

REFERENCE NUMBER: UTT/21/2846/FUL

**LOCATION: Chesterford Park, Little
Chesterford, Essex**

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council : 24th February 2022**

PROPOSAL: The construction of a Green Energy Hub for the Chesterford Research Park, comprising solar array development, a battery energy storage system, associated transformers, underground cabling and other electrical equipment, related landscaping scheme, fencing and CCTV.

APPLICANT: Chesterford Park (General Partner) Limited

AGENT: RPS Group

EXPIRY DATE: 16/3/2022

CASE OFFICER: Chris Tyler

NOTATION: Outside Development Limits

1. RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1.1 S106 HEADS OF TERMS

1.1.1 The applicant be informed that the Planning Committee be minded to refuse planning permission for the reasons set out in paragraph 1.1.3 below unless by 19th September 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 s/he shall be authorised to conclude an agreement to secure the following:

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

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

1.1.3 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

1.2 CONDITIONS

- 1.2.1 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.

- 1.2.2 Prior to the commencement of the development above slab level precise details of the layout, positioning and appearance of the 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.

- 1.2.3 Prior to commencement of development above slab level samples/ or photo details 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 thereafter 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).

- 1.2.4 All enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Sweco, July 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

1.2.5 Prior to the commencement of the development hereby approved a Construction Environmental Management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.

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

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021 and in accordance with ULP Policy GEN7.

1.2.6 Prior to commencement of the development above slab level a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7.

- 1.2.7 Prior to the first operation use of the development hereby approved 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 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) as updated by the Environment Act 2021 and in accordance ULP Policy GEN7.

- 1.2.8 Prior to the commencement of the development hereby approved a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution and in accordance with ULP policy GEN3

- 1.2.9 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 Local 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.

- 1.2.1
0 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.

- 1.2.1
1 No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork 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

- 1.2.1
2 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.

- 1.2.1
3 Prior to the commencement of the development, a detailed Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.

- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
- l) Loading and unloading of plant and materials;
- m) Storage of plant and materials used in constructing the development;
- n) Wheel and underbody washing facilities

All works shall be carried out in accordance with the approved CMP thereafter.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and control of environmental impacts in accordance with ULP Policies GEN1 and GEN4.

- 1.2.1
4
- 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).

- 1.2.1
5
- 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

1.2.1 6 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]:-

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

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme]. Page 166 32. 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).

1.2.1 7 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).

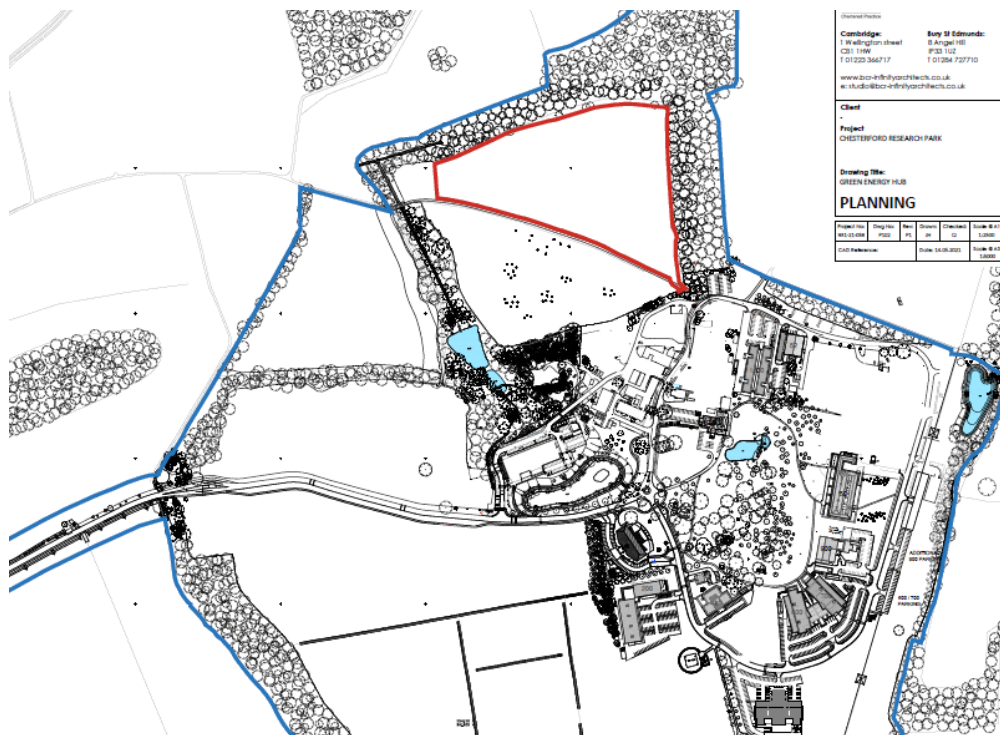
2. DESCRIPTION OF THE SITE :

2.1 The site lies to the north of the Chesterford Research Park and comprises of a 4.8ha agricultural field which slopes roughly north to south. The field is enclosed by trees and other mature vegetation and is accessed via a gate at the south-east corner.

2.2 Access to the Chesterford Research Park (CRP) is from the B184 Walden Road, which runs between Sawston in the north and Saffron Walden in the south. The CRP lies just under a mile (1.5 km) east of the Walden Road and is accessed via a dedicated highway which only serves the park.

2.3 The site is bounded to the north by Bassingbourne Wood, to the west by Fishpond Plantation and to the east by Heathfields Grove. A public footpath runs through these woodland areas linking Little Walden and Little Chesterford. To the south there is a private track running from the CRP into the surrounding farmland. To the south of this is the CRP's own private 7-hole golf course.

2.5 Plan 1- Location Plan



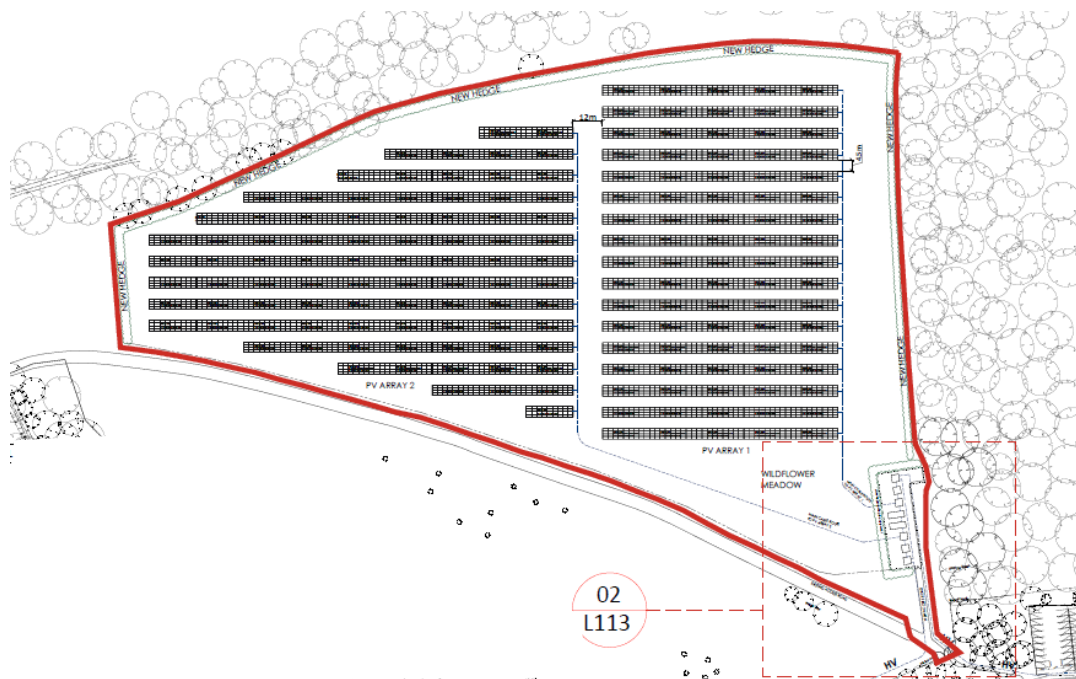
2.6 PROPOSAL

2.7 This application seeks planning permission for the construction of a Green Energy Hub for the Chesterford Research Park comprising solar array development, a battery energy storage system, associated transformers, underground cabling and other electrical equipment, related landscaping scheme, fencing and CCTV.

2.8 The Green Energy Hub will have a total rated capacity of approximately 2.8MWp (Megawatt peak) which is the maximum electrical output in optimum sunlight conditions. The proposal comprises a total of circa. 170 fixed photovoltaic (PV) solar 'tables'. The proposed Green Energy Hub is intended to provide renewable and low carbon energy infrastructure to primarily serve the Research Park, providing a source to clean energy to the park owner and tenants and supporting EV Charging Points. It is envisaged this resource will help tenants achieve their own net-carbon zero targets and will make the research park an attractive place

for businesses to be based, supporting and enhancing its local designation as a key employment site.

- 2.9 Two localised battery storage units of 480 kWh each will be housed in containerised units within the field. These will store surplus energy for use overnight, during peak periods and/or on occasions when there are sub-optimal solar conditions.
- 2.10 The proposed solar panels will occupy the majority (approximately 4.4 hectares) of the field, with a deer fence and green buffer zone around the perimeter of the site. This buffer zone will avoid excess shading of the PV panels by overhanging foliage (which would otherwise reduce their efficiency) and also prevent any damage to trees and their root systems.
- 2.11 The layout is planned to allow a spacing of 9m between rows with wild flower planting in between for the purpose of enhancing biodiversity. This arrangement will also enable easy access between the rows for purposes of cleaning and maintenance and occasional mowing of the grasses to preserve their species diversity.
- 2.12 Plan 2- Proposed Layout Plan.



- 2.13 Photo 1- Location of Energy Hub shaded in red.

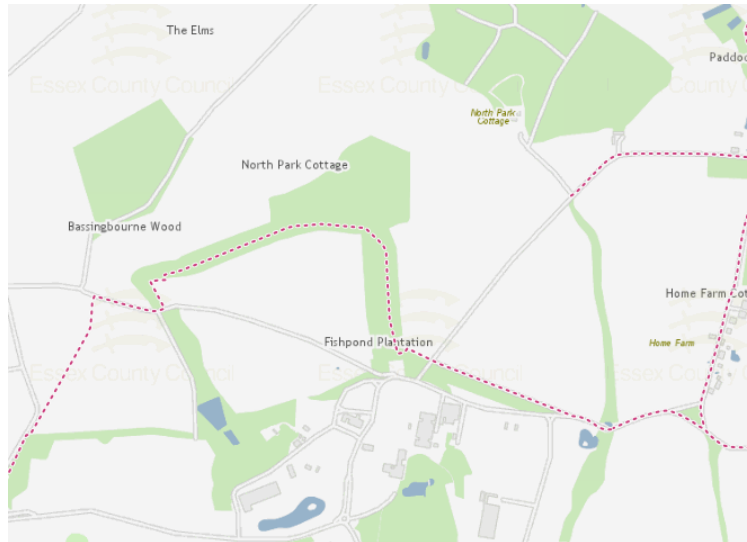


2.14

Photo 2- Location of Energy Hub shaded in red



2.15 Plan 3- Foot Path Network



3 ENVIRONMENTAL IMPACT ASSESSMENT

3.1 Town and Country Planning (Environmental Assessment):

The proposal has been screened and is not a Schedule 1 development. The proposal falls within the description of Schedule 2, paragraph 3(a) Industrial installation for the production of electricity, steam, and hot water. The proposal exceeds the threshold of 0.5ha as the size of the site exceeds 5ha, however the site is not located in wholly or partly within a sensitive area as defined in the Regulations

A Screening Opinion has been provided by the Council (UTT/21/1485/SCO) and it is confirmed that Environmental Impact Assessment was not required for the development.

And

Human Rights Act considerations:

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

4. APPLICANTS CASE

4.1 The following documents have been submitted in support of the application:

- Planning Statement,
- Design and Access Statement,
- Ecological Impact Assessment,
- Flood risk Assessment,
- Archaeological Assessment,

- Landscape and Visual Assessment,
- Statement of Community Involvement

Drawings:

- Location Plan - PI02 P1
- Site Plan- L113 P3
- Landscaping Proposal 13A
- Enclosures Plan - QD2952/E0302 P2

5. RELEVANT SITE HISTORY

5.1 UTT/21/1485/SCO

Screening Opinion for the development of a Solar Farm and associated infrastructure to provide energy for Research Park.

Opinion Given- EIA not required.

6. CONSULTATION RESPONSES:

Little Chesterford Parish Council

6.1 Little Chesterford Parish Council continue to object to this proposal

Little Chesterford Parish Council are supportive of green energy provision and welcome such proposals where adverse impacts on the local community and environment can be adequately mitigated. We are also pleased to see that the visual impact (especially on the adjacent footpath) has been partly addressed through the provision of green screening. However, this site is located on the sensitive chalk uplands of the Cam Valley, and we are concerned that this application omits some key elements which are vital to its success and until these are resolved must continue to object to this proposal.

- The visual screening from the adjacent footpath needs to be further specified. Whilst the minimum width of the hedges has been specified in the landscape plan the minimum height has not. The slope of the land means that in order to effectively screen the panels from view this should be to a height of 7-8m. The height of the solar panels is given as 3m so this should be the minimum required. The ecological assessment assumes a minimum height of 2m, but this is insufficient. The native mix specified does not appear to include an evergreen element, and so will be ineffective in shielding the panels from during the autumn/winter/spring. Similarly the maturity/height of the trees forming the western edge of the site and contributing to screening from more distant perspectives has not been specified. If additional natural screening (eg hazel hurdling) is need to provide an effective visual barrier whilst growth is established

or when leaf cover is absent, this should also be specified, as should plans for ongoing maintenance.

- Similarly, a plan to maintain and monitor the ongoing biodiversity gains from the wildflower meadow on the main site should be established.

- The environmental impact assessment is wholly inadequate with regard to the surrounding wood (Bassingbourne wood) and grassland areas. This perhaps is to be expected from an assessment that took place in January. For example, Bassingbourne wood is characterised as a low priority woodland due to lack of native species yet is carpeted in early summer by bluebells, a key native species and an indicator of ancient woodland (see photographs).

- Similarly, the woodland provides a habitat for native bird species such as the nightingale [Classified in the UK as Red under the Birds of Conservation Concern 4: the Red List for Birds (2015)], great spotted woodpecker and many others. Bee orchids have also been observed in the grassland area. A more robust environmental impact assessment must be made to accurately determine the impact on the surrounding area and any appropriate mitigations made.

- We appreciate the past efforts of Chesterford Research Park to ensure that their contractors do not disrupt local residents by taking short-cuts through the villages. This should be included as part of this construction plan.

- The public consultation process was inadequate. Whilst we much appreciated the distribution of a flyer giving the details of a virtual event, these did not place the site in the context of the footpath, this being omitted from the maps included, so many residents did not realise its location. A virtual event only disenfranchised the significant proportion of the population unable to use such technology. No effort was made to make a recording available to those unable to attend or provide materials in any other way than the UDC website. We suggest that an in person event focusing on the residents of Great and Little Chesterford as those most likely to be impacted be held, and the relationship of the development with the adjacent well used and loved footpath be prominently disclosed.

The Highways Authority

- 6.2 From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Place Services- Ecology

- 6.3 No objection subject to conditions, including;
- Development to be in accordance with the ecology appraisal,

- Submission and approval of construction management plan,
- Submission and approval of biodiversity enhancement strategy,
- Approval of landscaping and ecology management plan,

UDC - Environmental Health

6.4 No objections or further recommendations.

Lead Local Flood Authority

6.5 No objections subject to conditions regarding;

- Submission and approval of surface and ground water scheme.

Anglian Water

6.6 No Objections or further recommendations

Affinity Water

6.8 No objections

ECC Archaeology Consultant

6.9 No Objections subject to conditions, including:

- Approval of written scheme of investigation.
- Mitigation strategy,
- Submission of post excavation assessment

UDC Landscape Officer

6.10 No objections subject to condition for landscaping enhancement recommendation have made. It is noted the location of the development is well screened with mature trees which would significantly mitigate harm to the visual extent of the development.

The development has the potential to be visible from this nearby public right of way. There is a strong chance the site could be viewed through the landscaping of the foot paths having some impact to the users of these networks. Further landscape enhancement mitigation will be required to overcome these concerns.

Due to the location of the solar farm within the lower site levels of the landscape and distance from other local settlements it is considered the potential visibility of the development from outside the site is limited from outside the site.

However the proposal would ultimately would likely conflict with the aims of ULP policy S7 due to the introduction of the solar farm and its encroachment on the rural character of the site and landscape character impact. That being said in view of the great weight should be given to the positive of the proposal in terms of renewable energy.

Historic England

- 6.11 No objections

Built Heritage Officer

- 6.12 Upon review of the submitted documents, whilst the application site and the proposed Green Energy Hub will be visible from wider views as shown within the landscape and visual appraisal, I do not consider the proposals to result in harm to the significance of the designated heritage asset, the Scheduled Monument. Thus, I raise no objection to this application.

BAA Aerodrome Safeguarding

- 6.13 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.

BAA Safeguarding

- 6.14 No Objection

National Air Traffic Safeguarding

- 6.15 No Objection

7 REPRESENTATIONS

- 7.1 The application has been advertised on site and within the local press. 78 neighbouring residential occupiers have been consulted regarding the application.

No objections or comments have been received.

8. POLICIES

- 8.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:

(a) the provisions of the development plan, so far as material to the application,
(aza) a post-examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations.

8.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

8.3 National Policies

National Planning Framework (2021)
Planning Practice Guidance

8.4 Uttlesford District Local Plan 2005

Policy S5- Chesterford Park Boundary
Policy S7 – The Countryside
Policy ENV3 – Trees and Open Spaces
Policy GEN1 – Access
Policy GEN2 – Design
Policy GEN3 – Flood Risk
Policy GEN4 – Good neighbourliness
Policy GEN7 – Natural Conservation
Policy ENV15 – Renewable Energy
Policy E4 – Farm diversification
Policy ENV5 – Protection of Agricultural Land
Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation
Policy ENV11 – Noise Generators
Policy GEN8 – Vehicle Parking Standards
Policy ENV2- Listed Buildings
Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance

8.5 Supplementary Planning Document/Guidance

Essex Design Guide
Uttlesford District Council Interim Climate Change Planning Policy (February 2021)
Landscape Character Assessment of Uttlesford District (2006).

8.6 Great and Little Chesterford Neighbourhood Plan

Post Regulation 14 Publication- very limited weight attached.

9 CONSIDERATION AND ASSESSMENT:

9.1 The issues to consider in the determination of this 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

- (Uttlesford Local Plan Policies S5, S7, E4, ENV5, ENV8, ENV11, ENV15, and the NPPF)
- B Heritage (Uttlesford Local Plan Policies ENV2, & ENV4 and the NPPF)
- C Impact on neighbour's amenity (Uttlesford Local Plan Policies GEN2 and GEN4)
- D Access and highway safety (Uttlesford Local Plan Policy GEN1)
- E Impact on biodiversity (Uttlesford Local Plan Policy GEN7)
- F Whether the development would increase flood risk issues (Uttlesford Local Plan Policy GEN3 and the NPPF,)
- G Contamination (Uttlesford Local Plan Policies ENV14)
- H 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 and impacts on the character of the area (NPPF, Uttlesford Local Plan policies S5, S7, E4, ENV5, ENV8, ENV11, ENV15)

- 9.2 The application site is located outside the development limits of Chesterford Research Park (ULP Policy S5) and is therefore located within the Countryside where ULP 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 particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 9.3 Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. Local planning authorities are responsible for renewable and low carbon energy development of up to 50 megawatts installed capacity (under the Town and Country Planning Act 1990). The applicant has advised that it is estimated that the proposed development would generate approximately 2.8MWp of renewable energy. It has been estimated that the Hub will provide 2.7 million kilo watts per hour (kWh) annually, removing approximately 1,160 metric tons of carbon dioxide (CO₂) emissions each year. The development is not a commercial solar farm development as its primary purpose is not to export electricity to National Grid or to supply third parties outside of the CRPsite.
- 9.4 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.
- 9.5 In June 2019, the Government raised the UK's commitments in tackling climate change by legislating a net-zero gas emissions target for the economy by 2050. Following the Climate Change Committee's advice in the Sixth Carbon Budget,

Prime Minister Boris Johnson has agreed to legislate a new target to reduce national emissions by 78% by 2035, with the target due to be enshrined in law by the end of June 2020. This builds on the nations new Nationally Determined Contribution (NDC) to the Paris Agreement, which will see the UK reduce emissions by 68% by 2030 compared to 1990 levels. Decarbonising the power sector is integral to achieving these targets and requires major investment into renewable technologies, such as solar power, which are supported by planning policy at both local and national levels.

- 9.6 Following the above at a local level, Uttlesford District Council voted to declare a climate emergency 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.
- 9.7 The application site is located outside the Development Limits and includes subgrade 3a (53%) and Grade 2 land (47%) agricultural land according to the MAFF Agricultural Land Classification Guidelines 1988. The applicant also advises that the field is not currently let for any agricultural use and consequently no operational farm holding is affected by its loss.
- 9.8 In terms of the loss of the agricultural land i.e. Best and Most Versatile agricultural land, the proposed development would lead to the loss of 4.80ha 'best and most versatile' agricultural land. However due to the solar panels being 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 it is considered 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. It is noted no objections of further recommendation have been raised by Natural England and therefore it is considered the proposed development will not have significant adverse impacts in this respect nor on statutorily protected nature conservation sites or landscape.
- 9.9 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.
- 9.10 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.

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

9.11 The Council's Landscape Officer has advised that were there to be a recommendation for approval of this application, that it is conditional on the provision of mitigating planting of boundary hedging and additional tree screening to the eastern boundary of the site. The proposed landscaping enhancement is considered appropriate however further details of this should be submitted and approved by the LPA and secured by way of a condition. Whilst the planting would take time to establish and would take the agricultural land out of production, this should be balanced against the increase of tree planting in the district and the potential biodiversity gains.

9.12 The Landscape and Visual statement included with the application set out the potential landscape effect from the proposal and includes:

- Landscape effects relate to the effects of the proposed development on the physical and other characteristics of the landscape and its resulting character and quality.
- Visual effects relate to the effects on views experienced by visual receptors (e.g. residents, footpath users, tourists etc) and on the visual amenity experienced by those people.

9.13 It was concluded that in consideration of the location of the site, the small-scale and the nature of solar farm development means that the Chesterford Research Park solar farm is judged to have no significant landscape or visual effects. Pedestrians using a short section of PRowW Footpath 34 would experience Moderate adverse effects in the winter of Year 1, but these would reduce to None to Negligible adverse effects as the proposed hedgerow planting matures.

9.14 Taking into consideration the advice from the Council's Landscape Officer the application site can easily accommodate the development with minimal impacts. The site is enclosed by surrounding woodland and the Chesterford Research Park and is a significant distance from the nearest residential property. Local topography also helps conceal the site. The only sensitive receptor which could be affected is the footpath which runs through the surrounding woodland, which it is unlikely to lead to any unacceptable impact. The proposal nevertheless includes new hedgerow planting to the north, east and west of the site, including around the infrastructure compound to mitigate this impact.

9.15 In overall terms, it is not considered that the development would meet the requirements in full of Policy S7 of the Local Plan and that, therefore the proposal

is contrary to that policy. However, it is considered with mitigation measures as set out above, the proposal would meet the aims of Policy ENV8, which seeks to secure appropriate landscape mitigation.

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

9.17 In this regard, the NPPF states that:

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

9.18 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.

9.19 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.

- 9.20 To help increase the use and supply of renewable and low carbon energy and heat, plans should:
- 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.
- 9.21 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.
- 9.22 Finally, the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - b) approve the application if its impacts are (or can be made) acceptable. 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.
- 9.23 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.

B Heritage (ENV2, ENV4 and the NPPF)

- 9.24 To the north of the site a Scheduled Ancient Monument known as 'Moated site in Paddock Wood' is located. Historic England and the Council's Heritage Officer have been consulted, it is considered the distance of the application site from the

Scheduled Ancient Monument is significant and will not result in any harmful impact to its setting. Furthermore no concerns are raised in regards to the setting of any local listed building or heritage assets. Taking into consideration the above assessment it is considered the proposal accords with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (ULP Policy ENV2 and the NPPF).

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

C Impact on neighbour's amenity (Uttlesford Local Plan policies GEN2 and GEN4)

- 9.26 In terms of nearby residential properties, North Park Cottage is located 350m from the north boundary of the site; Home Farm is 620m from the western boundary of the site. The existing boundary of the site includes significant woodland screening.
Twenty 100kVA inverters are proposed which will convert the solar energy generated to AC power and a number of smaller and quieter 100kW inverters will be installed. DC power cables will be located behind the PV modules, and underground AC power cables will connect the inverters located behind the PV modules on the easterly side of each PV array. 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.
- 9.27 The UDC Environmental Health Officer has assessed the proposal and does not make any objection to the development associated with noise from the operational phase of the development. Therefore it is considered the proposal is unlikely to cause any adverse impact to amenity and accords with Policies GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005.

D Access and highway safety (Uttlesford Local Plan policy GEN1)

- 9.28 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.

9.29 In this regard, Essex County Council as Local Highway Authority have advised that from a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies. The application site is location within the Chesterford Research Park of which includes a private highway access, although during the construction of the development vehicle movement will increase this will mainly cease on completion of the development. Following this any increase in vehicle movement will be for the occasional maintenance of the site.

9.30 Due consideration has been made to the impact of the nearby Public Right of Way, whether the construction of the development will to result in any obstruction or impact to the users of the Public Right of Way. The Highways Authority have recommended a number of informatives that should be included if the application is approved, these include:

- Construction workers are notified of the Public Right of Way network, appropriate signage shall be provided by the developer from and along the access road to the development site. No vehicles associated with the development shall affect the ease of passage along the PROW.
- The proposal would access off the private road of Chesterford Research Park.
- All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.
- The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 11 (Little Chesterford) shall be maintained free

9.31 From a highway and transportation perspective, the impact of the proposal is acceptable to the Local Highway Authority, subject to mitigation and conditions, and that the proposal is consistent with the implementation of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

E Impact on biodiversity (Uttlesford Local Plan policy GEN7)

- 9.32 Policy GEN7 and paragraph 174 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species.
- 9.33 Policy GEN7 of the adopted Uttlesford Local Plan 2005 seeks to protect biodiversity, protected species and habitats. The application is supported by an Ecological Impact Assessment relating to the likely impacts of development on designated sites, protected species and Priority species and habitats. These submissions have been assessed by Place Services Ecology Officers, who that they are satisfied that there is sufficient ecological information available for determination.
- 9.34 Therefore, and subject to the submission and implementation of appropriate conditions, the application is acceptable, being consistent with the implementation of Policy GEN7 of the adopted Uttlesford Local Plan 2005, and the NPPF.

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

- 9.35 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.
- 9.36 As such, the proposals comply with Policy GEN3 and the National Planning Policy Framework 2021

G Contamination (ENV14)

- 9.37 ULP Policy ENV14 considers the impact of contamination of the site and its impact to the proposed development. The application site may have the potential risk of contamination and therefore the UDC Environmental Health Officer has been consulted. No objections have been made however a planning condition should be included if contamination found during construction. As such it is considered the development will not result in any harmful impact due to contamination risks and the proposal accords with ULP Policy ENV14.

H Other material considerations: Section 106 Agreement and Decommissioning

- 9.38 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria and they advise that the development will not conflict with any aerodrome safeguarding policies.

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

9.40 UDC 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
- In addition, or augmentation to the above, we recommend using

9.41 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

9.42 Such an Agreement will be secured in advance of the release of any planning Permission to ensure the long term restoration of the site once the site would be decommissioned.

10. EQUALITIES

10.1 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.

10.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the

need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

11. CONCLUSION

- 11.1 The proposal would lead to loss of 4.8 ha of subgrade 3a (53%) and Grade 2 land (47%) 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 localised landscape and rural character of the area, especially those experienced by the users of the many adjacent Public Rights of Way, at a lower level. The far wider landscape character impacts would be limited due to the form of the enclosed character of the site. 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.

- 11.2 The location of the development will not result in any harmful impact to heritage assets.

- 11.3 The proposal would not result in any material detrimental loss of residential amenity.

- 11.4 The impact on the local highway would be minimal during and post construction phase given the limited number of vehicular movements.

- 11.5 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.

- 11.6 The proposals would not result in increased flooding.

- 11.7 The location of the proposal would not impact on airport safeguarding.

- 11.8 It is considered when taking the Framework as a whole, that the benefits of the proposal, where mitigation has been offered to make the development acceptable, it is considered to outweigh the harm which would be caused to the character of the rural area and loss of agricultural land.

- 11.9 **RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION**