainage system.
III. Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.
IV. Final modelling and calculations for all areas of the drainage system.
V. Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: In the interest of site archaeology in accordance with the provisions of Policies ENV12 & GEN3 of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021.

29 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, play equipment, 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).

30 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).

31 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.

32 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.

33 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.

34 The development hereby approved shall be constructed and operated in accordance with the submitted Outline Fire Management Plan (February 2022) prepared by Pegasus Planning Group Ltd unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the health and safety of those operating, maintaining the works and the surrounding residents, in accordance with Local Plan Policies GEN2 and GEN4 (adopted 2005).

Appendix 1

jamessmith
(Planning Law Services) Limited

Mr W Allwood – Planning Officer
Planning Department
Uttlesford District Council
Council Offices, London Road
Saffron Walden, Essex.
CB11 4ER

30a Upper High Street
Thame
Oxfordshire, OX9 3EX

DD: (020) 7583 8007
Mob: 07769 657 259
Ref: JS/CGR
Date: 8th July 2021

Dear Mr Allwood,

Re: Application for Solar Farm, Land West of Thaxted, Cutlers Green, Thaxted - Ref. UTT/21/1833/FUL

I write on behalf of the Cutlers Green Residents Group to register their **objection** in the strongest possible terms to the above application. The Residents Group comprises the following local residents:

Mr & Mrs Siddle, Richmonds In The Wood, Cutlers Green Mr &
Mrs Knight, The Mill House, Cutlers Green
Mr & Mrs White, Water Hall Farm, Cutlers Green

This letter should also be read in conjunction with the following accompanying reports and documents which are referred to herein:

(i) Critique of the Ecological Impact Assessment Report and the Landscape and Visual Assessment for Land Adjacent to Thaxted by Jaquelin Clay of JFA Environmental Planning;
(ii) Letter from Joanna Burton of JB Heritage;
(iii) CPRE Essex Policy Statement on Solar Farms;
(iv) Thaxted Neighbourhood Plan;

As you will be well aware, the starting point in considering any planning application is section 38(6) of the Planning and Compulsory Purchase Act 2004 which states that where regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. In this instance, not only is the proposed development contrary to the adopted development plan when properly assessed, in addition, relevant material considerations clearly also indicate that the application should be refused.

The "development plan" for Uttlesford comprises the 2005 Local Plan and, in this instance, the Thaxted Neighbourhood Plan (made 21 February 2019). Any credible analysis of the application's compliance with the policies of these documents (and in this case the main policies of relevance appear consistent with the NPPF) can only conclude that the application is contrary to the policies therein. Similarly, any assessment of the proposals against the national planning policy set out in the NPPF and the relevant PPG on renewable and low carbon energy must result in the same conclusion, particularly when one takes into account the duty of the local planning authority under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The application must be refused for the following reasons.

Unacceptable Impact on the landscape character and visual appearance of the area both in isolation and cumulatively with other recently consented solar farms

This would be a major "urbanising" development in what is a sensitive rural location. The solar panels and associated infrastructure (38 buildings, thousands of meters of 2.0m high metal security fence walling, 136 CCTV cameras and over 2,500 meters of new roads, with operating noise and vibration from the industrial inverters), would impose utilitarian structures in this unspoilt countryside location. The construction of the panels, with their regular arrangement in long rows, along with building and infrastructure would be out of keeping with the character of the 'ancient countryside' of the Cutlers Green settlement and surrounding landscape. The proposed development would introduce a large scale, conflicting "semi-industrial" development at odds with the historic and mature landscape character of the area and its locality setting. This overtly utilitarian form of development would considerably erode the rural and pastoral character of these fields and diminish their contribution to the local landscape character.

Even where national planning guidance recognises that solar energy can aid in reducing carbon emissions, it acknowledges that large scale developments such as this can have a negative impact on the rural environment and on local communities and careful consideration of the impacts is required.

Whilst the applicant's submitted Landscape and Visual Impact Assessment seeks (not very credibly) to downplay the sensitivity of the countryside in this location and the magnitude of the proposed change, even that assessment still

accepts that the proposed development will result in several major or moderate adverse effects which it claims may reduce to minor or negligible after 15 YEARS!

Attached hereto is a report from Jaquelin Clay, JFA Environmental Planning which considers the adequacy of the submitted LVIA and the conclusions reached therein. Officers are asked to review this report and consider its content. However, in particular it should be noted that she concludes that:

- the Theoretical Zone of Visual Influence (ZTVI) at Appendix 1 to the LVIA shows that the proposed development is likely to be visible up to and beyond 5 km away however the study area is very small with no justification;
- The introduction of a large-scale solar farm is clearly an alien factor in this landscape;
- "*This is an historic landscape of settled character with few or no elements that reflect the proposed solar farm. As such, it has a low capacity to absorb the change proposed, and the impact of such a change on the landscape would be high, essentially permanent (40+ years) and severe. All of the impact levels set out are understated and should be raised a level."*
- There is no discussion of how the appearance of the solar farm will protect or enhance the local landscape character as required by Local Plan policy, nor are special reasons put forward for its location.
- The aggregate effect on individual residences also needs to be evaluated. Whilst there may be no "right to a view" impacts on outlook from residential properties are a material consideration.
- The setting effect of the development on heritage assets (see also below) needs to be addressed. Currently, it has not been and that is a particular deficiency.

The proposal will cause demonstratable harm to the landscape character of the area, particularly in reference to LCA B7. There will be a large scale and long-term introduction of a new development feature with massing that is wholly at odds with the settled, historic landscape character of the area. To accept such a proposal in this location would be at odds with the LCA as defined and lead to damage to the local landscape character.

The proposal is thus clearly and demonstrably contrary to Policies S7 and ENV15 of the Local Plan as well as Policy TXLSC1 of the Neighbourhood Plan and paragraph 170 of the NPPF which recognises the need to protect the intrinsic beauty of the coutryside. In respect of the Neighbourhood Plan, we would also draw your attention to the work done by Liz Lake Associates in 2016 in connection with the Neighbourhood Plan and in particular, its conclusions in respect of the importance of the rural ("outstanding quality") landscape surrounding Thaxted, its role in defining the character of the settlement and the importance of views into and out of the settlement, including those from the north west, west and southwest and from locations within the landscape area immediately to the east of the proposed site. It is notable that the conclusions of Ms Clay are very much aligned with the findings of Liz Lake Associates in respect of Neighbourhood Plan landscape are LPLCA2 which is in close proximity to the application site. Lake Associates similarly found that landscape area to have a low capacity to absorb change which is what Ms Clay concludes in respect of the site.

Regard must also be had to the cumulative impact of the proposals on the landscape and the area. This is made clear in paragraphs 5, 7 and 22 of the PPG on "Planning for renewable and low carbon energy" which all reference the need for local planning authorities to pay "particular attention" to the cumulative impacts of renewable energy proposals which, it explains *"is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape."*

There are four Solar Farms, current and proposed, causing a significant cumulative impact on historic Thaxted and the Parish. One has been constructed at Spriggs Farm north-east of Thaxted Another is currently under construction at Terriers Farm, immediately adjoining Spriggs Farm. It is understood that a third is proposed on a large site at Cole End and this is the fourth site. If all are permitted, Thaxted will be almost entirely surrounded by large solar farms. In aggregate, these four sites will accelerate and accentuate landscape harm in the vicinity of Thaxted Village and harm to a number of heritage assets and their settings. Large solar farms will become a defining characteristic of the rural landscape surrounding Thaxted for those residing in or experiencing the countryside and the extensive local rights of way network. An assessment of cumulative impacts, particularly for landscape harm, is critical in the decision-making process and has simply not been done. That said, it is in our view clear that cumulatively these developments have very significant adverse impacts on the local landscape. Thaxted Parish is already absorbing more than its fair share of solar farms, with approximately 200 acres East of Thaxted, adding this proposal would mean over 350 acres of solar farm in the Parish which would represent a ludicrous situation.

Significant negative impact on amenity for residents and users of the footpath networks

Linked to the above points, there would be a significant impact on the local Cutlers Green residents, the adjoining local community and many tourists who come to visit historic Thaxted and those who use the footpaths, bridleway, green and country lanes around and through the site for recreational wellbeing purpose. It would have an adverse effect on their visual amenity. I understand that a significant petition and collection of personal signatures from people who use the local rights of way network for their amenity has been submitted

Some of Thaxted's most scenic walks would be directly impacted as they go through the proposed site or around the proposed site. 5 out of 10 of specially selected 'Thaxted Walks by Michael Collins' published and promoted by the local Tourist Information would be materially impacted with an adverse effect on amenity for users. Walkers using these public rights of way should be considered 'high sensitivity' receptors and rather than pleasant agricultural fields would, at close quarter, experience row upon row of solar panels and a significant loss of amenity when using the public rights of way across and adjacent to the site.

In terms of the amenity of nearby residents, the proposed development would have an overbearing and dominating effect on the outlook from Cutlers Green dwellings both on and in close proximity to the site. The application assessments, with their lack of visual material demonstrating what the development will actually look like when built, do not properly consider or demonstrate the true impact on local houses.

There is an emerging and recognised problem of operating noise from electrical equipment and industrial inverters spread across such sites. Complaints are emerging of low-level vibrations being felt and disturbing people's sleep in dwellings close to solar farms that have industrial inverters. This impacts mental health and well-being. However, no noise assessment has been submitted or offered. The applicant essentially dismisses the risk of noise pollution and offers little information in respect of proposed lighting and its possible impact (for example on wildlife). This is a quiet rural hamlet in open countryside. There are no streetlights, there are dark skies and at night it is extremely quiet except for the sound of nature and wildlife. Industrial Inverts omit constant noise and vibration. In the still of the night my clients believe this would be clearly audible and the vibrations potentially felt in nearby houses. This is not a city centre or highly urban environment where there is a constant background noise. It is a quiet rural landscape. The solar panels and industrial inverters would disturb sleep and affect local residents' amenity.

In conclusion, there would be an unacceptable and adverse effect on the living conditions for local residents.

Harmful impact on the setting of local heritage assets

My clients consider the applicant's heritage report to be deficient and defective, falling short of providing a holistic and accurate assessment. In this regard they have commissioned a review by JB Heritage which is attached. Please note in particular the following conclusions therein:

- Heritage asset assessments are missing or incomplete for noted Grade I and Grade II Listings or assets, including Horham Hall, the Conservation Area (views outwards or towards) and the Windmill;
- The impact assessment fails to follow established methodologies;
- The applicant's own definition of the Zone of Theoretical Visibility (ZTV) of 3 miles (5 Km) has been ignored when it comes to the detail. Given the scale of development proposed, the rolling nature of the topography and the extent of potential visibility indicated by the ZTV, the appropriateness of the 1km study appears inadequate and falls completely short of revealing and determining the true impacts;
- The applicant's assessment itself appears not to have given due weight to the importance of the agricultural character of the wider landscape setting of heritage assets both in visual terms but also with reference to the past functional and associative relationships and patterns of land use. As a result, it is considered that the assessment is likely to have underestimated the degree of harm to designated heritage assets;
- GPA 3 guides that settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance (page 4);
- A fuller appraisal of the setting attributes that included a consideration of the wider agricultural character of the land and gave weight to the former functional relationships is likely to give rise to a greater finding of harm, both in terms of the scale of harm but also to the number of heritage assets affected.

My clients strongly consider that there would be substantial harm to the setting of many listed buildings directly on the perimeter of the site and in the immediate and close proximity. Some examples of, but certainly not limited to, properties where there would be significant impact are:

- LOVES FARM - a farmhouse with medieval origins and one of the original farms on the Horham Hall estate;
- RICHMONDS-IN-THE-WOOD - dating from the 14th to the 16th century and listed Grade II Richmonds was one of the sub-manors of Thaxted. As is highlighted by JB Heritage, this property is approached through its agricultural surrounds which will be markedly changed by the proposed development;
- HORHAM HALL - dating from the late 15th century this is generally regarded as one of the most important Tudor houses in Essex.
- THAXTED PARISH CHURCH - the church of St. John the Baptist is one of the finest parish churches in England. Pegasus see its significance as being derived from its 'architectural, artistic and historic interest and as an example of a medieval church with later additions'. It is a prominent feature in views of Thaxted from the west.

The Heritage Assessment is misleading in its statements and does not illustrate or consider the material harm, local and cumulative impact on these settings. The proposed site is in the middle of the Cutlers Green rural hamlet and is a substantially different site compared to other recent approvals at Spriggs Farm and Terriers Farm

Regardless of the above deficiencies with the existing Heritage Assessment which clearly need to be addressed, it is already clear that the application is contrary to Policy ENV2 of the Local Plan. This states that development proposals that adversely affect the setting of a listed building will not be permitted. Even if one accepts the conclusion that any harm is less than substantial (which we do not for the reasons outlined) then it is clear that the proposed development does have an adverse impact on the setting of several heritage assets.

In terms of the NPPF tests and the duty of the local planning authority under s66 of the 1990 Act, any identified harm to a designated heritage asset (whether substantial or less than substantial) must be given “considerable importance and weight” (it is not a “mere material consideration”) by the local planning authority and any development that causes harm requires “clear and convincing justification.” It is noteworthy that in determining the Terriers Farm application, the Council appears to have failed to apply these tests properly as it did not attribute considerable importance and weight to the identified harm to heritage assets. The same mistake must not be repeated!

It is my clients’ view that the harm caused here to the significance and setting of heritage assets (both individually and cumulatively) is substantial and thus the application should be refused. However, even if harm is considered less than substantial, when attributed considerable weight as required by statute and policy and coupled with the clear landscape harm and lack of development plan compliance it is equally clear that the application should be refused.

Loss of best and most versatile agricultural land

Policy ENV5 of the Local Plan states that:

“Development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.

Footnote 53 to the NPPF similarly contains a continued presumption against the loss of the best and most versatile agricultural land and in the specific context of large-scale solar farms, the government has expressed particular concern at the inappropriate siting of solar farms on the best and more versatile agricultural land. Indeed, in a Ministerial Statement dated 25 March 2015, the Secretary of State for Communities and Local Government stated that:

“*Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high-quality agricultural land. Protecting the global environment is not an excuse to trash the local environment. When we published our new planning guidance in support of the Framework, we set out the particular factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear this is necessary, and that poorer quality land is to be used in preference to land of a higher quality.*

We are encouraged by the impact the guidance is having but do appreciate the continuing concerns, not least those raised in this House, about the unjustified use of high-quality agricultural land. In light of these concerns, we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence."

I am advised that every aspect of this site is in full crop production, it is some of the UK's most productive and most versatile farmland. Loss of the most versatile and productive arable land increases the volume of imports, often from less developed nations where deforestation is rife, as new farms are built through deforestation to meet the export demand. This adds significantly to food miles and is devastating when considering likely deforestation. This alone would eliminate any perceived theoretical carbon reduction from this application. In an increasingly dry and unpredictable climate, heavy clay soils like this site, will be essential for future food security.

The application site is Grade 2 best and most versatile agricultural land. Whilst the planning statement in support of the application states that an alternative sites assessment is submitted in support of the application, no such document has been submitted. If it exists, it must be made available for public scrutiny and consultation. However, it appears that the applicant's argument for locating the solar farm on this site is essentially that the landowner has made it available and it is relatively close to a sub-station with capacity. That is very far from demonstrating that a solar farm on this particular land is necessary or from constituting the sort of "very compelling evidence" referred to by the Secretary of State. As stated above, three other solar farms are either permitted or proposed within a few miles of this site. Absolutely no evidence has been provided to establish that four sites in such close proximity (or indeed in this area at all) are justified or necessary. Whilst the applicant may seek to rely on the statement within NPPF paragraph 154 that applicants for renewable or low carbon energy development are not required to demonstrate the "overall need" for such technology, that is a very different matter to providing compelling evidence that the development and use of this specific site, contrary to development plan policy, is necessary as is required by the majority of the applicable Local Plan policies, the NPPF and the PPG on renewable energy.

The loss of such a large amount of best and most versatile agricultural land for 40 years is both a significant material consideration weighing against the grant of planning permission and again clearly contrary to the Development Plan. It is thus another reason why the application should be refused.

Harmful Impacts on Biodiversity

My clients have significant concerns as to the likely impacts on biodiversity. It is noted that the County ecologist has similarly requested further information in this regard. Again, the adequacy of the existing assessment has been considered by Jaquelin Clay of JFA Environmental Planning and her findings are set out in her attached report. We would ask that officers review and consider these points but highlight, in particular, the following:

- Her professional opinion is that the 1-day "phase 1" survey undertaken is insufficient to meet the requirements of local plan and NPPF policy and does not provide sufficient information on the likely impacts on designated sites, habitats and protected species;
- Further surveys and information are therefore required before the local planning authority can make a properly informed decision on the application;
- In addition, any impacts on the Cutlers Green verges and Nature Conservation Area are not considered/assessed despite their proximity to the proposed development.

Whilst the applicants claim there will be a net gain in biodiversity this has not been adequately evidenced and it cannot currently be concluded that the proposed development will not be harmful in biodiversity terms. My clients are dubious, based on knowledge of the Spriggs Farm Solar Farm, as to whether proposed biodiversity mitigation measures will be delivered if permission is granted. As such, robust conditions and planning obligations would be needed to secure them.

The claim that farmland will be 'rested' due to the presence of the solar panels is also questioned. In practice, this would be a major brown field development with thousands of pile foundations, over 38 buildings, new access roads and extensive new trenches dug throughout the site. All of this intense construction activity would irrecoverably destroy the natural soil strata and thus the long-term quality of the land for agricultural use. Upon cessation of the solar farm use, it would be likely to become a derelict "brownfield" site and thus bring pressure for further development thereon.

My clients would question the claim that the proposed development will provide enough energy for 13,291 homes each year. I am instructed that this statement could be misleading and that in reality, the actual output from this proposal would be 4.6 MW of renewable energy (four point six), enough energy to power 9,822 Homes (excluding energy for heating) (Reference: European Commission Joint Research Centre - PVGIS-5 estimates of solar electricity generation.) It is a useful comparator to note a new North Sea wind farm where it is understood a single turbine is rated at 13MW and can generate enough power for 15,707 homes.

As such, it appears to be increasingly clear that large scale solar farms are less efficient that other forms of renewable energy and are likely to comprise a smaller part of the overall government strategy moving forward. The government has recently published its Ten Point Plan for a Green Industrial Revolution within which point one deals with a switch to renewable sources of electricity. The Plan however, views renewable energy purely in terms of offshore wind farms. No mention is made of solar farms. Central government has for several years shown only limited support for industrial scale land-based operations which is reflected in the national planning guidance above which continues to indicate a strong presumption against solar farm development on the 'best and most versatile farmland. This reduced support for large scale solar windfarms and their relative inefficiency should be taken into account when considering any purported benefits from these proposals.

Compliance with Policy ENV15

Within their planning statement, the applicants seek to claim that the application accords with the development plan by virtue of its accordance with Policy ENV15. This policy states that:

"*Small scale renewable energy development schemes to meet local needs will be permitted if they do not adversely affect the character of sensitive landscapes, nature conservation interests or residential and recreational amenity*."

Even a cursory analysis of the wording of this policy demonstrates that the policy does not support this application. This is not "small scale renewable energy development" to meet a "local need." It is thus not supported by the policy. Moreover, for the reasons outlined within this latter the proposed development adversely effects the character of what is a sensitive landscape area and has unacceptable adverse amenity impacts for nearby residents and users of the rights of way network. The application is thus contrary to policy ENV15.

Risks to Public Health & Safety, impact to CLH Pipeline

My clients have also asked me to flag their concerns in relation to the CLH fuel pipeline which crosses the middle of the application site from north to south. These high-pressure fuel lines were installed over 70 years ago and are an aging asset which is slowly corroding over time. If permitted, this will be a major construction site with thousands of piles, excavations and thousands of heavy vehicle movements that will risk the integrity of the pipeline. During the operational phase of the development my clients have the following concerns:

- Electrical interference with the pipeline accelerates corrosion, and
- Vibration from the 18 industrial inverters will slowly impact the integrity of the pipeline
- Fire risk from battery storage

A break and leakage would be an environmental disaster but at present there is insufficient data and research for the Council to accurately assess the risk.

Conclusions

In conclusion, therefore, my clients object in the strongest possible terms to the application and submit that the assessments that have been undertaken and submitted in respect of biodiversity, heritage, and landscape are both flawed and insufficient to enable the Council to determine the application (other than by way of a refusal) on a properly informed basis. We would be grateful if officers could consider the attached reports and the points made therein (and herein) and either refuse the application or require the submission of further information relating to

the relevant matters. In any event, however, the proposed development is clearly contrary to the Development Plan (both specific policies and "as a whole") and the relevant policy as set out within the NPPF and PPG. In particular, it is significantly harmful in landscape, amenity and heritage terms. As stated in paragraph 7 of the Renewable energy PPG, "*the need for renewable or low carbon energy does not automatically override environmental protections*." Both in its

own right and cumulatively, when considered alongside the major solar farm development already underway in the area, the proposed development is not acceptable and cannot be made so in this sensitive rural location.

With kind regards Yours

sincerely *James Smith*

James Smith
Principal and Director
For and on behalf of James Smith (Planning Law Services) Limited

Appendix 2

Beverley Rodbard-Hedderwick, Low
Carbon
Oxygen House, Grenadier
Road, Exeter Business Park,
Exeter,
EX1 3LH

4th. October 2021 Dear

Beverley,

Re: Proposed Cutlers Green Solar Farm

I am writing on behalf of the Cutlers Green Residents Group and in particular, the residents living immediately next to the proposed solar farm development. We have significant concerns about the how this project could seriously affect our safety and quality of life.

There are a number of issues that alarm us:

1. The close proximity of the site boundary to neighbouring residents, notably Richmonds in the Wood, Waterhall Farm, and The Mill House and the immediate residents of Cutlers Green and Debden Green. Nearly all other solar farms are situated more remotely outside residential areas.
2. There are battery storage units on site. Large scale lithium ion battery storage is inherently unsafe. Short circuits and malfunction can cause the batteries to burst into flames. Battery fires can be almost impossible to extinguish and sometimes emit poisonous hydrogen fluoride gas.
3. The site is traversed by a shallow high pressure fuel oil pipeline.
    a. Construction: Although subject to stringent safety conditions under normal operation, the pipeline will be in the middle of a major construction site and will be subject to disturbance from construction traffic, pile driving and unforeseen events.
    b. Long Term Operations, once work is completed, constant vibration from the industrial inverters and solar plant will present an ongoing risk in addition to the close proximity to high voltage cables impacting the cathodic protection for the ageing pipeline
4. The combined effect of explosive risk from the solar battery storage and fires together with a leak from the adjacent pipeline would precipitate a major disaster likened to Grenfell Tower of the explosive magnitude experienced in Beirut.
5. At the other end of the scale but also most concerning is the prospect of noise and vibration from the inverters. We would be unusually close to these units and we need to reassured that we will not experience any disturbance when the site is in operation. There are many cases of existing industrial solar farms having a devastating effect on local residents when it comes to noise and vibration.

No doubt all these points have already been carefully looked into by Pegasus, and I hope you are satisfied that the necessary independent impact assessments provide the evidence that there are no safety concerns. As residents, however, we need to fully understand the risks to feel completely secure in our homes.

The planning application is very short on technical information, and inclusive impact assessments, and I am hoping you can flesh out some basic details so that we can discuss them with our colleagues and reach a full understanding of the issues involved. Please will you let us know the following information.

1. **What method and approach has been taken regarding Risk Assessment and Disaster Management? 'Please can you share any 'checklist analysis', 'what-if analysis', 'fault tree analysis' and / or 'Hazard and Operability studies (HAZOP)'?**
2. **What risks have been identified? How would these risks be managed and reduced?**
3. **What is the explosive threat risk assessment uniquely presented by the high pressure fuel pipeline?**
4. **Are discussions in progress with Essex Fire Service? Will you let us know the outcome of these discussions regarding the unusual fire risk and how equipped and prepared they are to tackle a battery fire emergency?**
5. **Is there an emergency evacuation plan bearing in mind the risk of possible explosion and poisonous gas transmission?**
6. **Specifically, what is the emergency services and fire strategy? What protection and gas detection facilities would be in place?**
7. **What is the manufacturers stated maximum noise level from the inverters?**
8. **What is the outcome of the noise impact assessment?**
9. **During which hours of the day or night will the batteries and inverters be in operation?**
10. **Do you intend to use lithium ion batteries and what is their storage capacity?**

Thank you for your help and I look forward to your early response.

Kind regards,

Cutlers Green Residents Group

c/o Maureen White
Waterhall Farm Cutlers
Green Thaxted
CM6 2QE

Appendix 3

JE/P20-1298

29 October 2021

William Allwood
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

Dear William,

UTT/21/1833/FUL

CONSTRUCTION AND OPERATION OF A SOLAR FARM COMPRISING GROUND MOUNTED SOLAR PHOTOVOLTAIC (PV) ARRAYS AND BATTERY STORAGE TOGETHER WITH ASSOCIATED DEVELOPMENT, INCLUDING INVERTER CABINS, DNO SUBSTATION, CUSTOMER SWITCHGEAR, ACCESS, FENCING, CCTV CAMERAS AND LANDSCAPING.

LAND WEST OF CUTLERS GREEN, BOLFORD STREET, CUTLERS GREEN, THAXTED (X: 558848, Y: 231009)

The below technical note has been prepared and is submitted in response to the letter from Cutlers Green Residents Group and the appended technical reports undertaken by 3rd party consultants.

The note offers a response to the comments made in the letter and the technical reports. We request that the below information is taken into your consideration when determining the application.

Letter from Cutlers Green Residents Group

The letter from the residents group provides a summary of the technical reports that were undertaken on its behalf and the comments made are addressed below, in direct response to the individual technical reports.

With regard to solar development in the UK the letter does makes a number of statements that we wish to address, including that:

- There are hundreds of substations in the UK with capacity.
- It doesn't have to be located here.
- The relative inefficiency of solar is well documented; and, there is a clear move away from large scale solar energy production.

We are unsure as to the basis of the comment that there hundreds of substations with capacity. As a company, Low Carbon has looked at all parts of the UK Power Networks, Western Power Distribution, SSEN networks and, parts of Scottish Power Energy Network, Electricity North West and Northern Power Grid networks, where solar irradiation is sufficient. This has led to a number of projects coming forward in various parts of the country, not exclusively in Uttlesford, Essex or the South East. However, the number of viable connections relative to the number of substations is infinitesimally small. The process of investigating viable opportunities to connect to the networks around the country is constant and the opportunities are decreasing. This means that areas with available, viable capacity have to be considered. Currently, the Thaxted substation has capacity to accommodate broadly this size of project and this location has been arrived at by filtering out higher level planning and other constraints before identifying whether land of sufficient size to accommodate the project, is, ultimately available to us.

There is a plethora of publications, guidance and announcements from the Government supporting the role of solar in the UK's future energy mix including; the Energy White Paper: Powering our net zero future; The Contracts for Difference (CfD) Allocation Round 4 and; most recently, within the Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) which sets out that:

- *"Solar farms are one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation worldwide. Solar farms can be built quickly and, coupled with consistent reductions in the cost of materials and improvements in the efficiency of panels, large-scale solar is now viable in some cases to deploy subsidy-free and at little to no extra cost to the consumer. The Government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions. As such solar is a key part of the government's strategy for low cost decarbonisation of the energy sector."*

In addition to the shift towards net zero, the recent issues surrounding the UK's energy security and the substantial energy price increases being experienced by consumers reminds us that we cannot rely on foreign-derived energy sources. The proposal is part of the wider solution to address these issues.

PLANNING MATTERS (Response to letter from JS Planning Law)

The letter from JS Planning Law states that planning permission should be refused due to the unacceptable impact on landscape character. The letter claims that the LVIA is not credible, but does not say why, other than referring to the JFA response that has been addressed below. The impact on countryside and footpath users has been addressed by the landscape and visual assessment.

The letter claims that the proposal is contrary to Policy TXLSC1 regarding protecting the rural setting surrounding Thaxted. However, the policy confirms that maps 7 and 8 define the rural setting of Thaxted but the application site is located outside of these areas. As such, the assertion that the proposal is contrary to policy TXLSC1 is incorrect.

Regarding Local Plan Policy ENV15, the letter states that the Planning Statement claims the development accords with policy ENV15. In fact, the Planning Statement makes clear that it is only the criteria within policy ENV15, as the main renewable energy policy in the Local Plan, that have been assessed by the Planning Statement.

Policy ENV15 is clear that it relates to 'small scale renewable energy' development. The letter from JS Planning Law states that Policy ENV15 'does not support this application' and is 'thus contrary to Policy ENV15'. That position is based on a fundamental misunderstanding of the proper application of planning policy. If a policy is not directly relevant to a proposal it should not be inferred that the policy is not supportive of proposal that it does not apply to. Rather, it is the case that the Local Plan does not contain a policy that is directly relevant to large scale renewable energy development.

The letter suggests that Thaxted is 'absorbing more than its fair share' of solar farm schemes. But as the letter correctly points out, the NPPF is clear that proposals for renewable energy are not required to demonstrate a need. Furthermore, it is not clear what is meant by a 'fair share'. The UK has made a commitment to reduce CO2 emissions and it is widely accepted that meeting these targets will be very challenging. In addition,

some areas of the country (and local authority areas) will be more suited to the generation of renewable energy than others. For example, a tightly defined city based local authority area with a relatively high population will clearly struggle to provide a significant share of renewable energy, relative to its population.

The Impact of vibrations from inverters is raised as a potential issue, but no specific information is provided. Vibration is not something we have come across anywhere before as an issue.

In relation to the loss of agricultural land, the letter states that the application site includes 'some of the UK's most versatile and productive arable land '. The basis for this assertion is unclear, and is not explained or justified further. If the letter is simply making the point that the site includes Best and Most Versatile land, then it is also relevant to say that such land is to be found in large quantities across wide areas of the UK. It is also pertinent that a detailed ALC report has been included within the submission pack and clearly shows that the land is varied mix of quality, and every attempt has been made to locate the equipment on land of lesser quality.

Regarding the carbon saving benefits that the proposals will deliver, the letter claims that the loss of food production at the site would 'eliminate any perceived theoretical carbon reduction'. The basis for this statement is unclear. For the UK to provide the scale of power from solar envisaged by the Government, agricultural land is going to be needed.

A number of organisations including the NFU and the Solar Trade Association (now Solar Energy UK) have looked at the land take for solar farms in the UK in the past and concluded the actual land take is relatively small. A very useful graphic courtesy of Lightsource shows comparisons with other land uses: https://s3-eu-west-1.amazonaws.com/assets.lightsource-re.com/2020/09/Solar-in-the-UK-ID-1765335.pdf. Even allowing for nearly twice the deployment of solar farms since the original estimates and, noting that the area required per MW has fallen to around 1 hectare per MW, only around 0.1% of the UKs land is used for solar farms. This compares with 1.11% used for golf courses.

LANDSCAPE AND VISUAL

This section has been prepared in response to comments within the *'Critique of the Ecological Impact Assessment Report and the Landscape and Visual Assessment for Land adjacent to Thaxted, Essex Application No UTT/21/1833/FUL'* report produced by JFA Environmental Planning (July 2021).

In summary, the JFA critique concludes the following:

- The Theoretical Zone of Visual Influence (ZTVI) at Appendix 1 to the LVIA shows that the proposed development is likely to be visible up to and beyond 5km away; however the study area is very small, with no justification.
- The introduction of a large-scale solar farm is clearly an alien factor in this landscape.
- *"This is an historic landscape of settled character with few or no elements that reflect the proposed solar farm. As such, it has a low capacity to absorb the change proposed, and the impact of such a change on the landscape would be high, essentially permanent (40+ years) and severe. All of the impact levels set out are understated and should be raised a level."*
- There is no discussion of how appearance of the solar farm will protect or enhance the local landscape character as required by Local Plan Policy, nor are special reasons put forward for its location.
- The aggregate effect on individual residences also needs to be evaluated. Whilst there may be "no right to a view" impacts on outlook from residential properties are a material consideration.
- The setting effect of the development on heritage assets needs to be addressed

Response to critique

Critique: The Theoretical Zone of Visual Influence (ZTVI) at Appendix 1 to the LVIA shows that the proposed development is likely to be visible up to and beyond 5km away however the study area is very small with no justification.

Section 1.7 of the Methodology (Appendix 3 of the LVIA) states that:

> *"The study area for this LVIA covers a 3km radius from the site. However, the main focus of the assessment was taken as a radius of 1km from the site as it is considered that even with clear visibility the proposals would not be perceptible in the landscape beyond this distance."*

Whilst a SZTV is a useful guide in identifying where a proposed development would be theoretically visible, it cannot be used as a definitive visual envelope as it does not include the screening effect of vegetation such as hedgerows and trees or other vertical elements.

The SZTV does not illustrate the amount of the development visible. For example, it may be that just the top 20cm of a small section of one panel is visible from the area highlighted on the SZTV, which when viewed from a location such as beyond 1km away may not be perceptible to the naked eye or cause any change to the composition of a view, therefore having no adverse effect on the receptor at that location.

For the above reasons, the SZTV is to be used as a guide only, and it is incorrect to rely solely on it to determine visibility as suggested. Instead, it is used as an informative starting point from which to begin the scope of potential views. A site visit to record viewpoint photography was carried out in October 2020. Following the site visit and review of desktop information including the screened ZTV it transpired that the visibility of the proposed solar farm would be largely contained to its immediate environs (approx. 1km). Considering the established surrounding vegetation, and intervening topography it was assumed that effects on views are unlikely to be significant beyond 3km from the site and were therefore scoped out. The ten representative viewpoints surrounding the Site were identified following this scoping process.

GLVIA3 also states within paragraph 1.17 that when identifying landscape and visual effects there is a "need for an approach that is in proportion to the scale of the project that is being assessed and the nature of the likely effects. Judgement needs to be exercised at all stages in terms of the scale of investigation that is appropriate and proportional." Including views 5km or beyond is not considered to be proportionate to this scale of study and size of the proposed scheme.

1.1.1.1 *Critique: The introduction of a large-scale solar farm is clearly an alien factor in this landscape.*

"This is an historic landscape of settled character with few or no elements that reflect the proposed solar farm. As such, it has a low capacity to absorb the change proposed, and the impact of such a change on the landscape would be high, essentially permanent (40+ years) and severe. All of the impact levels set out are understated and should be raised a level."

The change is accepted within the assessment and a medium magnitude of change assessed for landscape character. A solar scheme of this nature is not deemed to cause a high level of change due to its scale, response to the underlying topography, low lying elements (when compared to residential and wind developments) and pattern which sits within the existing field structure.

The site and surrounding area are a working agricultural landscape. It is not protected by any designations for its historic character, defining elements or landscape character, it is not of high sensitivity and therefore would not be of low capacity to accommodate the proposed development. Existing landscape defining elements such as "woodland patches and copses" and hedgerows around the site are to be retained and "broken hedgerows" infilled, with new hedgerows proposed to strengthen and enhance the existing structure.

The Proposed Development is of a long-term nature (up to 40 years) therefore all effects are assumed to be temporary unless otherwise stated.

Critique: There is no discussion of how appearance of the solar farm will protect or enhance the local landscape character as required by Local Plan Policy, nor are special reasons put forward for its location.

Landscape advice was sought by the client at inception and the layout went through several changes during the consultation process to ensure potential landscape and visual harm was addressed during the iterative design process. Opportunities to enhance the local distinctiveness, character and biodiversity of the area have been introduced as part of the proposed mitigation measures outlined at Section 2 and Appendix 2 of the LVIA.

1.1.1.2 *Critique: The aggregate effect on individual residences also needs to be evaluated. Whilst there may be "no right to a view" impacts on outlook from residential properties are a material consideration.*

High sensitivity residential receptors were identified as:

- Waterhall Farm is located along Bolford Street along the eastern edge of the Site.
- Houses along Bolford Street
- Richmonds in the Woods is located to the south west of the Site, the Site boundary wraps around the property.
- Loves Farm is located to the south of the Site.
- Duckett's Farm is located to the west of the Site.

Access to assess the predicted visual effects from private individual properties outside the Application Site was not obtained. GLVIA 3 (Paragraph 6.17) suggests that effects of development on private property are dealt with separately from the LVIA as a 'Residential Amenity Assessment'. This level of assessment was not part of the scope of the LVIA.

As stated in the LVIA at 5.10:

> *"Through an iterative design process, the layout of the Proposed Development has incorporated measures to prevent or reduce potential visual effects; including the setting back of panels away from identified properties (where appropriate) and additional planting and management proposed as part of the Landscape Strategy (Appendix 2)."*

1.1.1.3 *Critique: The setting effect of the development on heritage assets needs to be addressed.*

Potential effects on the setting of heritage assets are generally assessed within the heritage report and therefore not assessed within the LVIA. An exception to this might be

if surrounding heritage assets were designated for landscape reasons such as registered parks and gardens or they had important views attached to their listing.

HERITAGE

A response was received from JB Heritage Consulting Ltd on behalf of the Cutlers Green Residents Group regarding the site at land west of Thaxted, Cutlers Green Lane, Thaxted, Essex on 6th July 2021. This is henceforth referred to as the 'JB Response'.

The JB Response was based on a desk-top review of the site and its surroundings only. Although the author states that they are familiar with Thaxted and its environs including Cutlers Green, any desk-based review of our assessment, which was informed by a site visit to fully comprehend the topography of the landscape and in turn the visibility of designated heritage assets, is not considered to be of merit.

Our assessment has followed a robust, staged approach to the assessment of assets, as outlined below.

The Screening Opinion, which was issued by Place Services on 24th March 2021, stated that the following designated heritage assets as a minimum ought to be addressed within the application:

- The Grade II Listed 57-60 Henham Road (1170903);
- The Grade II Listed Potts Cottage (1112411);
- The Grade II Listed The Old Post Office (1112412);
- The Grade II Listed Richmonds in the Wood (1112979);
- The Grade II Listed Spring Cottage (1317275);
- The Grade II Listed Loves Farmhouse (1165549);
- The Grade II Listed Tower Cottage (1112978);
- The Grade II Listed Wayside (1322221);
- The Grade II Listed Lower Farmhouse (116538);
- The Grade II Listed Corner Cottage (132222);
- The Grade II Listed The Old Cottage (1112977); and
- The Grade II Listed Barn at Cutlers Green Farm (116541).

The Screening Opinion went on to states that the Grade I Listed Church of St John the Baptist (1112151) and Grade II* Listed Windmill (1112153), both located within the settlement of Thaxted approximately 1.6km south-east of the site, should be included.

Step 1 of the methodology recommended by the Historic England guidance GPA3 is to identify which heritage assets might be affected by a proposed development. All of the assets outlined in the Screening Opinion were assessed at this stage during the preparation of the Heritage Statement, and the presence of any other assets that should be assessed was reviewed during the background research and site visit. It was ascertained that the following assets were not considered to require further assessment on the basis of distance, and/or a lack of intervisibility, and/or an absence of historical, functional association, and the nature of the development proposals, comprising solar development:

- The Grade II Listed Corner Cottage (132222);
- The Grade II Listed The Old Cottage (1112977);
- The Grade II Listed Barn at Cutlers Green Farm (116541);
- The Grade II* Listed Windmill (1112153); and
- The Thaxted Conservation Area.

The JB Response includes a brief paragraph on the Thaxted Conservation Area, stating that the site is located adjacent to one of the main approaches to the asset from the west. The Conservation Area lies approximately 1.6km east of the site. A large amount of intervening agricultural land lies between the site and the western boundary of the Conservation Area. Agricultural land will be retained adjacent to Cutlers Green and on the eastern side of Bolford Street opposite the site. The land within the site does not contribute to the heritage significance of the Thaxted Conservation Area through setting as part of its approach from the west. Further assessment is, therefore, not considered to be appropriate.

With regard to the assessment of the Grade II Listed Buildings in the vicinity of the site which have a historical, functional association with the land within the site, an assessment of the contribution to the setting of these assets were undertaken within the Heritage Statement. The Grade II Listed Loves Farmhouse, Richmonds in the Woods and Lower Farmhouse all had a historic relationship with the land within the site at the time of the Tithe Map during the mid-19th century. This functional association between the land within

the site and both Loves Farmhouse and Lower Farmhouse has since been severed and the proposed development within the site, although intervisible with these assets, is not considered to result in an impact on the overall understanding, experience and appreciation of Loves Farmhouse and Lower Farmhouse. The Heritage Statement concluded no harm to the heritage significance of these two Listed Buildings through changes to setting. The Heritage Statement concluded that the proposed development within the site would result in less than substantial harm at the lowermost end of the spectrum to the heritage significance of the Grade II Listed Richmonds in the Woods, via a change in setting.

As correctly stated within the JB Response, Cutlers Green is a hamlet which has retained its rural character within an agricultural landscape. This has been reflected in the evolution of the masterplan which has resulted in the movement of the red line to be set back from Cutlers Green and the retention of intervening agricultural land adjacent to the hamlet and the associated Listed Buildings and the retention/strengthening of the existing mature field boundaries within and along the site boundaries.

The JB Response concluded that the scope of the assessment provided in the Heritage Statement did not include all of the heritage assets with the potential to be affected by the development proposals as it did not appraise the full range of heritage assets that were requested to be scoped in by Place Services. As explained above, all of the designated heritage assets in the wider vicinity of the site were assessed at Step 1 of the methodology outlined in GPA3 and some were not taken forward for further assessment.

The JB responses goes on to state that the assessment within the Heritage Statement is likely to have underestimated the degree of harm to designated heritage assets. Responses were received from both Historic England on 30th June 2021 and Place Services who provide historic buildings and conservation advice to Uttlesford District Council on 22nd July 2021. Both of these responses referred to the Heritage Statement produced by Pegasus Group (April 2021) and considered that the assessment undertaken within the Heritage Statement was acceptable.

The Historic England response stated that they would have no objections on heritage grounds should Uttlesford District Council approve the application and considered that the

application meets the requirements of the NPPF. The Place Services response did not object to the application, subject to a condition securing details of landscaping.

In conclusion, Pegasus have undertaken an appropriate assessment in line with guidance and to the satisfaction of relevant heritage consultees. This has been informed by research and a site visit, and the critique of our work undertaken by JB Heritage without a site visit is not considered to have merit.

ECOLOGY

Phase 1 Survey

For all habitat types, information on botanical species has been provided within the EcIA report. As stated within the report, an extensive species list was not collected but species characteristic of the habitats present were recorded and reported, and this is entirely consistent with industry norms for reporting and is sufficient for the purposes of ecological assessment.

Habitats

Woodland and Hedgerows

As stated within the EcIA, the woodland present at and adjacent the site will be retained and protected with adequately protective fencing and undeveloped buffer zones. For the purposes of ecological impact assessment, It is rarely if ever a requirement to survey woodlands to NVC criteria for development proposals where they are highly unlikely to be impacted, as is the case for this site.

There will be a total of 33m length of hedgerow loss to facilitate new site access, comprising 5 breaches each measuring between 5 and 8m. This is comparable to the size of existing access gaps in the hedgerow network and is highly unlikely to result in fragmentation or loss of connectivity for wildlife present (e.g. see 'Dormice' subheading below). Aside from these gaps, all woodland and hedgerows will be retained and protected through appropriately protective fencing. As part of the proposals, the creation of circa 1,640m of native, species-rich hedgerow will be planted for biodiversity and visual amenity benefits. This will adequately compensate for the loss of relatively small hedgerow sections and will provide excellent connective linkages between hedgerows and woodland blocks

present at the site and the wider landscape. The proposals will substantially increase the extent of this priority habitat at the site.

The cessation of intensive arable farming practices, including spraying crops with pesticides & herbicides, is likely to be of benefit to the woodland and hedgerow habitat at the edge of the site as these currently would suffer from spray to spray drift. In particular, this would encourage the growth of woodland ground flora at woodland edge habitats.

An overall positive impact in terms of extent, quality and connectivity of woodland and hedgerow habitats as a result of the proposals can therefore be expected.

Ditches

Whilst no detrimental impacts on the ditch network are expected as a result of the proposals, it is agreed that the scheme provides an opportunity to enhance the ditch network for the benefit of biodiversity. To that end, it is proposed to include prescriptions for management of the ditches within the Landscape and Ecological Management Plan (LEMP) to be prepared and implemented at the site. Management prescriptions will aim to prevent choking by vegetation, enhance the water retaining abilities of the ditches, maintain habitat diversity, and encourage settling of sediments and nutrient uptake by vegetation. This can be achieved by a rotational management regime which is sensitive to the presence of wildlife inhabiting the ditches, as well as plug-planting with beneficial marginal plant species.

It should be noted that the cessation of arable farming practices, including a subsequent reduction in spraying and application of fertiliser to the land, is reasonably likely to result in the improvement of water quality with the ditches.

Field boundaries

It is agreed that late October is a suboptimal time of year for surveying vegetation (this is acknowledged as a limitation in the report) and it is right that some flowering species may have been missed or under recorded. However, all of the grassland margins present at the field boundaries are to remain free from development and protected from impacts by installation of site perimeter fencing. An undeveloped margin of at least 5m (but typically larger) is to be maintained in this way between the array and the hedgerows/woodland

bounding the fields, which is wider than the existing field margins. These will be managed via a low-input rotational cutting regime which will be prescribed in the LEMP, with the aim of encouraging the development of a structurally diverse and species rich grassland sward, whilst preventing the encroachment of scrub.

As for all habitats currently present at the edges of the arable fields, the cessation of intensive arable farming practices, including spraying crops with pesticides & herbicides, is likely to be of benefit to the existing grassland marginal habitat as these currently will be subject to spray drift, which would discourage growth of many herbaceous plant species. This effect, plus the proposed management of field margins described above, should provide optimal conditions for those species which are cited in the nearby Wildlife Site descriptions (namely devil's-bit scabious Succisa pratensis, pyramidal orchid Anacamptis pyramidalis cowslip Primula veris, twayblade orchid Listera ovata and sulphur clover Trifolium ochroleuco) to thrive at the operational site whether they are already present at the existing field margins or not.

The existing arable land will be sown with grassland seed mix and managed via low intensity sheep grazing or through to encourage a diverse sward to establish. This will greatly increase the coverage of grassland habitat at the site, which is not common in the local area. As such, the proposals will be expected to deliver a significant benefit for grassland habitat as a whole, in terms of coverage and quality.

Arable

Further discussion on the use of the arable land by birds is discussed under 'Species' below.

Species

Bats

No obvious features with potential to support roosting bats were identified during the Phase 1 survey. It was acknowledged within the EcIA that the site could support roosts at trees with the hedgerow network. The habitats at the boundaries of the arable fields (woodland, hedgerows and ditches) were also described as likely to be important for bats as foraging grounds and for moving through the landscape between roosts. However,

these important features will be retained and protected with suitably protective fencing and undeveloped buffer zones.

It is not anticipated that lighting will be required during the construction phase. However, localised lighting might be needed for short durations during working hours only, and only during the winter months when bats are largely inactive. The control of construction phase lighting can be prescribed as part of a CEMP recommended for the development, and can prescribe. Control measures would include the use of lighting to be minimised as far as possible, and directional fittings/cowls etc. to direct light away from boundary features to prevent impacts on bats and other nocturnal wildlife. No operational artificial lighting will be necessary except, at most, a motion triggered downlighter above the DNO substation and customer switchgear building doors, or when emergency works are required outside daylight hours. Any resulting impacts will be localised, occasional and temporary in nature.

Overall, artificial lighting required for the solar array is minimal, will only be required infrequently and for short durations, and would not be expected to result in detrimental impacts on bats using the site.

Given the retention/protection of the key habitats and features for bats, as well the minimal requirements for lighting, no detrimental impacts to bats will occur. No bat activity surveys are required to inform this assessment.

Great Crested Newts

Further great crested newt Triturus cristatus eDNA surveys were undertaken in June 2021, the results of which have been provided to Uttlesford District Council. This survey revealed the presence of GCN eDNA in two off-site ponds within 250m of the Site.

No ponds will be impacted by the development and impacts on newts are only likely to occur during the construction phase of the development; no adverse long-term effects upon great crested newts or other amphibians are predicted for this project, and the habitat established within the operational array will constitute an improved habitat for amphibians in comparison to the current arable land.

The project has been registered under Natural England's District Level Licensing scheme to mitigate for impacts on GCN and ensure legal compliance – a counter-signed Impact

Assessment and Conservation Payment Certificate (IACPC) document has been forwarded to Uttlesford District Council as evidence that the project has been registered under this scheme, and no further mitigation is strictly required.

Reptiles

As described within the EcIA, given the large expanses of arable land with generally narrow field margins currently at the site, the site represents suboptimal habitat for reptiles. Should reptiles be present, they are only likely to be in small numbers and restricted to the field boundaries. As the proposals will only impact relatively small areas of sub-optimal habitat for reptiles (i.e. the aforementioned sections of hedgerow due to be removed), no significant impacts are anticipated.

Where hedgerow clearance works are carried out however, there is a very small but nonetheless conceivable risk of encountering individuals and causing injury or death where works are undertaken in the absence of mitigation. When implemented, the precautionary approach to hedgerow removal adopted for dormice (outlined within the EcIA) would also mean that any reptiles present could be safely captured by the attending ECoW and moved to a safe location. Habitat manipulation under ecological watching brief is a widely adopted practice for removal of relatively small areas of habitat used by reptiles and would be appropriate in this circumstances. All remaining suitable habitat for reptiles will be retained and protected by installing fenced buffer zone at least 5m from the edge of hedgerow, ensuring no impacts will occur away from the short sections of hedgerow to be removed. No surveys are therefore required to determine the presence or likely absence of reptiles at the site.

The reversion of the arable land within the array to grassland would provide significantly increased extent of suitable habitat for common reptiles, and the scheme is therefore anticipated to have an overall beneficial impact for this taxa group.

Dormice

It is not known whether dormice Muscardinus avellanarius are present at the site, especially given their patchy distribution in Essex, although their presence at the site has been assumed on a precautionary basis.

As described above a small (33m total) extent of existing hedgerow will need to be removed for new access. The removal of these relatively smallsection of hedgerow would not be detrimental to the conservation status of this species (if present) as this is significantly less than the minimum width across which dormice are known to cross (e.g. Chanin P & Gubert L (2012) Common dormouse movements in a landscape fragmented by roads. Lutra 55 (1):3-15).

Should dormice be present, there is a low risk of direct impacts on individuals during clearance. As such the non-licensed precautionary approach to clearance of hedgerow sections, which is outlined within the EcIA and can be prescribed within a Construction Environmental Management Plan (CEMP) or similar document, is appropriate for avoiding impacts on individual dormice. This approach is in line with Natural England's guidance for clearing short sections of hedgerow where dormice are present {https://www.gov.uk/guidance/hazel-or-common-dormice-surveys-and-mitigation-for-development-projects}. A CEMP can be conditioned as part of planning permission for schemes such as this. We have employed this approach on numerous schemes across the UK and it is typically considered acceptable. In our view, provided that cumulative loss of habitat totals less than 50m, then the habitat loss cannot be considered at risk of significantly affecting dormice on the site.

The provision of circa 1,640m of new hedgerow planting would more than compensate for the loss of 33m of hedgerow, and would also be sufficient to meet for Natural England requirement for dormice mitigation licensing, should a licence be required (i.e. in the event that evidence of dormice were encountered during hedgerow clearance).

Wintering Birds

A described within the EcIA a single wintering bird scoping survey was undertaken In February 2021. This recorded a moderate diversity of bird species typical of lowland arable farmland. Moderate flocks of yellowhammer Emberiza citrinella were recorded during the survey and were seen to be using the hedgerows for foraging. All species recorded during the scoping survey were typically associated with hedgerow/field boundary habitat. No species that usually favour open farmland fields during the winter (such as skylark Alauda arvensis, meadow pipit Anthus pratensis, corn bunting Emberiza calandra or flocks of wading birds) were recorded during the survey.

As detailed within the EcIA and the Breeding Bird Survey Report, the field boundary habitats will be retained and protected (with the exception of minor losses for access, further discussed below) and significant new hedgerow planting (totalling approx. 1,640m) is proposed. Very few detrimental impacts therefore are likely to occur on birds predominantly utilising the boundary features. Given the expected increase in foraging value of the Site and proposed new hedgerow planting, a residual beneficial impact is expected for those wintering species recorded during the scoping survey.

The site is not located within proximity of any designated sites important for wintering wildfowl and waders (such as Special Protection Areas, Ramsar Sites or Sites of Special Scientific Interest), nor any large waterbodies or estuaries. With reference to important areas for wintering birds, the RSPB's general policy on solar arrays states 'Where proposals are not within or close to protected areas and functionally linked land, it is unlikely that the RSPB will have major concerns' {https://www.rspb.org.uk/globalassets/downloads/documents/positions/climate-change/solar-power-briefing---may-2017-update-revised.pdf1}.No wildfowl or waders were recorded during the scoping survey and it is therefore considered that the proposals would not have any significant impacts on waterbird flocks which can be dependent on arable land during winter, and which could be displaced by the proposals.

Although not recorded during the scoping survey, it remains possible that species reliant on open farmland (such as skylarks) may use the arable fields for foraging during the winter months, and thus could be affected by the development proposals. The fact that none of these species were recorded during the scoping survey indicates that the site does not represent critical foraging grounds during the winter for birds of open farmland, although it may be used on a semi-regular/casual basis. The approach to mitigating impacts for breeding skylarks is detailed within the Breeding Bird Survey Report, and in summary consists of the retention of a portion of open land in addition to an expected increase in foraging value of the habitat within the operational solar array. It is anticipated that this would also adequately mitigate for any potential impacts of habitat loss on wintering farmland birds of open farmland habitat, if using the site.

As the scoping survey visit did not record an assemblage of bird species that are likely to be significantly detrimentally impacted by the proposal, nor is the site located close to important sites for overwintering birds, no further surveys beyond the scoping survey were

considered essential for determining impacts and appropriate mitigation for wintering bird species. It is considered that adequate mitigation will be provided for farmland birds which use or potentially use the site during the winter months.

Breeding Birds

Due to the project timescales breeding bird surveys had not been completed at the point the EcIA was written and submitted to the LPA. Breeding bird surveys were subsequently completed during April to June 2021 and the Breeding Bird Survey (BBS) report was submitted to Uttlesford District Council in July 2021.

The report provides the details of breeding bird survey methods, results and mitigation proposed for the identified impacts. In summary, the surveys found the site supported a good assemblage of birds which are typical of farmland incorporating arable crops and hedgerows. As for wintering birds, the notable birds utilising the Site could be split into two categories: those which were recorded predominantly within open habitats and those recorded predominantly in boundary habitats such as woodland and hedgerows.

Again, most of the species identified were strongly associated with the hedgerows and woodland present around the field boundaries, but not the open arable fields. The site appears to support low to moderate breeding populations of red and amber listed species (including yellowhammer, linnet and dunnock). Very few detrimental impacts are likely to occur on birds breeding within the boundary features. With appropriate protection of boundary habitats and mitigation in place, as well as the expected increase in foraging value of the site and new nesting opportunities within newly planted hedgerows, a residual beneficial impact is expected for these species.

Of farmland bird species that are more dependent on open areas such as arable land for territories and nesting, only skylark showed a persistent association with the Site. Around 9 pairs of this species was recorded nesting within the arable crop.

With the extent of the arrays within the proposals, it is not possible to entirely mitigate for the loss of large open areas of habitat for all of the ground nesting birds recorded using the development site. It is likely that at least some skylarks will continue to utilise the strips between the panel strings and at field margins at least for foraging. If such habitats are assumed to be used the creation of a diverse grassland with low management input

will benefit these species by increasing the quality of foraging habitats, primarily due to the anticipated boost in abundance and diversity of invertebrate prey species. The improvement in habitat quality for foraging birds (from arable to species-rich grassland) would also be expected to boost the breeding success rates of birds nesting within the site and nearby farmland.

Furthermore, as described in the BBS report, areas of the site outside of the construction area will be designated and managed as wildlife mitigation areas to provide optimal conditions for nesting skylark. These areas will be managed via the LEMP and can be expected to support a proportion of the existing skylark population.

A residual adverse impact on the population of skylark is expected as the Site may not continue to support the current numbers using the site due to loss of open habitat. Following comments received by the LPA in August 2021, it was deemed that additional mitigation would be required for skylark territories that could not be retained on-site. To this end, and in accordance with the recommendations of the LPA Ecologist, 8 skylark plots will be provided within off-site arable farmland as part of a S106 agreement under the Habitat Banking system operated by Whirledge and Nott.

Biodiversity Impact Assessment Calculation (BIAC)

Clarkson and Woods are happy to provide the completed Biodiversity Metric for the scheme. Proposed solar developments at arable land such as this project do generally record a high score in terms of habitat units, principally as a result of the reversion of arable land to grassland beneath panels, which inherently results in a significant net gain according to the metric.

As has been stated, the scores are based on version 2.0 of the Biodiversity Metric which was in use at the time the EcIA was written. Natural England have since released an update version of the Biodiversity Metric in July 2021 to version 3.0. Natural England advise that projects which have used the Biodiversity Metric 2.0 should continue to do so (unless requested to do otherwise by the consenting body) for the duration of the project it is being used for. The net gain scores can be recalculated using Metric 3.0 if necessary; however from our experience using both versions, there would be very little change in the scores should version 3.0 be used; a significant net gain would still be recorded.

Designated Sites

The comments received under this heading are addressed under the 'Field boundaries' Subheading above.

HEALTH AND SAFETY

A number of concerns relating to health and safety and amenity have been raised, including:

- The high pressure fuel pipeline creates a safety hazard (disturbance and vibration, and fire),
- Battery storage presents a fire risk,
- Vibration from piling, which may be heard from over 2 miles away,
- The planning application makes no mention of the pipeline.

We can confirm that the applicant is aware of the pipeline that crosses the site and is also in contact with the owner/operator of the pipeline. The pipeline has been taken into account by the proposed development and planning application.

The battery technology proposed is likely to be Lithium based which is the basis for all manufacturers – the cells themselves are to contain materials in the event of a failure and sit within a wider containerised package providing added protection in the event a cell was to fail. All battery manufacturers have inherent electrical and fire suppression systems that prevent failure from leak, overheating and 'trips' which are automatically activated under circumstances which put the equipment outside of parameters. As well as electrical and fire control systems each cell module has a HVAC system that actively cools the batteries reducing the chances of issue under operation. The UK Government has widely recognised the use of this technology across its energy strategy which speaks about the practicality and safety of its widespread implementation in the UK. Health and safety of these sites are of paramount importance which is why there are numerous procedures and design features put in place to combat hazards.

The proposed development would accord with all relevant health and safety policy.

We request that the above discussions are taken into consideration when determining the application. Should you have any questions regarding any of the information or explanations contained within this Technical Note, please do not hesitate to contact me.

Your faithfully,

Jack Ellis
Senior Planner
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Appendix 4

RCCE HOUSE
THRESHELFORDS BUSINESS PARK, FEERING, COLCHESTER, CO5 9SE

Planning and Building Control
Uttlesford District Council
Council Offices,
London Road,
SAFFRON WALDEN
Essex
CB11 4ER
For the attention of William Allwood

Dear Sirs

Solar Farm application, Land to the West of Thaxted (UTT/21/1833/FUL)

CPRE Essex have serious worries in relation to this application and write to register our objection. Prompted by the number of increasingly large solar farm schemes coming forward in Essex, and Uttlesford in particular, we recently adopted a policy in relation to this form of development (copy attached to e-mail). The development proposed at Cutlers' Green is in conflict with this policy in a number of respects and we would strongly urge you to refuse permission. We have a significant number of members in your District and we understand that many of them have signed a petition urging your Council to adopt a policy that would ensure that no further harm is done to the Uttlesford countryside by the development of solar farm installations. There are now in excess of 700 signatures to the petition which reflects the views of local residents and it is clear that our concerns are widely shared and our objections well supported.

We will for convenience set out our specific concerns under headings below.

1.2 POLICY CONTEXT

This application will be judged against planning and other related policy and guidance. It is our belief that it fails to satisfy the principles set out in a number of relevant documents.

National Policy

Following nationwide concern about the environmental impact of solar farms a ministerial statement (HCWS 488,2015) from DCLG was issued in 2015. This states in no uncertain terms: ***Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the use of high quality land. Protecting the global environment is not an excuse to trash the local environment'***. It goes on to say ***'Any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence'***

These sentiments are echoed in both the NPPF and the PPG where it is stated that development should be focused on previously developed land and non-agricultural land.' Where the use of green field land is proposed this has to be 'necessary' and poorer quality land should be used in preference to higher quality land. The BRE planning guidance elaborates further saying 'National Planning Policy would not normally support development on the best agricultural land' and again emphasises the need to use 'previously developed land, contaminated land or agricultural land of classification 3b, 4 or 5. In this instance the applicants have not only failed to provide the 'most compelling evidence as to why this development needs to take place on high quality land; they have not provided any evidence to that effect at all.

It is worth pointing out that national planning policy also stresses the need to protect the landscape and refers to 'sustaining and enhancing the significance of heritage assets'.

It will be obvious that this proposal not only fails the various national policy tests in terms of land quality but is also and unquestionably, detrimental to both landscape quality and the setting of important heritage assets.

Local Plan policy

There are a number of Local Plan policies that are directly relevant to the determination of this application:

Policy S7 deals specifically with development in the countryside. Despite some debate over the conformity of this policy with the NPPF it has been determined by inspectors in many recent appeals that the principle of protecting the countryside is entirely consistent with the aims of the NPPF. Policy S7 states that development in the countryside will only

be permitted if it needs to be there or is appropriate to a rural area. It goes on to say that it will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set. Not only does an industrial development on this scale fail to protect or enhance the character of Cutlers' Green, but there is absolutely no need for it to be there. DECC has confirmed that there are millions of square feet of south facing roofs on industrial space in the UK. It is obvious that there is ample scope for an equivalent amount of development to take place where it does not harm the rural environment nor use productive farmland.

The development also fails to meet the requirements of **Policy GEN 2** in that it is clearly not compatible with the scale, form, layout, appearance and materials of surrounding buildings. Indeed, it is entirely at odds with the surrounding listed buildings.
Whilst **Policy ENV15** does refer to solar it is only permissive of 'small scale' schemes and only if they do not adversely affect the character of sensitive landscapes. This could never be described as a small scale scheme and could not do anything other than harm the surroundings within which it is set.

National Energy Strategy

In pursuing its carbon cutting ambitions the government has published many policy papers dealing with renewable energy. These concentrate very largely on off-shore wind rather than solar as a source of renewable energy. In ***Build Back Green (Oct 2020)*** it is proposed that off-shore wind capacity should be increased three-fold. In the ***10 Point Plan for a Green Industrial Revolution (Nov 2020)*** renewables are only considered in the context of off-shore wind.

1.3 THE INEFFICIENCY OF SOLAR FARMS

The applicants state that the scheme is capable of supplying power to 13,000 homes. One wind turbine in the North Sea has the capacity to power 16,000 homes. When the surface area of the space occupied by each generator is compared it will be seen how wasteful of our land solar farms are. Similarly, in terms of efficiency rating (i.e. the amount of power exported to the grid, solar's rating is between 11 and 15% whereas for off-shore wind the figure is 50%+. On one day last year it has been reported that 78% of the UK's electricity came from off-shore wind.

1.4 LOSS OF FARMLAND

The whole of the site over which the applicants have an option was classified as Grade 2. This has been confirmed by Uttlesford in their response to the EIA screening request. Grade 2 land is classified as 'Best and Most Versatile' and as such there would be a presumption against its use for solar farm purposes.

The amount of arable land in the UK is in decline. It currently stands at 6 million has. which is the lowest since World War 2. In fact, land is being taken out of cultivation at a rate of some 40,000 has. per annum. At the same time yields are declining as is land quality due to the effect of global warming. So, production potential is already diminished and we cannot afford to lose further parcels of arable land to development that has no need to be there.

The applicants have submitted a report by their own consultants which seeks to re-classify the Cutlers' Green land. As will be seen however from other evidence submitted by objectors to this project, not only was their method flawed but it is remarkable how their results remove significant areas from the 3b classification thereby reducing the amount of 'Best and Most Versatile' land. Their conclusions are however rather meaningless without any details as to the recent cropping and yields history of the land. That would be the most appropriate measure of productivity and a proper indicator of the opportunity cost of the site.

1.5 IMPACT ON THE LANDSCAPE

It is first worth referring to the work done by Chris Blandford Associates for the local authorities in north-west Essex in 2006. In that study this area is identified as a part of the 'Thaxted Farmland Plateau', where it is stated that the landscape pattern is 'sensitive to potential large-scale development' and has 'a relatively high sensitivity to change'. The guidance is to 'conserve the open views'. It is quite clear therefore that a development on this scale consisting of seemingly never-ending uninterrupted rows of glass panels would have a dramatic effect on an important local landscape. Local Plan policies militate against development in this area specifically in order to preserve the beauty of the countryside and the outstanding rural setting of historic settlements such as Thaxted.

There are a number of Public Rights of Way that traverse the site starting from Cutlers' Green itself, in the vicinity of Richmonds-in-the-Wood; Debden Green off Henham Road; and off Bolford Street adjacent to Water Hall. The visual impact on these routes would be dramatic. Views across open fields would be replaced by an industrial landscape of metal, glass and containers set within a vast compound of security fencing

together with the added intrusion of security cameras. Any attempt to mitigate the impact with new planting would largely be futile as new vegetation would take time to mature and no benefits would be seen for some15 years. The setting of tree belts and other features that define the landscape will be completely changed. Perhaps of greatest concern in terms of visual intrusion however is the effect on the approach to Thaxted. Bolford Street between Debden Green and The Borough provides some of the most remarkable views of Thaxted with the church and windmill juxtaposed to highlight the glory of one of East Anglia's most visually attractive villages set within its unaltered medieval landscape. The Grover Lewis report on heritage setting which provided supporting evidence for the Thaxted Neighbourhood Plan highlighted the importance of this 'gateway' into Thaxted as did the 2009 Historic Settlement Character Assessment commissioned by Uttlesford District Council. The fundamental point about this approach to the village is that the Conservation Area is so perfectly framed within its original historic landscape. That wide open view would be destroyed by the intrusion of security fencing and floodlighting along its southern peripherary.

1.6 IMPACT ON HERITAGE SETTING

As identified above one of the most significant issues in relation to the setting of Thaxted's heritage is in relation to the distant views of the settlement contained within its unaltered landscape. There are however specific issues associated with individual heritage assets which are inadequately dealt with in the applicants' heritage statement.

RICHMONDS-IN-THE-WOOD - dating from the 14th to the 16th century and listed Grade II, Richmonds was one of the sub-manors of Thaxted. It retains much of its medieval heritage and its agrarian character with adjacent early barns. Its agricultural setting which determines its character as a former working farmstead will be destroyed with its original land-holding covered by industrial development and the house itself surrounded by security fencing, floodlighting and all of the infrastructure required for such a project.

LOVES FARM - another farmhouse with medieval origins and one of the original farms on the Horham Hall estate. It contains many original timbers and staircase features. The impact on its rural setting has again been seriously down-played by Pegasus with wholly inadequate photography and no proper assessment of the impact on the appreciation of this asset.

HORHAM HALL - dating from the late 15th century this is generally regarded as one of the most important Tudor houses in Essex. The Great Hall with its fine Oriel Window is outstanding. No attempt has been made to even consider the impact on its setting and it has presumably been conveniently ignored on the basis of its distance from the solar farm (section 6 of the Pegasus report). It is however highly likely that the panels will feature

strongly in distant views from the house situated on land that was part of its original estate.

THAXTED PARISH CHURCH - The church of St. John the Baptist is one of the finest parish churches in England. Pegasus see its significance as being derived from its 'architectural, artistic and historic interest and as an example of a medieval church with later additions'. Whilst that is undoubtedly damning it with faint praise the true glory of Thaxted church is its dominance in its surrounding rural landscape and its association with the neighbouring John Webb's windmill. Pegasus seem to see its setting as being confined to its immediate surroundings yet its 180 foot spire can be seen for miles around with some of the most important views being from Bolford Street. To destroy such outstanding views with an intervening industrial wasteland would be one of the worst acts of heritage vandalism of the modern era.

CUTLERS' GREEN

As noted by Pegasus there are many listed buildings on and around Cutlers' Green. Whilst they are no doubt of merit in their own right, the importance of Cutlers' Green is in its collective whole, its historical associations and its completeness as a rural settlement. Its character would be destroyed by a development of this nature. No discussion on this point appears in the Pegasus report.

As the Countryside Charity we are clearly concerned about the effect of developments such as this on the landscape and the rural environment but the setting of heritage assets is clearly a very significant part of that.

1.7 IMPACT ON WILDLIFE AND BIODIVERSITY

There has been limited research into the long term impact on the natural world of land being used for solar energy purposes for up to 40 years. There are however a number of points that are obvious:

- A continuous (literally miles) of security fencing will act as a barrier to transitory animals. There is a very large deer herd that roams this particular landscape. With traditional routes closed to them they will be diverted onto roads with the inevitable increase in the number of accidents.
- Birds and bat deaths will increase as the glass panels are mistaken for water
- Ground nesting birds such as lapwing, plover and skylarks will be deprived of their natural habitat within cropped fields.

- There is considerable uncertainty over the condition of the soil after a 40 year period of solar plant use. Large areas will have been in permanent shadow and deprived of rainfall while other areas will simply become channels for rainwater run-off . Whether this condition differential could ever create a satisfactory growing environment again is highly doubtful. The applicants provide no proof that it could.

1.8 LASTING HARM

The applicants are seeking a 40 year permission period. It is highly likely that the PV panels in use today will be obsolete long before the expiry of that period. It is also likely that in perhaps 20 years time a better alternative source of renewable energy will have been found which begs the question of what will happen to the site at around the half way stage of its life-span. It will be a brown-field former industrial site. The planning committee needs to consider what its long term future might be. It is an entirely unsustainable location for housing development. There is also very considerable uncertainty over the ability and viability of re-cycling solar panels. Experience in the United States suggests that many have already been sent to land-fill.

Developers and their investors are usually quite happy to enter into a bond arrangement with the landowner and local authority knowing that on a discounted cash-flow basis the cost in 40 years' time in present value terms, is very small. Indeed, the bond entered into in relation to the Terrier's Farm development, which doesn't even come into effect for 15 years, would appear to be completely worthless.

In summary, it only need be said that there is uncertainty and very serious concern about the long-term future of these sites.

1.9 CUMULATIVE IMPACT

We have already highlighted the number of solar energy projects being promoted in the Uttlesford District. Around Thaxted alone there are already Terriers Farm and Spriggs Farm which combined amount to some 200 acres. With ColeEnd and Cutlers' Green there would be nearly a further 300 acres of productive arable land, concentrated around one village, taken out of food production with a dramatic change to a highly sensitive landscape. We believe there are better ways to generate electricity from renewable sources.

Yours faithfully,

Richard Haynes – CPRE, Essex

Appendix 5

the countryside charity

CPRE-ESSEX POLICY STATEMENT IN REGARD TO SOLAR FARMS

'Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the use of high-quality land. Protecting the global environment is not an excuse to trash the local environment.'

https://questions-statements.parliament.uk/written-statements/detail/2015-03-25/HCWS488

1.0 BACKGROUND

1.1 In terms of greenhouse gas emissions, the government is committed to achieving net zero by 2050. Such a commitment requires a fundamental change in our sources of energy including the generation of electricity. 'Renewables' will have a significant role to play but renewable energy sources, if not properly controlled, can have serious consequences for our natural environment, as alluded to in the Ministerial Statement above.

1.2 The government has recently published its Ten Point Plan for a Green Industrial Revolution in which point one deals with a switch to renewable sources of electricity. The Plan however, views renewable energy purely in terms of off-shore wind farms. No mention is made of solar farms. Central government has for several years shown only limited support for industrial scale land-based operations and national planning guidance indicates a strong presumption against solar farm development on the 'best and most versatile farmland' (classified as Grades 1,2 and 3A). Similarly, the BRE 'Planning Guidance for the Development of Large Scale Ground Mounted Solar PV Systems' also underlines the fact that national planning policy would not support development on the best agricultural land and specifically states that 'The best quality land should be used for agricultural purposes'.

1.3 Essex County Council's Climate Change Commission is yet to report formally but their recently published interim report states their 'reservations about the loss of arable farming land'.

1.4 There can be no doubt that, cumulatively, PV panels can make a valuable contribution to our electricity supply and much more can be done at planning application stage to ensure that they are in-built in all new commercial developments and many housing schemes. Large scale industrial operations however require much more careful consideration. There is already clear guidance that the most productive farmland should be avoided; however,

more control is required to avoid the immense harm that such development can do to our natural landscape and the setting of traditional buildings within it. Local planning authorities need to have policies in place to ensure that neither high quality farmland nor important landscapes are compromised - particularly so with regard to the visual 'designated' and 'valued' landscapes.

1 ISSUES

1.1 The Agriculture Act 2020 is to be applauded for its switch from Basic Payments to farmers to an Environmental Land Management scheme which incentivises environmental stewardship schemes such as tree planting and the creation of traditional habitats and ecosystems. It is made clear however that it is not intended that the scheme should apply to high-value agricultural land 'in recognition of the importance of food production.' This represents another indicator that the government recognizes the importance of reserving the best land for growing food. It is not considered acceptable therefore for local planning authorities and appeal inspectors to allow this land to be taken out of food production for the purpose of providing green energy. It is wasteful and unnecessary when many other non-productive opportunities exist for solar energy operations. Energy companies will often complain that a particular area is dominated by land in the 'best and most versatile' category and they have no alternative option. They do – develop in other areas of the country where land is less productive or, better still, concentrate on brownfield sites. The occasional grazing of sheep is also suggested sometimes as a continuing agricultural use by way of compensation but this is hardly significant when compared to the productivity of high grade arable land.

1.2 The loss of high quality farmland is not the only issue. Arguably of greater importance is the potential harm that these developments do to the landscape. Fields containing continuous rows of metal and glass bring a dramatic industrial scar to an otherwise rural environment which is then further damaged by perimeter security fencing, floodlighting, CCTV systems and a range of buildings housing all of the associated apparatus including the battery storage units. Traditional views often framing the distant setting of historic buildings such as churches are destroyed and the character of footpaths is altered for all time.

1.3 Taking land out of agricultural use does have benefits for wildlife. The monoculture of crops is removed allowing an element of bio-diversity. The absence of ploughing increases the earth worm population and insects flourish where grass is left to grow. These advantages are however, outweighed by the damage to traditional habitats through the dense development of industrial plant and infrastructure. Security fencing surrounding large areas of land removes traditional pathways for transitory animals and bird deaths are a common occurrence as large areas of glazing are mistaken for water. Grass does have to be mown and chemicals are used to control weeds and pests. The land is essentially changed from rural to industrial and habitats and the nature of local wildlife is consequently altered. A further concern is the potential impact on the quality of the soil. Large areas of solar panels will change the way that rainwater falls on the ground, air currents will change and large areas will be permanently shaded from sunlight. The earth is our biggest carbon store. It is unknown what impact these environmental changes will have on its ability to continue to store carbon and could potentially be a counter-productive feature in the battle to reverse climate change.

1.4 Solar energy companies usually lease their sites typically for periods of between 25 and 40 years. It is highly likely that the PV panels will, one way or another, be redundant before the expiry of the lease term. It is quite probable that more efficient sources of electricity will have been found rendering the panels obsolete and much of the land will no longer be required. Energy companies are quite happy to accept a reinstatement clause in the lease given that they rarely have to worry about a liability so far into the future. A landowner (and in some cases, a planning authority) will require a reinstatement bond but many that have been agreed have been worthless. There is therefore huge uncertainty as to whether these sites will ever be returned to agriculture or to a natural state. If PV panels have become obsolete it is quite likely that the operating company will have ceased to exist, so in that case and/or where any bond is worthless or inadequate, there will be uncertainty whether the landowner will undertake any reinstatement. In addition, the cost of de-commissioning and re-cycling is likely to considerably outweigh the value of what is created leaving an abandoned and derelict site. Such sites could then be classified as 'brownfield' and there will then be pressure to redevelop for housing despite their often unsustainable location.

3.0 POLICY

- The use of 'best and most versatile' agricultural land (Grades 1, 2 and 3a) for solar farms should be avoided in all circumstances.

- The redevelopment of brownfield sites for solar farm use is, in principle, to be encouraged.

- Support is also given to the use of planning conditions that require the inclusion of PV panels in the specification of new commercial developments and, where appropriate (not in Conservation Areas or similarly sensitive settings), new housing schemes.

- Applications relating to any proposed sites in rural areas should be accompanied by a comprehensive landscape impact appraisal and development which results in the loss, or change in character, of landscapes or landscape setting and views should be refused.

- Applications that result in the significant change in character of footpaths or other public rights of way should be refused.

- A wildlife impact assessment should also be required and any loss or changes to habitats should be properly mitigated.

- Any proposed new tree or hedgerow schemes should require semi-mature native species plants to ensure effective screening at the earliest possible date.

- All planning applications should be accompanied by a viability appraisal (including cost/benefit analysis) and an options appraisal which considers alternatives.

- A full land management plan should accompany all applications providing detailed information on the way in which the land will be maintained (grass cutting regimes; any use of pesticides/insecticides; animal grazing proposals; etc) and related conditions should be applied to any permissions granted.

- A reinstatement plan which identifies all of the key elements required to return the land to a natural state should be prepared and form a part of any planning application. This should provide details (related to best current practice) of the work required, the opportunities for recycling and an estimate of current cost.

- In all cases a bond should be provided as part of a legal obligation between the landowner and the local planning authority to cover the full cost of proper reinstatement, to be entered into upon commencement of any works.

Appendix Statutory Consultee Responses

Local Highway Authority

Your Ref: UTT/21/1833
Our Ref:HT/TPD /SD/KW/50624/4B
Date:- 10/12/2021

Essex County Council

CC: Cllr Martin Foley
Essex Highways DM
Essex Highways PROW

Andrew Cook
Director for Highways and Transportation

To: Uttlesford District Council
Assistant Director Planning & Building Control
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Recommendation

Application No.	UTT/21/1833/FUL
Applicant	Cutlers Solar Farm Ltd C/o Pegasus Planning Group Ltd
Site Location	Land West Of Thaxted Cutlers Green Lane Thaxted
Proposal	Construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and landscaping.

Note
In highway terms the impact of this application is during the construction phase, this is expected to last between 16 and 18 weeks. It is estimated approximately 1500 HGV movements a day will take place during this period of these approximately 1230 will be 15.4m articulated vehicles. Over the 16 week period, this averages at 16 movements a day 14 of which are likely to be 15.4m articulated vehicles. Although the number is likely to vary on a daily basis this gives an approximation of the impact of the HGVs on the network.

A detailed Construction Traffic Management Plan was submitted with the application and has been revised to the satisfaction of the highway authority. This includes details of the site accesses; the routing of vehicles using primary routes where possible; deliveries avoiding peak hours and market day in Thaxted; treatment of public rights of way, giving priority to pedestrians and protecting the network during construction; and before and after surveys condition of the local highway network and public right of way network, and subsequently repairing any damage done by the construction traffic. It is recommended that key aspects of the Construction Traffic Management Plan be conditioned as stated below.

Once the facility is in operation it is estimated that one 4 x 4 type vehicle a week will visit the site for maintenance.

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. **Construction Traffic Management Plan:** The submitted Construction Traffic Management Plan Revision A shall be implemented in consultation with the highway authority and adhered to throughout the construction period. **Reason:** To ensure safe and suitable construction access is provided, 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 and the public rights of way are protected in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. **Construction Access Bolford Street**: Prior to implementation, the access from Bolford Street shown in principle on submitted drawing P20-1298 Figure 1 A, and entirely separate from PROW 49/14 shall be provided, including a minimum width of 6m, 10m radii and clear to ground visibility splays with dimensions of 2.4 metres by 215 metres in both directions, as measured from and along the nearside edge of the carriageway and shall be provided with an appropriate dropped kerb vehicular crossing highway verge. The visibility splays shall retained free of any obstruction thereafter. (see informative 1) A minimum 2m effective width of the PROW 49/14 and the extension to the road shall be miantained. **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. **Operational Access Bolford Street**: Upon completion of the construction phase, the Bolford Street construction vehicular access shall be reduced to a size appropriate for operation and maintenance 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 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.

4. **Southern Construction Accesses**: On commencement of development a temporary construction access, shall be constructed at right angles to the existing carriageway on the north and south side of the unnamed road, leading to the dwelling known as Richmond in the Woods, the position of which is shown in principle on submitted drawing P20-1298 Figure 2. The accesses shall only be used to travel north and south between the two construction areas and not along the highway a banksman shall be provided to assist construction vehicles. Upon completion of the construction phase the northern temporary construction vehicular access shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge and the southern temporary access shall be constructed as per condition 5. Full details to be agreed in writing with the Local Planning Authority. **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.

5. **Southern operational access**: Prior to operation, the access from the unnamed single track road, leading to the dwelling known as Richmond in the Woods, shown in

principle on submitted drawing P20-1298 Figure 2 shall be provided, including a minimum width of 4.9m, radii of 6m and the clear to ground visibility splays, as measured from and along the nearside edge of the carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge. The visibility splays shall retained free of any obstruction thereafter. (see informative 1) This access shall be entered from the north only during the construction phase and **not** from the east. **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.

6. **Gates:** Any gates provided at the Bolford Street vehicular access shall be inward opening only and shall be set back a minimum of 16 metres from the back edge of the carriageway. Any gates provided at the Southern Operation access shall be inward opening only and shall be set back a minimum of 8 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 and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway 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. **Unbound material:** No unbound material shall be used in the surface treatment of the vehicular accesses within 16 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 Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8. **Construction delivery**: Construction traffic and delivery vehicles shall be programmed to arrive and depart outside the peak hours of 07:30 – 09:30 and 16:30 – 18:30 Monday to Thursday and 07:00 – 15:00 on Fridays (to avoid market day in Thaxted). **Reason:** To avoid congestion and conflict in the 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.

9. **PROW- construction:** Prior to implementation a detailed plan for protection of the public rights of way network during construction shall be submitted to, and approved in writing by, the local planning authority, it shall include but not limited to a drawing identifying the PROWs position and widths and showing proposed crossing points, use of banksmen, signing, fencing, gates, and protection and maintenance of surface at crossing points. The objective of the plan will be the safety and convenience of pedestrians using the network. The approved plan to be adhered to throughout the construction phase. **Reason:** To protect PROW network and in the interest of highway safety in accordance with policy DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

10. **PROW - operation:** The definitive widths of PROWs within the site shall be protected within a 10m corridor between bound on both sides by hedging and fencing, the new boundary planting adjacent to the PROWs shall be planted a minimum of 3.5 m back from the definitive width of the PROW and the vegetation maintained throughout operation of the Solar Farm to ensure no encroachment. Full details to be agreed in writing with the Local Planning Authority. **Reason:** To protect PROW network and in the interest of pedestrian safety in accordance with policy DM1 and DM11 of the

Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

11. **PROW - operation:** Any vehicular crossing points of the PROW within the development shall be suitably treated to provide priority and safe crossing for pedestrians and the surface protected and maintained to a suitable level for the safe and convenient use of pedestrians through the operation of the site. Full details to be agreed in writing with the Local Planning Authority. **Reason:** To protect PROW network and in the interest of pedestrian safety in accordance with policy DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

12. **Condition survey**: No development shall take place until a comprehensive condition survey of the highway network as shown in drawing number P20-1298 Figure 5 (and including the highway adjacent to the Southern Operational Access and structure 2160 Waterhall Bridge) and PROW network affected by the site as shown in Plate 2 of the Construction Traffic Management Plan has been completed in conjunction with the highway authority and submitted and approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety and retaining the amenity of the byway, should the construction of the development impact on it.

13. **Post construction condition survey:** Following completion of the construction phase, a further comprehensive survey of the highway network as shown in drawing number P20-1298 Figure 5 (and including the highway adjacent to the Southern Operational Access and structure 2160 Waterhall Bridge) and PROW network as shown in Plate 2 of the Construction Traffic Management Plan shall be completed in conjunction with the highway authority. 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 site to a programme to be agreed with the Local Planning Authority. **Reason:** In the interests of highway safety and retaining the amenity of the byway, should the construction of the development impact on it.

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

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

    Reason: To ensure that impact of decommissioning of the site on the highway and PROW network is mitigated in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

(i) The application demonstrates that the 2.4m x 215m visibility splays in both directions can be achieved by removal of hedging on Bolford Street. The developer may undertake a speed survey and submit it the highway authority to ascertain if 85th percentile speed of traffic on the road is such that lower visibility splays may be acceptable and therefore less hedging removed.

(ii) Structure 2160 Waterhall Bridge is situated close to the access and should be taken into account in the provision and use of the construction access. Any structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction. To be provided prior to the issue of the works licence.

(iii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

(iv) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.

(v) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.

(vi) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

(vii) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public rights of way numbered 49/14, 49/106, 49/45,49/11,49/88 11/57, 11/65, and 7/66 shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

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

applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

(viii) 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

.....

pp. Director for Highways and Transportation
Enquiries to Katherine Wilkinson
Internet: www.essex.gov.uk
Email: Katherine.wilkinson@essex.gov.uk

Local Flooding Authority

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

Essex County Council

William Allwood
Uttlesford District Council
Planning Services

Date: 23rd September 2021
Our Ref: SUDS-005338
Your Ref: UTT/21/1833/FUL

Dear Sir/Madam,

Consultation Response –UTT/21/1833/FUL – Land west of Cutlers Green

Thank you for your email received on 22/09/2021 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

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

Condition 1
No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Provide check dams in the proposed swales to promote site infiltration and reduce the risk of flooding in the downstream watercourse
- Limit discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. In case the drain down time is more than 24 hours then Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
  https://www.essex.gov.uk/protecting-environment

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

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

Summary of Flood Risk Responsibilities for your Council

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

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

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

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

INFORMATIVES:

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

Historic England

Historic England

Mr William Allwood
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

Direct Dial: 01223 582716

Our ref: P01430618

30 June 2021

Dear Mr Allwood

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

LAND WEST OF THAXTED, CUTLERS GREEN LANE, THAXTED, ESSEX
Application No. UTT/21/1833/FUL

Thank you for your letter of 10 June 2021 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The significance of the historic environment

The historic environment is a finite and non-renewable environmental resource which includes designated heritage assets, non-designated archaeology and built heritage, historic landscapes and unidentified sites of historic and/or archaeological interest.

It is a rich and diverse part of England's cultural heritage and makes a valuable contribution to our cultural, social and economic life.

A solar farm in this location near Cutlers Green would have an impact upon a number of designated heritage assets and their settings in and around the site. There are no designated built heritage or archaeological assets within the red line boundary of the site. Designated assets within a 1km radius of the site include 30 listed buildings. There are no scheduled monuments within 1km of the site.

The proposals and their impact on the historic environment

The proposed development site comprises two areas of land, currently in agricultual

24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU
Telephone 01223 582749
HistoricEngland.org.uk

Stonewall

Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any information held by the organisation can be requested for release under this legislation.

use, to the west of Thaxted that are divided by a single track which forms the access to Richmond in the Woods. One area extends to 50ha and the other is 15ha in size.

Approval is sought for the construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and landscaping.

The main elements of the proposal are the construction, maintenance and decommissioning of an approximately 40 MW ground-mounted solar farm with battery storage and associated infrastructure. None of the site is located within the Green Belt.

The *Heritage Assessment* produced by Pegasus Group assessed the built heritage, archaeological and landscape within a 1km radius of the boundaries of the site. We consider the area of study to be contextually proportionate in this sensitive location.

All of the structures at the site would be single-storey in height and any intervisibility would be mitigated when the proposed screen planting matures. The solar panels woud be laid out in straight south-facing arrays from east to west across the field enclosures.

The racks would respond to topography but there would typically be a gap of 3-4m between each row of arrays and the maximum top height of the solar panels would be 3m.

The typical minimum distance between the edge of the solar panels and the perimeter fencing would be 5m to facilitate a wildlife corridor.

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

The policy context

The National Planning Policy Framework (NPPF) sets out the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, (paragraph 192).

It establishes that great weight should be given to an asset's conservation and the more important that asset, the greater that weight should be, paragraph 193.

This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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Historic England

Any harm to, or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification, (paragraph 194).

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 196).

Setting is then defined in the Framework 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 and may affect the ability to appreciate that significance or may be neutral'.

Further guidance (paragraph 13) of the Planning Practice Guidance states that local planning authorities may need to consider the implications of cumulative change when assessing any application for development that may affect the setting of a heritage asset.

Historic England's position

We have considered the comprehensive documentation submitted with the application, including the *Design and Access Statement, Heritage Statement* and *Landscape and Visual Impact Assessment* produced by Pegasus Group.

Historic England acknowledge that a degree of harm would be caused to the significance of the setting of a number of the designated and non-designated heritage assets within a 1.0km radius of the site as a result of the visual impact of the PV panels and ancillary infrastructure.

We are satisfied that the level of that harm would be at a low level of less than substantial. We would therefore have no objections should your authority be minded to approve the application.

Recommendation

Historic England considers the level of harm that would be caused to the significance of designated and non-designated heritage assets in the vicinity of the application site as a result of the impact of the proposed solar farm on their setting would be at a low level of less than substantial.

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Historic England

On balance we would have no objections on heritage grounds should your authority be minded to approve the application.

We consider that the application meets the requirements of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

You should also bear in mind section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

Yours sincerely

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

Natural England

Date: 09 July 2021
Our ref: 356408
Your ref: UTT/21/1833/FUL

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Mr W. Allwood
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex CB11 4ER

BY EMAIL ONLY
planning@uttlesford.gov.uk

Dear Mr Allwood,

Planning consultation: Construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development, including inverter.
Location: Land West Of Thaxted, Cutlers Green Lane, Thaxted

Thank you for your consultation on the above, dated and received by Natural England on 10 June 2021.

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

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Soils and Land Quality
From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 170 and 171 of the National Planning Policy Framework). This is because the solar panels would be secured to the ground with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur. Therefore, we consider that the proposed development is unlikely to lead to significant and irreversible long-term loss of best and most versatile agricultural land, as a resource for future generations.

For this reason we do not propose to make any detailed comments in relation to agricultural land quality and soils, although more general guidance is available in Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*, and we recommend that this is

followed. If, however, you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Sites of Special Scientific Interest Impact Risk Zones
The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely,

Elizabeth Ball
Consultations Team

Late List –Planning Committee 22/06/22

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 place 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/21/1833/FUL Land West Of Thaxted Cutlers Green Lane Thaxted	The officers committee report under paragraph 1.47 states that a condition preventing the removal of topsoil from the site has been added to the list of suggested conditions in Section 17 of the report. However, this was left off the list of conditions and is thereby provided as per below for members information: *"No topsoil shall be removed from the application site as a consequence of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.* *Reason: In the interests of projecting the long term future of the soil quality for appropriate agricultural use once the site has been decommissioned and returned back to its original state in accordance with Policy ENV5 of the Adopted Local Plan".* Furthermore, the Council have just received a letter 16th June from an industry technical advisor acting on behalf of the applicant to comment on the suitability and sufficiency of the draft s.106 agreement that they intend to enter in respect of decommissioning. The letter confirms as attached that: *"RINA has reviewed the Section 106 agreement, Schedule 2 section and finds that the owner's obligations listed in the section provides protection to the local authority and are comparable to similar requirements RINA has encountered that have been defined by local authorities in other regions. The obligation to review and update the decommissioning estimate and bond or deposit every 5 years goes beyond what is typically provided and would give the local authority additional protection with the updates for salvage, disposal, equipment and labour costs.*

		RINA would however recommend that a bond or deposit of £20,000 is secured as a minimum when the decommissioning amount is nil or a net receipt, in order to provide the local council with funds that would cover their time and costs in making arrangements for a contractor to perform the decommissioning work in the event that the developer walks away from the project." If permission is granted for the proposed works, officers will review and negotiate the proposed bond or deposit as suggested above in order to ensure that the appropriate funds are provide to the Local Authority.
7	UTT/21/3777/OP Thremhall Priory Farm Start Hill Stane Street Great Hallingbury	None

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.

16 June 2022

RINA Tech UK Ltd
Huntingdon House, 20-25 North Street
Brighton, BN1 1EB – UK

Attention: Mike Rutgers
Low Carbon UK Solar Investment Company Limited
Stirling Square
5-7 Carlton Gardens
London
SW1Y 5AD, UK

Uttlesford District Council: Cutlers Solar Farm (UTT/21/1833/FUL) & Long Meadow Solar Farm (UTT/21/0688/FUL)

Dear Mike,

Per your request of RINA for review of the attached s106 Agreement and specifically schedule 2 of that agreement which sets out the methodology to provide protection to a local authority in regard to the decommissioning of renewable energy projects.

Opinion on Section 106 document:

RINA has reviewed the Section 106 agreement, Schedule 2 section and finds that the owner's obligations listed in the section provides protection to the local authority and are comparable to similar requirements RINA has encountered that have been defined by local authorities in other regions. The obligation to review and update the decommissioning estimate and bond or deposit every 5 years goes beyond what is typically provided and would give the local authority additional protection with the updates for salvage, disposal, equipment and labour costs.

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

RINA Experience:

RINA has experience on over 2,000 energy projects in 30 countries. RINA has undertaken extensive work across the entire lifecycle of solar power projects, having advised on over 5GW of solar projects at all stages of development in the UK. This includes work from project conception, development, and planning, through to energy yield assessment, design and construction monitoring, as well as project technical asset management and plant optimisation. The decommissioning cost estimates provided by RINA are based on its experience in the design and construction of energy facilities, as well as RINA's experience supervising the construction of PV plants and demolition of other non-PV facilities. RINA is unaware of any significant PV plant decommissioning bodies with which to benchmark its opinion of cost.

PV Plant Decommissioning Estimate Methodology:

RINA initiates the decommissioning cost estimate process by reviewing the site drawings, component datasheets, bills of materials, and other related project documents. Upon completing the review of project documentation, RINA completes a decommissioning cost estimate consisting

of the cost or revenue associated with decommissioning the material plant components and the cost of the manpower and equipment required to complete the decommissioning activities.

Based on the review of key site-specific data, RINA generates an estimate for the number, length or volume of each key component installed across the PV site. From these values, and using available data sheets, publicly available component data and information gathered during RINA's extensive experience in PV plant analysis, RINA estimate the net weight of all relevant materials for the PV site.

RINA then uses its experience in the PV plant decommissioning process to designate each material type as either 'salvage' or 'scrap disposal', with the former providing a potential revenue during the decommissioning process, and the latter being disposed of at a cost. Material prices at the time of the estimate, as well as data gathered during RINA's previous experience are used to inform the potential salvage income or scrap cost of each of item considered in the decommissioning estimate.

Based on the size of the PV plant and the previously outlined material estimates, RINA uses its experience in PV plant decommissioning to estimate the required manpower and timeframe for the decommissioning process. Furthermore, RINA estimates the required equipment that will be needed to perform the decommissioning activities. RINA considers the price of different types of personnel and equipment alongside the timeframe of the decommissioning activities to provide a cost estimate for both of these aspects of the process. RINA also considers the cost for site restoration that includes reinstatement and re-seeding of the land to return it to its pre-developed state.

The PV plant decommissioning estimates provided by RINA include a decommissioning report noting all assumptions made during the decommissioning cost estimate process, as well as tables summarising each of the considered costs and revenues and a final site-wide cost estimate.

Please contact us with any questions on the above.

Sincerely,

[redacted]

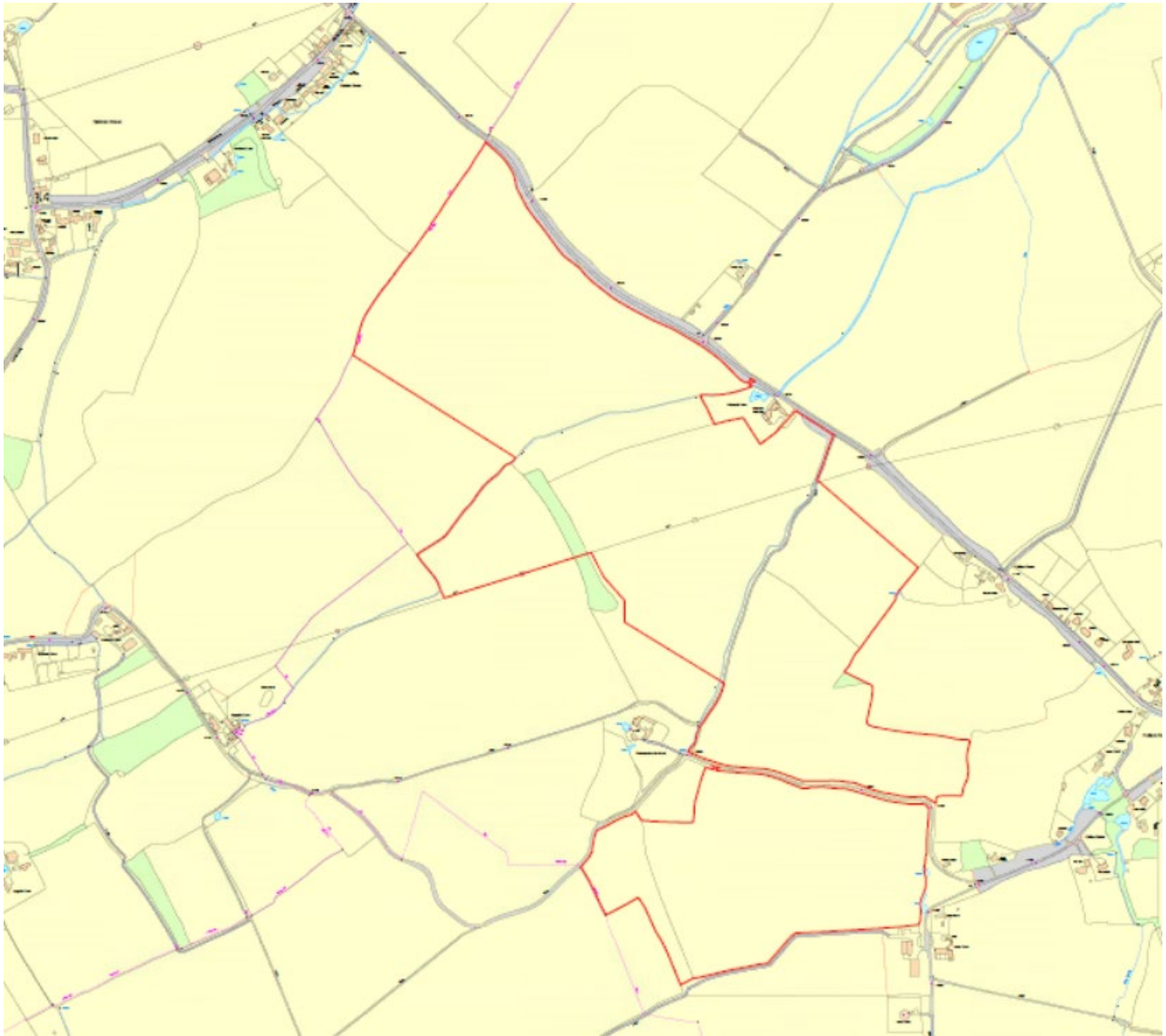
Kevin Klug
Senior Civil Designer
RINA Tech UK Ltd

Planning Committee
22nd June 2022

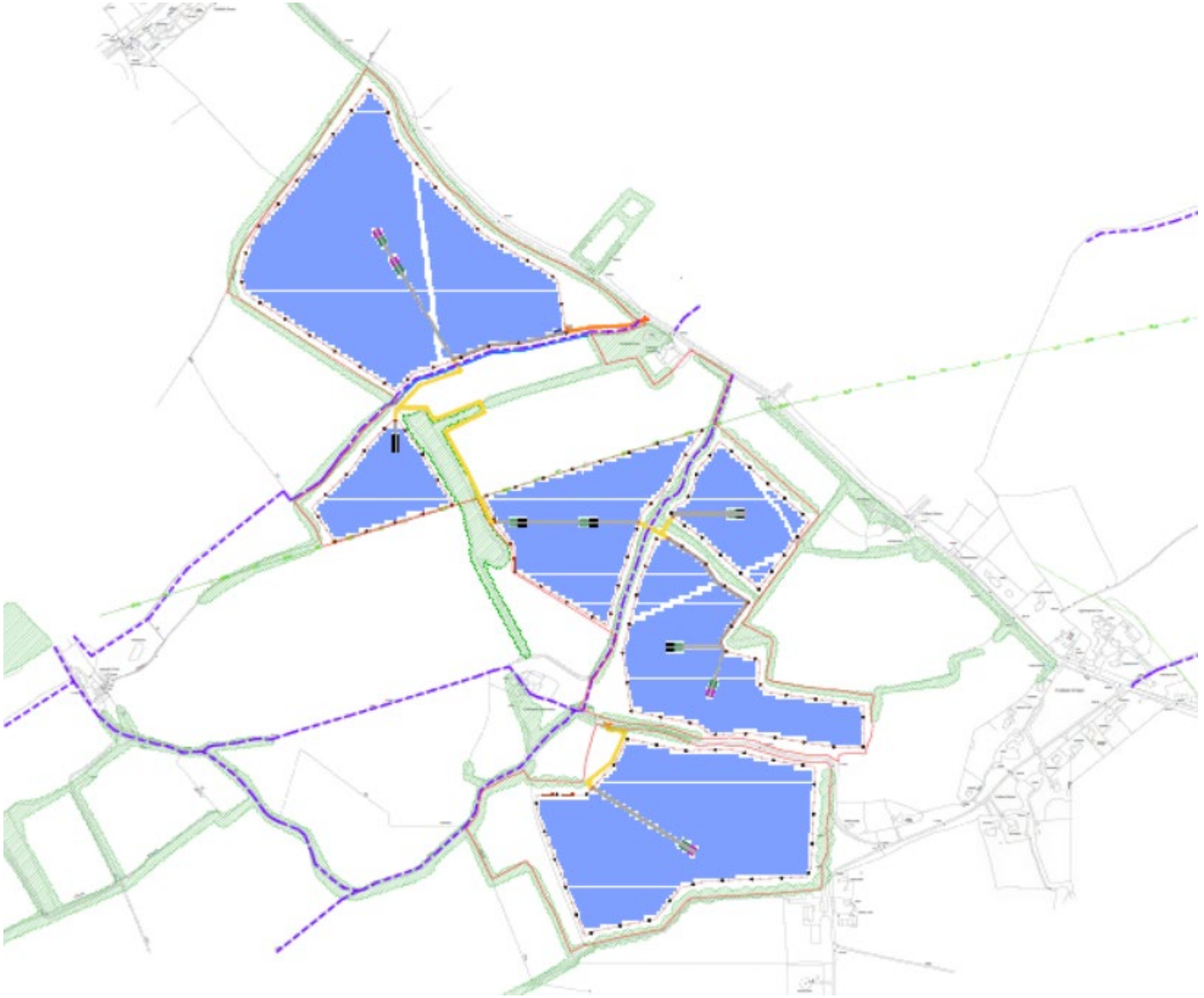
UTT/21/1833/FUL

Land West of Thaxted,
Cutlers Green
THAXTED

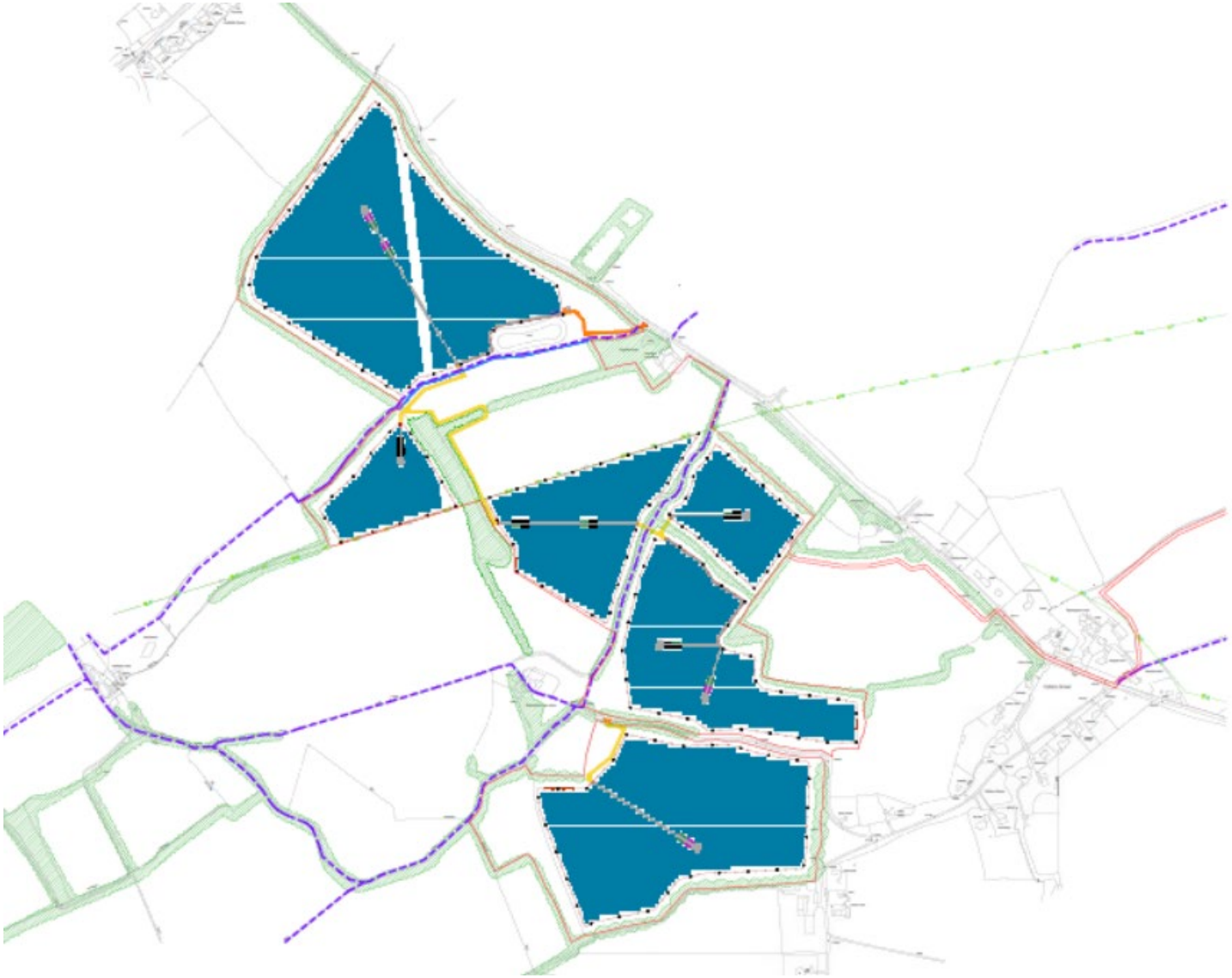
Site Location Plan



Site Plan Presented to January Planning Committee

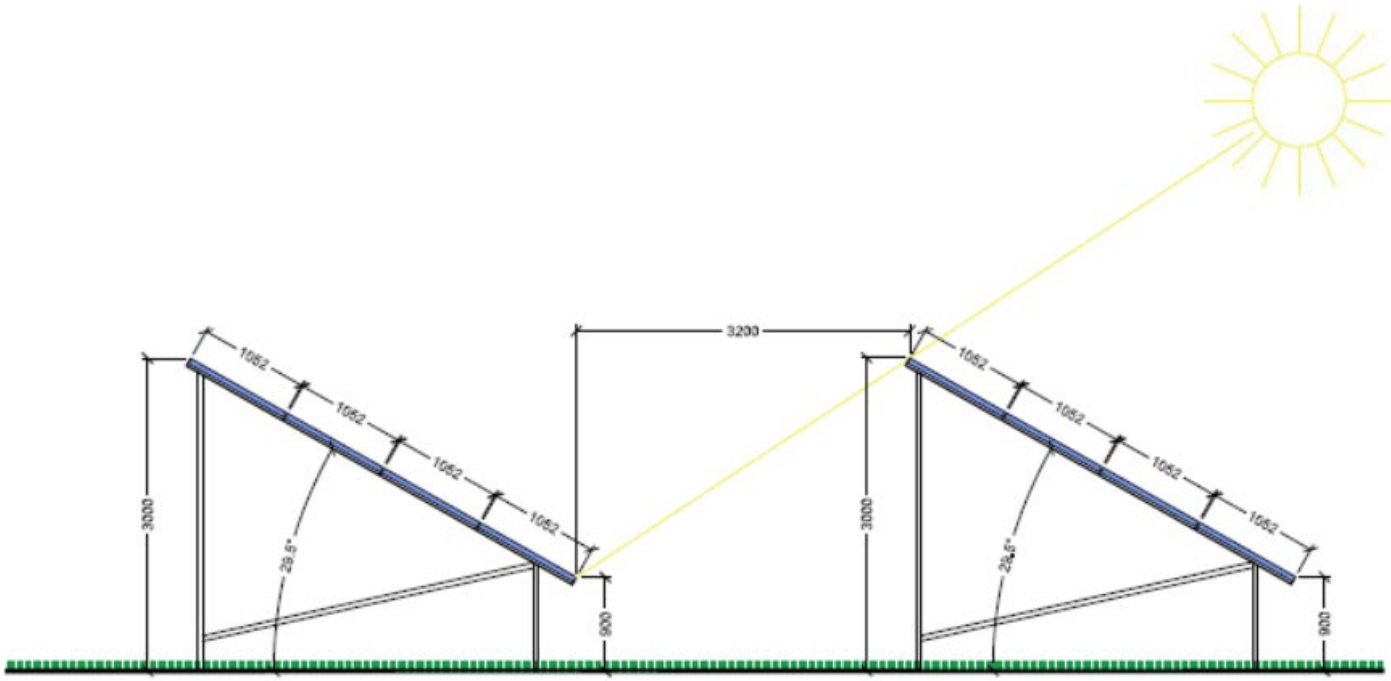


Revised Site Plan

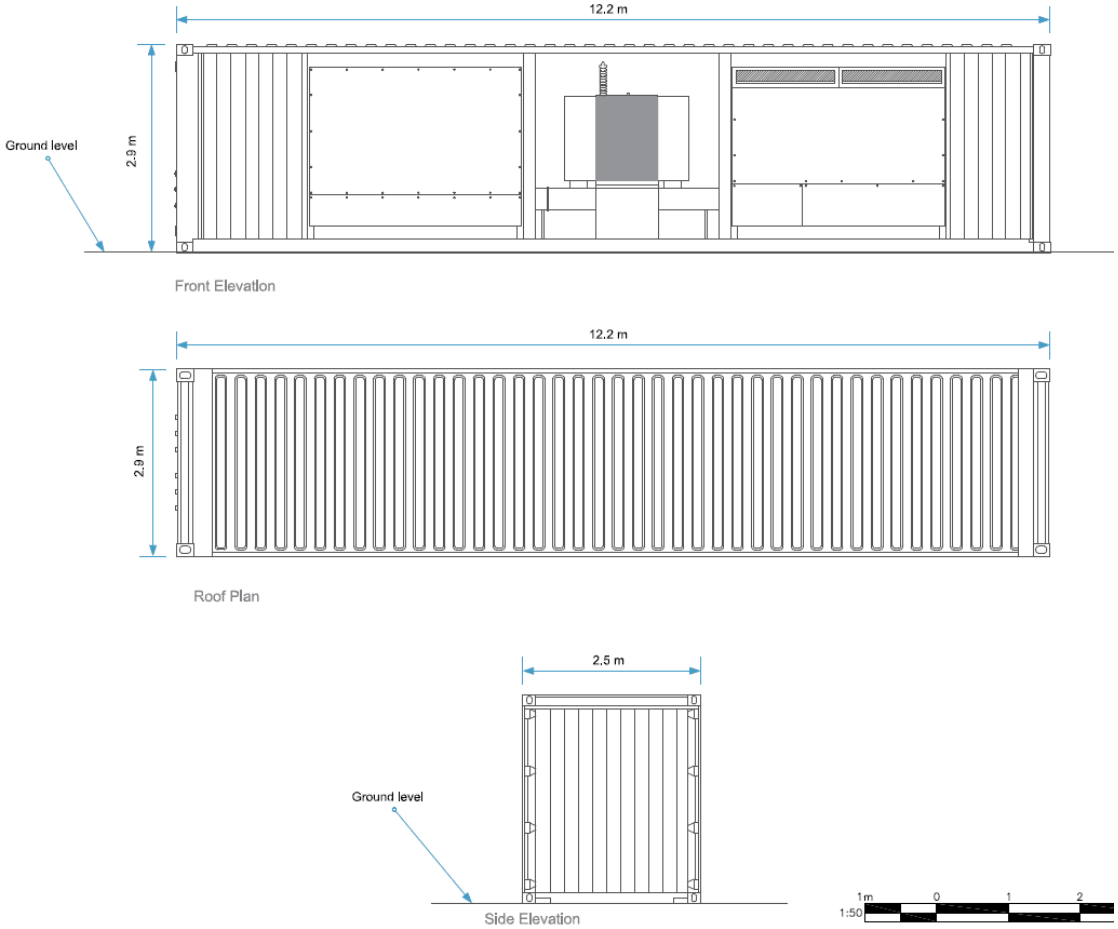


Extract of Revised Landscape Plan

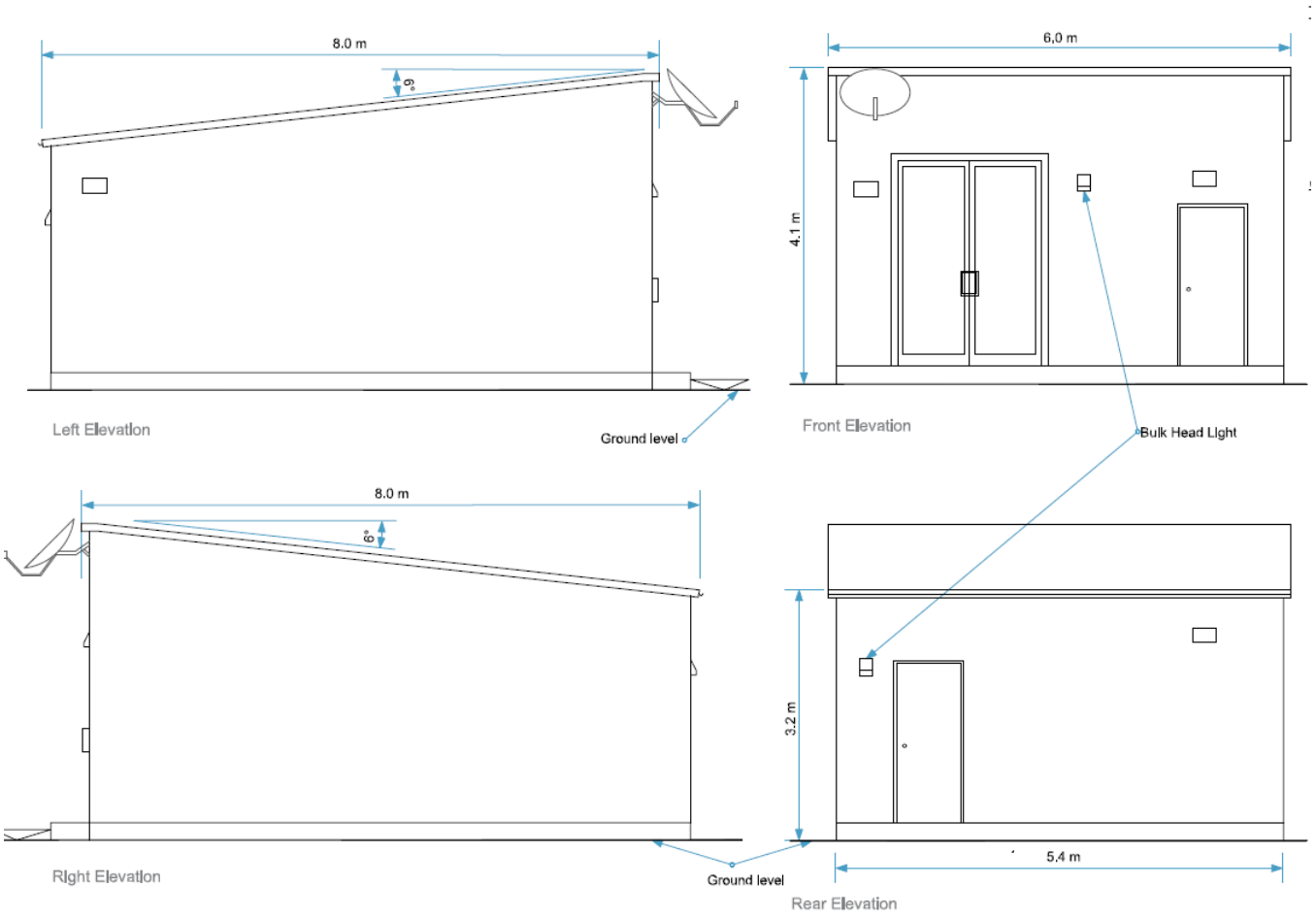
Cross Section of Panels



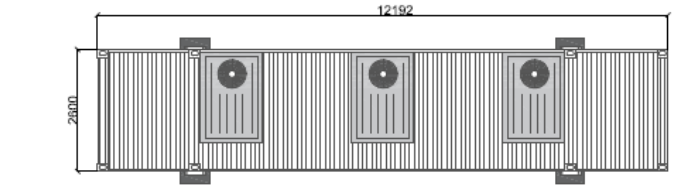
Proposed Inverter



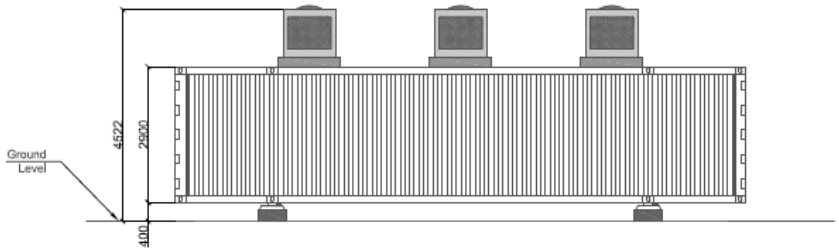
Proposed Distribution Network Operators Substation



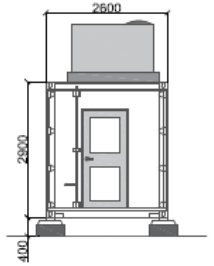
Proposed Battery Container



PLAN VIEW

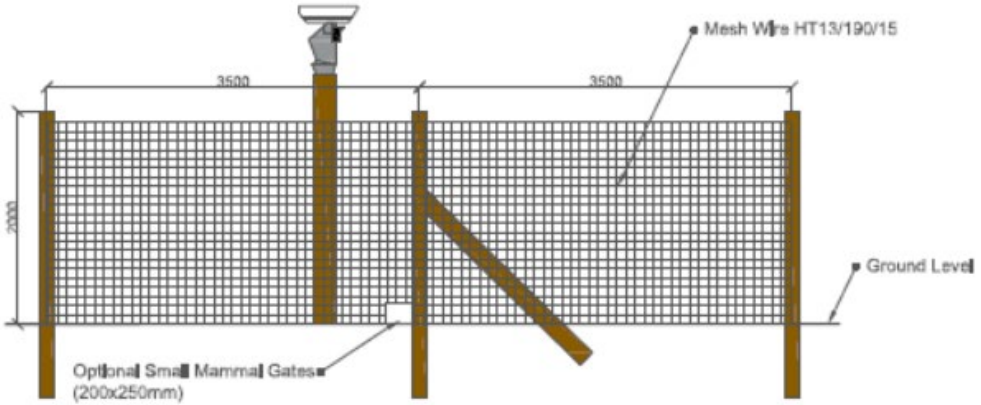


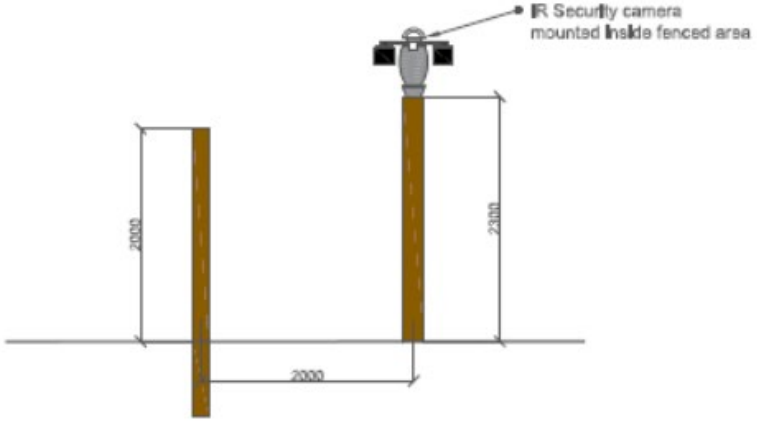
SIDE ELEVATION



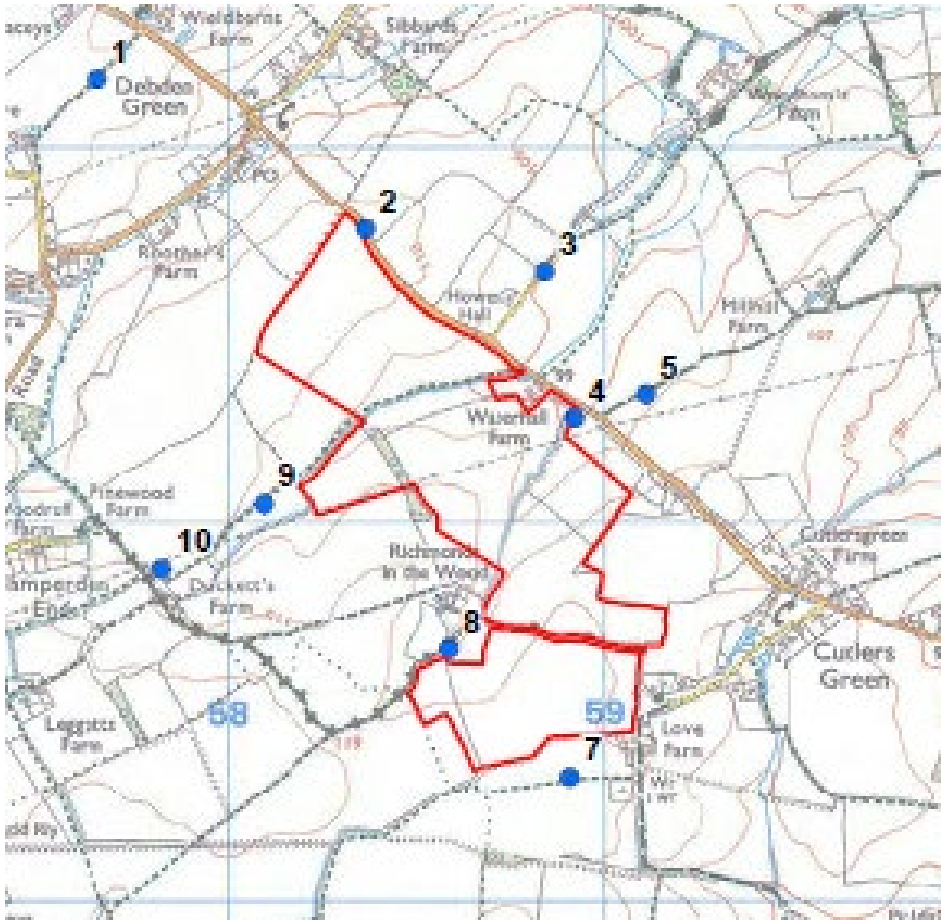
FRONT ELEVATION

Proposed Security Fencing & CCTV





Proposed Viewpoints



Existing View Point 3

Proposed View after 1 year Point 3

Proposed View after 15 years Point 3

Existing View Point 4

Proposed View after 1 year Point 4

Proposed View after 15 years Point 4

Existing View Point 5

Proposed View after 1 year Point 5

Proposed View after 15 years Point 5

Existing View Point 7

Proposed View after 1 year Point 7

Proposed View after 15 years Point 7