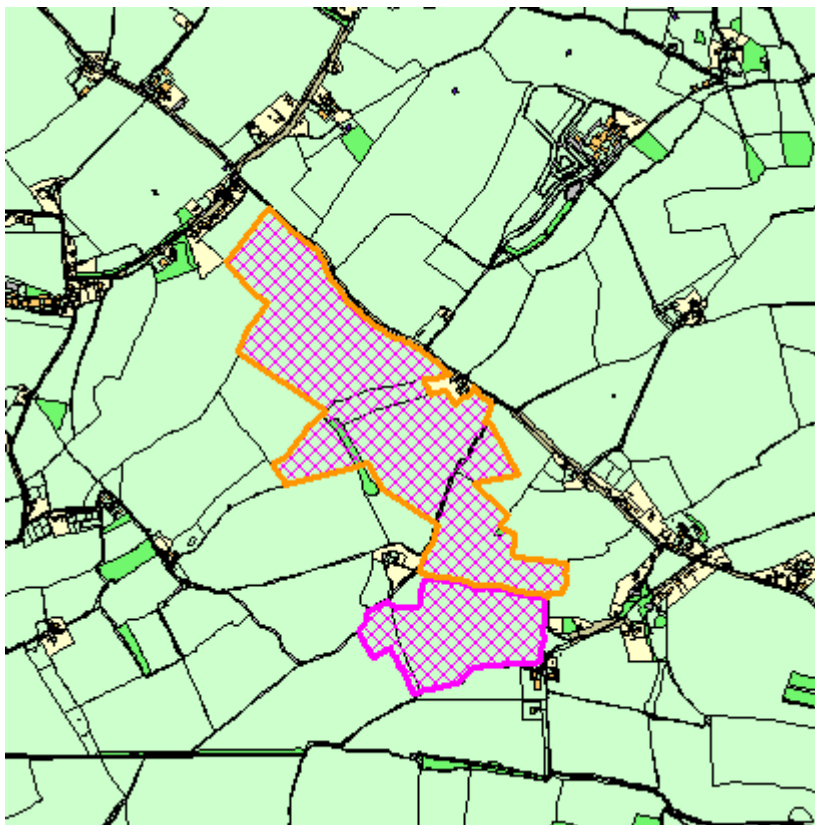


ITEM NUMBER:

REFERENCE NUMBER: UTT/21/1833/FUL

LOCATION: Cutlers Green Lane
Land West of Thaxted
Thaxted
Essex



SITE LOCATION PLAN:

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Organisation: Uttlesford District Council Date: 19.01.2022

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:	Extension of time agreed to 21.01.2022
CASE OFFICER:	William Allwood
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.

1 RECOMMENDATION: APPROVAL WITH CONDITIONS WITH S106

S106 HEADS OF TERMS

1.1 The applicant be informed that the Committee be minded to refuse planning permission for the reasons set out in paragraph 1.3 below unless by 19th June 2022, the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991 in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude an agreement to secure the following:

- (i) Decommissioning of the PV Plant and associated infrastructure
- (ii) Pay the Council's reasonable legal costs
- (iii) Pay the monitoring fee

1.2 In the event of such an agreement being made, the Director Public Services shall be authorised to grant permission subject to the conditions set out below.

1.3 If the freehold owner shall fail to enter into such an agreement, the Director of Public Services shall be authorised to refuse permission at his discretion at any time thereafter for the following reasons:

- (i) Non-provision of Decommissioning of the PV Plant and associated infrastructure
- (ii) Non-payment of the Council's reasonable legal costs
- (iii) Non-payment of the monitoring fee

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

REASON: To ensure that impact of decommissioning of the site on the highway and PROW network is mitigated in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011, and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

19. 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.

20. 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.

- a) Risk assessment of potentially damaging construction activities.

- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to include as a minimum: bat sensitive lighting and sensitive construction methods
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

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

22. 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.

23. 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:

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP

are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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:

1. Demolition, construction, and phasing programme.
2. 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.
3. 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.
4. 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.
5. Noise method, monitoring and recording statements in accordance with the provisions of BS 5228-1: 2009.
6. Maximum noise mitigation levels for construction equipment, plant and vehicles.
7. 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.
8. Prohibition of the burning of waste on site during demolition/construction.
9. Site lighting.
10. Screening and hoarding details.
11. Access and protection arrangements around the site for pedestrians, cyclists and other road users.
12. Procedures for interference with public highways, including permanent and temporary realignment, diversions, and road closures.
13. Prior notice and agreement procedures for works outside agreed limits.
14. Complaint's procedures, including complaints response procedures.
15. 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

30. No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted

to and approved in writing by the local planning authority. The scheme should include but not be limited to:

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

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.

31. 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]:-
- i. proposed finished levels or contours;
 - ii. legacy planting proposals
 - iii. ii. means of enclosure;
 - iv. iii. car parking layouts;
 - v. iv. other vehicle and pedestrian access and circulation areas;
 - vi. v. hard surfacing materials;
 - vii. vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
 - viii. vii. proposed and existing functional services above and below ground (e.g. drainage power,
 - ix. viii. communications cables, pipelines etc. indicating lines, manholes, supports.);
 - x. ix. retained historic landscape features and proposals for restoration, where relevant.

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

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

32. 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).

3. DESCRIPTION OF THE SITE:

- 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 nation's new Nationally Determined Contribution (NDC) to the Paris Agreement, which will see the UK reduce emissions by 68% by 2030 compared to 1990 levels. Decarbonising the power sector is integral to achieving these targets and requires major investment into renewable technologies, such as solar power, which are supported by planning policy at both local and national levels.
- 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. APPLICANTS CASE

- 6.1 The application is submitted with the following documents:
- Planning Statement
 - Design and Access Statement
 - Statement of Community involvement (Consultation Report)
 - Landscape and Visual Impact Assessment
 - Landscape Plan
 - Arboricultural Impact Assessment
 - Construction Traffic Management Plan
 - Heritage Assessment
 - Flood Risk Assessment
 - Agricultural Land Classification Report
 - Ecological Assessments and Biodiversity Checklist
 - Solar Photovoltaic Glint and Glare Study

7. RELEVANT SITE HISTORY

- 7.1 UTT/21/0459/SCO Request for a screening opinion for proposed development of a solar farm (64.75 hectares)
- 7.2 UTT/12/5601/FUL: Construction of 29.96 ha solar park at Land at Spriggs Farm, Thaxted Road, Little Sampford. Conditional approval.
- 7.3

UTT/13/2207/FUL: Construction of 18.65 ha solar park at Hyde's Farm, Little Bardfield. Conditional approval.

- 7.4 UTT/19/1864/FUL. 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 landscaping) on agricultural land off the B1051. (52 Ha.) Terriers Farm, Boyton End, Thaxted. Conditional approval.

8. CONSULTATION RESPONSES:

Thaxted Parish Council

The Parish Council resolved unanimously to OBJECT

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

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.

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.

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 be completely 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.

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.

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.

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.

ECC Highways

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.

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

ECC SUDS

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.

ECC Ecology

No objection subject to biodiversity mitigation and enhancement measures.

Natural England

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.

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.

UDC Environmental Health Officer

Solar Glare

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

Conclusion

I have no objection to the application subject to conditions.

Anglian Water

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.

Historic England

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 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.

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 would 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.

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 approving 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 because of the impact of the proposed solar farm on their setting would be at a low level of less than substantial

On balance we would have no objections on heritage grounds should your authority be minded approving 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.

ECC Place Services Historic Environment

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.

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.

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.

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.

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.

ECC Place Services Archaeology

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.

Recommendation: No objections, subject to conditions

UDC Landscape Officer

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

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.

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.

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.

MAG Aerodrome Safeguarding

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.

NATS Safeguarding

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.

Natural Sciences Officer & Uttlesford Special Roadside Verges Coordinator

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, Pyramidal Orchid, Restharrow, Ribbed Melilot, 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.

The special verges at Cutlers Green would usually be marked with wooden posts that bear white plaques with text and arrows. However, these have all been knocked over by verge mowing machines or by vehicles accessing existing farm entrances at the north and south ends of the verge sites. Essex Highways do not have money to replace these at present.

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.

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.

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.

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. For example.

"No development shall commence until the developer provides a Construction Management Plan which includes the requirements that:

1. All construction operatives are to be made aware of the location of the special verges.
2. The special verges are not to be used for storage of construction materials.

3. Construction vehicles should not drive onto the special verges or park on them.
4. If it is not possible to comply with points 2 and 3 barriers are to be used to protect both the special verges. This is especially important if there is any vehicle access to the solar farm at the north end of the Cutlers Green West verge.
5. No topsoil or other material is to be added to the special verges.
6. No mowing of the special verges is to be carried out by construction operatives.
7. Dust suppression methods are employed e.g. washing the tyres of vehicles leaving the site and appropriate screening to enclose the solar farm site during the period of construction.”

I would request that such a Condition be applied if the Officer is minded recommending approval of the application.

Exolum Pipeline System Ltd

No objections

North West Essex Swift Group

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.

9 REPRESENTATIONS

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

In objection:

- 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
- 9.2 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.
- 9.3 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.
- 9.4 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.
- 9.5 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.

10. POLICIES

National Policies

National Planning Policy Framework 2021 (NPPF)
Planning Practice Guidance

Uttlesford District Local Plan Adopted 2005

ULP Policy S7 – The Countryside
 ULP Policy ENV3 – Trees and Open Spaces
 ULP Policy GEN1 – Access
 ULP Policy GEN2 – Design
 ULP Policy GEN3 – Flood Risk
 ULP Policy GEN4 – Good neighbourliness
 ULP Policy GEN7 – Natural Conservation
 ULP Policy ENV15 – Renewable Energy
 ULP Policy E4 – Farm diversification
 ULP Policy ENV5 – Protection of Agricultural Land
 ULP Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation
 ULP Policy ENV11 – Noise Generators
 ULP Policy GEN8 – Vehicle Parking Standards
 ULP policy ENV2- Listed Buildings
 ULP policy ENV4 – Ancient Monuments and Sites of Archaeological Importance

Thaxted Neighbourhood Plan. (Made 21st February 2019)

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.

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
- TX IFS3 – Footpaths
- TX IFS4 – Surface Water Drainage

Other Material Considerations

Essex Design Guide

Uttlesford District Council Interim Climate Change Planning Policy (February 2021)

Landscape Character Assessment of Uttlesford District (2006).

11. CONSIDERATION AND ASSESSMENT:

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

- 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 (NPPF, Uttlesford Local Plan policies S7, E4, ENV5, ENV8, ENV11, ENV15, and Policies TX LSC1, TX LSC2, TX HD1 of the Made Thaxted Neighbourhood Plan 2019).**
- B. Impact on neighbour's amenity (Uttlesford Local Plan policies GEN2 and GEN4)**
- C. Access and highway safety (Uttlesford Local Plan policy GEN1)**
- D. Impact on biodiversity (Uttlesford Local Plan policy GEN7)**
- E. Whether the development would increase flood risk issues (NPPF, Uttlesford Local Plan policy GEN3)**
- F. Impact upon sites of local archaeological importance and listed buildings (NPPF and Uttlesford Local Plan policies ENV2 and ENV4)**
- G. Other material considerations: Section 106 Agreement and Decommissioning**

- A. Whether the use of the site for the purpose of a solar farm would be appropriate in terms of land use, loss of Best and Most Versatile agricultural land, and impacts on the character of the area (NPPF, ULP policies S7, E4, ENV5, ENV8, ENV11, ENV15, Policies TX LSC1, TX HD1 of the Made Thaxted Neighbourhood Plan 2019).**

11.1 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.

11.2 Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. Local planning authorities are responsible for renewable and low carbon energy development of 50 megawatts or less installed capacity (under the Town and Country Planning Act 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.

- 11.3 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 nation's new Nationally Determined Contribution (NDC) to the Paris Agreement, which will see the UK reduce emissions by 68% by 2030 compared to 1990 levels. Decarbonising the power sector is integral to achieving these targets and requires major investment into renewable technologies, such as solar power, which are supported by planning policy at both local and national levels.
- 11.4 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.
- 11.5 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.
- 11.6 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.*

- 11.7 *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.*
- 11.8 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.
- 11.9 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.
- 11.10 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.
- 11.11 The Councils 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 sown 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.

- 11.12 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.
- 11.13 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.
- 11.14 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).*
- 11.15 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.
- 11.16 The NPPF further advises that new development should be planned for in ways that:
- a) 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
- b) 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.
- To help increase the use and supply of renewable and low carbon energy and heat, plans should:
- 11.17 a) 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).

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

c) 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.

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

a) 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

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

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

11.18 a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

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

11.19 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.

B. Impact on neighbour's amenity (ULP policies GEN2 and GEN4)

11.20 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.

11.21 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.

11.22 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

C. Access and highway safety (Uttlesford Local Plan policy GEN1)

11.23 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.

11.24 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.

11.25 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.

D. Impact on biodiversity (Uttlesford Local Plan policy GEN7)

11.26 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.

11.27 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.

Whether the development would increase flood risk issues (NPPF, Uttlesford Local Plan policy GEN3)

E.

11.28 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.

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

Impact upon sites of local archaeological importance and listed buildings (NPPF and ULP policies ENV2 and ENV4)

F.

11.30 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.

11.31 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 II Listed The Old Post Office c. 325m north of the site (1112412); and

- The Grade I Listed Church of St John the Baptist c. 1.6km south-east of the site (1112151).

11.32 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.

11.33 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.

11.34 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.

G. Other material considerations: Section 106 Agreement and Decommissioning

11.35 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.

11.36 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

11.37 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

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

PLANNING BALANCE

11.39 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.

11.40 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.

11.41 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.

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

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

11.44 The proposals would not adversely affect protected species. There would be an opportunity to establish 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

11.45 The proposals would not result in increased flooding.

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

12. EQUALITIES

- 12.1 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. 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.