



**ITEM NUMBER:** 4

**PLANNING COMMITTEE DATE:** 13<sup>th</sup> April 2022

**REFERENCE NUMBER:** UTT/21/3108/FUL

**LOCATION:** LAND NORTH WEST OF BISHOPS STORTFORD,  
FARNHAM ROAD, FARNHAM

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: April 2022

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

**APPLICANT:** Endurance Energy Wickham Hall Limited

**AGENT:** DLP Planning Ltd

**EXPIRY DATE:** 1<sup>st</sup> March 2022

**EOT Expiry Date** EOT agreed 19<sup>th</sup> April 2022

**CASE OFFICER:** Mr Lindsay Trevillian

**NOTATION:** Within Green Belt,  
Adjacent Listed Buildings,  
Adjacent Ancient & Important Woodlands,  
Adjacent Country Wildlife Sites,  
Public Rights of Way,  
Part Archaeological Site.

**REASON THIS APPLICATION IS ON THE AGENDA:** Major Application.

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## **1. EXECUTIVE SUMMARY**

- 1.1** Full planning permission is sought by the applicant (Endurance Energy Wickham Hall Limited) for the erection of a solar photovoltaic farm alongside associated works at the site known as 'land to the north west of Bishops Stortford, Farnham Road, Farnham, Essex'.
- 1.2** This is a cross boundary application with East Herts District Council. The whole of the site amounts to an area of 114 hectares in which 35.77 hectares falls within the jurisdiction of Uttlesford District Council and is designated as Metropolitan Green Belt as per the Adopted Local Plan (2005).
- 1.3** A detailed "Planning Balance" has been undertaken of the proposals against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.
- 1.4** The proposal benefits because of the development for a large-scale renewable and low carbon energy scheme would assist in tackling climate change and provide a valuable contribution to cutting greenhouse gas

emissions. In addition, the proposal would secure some limited ecological enhancement in terms of biodiversity enhancements. The above economic and environmental benefits can be given considerable weight in the overall planning balance.

- 1.5** In respect to harm, it is the view that the proposed solar farm and associated works would have an unacceptable impact on landscape character and on the visual appearance of the local area, thus resulting in significant harm to the openness and character of the Green Belt. Furthermore, a lack of information has been submitted to demonstrate that the application would not amount to significant harm in respect to highway safety, protected species, and their habitats, and archaeological.
- 1.6** Therefore, and taken together, significant weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. In the circumstances, the proposals are contrary to policies S6, ENV4, GEN6, and GEN7 of the adopted Local Plan and the NPPF.

**2. RECOMMENDATION**

<b>REFUSE</b> for the reasons set out in section 17.
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**3. SITE LOCATION AND DESCRIPTION:**

- 3.1** The area of land subject to this full planning application relates to the land known as 'Land to the North West of Bishops Stortford, Farnham Road, Farnham, Essex.' The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.
- 3.2** The site falls within the jurisdictions of Uttlesford District Council and East Hertfordshire District Council Councils. This planning application relates to the area of the Site which falls within Uttlesford.
- 3.3** The site is situated to the north-west of the A120 Little Hadham bypass, imminently due for completion and north west of the Bishop's Stortford bypass.
- 3.4** The site is part of the Wickham Hall Estate comprising an area amounting to approximately 114.03 hectares in total. Of this 35.77 hectares lies within Uttlesford District Council as defined by drawing ref: D02.2 and is made up of a single large irregular shaped agricultural field which is used for a mix of crop production and pasture. The topography of the field that falls within the jurisdiction of Uttlesford is generally level with a slight slope that falls away from the centre of the site to the north east and north western corners.

- 3.5** The field contains a large agricultural building in its southwest corner which is excluded from the application site. This is access via a track forming the southern boundary of the application site and dividing it from further arable fields to the south. To the east of the site is Wickham Hall, which contains Wickham Hall Business Park (containing mixed retail / office / leisure units / café) and Wickham Farm. To the southeast of the site and east of the A120 is Stortford Fields development, which has planning permission to build 2,200 new houses, a primary school, a secondary school and local centre areas. To the north of this field the boundary is marked by a low hedge where it represents the boundary of the Wickham Hall Estate with further arable fields beyond. The local landscape can be described as rural with the occasional domestic dwellings, farmsteads and associated agricultural buildings.
- 3.6** There are no designated heritage assets located within the field subject to this application site. There are several listed buildings being located within East Hertfordshire namely those within Wickham Hall itself. The field subject to this application site is more than 300m from the listed buildings within Wickham Hall.
- 3.7** In terms of local designations, the site lies approximately 70m north of Bloodhounds Wood and adjoins Bailey Hills Wood to the northeast. Both woodlands are defined as Ancient Woodland, Important Woodland and Country Wildlife Sites. There are no other local environmental designations nearby. The site is not adjacent to any statutory or non-statutory landscape designations and the Environmental Agency Flood Risk Maps identifies the whole of the site lying within 'Flood Zone 1'.
- 3.8** The overall Site has four public rights of ways (PRoWs) in the form of bridleways. The principal ones in Uttlesford run from Wickham Hall westwards to Bloodhounds Wood (14\_31) and then north (14\_20) to a point where it crosses the district boundary (and continues as far as the Upwick Road). This route effectively forms the southern and western boundary of that part of the site proposed for development within Uttlesford. A further public footpath (14\_14) runs parallel with Bailey Hills Wood to the northeast.
- 3.9** As defined by the Uttlesford District Council's adopted Local Plan 2005, the site subject to this application falls within the Green Belt and lies in part of an area of interest for archaeology.

#### **4. PROPOSAL**

- 4.1** This application seeks full planning permission for the construction, operation, maintenance and decommissioning of a ground-mounted solar farm with battery storage alongside associated works.
- 4.2** It is estimated that the Proposed Development would generate up to 49.9 MW of renewable energy, which could provide approximately enough

energy to power over 15,200 homes and displace up to 23000 tonnes of CO2 per annum.

**4.3** The proposed development containing the whole of the development comprising over both Uttlesford and East Herts would include the construction and operation of the following equipment:

- 4.4**
- Arrays of solar PV panels;
  - 32 No. AC Boxes/Inverters, Transformers and Switchgear units
  - 1 No DNO Substation
  - 1 No. Communications unit
  - 1 No. Storage building
  - 10 No. Battery storage units
  - Enclosure of the solar arrays by deer-proof fencing
  - Secure compound fencing to the electrical infrastructure comprising 2.5m weldmesh fencing
  - CCTV cameras located to provide surveillance to the Site's boundaries, mounted on poles not to exceed 3m height
  - Wildflower meadow planting outside the security fence.
  - Legacy woodland planting, new hedgerows and screening, the creation of wildflower meadows for biodiversity gain distributed across the overall site.

**4.5** The majority of the fixed infrastructure associated with the solar development, including the DNO substation and the battery storage facilities, will be located in Uttlesford. Of the total of 32 No. AC Inverters, 14 No. are proposed to be located in Uttlesford.

**4.6** 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 5.5m between each row. At the lowest edge, the arrays would be approximately 1m above ground level, and up to 3m above ground level on the top edges and would be angled at 25 degrees, the optimum position for absorbing year-round solar irradiation.

**4.7** 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. Indicative dimensions of the proposed panels and frame are shown on the PV detail provided within the submitted application drawings (DWG no. PL01).

**4.8** The proposed inverters will comprise containerised units or small cabin type structures and will be situated across the site. The proposed inverters will measure approximately 6.6m long, 2.4m wide and 3.5m high.

**4.9** The proposed compound area will be situated centre of the site of the site along its southern boundary (as shown in blue on the Proposed Site Layout) and will contain a 33K DNO substation and switch room together with the proposed battery storage units. The substation will measure

measuring 10m by 3.5m and 3.9m high. Further storage and communications buildings will be located adjacent to the substation.

**4.10** The proposals will also include perimeter fencing that will be installed at a height of approximately 2.5m along the outer edges of the separate parcels of fields. In addition to the fencing, it is proposed to install pole mounted CCTV security cameras that would be positioned at intervals along the inside face edge of the fencing at a height of 2.5m.

**4.11** Access to the proposed solar farm for construction vehicles and its ongoing operation will be via existing road which serves Wickham Hall. The access road would be modified to the south of the A120 underpass as shown in Drawing Number ref H5234-1PD-001 Rev A. This primary point of access is located within the District of East Herts Council.

**4.12** **Operation, Construction and Decommissioning**

**4.13** Temporary planning permission is sought, with the solar farm having an operational lifespan of 40 years. After this, the scheme would be decommissioned with virtually all of the structures and equipment removed, and the land would revert to its present undeveloped agricultural condition.

**4.14** During the operational phases, activities would amount to the maintenance, cleaning and servicing of plant and equipment, plus vegetation management.

**4.15** A temporary construction compound would be set up with the site development boundary during construction. The compound would contain temporary portable buildings, containerised storage containers, parking, temporary hardstanding, temporary gated compound and wheel washing facilities.

**4.16** Construction working hours would typically be 07:00 – 15:00 Monday to Friday and 0800 – 13:00 on Saturdays as confirmed in the Transport Assessment.

**4.17** It should be noted that the balance of the development is being considered by East Herts District Council Planning Department.

**5. ENVIRONMENTAL IMPACT ASSESSMENT**

**5.1** An Environmental Impact Assessment (EIA) Screening Opinion was requested from the Council on 23rd February 2021 by the applicant. A screening opinion was issued 18th October 2021. This confirmed that an Environmental Impact Assessment is not required to be submitted in support of the proposals.

**6. RELEVANT SITE HISTORY**

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

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

7.1 The applicant has undertaken a consultation exercise with the public and other stakeholders in their preparation of this application. This was conducted between March and October 2021. This included sending letters and consultation packs to neighbours, writing and holding meetings to relevant Parish Councils and pre-application engagement with both Uttlesford and East Herts District Council.

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

## 8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

### 8.1 **Highway Authority - Object**

8.1.1 From a highway and transportation perspective the impact of the proposal is NOT acceptable as the proposals will result in the intensification of the PROW network by vehicles, including large vehicles, associated with the proposal would be to the detriment of highway safety for all users of the PROW. Additionally, a satisfactory comprehensive construction management plan for the PROW network within Essex has not been submitted.

### 8.2 **Local Flood Authority – No Objection**

8.2.1 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to imposing conditions to minimise the chances of flood risk and providing appropriate surface water drainage facilities.

### 8.3 **Environment Agency - No comments received**

### 8.4 **Historic England – No Objection**

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

### 8.5 **Natural England – No Objection**



**8.5.1** We consider that the proposed development is unlikely to lead to significant long term loss of best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

**8.5.2** The development is proposed for a temporary period for up to 40 years after which the site will be restored to its former state to continue agricultural use, therefore there will be no permanent loss of agricultural land as a result of the development.

## **9. PARISH COUNCILS COMMENTS**

**9.1** Farnham Parish Council - The Parish Council objects to this application on the following grounds:

- 9.1.1**
- Impact on Wildlife – There is a wide variety of wildlife in Farnham and the area. The proposals will result in harm to wildlife and their habitats.
  - Loss of Agricultural Land – The proposals would result in the loss of high quality best and most versatile land.
  - Loss of Public Access – Public Rights of Way would be affected limiting public access which is important for enjoyment and health.
  - Heritage Assets – The proposals would result in harm upon the setting of surrounding heritage assets (listed buildings).
  - Green Belt – Part of the site is located in the Green Belt and the proposals would impact upon the openness and character of the Green Belt.
  - Minister Statements – The words of Minister statements should be taken into account in the decision making process.
  - Security – Intrusive CCTV feature on the solar farm
  - Environment – The Parish Council does not consider a solar farm environmentally friendly.
  - Mitigation – The Council does not consider the mitigating circumstance put forward by the applicant meets the concerns of local residents and councillors.

**9.1.2** Berden Parish Council - The Parish Council objects to this application on the following grounds:

- 9.1.3**
- Whilst this is beyond our parish boundary, we (together with neighbouring parishes in both East Herts and Uttlesford) are being inundated with proposals for solar farms which conveniently are sized just below the 50MW threshold for environmental impact reasons. However, these are all within the same local area and all

located around the Stocking Pelham National Grid substation (“Pelham substation”) which borders Berden parish.

- These solar farm proposals are further supplemented by battery storage proposals which provide a similar adverse impact on the open countryside and local rural views.
- There is a clear need to assess the cumulative impact of these previous and current proposals.
- Three solar and one further battery farms are proposed within a small radius of Pelham substation. There is also an emerging fourth solar farm.
- These three key solar farms should not be dealt with in a fragmented way with scant regard for overall master planning with boundaries merely following landowner’s ownership lines and not properly planned development boundaries with a need for proper structured screening, buffers and regard taken of views, visual impact, noise and fire control measures.
- It is an essential key issue in determining the suitability of any such development proposals to undertake a sequential test. This is needed firstly to question whether the use of agricultural land is necessary and whether other lower grade agricultural, suitable brownfield land or non-agricultural land is available within a reasonable search area.

## **10. CONSULTEE RESPONSES**

### **10.1 Essex CC Specialist Archaeological Advice - Object**

**10.1.1** The Historic Environment Advisor of Place Services, Essex County Council has reviewed the supporting documentation. Under the National Planning Policy Framework paragraph 194 it is recommended that an Archaeological Evaluation comprising Geophysical assessment, aerial photographic rectification and targeted trial trenches. The applicant should be required to conduct a field evaluation to establish the nature and complexity of the surviving archaeological assets. This should be undertaken prior to a planning decision being made. This work would enable due consideration to be given to the historic environment implications and would lead to proposals for preservation in situ and/or the need for further investigation.

### **10.2 Essex CC Minerals – No Comments**

**10.2.1** The Mineral Planning Authority has no comments to make in relation to this application.

### **10.3 Essex CC Police – No Objection**

### **10.4 Essex Wildlife Trust – No comments received**

### **10.5 Essex Place Services (Conservation and Heritage) - No Objection**

**10.5.1** It is understood that this is a cross boundary application and that the site intersects both East Herts and Uttlesford Council, with the listed buildings being located within East Hertfordshire. The Conservation Officer confirmed that they raise no objection to this application as there are no potential to heritage assets within Uttlesford District Council.

**10.6 Essex Place Services (Ecology) - Object**

**10.6.1** Holding objection due to insufficient ecological information on Priority species (farmland birds). We are not satisfied that there is sufficient ecological information available for determination of this application. Breeding Bird Surveys found 20 Skylark territories across the site including seven within the Uttlesford District boundary. Insufficient mitigation has been put in place for the loss of nesting habitat for ground-nesting birds such as Skylark. The open habitats that are provided as part of the proposals are not equivalent to what will be lost. Before we can lift our holding objection, an outline of the proposed Skylark mitigation, including compensation measures to be provided offsite in nearby agricultural land, must be submitted and agreed in principle with the LPA. This information is therefore required to provide the LPA with certainty of impacts on priority species and be able to secure appropriate mitigation by a condition of any consent.

**10.7 London Stansted Airport – No Objection**

**10.7.1** The Safeguarding Authority for Stansted Airport (STN) has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal subject to a condition requiring that no development to take place until an aviation perspective Glint & Glare assessment is provided to the LPA in consultation with the aerodrome safeguarding authority for STN.

**10.8 NATS Safeguarding – No Objection**

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

**10.9 UK Power Networks – No Objection**

**10.9.1** UK Power have enclosed a copy of their records which show the electrical lines and/or electrical plant and confirm that they hope that the Council find the information useful. They also enclosed a fact sheet which contains important information regarding the use of their plans and working around their equipment to be forward to the applicant. Safety around their equipment is a priority and thereby it is advisable that the applicant have completed all workplace risk assessments before they begin any works.

**10.10 National Grid – No Objection**

**10.10.1** In the response dated 4th January 2022, National Grid requested that further information be provided by the applicant in respect to 2d cad model is overlaid onto the proposed site plan to ensure maintenance could be achieved in a safe and appropriate manor to existing equipment. In their formal response dated 20th January 2022, National Grid issued a Holding Objection due to the failure of the applicant providing a response to their previous request. Following the holding objection, this information was provided by the applicant with the scheme reconsulted to National Grid for further comments. Although the LPA chased National Grid for their formal statutory response, no further comments have been received at the time of this assessment. It is therefore the presumption that National Grid have no further comments to make or no objection.

**10.11 ESP Utilities – No Objection**

**10.11.1** ESP Utilities Group Ltd has no gas or electricity apparatus in the vicinity of this site address and will not be affected by your proposed works.

**10.12 Gigaclear LTD – No Objection**

**10.12.1** Having examined our records, I can confirm that whilst Gigaclear Ltd may have assets in the wider vicinity, there are no records of any owned apparatus within the specific search area of your enquiry detailed in the reference/location provided.

**10.13 Cadent Gas – No Objection**

**10.13.1** We have received a notification from the Linesearch before Udig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our gas asset/s. We have no objection to this proposal from a planning perspective.

**10.14 UDC Environmental Health Officer – No Objection**

**10.14.1** No objection subject to imposing appropriately worded planning conditions if permission is approved in respect to noise, external lighting and construction.

**10.15 UDC Landscape Officer – No Comments Received.**

**11. REPRESENTATIONS**

**11.1** The application was publicised by sending letters to adjoining and adjacent occupiers, displaying a site notice and advertising it within the local newspaper. The following comments were received;

**11.2 Object**

### 11.2.1

- Precedence - it would ultimately lead to further developments on this land in the future as the land would become known as brownfield and therefore be able to be modified down the line.
- Biodiversity – The proposals by developing the sounding countryside next to ancient and important woodlands would impact upon the delicate ecosystem in the area, protected species and their habitats.
- The land provides a natural environment for a plethora of local wildlife, and should be protected at all cost.
- Arboriculture - The suggested landscape screening is minimal and if only immature trees / hedging plants are used, will take 10/15 years to become effective.
- Public footpaths – The proposals would remove the tranquil environmental of the utilisation of the public footpaths that cross the application site resulting harm to their aesthetic value. Public foot paths help mental wellbeing and health, and this will be ruined if one was to walk through a large solar farm.
- The proposed solar farm does not allow access for horse riders, yet there are numerous bridlepaths that many local riders use throughout the year on the proposed sight.
- Food Production – The loss of agricultural land would result in less food production for the population. The UK already import a significant amount of food from abroad.
- Loss of agricultural land – The proposals are contrary to policy ENV5. It would result in a significant amount of high quality land (best and versatile land) being loss. No justification has been provided by the applicant as to the consideration of other sites of lower quality agricultural land.
- Green Belt - 45%, being about 115 acres, of the application site is within the designated Green Belt and the remainder falls with the Rural Area beyond the Green Belt. The National Planning Policy Framework (NPPF) confirms: "The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". The NPPF goes on to confirm: "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."
- No very Special circumstances exist to outweigh harm on the Green Belt,
- Countryside – The proposals would harm the openness and character of the countryside. The proposals would amount to a large industrial development. The development is inappropriate development in the countryside.
- This development will destroy the countryside and the rural settings of Upwick Green, Hadham Hall and Farnham, and the market town feel of Bishops Stortford.

- Cumulative Impact – There have been substantial developments already in such a small area around Wickham Hall. This includes developments at Wickham Hall, two thousand five hundred new homes being built around Wickham Hall. The completion of the A120 bypass and pending development at Upwick Hall. Too much farm land around the proposed development has already been swallowed up and can never be put back to farm land.
- Size/Scale – The size of the development is simply too big. It is vastly out of proportion to any development in the area. This is not small scale as per policy ENV15.
- Heritage assets – The proposals would result in harm to the setting and significance of surrounding ancient monuments and listed buildings.
- Alternative use – Farmland should be used for farming and not for any other use.
- Safety – Lithium batteries are unsafe.
- Sustainability – Solar farms are not the best way to tackle climate change. Offshore wind farms is more efficient and cost effective. The Government does not support large industrial solar farms. The place for solar farms is on brownfield sites.
- Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the use of high-quality land.
- Solar farms are hugely inefficient.
- Whilst green energy is important the use of inefficient large scale solar farms is not the best approach to achieve greener energy and the environmental cost to this particular area is too high.
- Amenity – The proposals would be visually intrusive.
- It will cause a huge disruption to the quality of life for all those living in the surrounding villages and towns noise pollution created by each of the 36,000 inverters along with the transformers will create a constant background electronic hum which will impact on the residents of Upwick and Hadham Hall.
- Temporary permission – Allowing this solar farm will not be temporary and will ruin the countryside forever.
- There is no guarantee that the land will return to agricultural use after the tenure of the Solar farm ceases
- Construction – Local lanes will not be able to accommodate the amount of construction vehicles required to build the proposals.
- The construction of the site will take months and cause major disruption to people living around the site in particular those people living at Stortford Fields.

#### **11.4 Comment**

**11.4.1** The concerns raised within the representations as highlighted above are addressed in the main assessment of this report.

#### **12. MATERIAL CONSIDERATIONS**

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

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

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

**12.3** Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.

## **12.4 The Development Plan**

**12.4.1** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made Feb 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)

## **13. POLICY**

### **13.1 National Policies**

**13.1.1** National Planning Policy Framework (2021)

**13.1.2** The National Planning Policy Framework (hereafter “the NPPF”) was first published in 2012 and was revised in July 2021. It sets out the Government’s national planning policies for England. It identifies the

Government's vision, objectives and goals for the planning system and provides a series of aids in the determination of planning applications.

## **13.2 Uttlesford District Plan 2005**

- 13.2.1** S6 – Green Belt  
GEN1 – Access  
GEN2 – Design  
GEN3 – Flood Protection  
GEN4 – Good Neighbourliness  
GEN5 – Light Pollution  
GEN6 – Infrastructure Provision  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards  
E4 – Farm diversification: Alternative Use to Farmland  
ENV2 – Development Affecting Listed Buildings  
ENV3 – Open Spaces and Trees  
ENV4 – Ancient Monuments and Sites of Archaeological Interest  
ENV5 – Protection of Agricultural Land  
ENV7 – Protection of the Natural Environment  
ENV8 – Other Landscape Elements of Importance  
ENV10 – Noise Sensitive Developments  
ENV11 – Noise Generators  
ENV12 – Groundwater Protection  
ENV14 – Contaminated Land  
ENV15 – Renewable Energy

## **13.3 Supplementary Planning Document or Guidance**

### **13.3.1** Supplementary Planning Documents of relevance to this application:

Energy Efficiency and Renewable Energy (October 2007)  
Essex County Council Adopted Parking Vehicle Standards (2009)  
Solar Farms (July 2021)  
Uttlesford Interim Climate Change Policy (February 2021)

## **14. CONSIDERATION AND ASSESSMENT:**

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

- 14.2** **A) Principle of Development (S7, ENV15 and the NPPF)**  
**B) Green Belt Impact (S6 and the NPPF)**  
**C) Heritage Assets (ENV2 and the NPPF)**  
**D) Archaeological (ENV4 and the NPPF)**  
**E) Neighbouring Amenity (GEN2, GEN4, ENV11 and the NPPF)**



**F) Loss of Agricultural Land (ENV5 and the NPPF)**

**G) Transport, access and public rights of way (GEN1, GEN8, and the NPPF)**

**H) Trees, arboriculture & landscaping (GEN2, ENV3, ENV8 and the NPPF)**

**I) Nature Conservation & Biodiversity (GEN7 and the NPPF)**

**J) Flooding (GEN3, and the NPPF)**

**K) Construction considerations and site restoration (the NPPF)**

**L) Planning Obligations (the NPPF)**

**M) Other Issues**

**14.3 A) Principle of Development (S7, ENV15 and the NPPF)**

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

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

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

**14.3.4** Renewables now account for over one third of all UK electricity generation, up from 7 per cent in 2010, driven by the deployment of wind, solar and biomass. Electricity demand is predicted to double in the UK by 2050, driven in part by the electrification of vehicles and increased use of clean electricity replacing gas for heating. The Government has set a target to cut greenhouse gas emissions compared to 1990 levels in the UK by 100% by 2050.

**14.3.5** More widely, the UK is committed to meeting a target of net-zero by or before 2050. This means that across the UK, emissions of Green House Gas for all sources will have to reduce from the current figure of 4352

million tonnes. The UK Government industrial and green growth strategies have made further pledges to invest in green growth low carbon infrastructure and investment in efficiency.

- 14.3.6** In August 2019, Uttlesford District Council declared a Climate and Ecological emergency. The declaration represented a commitment to take appropriate action to make the Council's activities net-zero carbon by 2030.
- 14.3.7** On 9 February 2021, Uttlesford District Council approved as non-statutory development management guidance an Interim Climate Change Planning Policy. This policy aims to ensure that development contributes to climate change mitigation and adaptation, however, it mainly refers to guidance in the green and intelligent design section of possible sources of renewable energy which could be upscaled for local housing developments and not specific to renewable energy schemes.
- 14.3.8** The NPPF talks generally about renewables within the context of planning for climate change and makes no specific reference to solar farms. It favours sustainable energy systems as long as any impacts are (or can be) made acceptable, and states that local planning authorities should approach these as part of a positive strategy for tackling climate change.
- 14.3.9** Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
  - b) approve the application if its impacts are (or can be made) acceptable.
- 14.3.9** Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.
- 14.3.10** All planning proposals and decisions should contribute and enhance the natural and local environment. NPPF paragraphs 174a and 174b require proposals to:
- a) protect and enhance the valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
  - b) recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services –

including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

- 14.3.11** The NPPG outlines guidance on the specific planning considerations that relate to large scale ground-mounted solar PV farms. It states that one consideration amongst others should be whether land is being used effectively; recommending that large scale solar farms are focused on previously developed and non-agricultural land.
- 14.3.12** There are several local policies that are relevant to the consideration of a solar farm application. Those being Policies S6 and ENV15 of the Adopted Local Plan
- 14.3.12** The entire application site is located within the Metropolitan Green Belt as defined by Uttlesford District Adopted Local Plan 2005 where Policy S6 applies. This specifies that the development compatible with the countryside setting, and purposes of the Green Belt will be permitted.
- 14.3.13** Policy ENV15 of the Uttlesford Local Plan which states that small scale renewable energy development schemes to meet local needs will be supported providing it can be demonstrated that they do not adversely affect:
- i) The character of sensitive landscapes;
  - ii) Nature conservation interests; or
  - iii) Residential and recreational amenity.
- 14.3.14** The supporting text for Policy ENV15 states that schemes should be sited close to settlements or groups of buildings in rural areas and close to the origin of the energy resource. Development will only be permitted in locations where the local road network is capable of handling any additional traffic generated by the proposal.
- 14.3.15** In May 2021, the Council published its draft Solar Farm Development Supplementary Planning Document Consultation Document (draft SPD). The draft SPD contains local guidance on preparing and submitting proposals for solar farms. It also gives guidance on how planning applications should be considered in light of national and local requirements. The SPD was considered at Policy Board on 14th October 2021 where it was agreed to recommend to the Council's Cabinet that the SPD be adopted subject to a schedule of proposed changes.
- 14.3.16** Uttlesford District Council therefore supports the development of solar PV development in principle provided there are no significant environmental or visual impacts that cannot be appropriately managed through the planning application process.
- 14.3.17** The approach in the NPPF, similarly to local planning policies and the draft Solar SPD, is to be supportive to the principle of solar energy

developments provided that the environmental impacts can be appropriately managed.

- 14.3.18** A key environmental benefit is that the proposal has capacity to generate up to 49.9 MW of renewable energy, which could provide approximately enough energy to power over 16,500 homes and displace up to 11,000 tonnes of CO2 per annum.
- 14.3.19** This in-principle support and the environmental benefit has to be weighed against any environmental and other impacts of the proposal in a balancing exercise. The balancing exercise is a matter of planning judgement.
- 14.3.20** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.
- 14.3.21** The "Planning Balance" is undertaken further below, but before doing so we have undertaken a wider assessment of the proposal against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.

#### **14.4 B) Green Belt and Visual Impact (S6, and the NPPF)**

##### **14.4.1 Green Belt**

- 14.4.2** There is a strong national and local support to protect land within the defined Green Belt from inappropriate development. The adopted Policies Map and Policy S6 identify that the application site is located within the defined Green Belt.
- 14.4.3** Chapter 13 of the NPPF considers Green Belt land in relation to development proposals. This states that the fundamental purpose of including land within the Green Belt is to preserve its openness. Para. 147 of the NPPF sets out that in the case of proposals which come forward in the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Moreover, harm to the Green Belt and any other identified harm resulting from the proposal must be clearly outweighed by an applicant's case for very special circumstances.
- 14.4.4** The proposed development does not fall within any one of the defined exception categories set out in Policy S6 or paras. 149 and 150 of the NPPF and as such is to be regarded as inappropriate development.
- 14.4.5** The NPPF further confirms this position in its cornerstone paragraph at 151, which states that:

*‘When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases, developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.’*

- 14.4.6** The starting point is to attach substantial weight to the inappropriateness of the proposed development within the defined Green Belt. The proposed development would, by definition, harm openness and undermine the purpose of including the land within the Green Belt. This is contrary to the NPPF and Policy S6 of the adopted Local Plan and carries substantial weight.
- 14.4.7** The PPG advises that *‘assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgement based on the circumstances of the case’*. It is considered relevant in this case to address the specific circumstances in order to arrive at a sensible conclusion of the proposal’s impact on openness.
- 14.4.8** The solar panels and associated equipment would have a significant adverse effect on the openness of the Green Belt. Although the applicant refers to the part of the site set within the Green Belt, it is considered that they have understated the likely impact of the scheme on openness. The scheme includes security fencing and electrical equipment, which would also adversely affect the countryside. The resultant encroachment into the countryside would be at odds with one of the purposes of the Green Belt.
- 14.4.9** Paragraph 138 of the NPPF states that the Green Belt serves five purposes; one of which is to assist in safeguarding the countryside from encroachment. Solar panels are engineered products that have an industrial appearance. They are not, inherently, products that fit into a countryside environment. On the scale proposed the solar panels, if installed on the site and together with the associated buildings and industrial type fence that would surround them, would result in significant encroachment into the countryside.
- 14.4.10** The proposed development would, therefore, harm the Green Belt. Officers next consider whether the proposal would result in any other harm, and then have regard to other considerations, so as to undertake the balancing exercise outlined further below.
- 14.4.11** Landscape Character
- 14.4.12** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

- 14.4.13** The Landscape Character of Uttlesford District Assessment identifies the site as falling within the 'Berden and Farnham Chalk Upland' landscape character area with extends from Ford End in the north to the environs of Farnham in the south.
- 14.4.14** The character assessment stipulates that this area is an extremely varied with the open wide vistas on the higher ground contrasting with the more intimate feel of the steep slopes descending to the Bourne Brook. The field pattern varies in the same way - rather large and regular in the northern and middle part of the area, becoming more irregular and smaller in scale towards the south. There are quite a few pedestrian footpaths crisscrossing the area, and the settlement pattern is very widely dispersed, comprising isolated farms and a few hamlets.
- 14.4.15** The changing undulations of the landform characterize this area, and the sense of moving up and down, in and out from closed to open, expansive views. Infrequent settlements offer variety and interest with their colour-washed plaster buildings and the occasional red brick outbuildings. Farm buildings vary from medium to large. The texture of this landscape changes with the landform; moving from smooth expansive fields to winding lanes to steeply sloping mature woodland.
- 14.4.16** Further to the above the site is located within the South Suffolk and North Essex Clayland (National Character Area 86), as identified by Natural England. The *'Summary' section of the published assessment describes the NCA86 as: "It is an ancient landscape of wooded arable countryside with a distinct sense of enclosure. The overall character is of a gently undulating, chalky boulder clay plateau, the undulations being caused by the numerous small scale river valleys that dissect the plateau. There is a complex network of old species-rich hedgerows, ancient woods and parklands, meadows with streams and rivers that flow eastwards. Traditional irregular field patterns are still discernible over much of the area, despite field enlargements in the second half of the 20th century."*
- 14.4.17** The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively with effective screening and appropriate land topography the area of a zone of visual influence could be limited. Although solar farms often cause changes to the landscape and whilst they may not be able to achieve a limited visual influence, they should be minimised as far as possible.
- 14.4.18** The skyline of the site and the surrounding slopes are visually sensitive to potential new development, with open views possible along across and the wider countryside. There is strong sense of historic integrity, resulting from a wealth of historic buildings and a historic settlement pattern comprising dispersed hamlets and villages, which are connected by a series of winding lanes.

- 14.4.19** The development would be located across a series of agricultural fields with gently sloping gradients. The fields within the site are delineated and divided by existing tree belts woodland, and some hedgerows. The field subject to this planning application is approximately 35.77 hectares as defined by drawing ref: D02.2 and is made up of a single large irregular shaped agricultural field.
- 14.4.20** The proposal will lead to a change in the character and appearance of the landscape, which could be argued to lead to a change in the quality of the landscape and loss of agricultural character. However, the green energy equipment such as solar arrays and wind turbines are rapidly becoming features that are becoming an integrated part of the agricultural landscape.
- 14.4.21** This is none so more evident by the acceptance of Local Policy ENV15 which generally accepts renewable energy schemes of a small scale by their very nature and them likely to result in some adverse impact upon the character and appearance of the countryside. As such they are not precluded from rural areas.
- 14.4.22** The proposal would retain the original field pattern in situ. Within the site, the panels would be sat on flat land within east-westerly arrays (rows).
- 14.4.23** The application site does not form part of any designated landscape. However, the Framework also requires the intrinsic character and beauty of the countryside to be recognised when assessing development proposals.
- 14.4.24** This 37ha of land is situated within an area of very attractive open countryside. The proposed solar panels and associated infrastructure, including the security fencing would be new elements within the landscape.
- 14.4.25** Whilst the countryside is able to accommodate many forms of development, the long rows of panels, and ancillary buildings would comprise a rather utilitarian form of development that would contrast awkwardly with the unspoilt open qualities of the site.
- 14.4.26** For the duration of the development (40 years) the proposal would markedly alter the character of the site. The metal structures of the frames and the construction of the panels, along with their regular arrangement in long rows, would be out of keeping with the character of the area. The man-made structure would be of a colour and texture that was not typical of its agricultural context, and so the proposed development would introduce a discordant element of significant scale into the local landscape. This intensification would harm the character of the area. The proposal would detract from the pleasing rural scene and erode the qualities of the 'lower rolling slopes'. It is considered that this area has medium sensitivity to the type of development proposed. With a

moderate/high magnitude of effect, the proposal would have an adverse effect on the landscape resource of moderate significance.

**14.4.27** Consideration has been given to the new bypass and flood alleviation scheme under construction which to the southwest of the site and the transmission towers and electricity cables that pass through and over the site from north to south which represents new man-made engineered features into the landscape. However contrary to the applicants' statements, this does not provide reasonable justification to allow the proposals which cumulatively with the above infrastructure projects would further erode and cause significant harm to the landscape character.

**14.4.28** Visual Effects

**14.4.29** The applicant has provided a Landscape and Visual Impact Assessment (LVIA). This document describes the baseline qualities and current condition of local landscape character. It identifies several locations (visual receptor viewpoints) from which the site can be viewed. The LVIA also identifies steps that would be taken to mitigate against any harm that would likely to arise from the implementation of the development.

**14.4.30** Bloodhounds Wood to the south and Bailey Hills Wood to the north east of the site provide some screening from further beyond these woods. The existing hedgerow with some mature trees that bisects the application site from the proposals that lie within the district of Easts Herts and along the northern boundary would also help to break up views of the whole development from the west and north.

**14.4.31** It is also acknowledged that the applicant proposals woodland planting to the east and south of the application site as shown on drawing ref: D03 B, however, this planting is outside the boundaries of the application site as defined by the red line on the location plan. This drawing also conflicts with drawing ref: DO4 which only shows new woodland planting within the proposals to the north that is to be assessed by East Herts. This plan does not show any additional planting to the east of south of the site.

**14.4.32** When one considers the LVIS submitted in support of the application, it is noted that only 3 of the 20 viewpoints relate to the proposals to be considered by Uttlesford with the remaining being within the district boundary of East Herts. These being viewpoints 1, 14 and 18 with only viewpoint 18 being a viewed from outside of the site. It is apparent that a limited assessment of the application site has been provided within the LVIA in respect to the agricultural field forming part of this proposal.

**14.4.33** In part, landscaping would assist in minimising any adverse impacts when one views the site from the northeast and south. However, the proposed panels and associated works would be more prominent from views from the southeast from the A120 and the laneway leading to Wickham Hall, the southwest from the soon to be new Little Hadhem Bypass, and to the east beyond the application site.



- 14.4.34** From these viewpoints the full width of the scheme would be apparent, stretching across a wide part of the landscape. The proposed development would be evident, giving an impression of considerable scale. Furthermore, as the land rises up across a shallow valley towards the appeal site neither the existing or proposed planting would provide an effective screen. Any woodland planting on land within the appeal site to the southeast, southwest and east of the proposed panels and associated works would, because of the local topography, take considerable time to soften the visual impact, and would be unlikely to ever fully screen out views towards the site.
- 14.4.35** Views from these points are important and opportunity for those using the surrounding highway networks to take more time to admire the local landscape. In this context the proposed panels and associated works would appear as an intrusive feature cutting across the rural landscape. With high sensitivity receptors, and a high magnitude of change the proposal would result in a change of major/moderate significance to the visual amenity of the area to the southeast, southwest and east of the application site.
- 14.4.36** The greatest harm to the visual amenity of the area would be for those using the footpaths that cross the site. The area is popular with locals and visitors utilising PWOW within and surrounding the site and, as a consequence, even small-scale changes are likely to be apparent to those who spend their time enjoying / relaxing in this attractive rural area. The surrounding woodlands and hedgerow along the field would provide a degree of screening for the proposed development from public vantage points.
- 14.4.37** Although screen in part, those using the footpaths (14\_14, 14\_21 & 14\_31) for recreational purposes would have a high sensitivity effect and the scheme would be likely to have an adverse effect on their visual amenity of a major/moderate significance. The visual experience for users of these footpaths, would be wholly unsatisfactory. Rather than passing through a field with attractive views all round, walkers would enter an industrial tunnel with only forward views to the countryside beyond the site.
- 14.4.38** The proposals would also be seen from further public receptor including motorists using surrounding highways including the future Little Hadham Bypass which is currently undergoing constructions. The proposal would result in major/moderate adverse visual impacts rather than 'negligible' visual change as described within the appellant's Landscape and Visual Impact Assessment.
- 14.4.39** The applicant maintains that there is no to little evidence that the development will have an incongruous or inappropriate appearance as it will have the appearance of a solar farm which is now an accepted form of development in the countryside of the UK. However, a solar farm can

only be an accepted form of development if it does not cause unacceptable harm that is not outweighed by other considerations.

**14.4.40** The scheme would harm the character of the area but would have a limited and localised adverse effect on its appearance. Overall, the proposal would have an adverse effect of moderate significance on the local landscape.

**14.4.41** With regard to visual harm, the harm would be unacceptable because the development, particularly for motorists utilising surrounding highways and for walkers on footpaths, who are regarded to be in the highest category of sensitivity to the visual effect of development, would have an incongruous and inappropriate appearance that would be alien to its countryside location. The proposed solar farm would have a significant adverse effect on the visual amenity of the area which could not be adequately mitigated.

**14.4.42** The harm identified upon the visual appearance of the area weighs against an approval and thus, the proposals would be contrary to Policy S6 of the adopted Local Plan.

**14.4.43** Very Special Circumstances

**14.4.44** The proposal is contrary to both national and local policy towards the Green Belt. It is for the applicant to demonstrate the existence of very special circumstances sufficient to outweigh the clear harm to the Green Belt by virtue of inappropriateness and any other harm.

**14.4.45** Of the factors cited by the applicant and those contained within the supporting documentation to be weighed in the balancing exercise as 'very special circumstances', significant weight should be given to the generation of electricity from a renewable source, which would make a valuable contribution to cutting greenhouse gas emissions. Paragraph 151 of the Framework provides that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. The applicant has submitted the following VSC:

- 14.4.46**
1. Development is Temporary
  2. Saving in over 23,000 tonnes of CO2 annually
  3. Proximity to National Grid Connection and Site Location
  4. Ecological and Biodiversity Enhancements
  5. Contribution to the Secure Operation of the Farming Business
  6. Educational Resources
  7. Limited Other Harm
  8. Other Material Considerations

**14.4.47** The Council have reviewed the 'very special circumstances' submitted by the applicant in detail and taken these into consideration as per below:

**14.4.48** Development is Temporary

**14.4.49** Permission is sought for a period of 40 years. The development would be temporary, but for this period any harm to the landscape would be considered to be long term. However, it would be practical to reverse the effects on both the character and appearance of the area, and the Green Belt, within a generation. The Guidance advises that conditions can require the site to be restored to its previous use. The duration and reversibility of the development is a material consideration, but the loss of openness for this part of the Green Belt for 40 years, and the landscape harm, albeit reducing over time as screen planting matured, would endure for a long time. It is thereby considered that the duration and reversibility of the development are factors that should be given limited weight in the planning balance that applies here.

**14.4.50** Furthermore, there is no guarantee that planning permission would not be granted, after 40 years, for the replacement of the solar panels for a further 40 year period. Very little weight is therefore given to the reversibility of the scheme.

**14.4.51** Saving in over 23,000 tonnes of CO2 annually

**14.4.52** The proposal has capacity to generate up to 49.9 MW of renewable energy, which could provide approximately enough energy to power over 16,500 homes and displace up to 11000 tonnes of CO2 per annum. The UK is relying on the cumulative increase in renewable energy generation across a large number of dispersed schemes. The Framework provides that even small-scale renewable energy schemes as acknowledged by Policy ENV15 of the adopted local plan make a valuable contribution to cutting greenhouse gas emissions.

**14.4.53** Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development and three dimensions to sustainable development, economic, social and environmental roles, are identified in paragraph 7.

**14.4.54** The environmental role is stated to be 'contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy'.

**14.4.55** The tension in the environmental role of sustainable development between protecting the natural environment and moving to a low carbon economy is encapsulated in Policy S6 and ENV15, which is supportive of low carbon energy schemes (albeit much smaller schemes), only if the proposal would not have an unacceptable impact on landscape character and visual appearance of the local area. Thus, there is a balance to be struck between these factors, but it is reasonable to conclude that if the impact on landscape character and visual appearance, and other factors,

outweighs the low carbon energy benefit of a scheme that it should not be regarded to be sustainable development.

**14.4.56** It is acknowledged that the proposal would make a contribution towards meeting national targets for renewable energy and towards energy security. The proposal therefore gains support from national and local policies which promote renewable energy generation. The contribution of the scheme to renewable energy and the reduction of greenhouse gas emissions is a consideration that should properly be given significant weight in determining this application.

**14.4.57** Proximity to National Grid Connection and Site Location

**14.4.58** The applicant also submits that a material consideration which weighs in favour of the very special circumstances of this site are that it is closely located to the Bishop's Stortford Sub-Station with a connection that can be achieved over land in common control or highway land and that this sub-station is one of a limited number that has capacity to receive the energy generated

**14.4.59** This may be so, but it cannot properly be a consideration to weigh in the 'very special circumstances' balancing exercise, given that targets for renewable energy apply nationally and no sequential testing has been provided to demonstrate that there is no other land suitable for the proposals in the locality that fall outside Green Belt Land.

**14.4.60** Ecological and Biodiversity Enhancements

**14.4.61** The claimed biodiversity enhancements are not, in reality, a significant benefit. This highly rural environment does not require enhancement. The claimed benefits are, at best, mitigation measures, which can only be given limited weight in the balancing exercise. Similarly, visual containment as a result of additional planting is not a benefit.

**14.4.62** Contribution to the Secure Operation of the Farming Business

**14.4.63** The applicant has submitted that to secure the farms long term viability as a single farming entity, the estate has sought to diversify and to make best use of its available assets. This has so far to date included the conversion of existing buildings within the Wickham Hall Estate to provide rural employment, with the creation of a tearoom/café along with buildings used for office space.

**14.4.64** As such, the estate has already currently acquired many different income streams to support and diversity the farm and thereby it is questionable whether there is a need for further diversification in this instance. Currently, no evidence has been presented to the Council that the estate is struggling and is need of further diversification particular given that it already has a number of different incomes as acknowledged above.

**14.4.65** Nevertheless, the applicant acknowledges that the development of a solar generating station within the estate would be complementary to the continued farming operations on the remainder and provide another assured income over the operating period which will further help support the viability of the estate as a whole.

**14.4.66** There is no dispute that the development would enable the landowner to generate a further income, thus allowing for a number of diverse income streams where previously just one existed. Whilst this would benefit the landowner financially, it is not clear how it would benefit the wider community. The Council considers that the farm diversification should be for alternative uses that maintain the rural agricultural appearance and character of the locality, and also offer benefits to the local economy. A prime example of this is the recent conversion of the farm buildings to tea/rooms and office space which both maintain the rural character whilst providing benefits to the landowner and the local community. Any benefits to the landowner would weigh very little in the balance against the harm caused to the visual amenities of the Green Belt.

**14.4.67** Educational Resources

**14.4.68** In respect of an educational benefit, the applicant claims that the solar array farm would be used in an educational capacity with display boards for passing walkers and school trips. The introduction of display boards would result in further clutter and any educational benefits would weigh very little in the balance against the harm caused to the visual amenities of the Green Belt. Furthermore, no information has been provided as to what schools have been approached or where the letters have been sent to.

**14.4.69** The applicant has also suggested that there will also be an opportunity for school children to visit the site in the future and walk around the proposed solar site, gaining a better understanding of habitats and wildlife. This is by no means sufficient justification to allow for such an inappropriate development as there are many other educational programs and resources available for schools to provide appropriate educational benefits in respect to these parameters.

**14.4.70** Equally, there are opportunities for school children to visit other existing renewable sites both solar and wind) to see first-hand the mechanics of solar and wind developments for the purposes of education.

**14.4.71** Limited Other Harm

**14.4.72** The lack of harm to local character and appearance is a neutral factor which does not weigh significantly in favour of the proposal.

**14.4.73** Other Material Considerations

**14.4.74** The applicant highlights Appeal ref. APP/C1950/W/19/3225810 arose following the refusal by Welwyn Hatfield Borough Council of application ref. 6/2018/2199/FULL for the installation of standalone solar farm in which the Inspector allowed the proposals as it was deemed there would only be a slight harm to the character and appearance of the area, but concluded that the harm arising from this would be outweighed by other material consideration, including the fact that it is temporary and reversible. The applicant submits that this demonstrates that harm to the green belt is capable of being outweighed by other factors.

**14.4.75** It is well-established law that previous appeal decisions are capable of being a material consideration because like cases should be decided in a like manner, so that there is consistency in the application process. However, previous Secretary of State decisions do not set a precedent for the assessment of solar farms in Green Belts. The benefits and potential harm, and the levels of each, will depend on the specific characteristics of a site and the proposal. This application differs from the recovered appeals cited by the applicant and thereby no weight has been given in respect to the previous appeal decisions provided by the applicant.

**14.4.76** Summary

**14.4.77** The factors considered above individually do not represent Very Special Circumstances and the question for the Council is whether collectively those factors combine with sufficient weight to represent the 'very special circumstances' that would overcome the harm to the green belt by reason of the openness. When taken together, cumulatively, they are material considerations. Accordingly, weight can be attached to those positive aspects of the development proposal as set out by the applicant.

**14.4.78** However, on balance and taking all of the above into account, it is considered that the 'very special circumstance' in this case either individually or collectively do not clearly outweigh the harm that have identified, and the very special circumstances necessary to justify the development do not exist.

## **14.5 C) Heritage Assets (ENV2, and the NPPF)**

**14.5.1** Where any development may have a direct or indirect effect on designated heritage assets, there is a legislative framework to ensure the proposals are considered with due regard for their impact on the historic environment.

**14.5.2** There are no designated heritage assets located within the site that lies within the District of Uttlesford, however, there are several heritage assets within the jurisdiction of East Herts in close proximity the site to be assessed by Uttlesford and that surrounding the wider site as a whole.

**14.5.3** These include:

- The historic farmstead of Wickham Hall, which contains 6 listed buildings (list entry number: 1101610)
- Hadham Hall Estate and Hadham Hall which is Grade II\* listed
- Aisled Barn at Hadham Park, Grade II listed (list entry number: 1211107)
- North Barn, Stable, Granary and Hadham Park Grade II listed buildings (list entry number: 1211310).
- There is also a Scheduled Monument in close proximity to the application site boundary, Moated Mound (list entry number: 1005257).

- 14.5.4** Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large-scale solar farms on such assets. Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset
- 14.5.5** The guidance contained within Section 16 of the NPPF, '*Conserving and enhancing the historic environment*', relates to the historic environment, and developments which may have an effect upon it.
- 14.5.6** The NPPF defines significance as 'the value of a heritage asset to this and future generations because of its heritage interest'. Such interest may be archaeological, architectural, artistic or historic'.
- 14.5.7** The '*setting of a heritage asset*' is defined as '*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*'
- 14.5.8** Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 14.5.9** Paragraphs 201 and 202 address the balancing of harm against public benefits. If a balancing exercise is necessary (i.e. if there is any harm to the asset), considerable weight should be applied to the statutory duty where it arises. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (as per Paragraph 201). Whereas, Paragraph 202 emphasises that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal, including securing its optimum viable use. Policy ENV2 seeks to protect the historical significance,

preserve and enhance the setting of heritages assets that include both conservation areas and listed buildings.

- 14.5.10** The application was consulted to Place Services Conservation Officer who initially confirmed in their formal response 20th December 2021 that further information was required in the form of a Zone of Theoretical Visibility (ZTV) with heritage assets overlay and initial scoping of the heritage assets that may be affected.
- 14.5.11** In a further consultation response 7th March 2022, following the response by the applicants Heritage Consultant, the Conservation Officer confirmed that whilst a ZTV with heritage assets overlaid can be a useful exercise for a fully informed assessment, they acknowledge that it is not a standard and that the NPPF instructs that a proportionate approach is undertaken. Thus, upon review of the DBA, its methodology and the distance afforded the nearest designated heritage assets, the Grade II listed buildings of Estate and Earlsbury, the officer confirmed that they do not consider the previously requested information of a ZTV and scoping to be required.
- 14.5.12** Therefore, as confirmed by the Conservation Officer, as I do not consider there to be any additional potential impacts to heritage assets within Uttlesford District Council, I raise no objection to this application.

#### **14.6 D) Archaeological (ENV4 and the NPPF)**

- 14.6.1** In accordance with Policy ENV4 of the adopted Local Plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.
- 14.6.2** The Historic Environment Record and the desk-based assessment submitted with the application shows that the proposed development lies within an area of known archaeological deposits. These particularly highlighted the potential for Iron Age and Roman occupation, identified in advance of the A120 Hadham Bypass following the completion of geophysical survey as part of the pre application evaluation undertaken on the road line. Medieval landscape features were also recovered as part of this project. From a rapid assessment of the aerial photographs on Google Earth it is clear that there are clear archaeological features visible on these and therefore it is recommended that a geophysical survey and aerial assessment is undertaken to define the archaeological deposits and their importance for the planning application.
- 14.6.3** The Historic Environment Officer stipulated that the Desk Based Assessment submitted by the applicant concludes that unexpected deposits of significance are unlikely to be located within the site. However,



the Officer continues to state that excavated recordings on the edge of the application site from the new A120 bypass work which extends into the wider area of the proposals show there is aerial photographic evidence for further deposits within the area. This and potentially further archaeological deposits, should be appropriately assessed to identify their significance and extent. Once the significance and extent of the archaeological deposits have been identified, an appropriate strategy of preservation or mitigation can be agreed.

**14.6.4** As such it is therefore recommended that the applicant undertakes a geophysical assessment and provide an assessment of aerial photographic evidence of the area to support their application to establish the nature and complexity of the surviving archaeological assets.

**14.6.5** This should be undertaken prior to a planning decision being made. This work would enable due consideration to be given to the historic environment implications and would lead to proposals for preservation in situ and/or the need for further investigation.

**14.6.6** In response to the comments made by the Historic Environment Officer, the applicant stipulated that they would like to highlight that they are awaiting a response from the statutory Archaeology consultee from East Herts to understand whether they also require undertaking a geophysical survey. This would allow the survey to be undertaken together across both districts. As such, we would take this opportunity to ask for an extension of time to be able to provide an informed response to archaeology matters.

**14.6.7** Although the Historic Environment Officer was willing to agree to an extension of time in relation to the applicant's request, the required information would still be required to be submitted to Uttlesford whether or not East Herts also required the applicant to undertake a geophysical survey.

**14.6.8** Following the guidance within the NPPF at present the application has not provided appropriate consideration of the impact of the development on the historic environment as required by paragraph 194 and Policy ENV4 of the adopted Local Plan.

#### **14.7 E) Neighbouring Amenity (GEN2, GEN4, and the NPPF)**

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

- 14.7.2** The nearest group of dwellings are those located to the east and southeast of the site known as Bailey Hill Cottage, The Shed, The Bungalow and Wickham Hall.
- 14.7.3** The arrays themselves are passive during operation, they have no running parts and emit no carbon, noise smell or light. Once installed, the system itself needs minimum maintenance and will be unmanned.
- 14.7.4** The proposal may have some long-distance views from several nearby residential properties. The panels themselves, at a maximum of only 3 metres in height are not considered to be overbearing in relation to proximity from existing residential properties. The impact of residential properties would not be unacceptable given their separation distance.
- 14.7.5** In relation to glint and glare, the solar panels are designed to absorb light, rather than reflect light. Although the surface is glass, it is not reflective in the same way as a mirror or window.
- 14.7.6** Many residential receptors already benefit from existing vegetation which removes views of the reflective area.
- 14.7.7** The solar panels are not considered to harmfully affect nearby residential amenity by way of adverse glint or glare to warrant a reason for refusal on this ground.
- 14.7.8** Solar panels generate no sound. However, other infrastructure is proposed at the site, such as inverters / transformers, which can generate noise. This infrastructure is required to convert the yield of electrical current for export to the Grid and the proposed Control Building. It is therefore necessary to consider the noise-generating potential of the overall development.
- 14.7.9** The substations, control buildings, inverters and transformer stations will be acoustically rated and can produce sound, but this can be managed and rated such that acceptable noise levels are achieved.
- 14.7.10** Council's Environmental Health Officer raise no objections to the proposal, and it is not considered that the proposal would lead to material adverse impacts on noise.
- 14.7.11** It is acknowledged that during the construction phases, there will be periods when works are likely to be audible to at nearby receptors. A Traffic Construction Management Plan be required to minimise against these temporary impacts.
- 14.7.12** Construction/delivery hours will also be restricted to 9am – 3pm (Monday to Friday) and 9 am – 1pm (Saturday) to ensure compliance with the Council's standard working times and to reduce any impact upon nearby residents.

**14.7.13** Conditions relating to construction traffic management plan and hours of operation would control the impacts of the proposal during the assembly of the site. The use of the site is not considered to result in unacceptable noise and disturbance.

**14.7.14** Precise details of the location of CCTV can be secured by condition so that it does not lead to loss of privacy.

**14.8 F) Loss of Agricultural Land and Farm Diversification (ENV5, E4 and the NPPF)**

**14.8.1** Paragraph 174(b) of the Framework states *“Planning policies and decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”*.

**14.8.2** Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification.

**14.8.3** Local Policy ENV5 states that where agricultural land is required, developers should seek to use areas of poorer quality except where other sustainable considerations suggest otherwise.

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

**14.8.5** An Agricultural Land Classification (ALC) site survey was conducted and submitted in support of this application which demonstrates that the agricultural field subject to this assessment of these proposals are comprised of a mix of Grade 2, and Grade 3a quality land and thus the proposed site is best and most versatile land.

**14.8.6** There are no defined thresholds for assessing the effects of non-agricultural developments on agricultural land, however, one measure that can be considered as a threshold is that local authorities should consult Natural England where possible proposed developments would lead to the loss of 20 hectares or more of BMV agricultural land.

**14.8.7** The application was consulted to Natural England who acknowledged that the site was over 20 hectares in size and thereby the proposals may lead to harm upon best and most versatile land. However Natural England confirmed that:

- 14.8.8** *“We consider that the proposed development is unlikely to lead to significant long term loss of best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas”.*
- 14.8.9** The development is proposed for a temporary period for up to 40 years after which the site will be restored to its former state to continue agricultural use, therefore there will be no permanent loss of agricultural land as a result of the development.
- 14.8.10** However, it is acknowledged that during the life of the proposed development consisting of up to 40 years that there is likely that there will be a reduction in agricultural productivity over the whole development area including food production.
- 14.8.11** As the global human population continues to rise, more land will need to be committed to agricultural production to meet a likely rise in demand for food. This also has the potential to increase or to intensify agricultural activities on land already used for food productions such as the existing field subject to these proposals.
- 14.8.12** However, it is also recognised that the production of agriculture has over the course of time been associated with the loss of vegetation, biodiversity loss and with reductions in presence of wildlife as a consequence of post-war agricultural intensification thereby resulting in environmental harm.
- 14.8.13** Given the above, a balance must be found on farms and agricultural land which allows for the needs of vegetation renewal and wildlife without impacting on the potential for food production.
- 14.8.14** Farming is and will continue to be an important economic activity in the district whereby the quality of the land provides a high basis for crops. However, it is recognised that farms also need to diversify which may include non-agricultural activities to offset the falling trend of falling prices for crops.
- 14.8.15** However, the size and scale of permitting non-agricultural activities will need to be sensitive to the character of it setting, protect or enhance the land in question.
- 14.8.16** ULP Policy E4 states that alternative uses for agriculture land will be permitted subject to certain criteria. This criterion is set out below,
- 14.8.17** a) The development includes proposals for landscape and nature conservation enhancement;

- b) The development would not result in a significant increase in noise levels or other adverse impacts beyond the holding;
- c) The continued viability and function of the agricultural holding would not be harmed;

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

**14.8.19** In respect to the above, it is considered that the proposals would meet criteria as set in Policy E4. The proposals would present considerable opportunity for landscape and biodiversity mitigation and enhancement by providing habitat and landscape enhancements through new planting and the creation of extensive grassland areas to replace arable land and species diverse wildflower meadow grassland.

**14.8.20** As confirmed by Council's Environmental Health Officer, the proposals will not result in significant increase in noise levels or other adverse impacts beyond the holding subject to appropriate mitigation measures. This is discussed further in this report.

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

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

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

**14.9 G) Transport, access & public rights of way (GEN1, GEN8, and the NPPF)**

**14.9.1** Access:

**14.9.2** It is proposed that access to the site would be via Wickham Hall. This would utilise the existing access road and junction, which connects into the northern edge of Newland Avenue. Wickham Hall (both the farm and

business park) will remain operational throughout the construction period of the solar farm.

- 14.9.3** The access road between Newland Avenue to the southern side of the A120 underpass would be improved in order to accommodate two 16.5m articulated vehicles passing. These improvements would be temporary, for the duration of the construction phase, and would comprise widening the carriageway to 5.5m. From the underpass to the Wickham Hall to the north, the access track has already been widened to 5.5m. Four indicative temporary passing places would be provided, to accommodate two articulated vehicles passing. It should be noted that these works would not be within Uttlesford District Council and fall within East Herts jurisdiction.
- 14.9.4** The internal layout will comprise a network of access tracks which will extend from the site compound to all areas of the site to allow operational vehicles to access all areas from the site compound.
- 14.9.5** The application is supported by a Highways Statement that concludes that there are no highway reasons why planning permission for the proposed development should be withheld.
- 14.9.6** The application was consulted to the Lead Local Highway Authority, who confirmed that as the majority of the works and potential traffic implementations are outside of Essex County Council jurisdiction, the assessment of the proposals in this regard would be assessed by Hertfordshire County Council who are responsible for highway safety and transportation for East Herts District Council. As such, Essex County Council have assessed the proposals that fall within their jurisdiction and have made relevant comments as per below.
- 14.9.7** The Highway Authority concluded within their initial response dated 8th February 2022 that no pre-application engagement has been undertaken by the applicant with the Highway Authority (Essex) prior to submission of the planning application.
- 14.9.8** The Highway Authority has assessed the plans and information which has been submitted with the planning application and there are concerns/issues that have been identified. It was concluded that further information is required to thoroughly consider the impact of the proposal on the highway to demonstrate to the satisfaction of this authority that the impact on the public rights of way network caused by this proposal will not have unacceptable consequences in terms of user safety. Furthermore, the submitted Construction Management Plan does not address the treatment and protection of PROW within the site.
- 14.9.9** Any Public Rights of Way (PROW) through or surrounding the site should remain usable, retain their recreational amenity and character, and be integrated as part of the development proposal. They should remain accessible by the general public during construction and through the

operational stage of the development to ensure the continued safe passage of the public on the definitive right of way.

- 14.9.10** The applicant provided a further letter to address the comments made by the Highway Authority, however in their second formal response, the Highway Authority confirmed that they still had concerns and that the applicant has still not addressed the initial concerns.
- 14.9.11** Specifically, the Highway Authority concluded that the proposed construction access to the site coincides with the definitive route of public footpath no. 31 Farnham and public bridleway no. 20 Farnham and consequentially would intensify the use of the public rights of way network by construction vehicles. The intensification of the PROW network by vehicles, including large vehicles, associated with the proposal would be to the detriment of highway safety for all users of the PROW. Additionally, a satisfactory comprehensive construction management plan for the PROW network within Essex has not been submitted. The plan should include but not limited to the following;
- 14.9.12**
- Stipulation that the PROW network will not be used for construction access to the site (other than appropriate crossing points, where necessary, with banksman and appropriate signage etc), to ensure the integrity of the public rights of way.
  - Details and associated plan of the construction vehicle routing within the site.
  - Treatment and protection of PROW within the site.
- 14.9.13** It is also acknowledged that PROW as amenities for local communities to improve their mental and physical health and wellbeing is important recognised. The character and amenity value of retained PROW should be maintained and buffers between paths and panels should be used. For example, for retained PROW not enclosed by hedges/tree line i.e. those passing within a field used for solar panels and passing between them, a width of 5m for the footpath would be required to provide openness and to avoid walkers feeling hemmed in.
- 14.9.14** Although no information has been submitted regarding potential buffers in respect to the PROWs, a condition would be imposed if permission were to be approved that a buffer of 5-10m to be maintained within the site once it is operational. This will ensure that the proposals still remain a sense of openness and to avoid walkers feeling hemmed in as per the above guidance.
- 14.9.15** Policy GEN1 of the adopted local plan stipulates that the design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired. Paragraph 100 of the NPPF states planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks

including National Trails. Therefore, for the reasons provided above, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Uttlesford Local Plan Policy GEN1 and the NPPF.

**14.9.16** Parking:

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

**14.9.18** The site compound, delivery turning area / unload area and vehicular parking area will be located at the eastern section of the site, and will comprise of temporary portacabin-type buildings in addition to an area for material storage. A temporary car parking area will be provided on the site within the compound. Parking will therefore be contained within the site and no unnecessary parking will occur on the local highway network.

**14.10 H) Trees, arboriculture & landscaping (GEN2, ENV3, ENV8 and the NPPF)**

**14.10.1** Most of the trees and hedgerows are located around the periphery of the field that make up the site, however there are some larger mature trees as well a number of wooded areas (Bloodhounds Wood & Bailey Hills Wood) of varying sizes to the south and northeast of the site.

**14.10.2** Ensuring the protection of woodland, ancient trees and veteran trees from development is a material planning consideration that is taken into account when making decisions on planning applications.

**14.10.3** Paragraph 180(c) states development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

**14.10.4** Natural England and Forestry Commission provides guidance (known as 'standing advice') to help decide on development proposals that may affect ancient woodland, ancient trees and veteran trees.

**14.10.5** Although the surrounding woodlands are not designated as being ancient, in this instance the applicant has applied a design strategy to provide appropriate mitigation measures in the form of a buffer zone.

**14.10.6** The purpose of this zone is to protect woodland and individual ancient or veteran trees. The size and type of buffer zone should vary depending on the scale, type and impact of the development. The standing advice stipulates that for woodlands, you should have a buffer zone of at least 15 metres to avoid root damage.



**14.10.7** The standing advice also states that the area within the buffer zone should contribute to wider ecological networks, and only be planted with local and appropriate native species. The proposals will have a buffer of 15m from the woodlands and this area is to consist of semi-natural habitats such as a mix of scrub, grassland and wildflower meadow. The proposals in this respect comply to the standing advice and the NPPF.

**14.11 I) Nature Conservation (GEN7 and the NPPF)**

**14.11.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

**14.11.2** The application was consulted to Place Services Ecology Officer who confirmed that they have reviewed all supporting documentation including letters from Aspect Ecology dated January 2022 and 18th February 2022 in response to Place Services original comments dated 23rd December 2021, relating to the likely impacts of development on protected & priority habitats and species and identification of proportionate mitigation.

**14.11.3** In Place Services original response, the Officer confirmed that they were not satisfied that there was sufficient ecological information available for determination of this application. In particular, no mitigation has been put in place for the loss of nesting habitat for ground-nesting birds such as Skylark, where Breeding Bird Surveys found 20 Skylark territories across the site including nine within the Uttlesford District boundary.

**14.11.4** Following Place Services initial comments, the applicant provided a Skylark Mitigation Plan (ref. 5940/SMP). The proposed Skylark Mitigation Plan was to provide 14 Skylark Plots within an area of field approximately 100m x 475m under the existing pylon and cables to the west of the field. However, this is not considered suitable replacement nesting habitat as Skylark will actively avoid nesting in a field within 50m of a predator perch i.e. hedgerows, trees and pylons.

**14.11.5** As the proposed solar farm will contain panels which are closely spaced, it is presumed that the development will result in a permanent loss of nesting habitat for this Priority species, where solar panels are proposed on suitable nesting habitat.

**14.11.6** The Ecologist recommended that a bespoke Farmland Bird Mitigation Strategy is required to ensure that impacts upon nesting Skylark are mitigated and compensated for. It was suggested that this comprises compensation measures to be provided offsite in nearby agricultural land. This should be secured as a condition of any consent if suitable land can be delivered in the applicant's control. However, if suitable land is not available in the applicant's control, then the compensation measures may be required to be secured via a legal agreement. Any territories that are

unable to be mitigated for on site should be compensated for offsite e.g. two plots in arable crops for every territory lost or displaced or additional foraging habitat to support these territories.

**14.11.7** It was confirmed by the Ecologist, that before they can lift their holding objection, an outline of the proposed Skylark mitigation, including compensation measures to be provided offsite in nearby agricultural land, must be submitted and agreed in principle with the LPA. Without this information, the LPA are unable to properly assessed the proposals and impacts on legally protected and priority species. The proposals would thereby be contrary to Policy GEN7 of the adopted Local Plan and the NPPF.

**14.11.8** Development sites should lead to net biodiversity gain of at least 10% as mandated by the new Environment Act 2021. Although there is a minimum mandatory 10% biodiversity net gain (BNG), we would encourage proposals to aim for a higher BNG taking into consideration that larger sites and sites of higher agricultural value should naturally seek greater BNG.

**14.11.9** The Ecologist has confirmed that the Biodiversity Metric Calculations have now been submitted to accompany the Biodiversity Net Gain Assessment (Aspect Ecology, July 2021) which shows a net gain of habitat (+47.34%) and hedgerows (+35.39%) on site. It was also confirmed that the proposed habitats including areas of wildflower meadow should be managed for wildlife. A Landscape and Ecological Management Plan (LEMP) should be produced detailing this management and should be secured by a condition of any consent is granted permission.

#### **14.12 J) Flooding (GEN3, and the NPPF)**

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

**14.12.2** The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

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

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

**14.12.5** As the proposal is identified as major development, a flood risk assessment has been submitted with the application and both the Environment Agency and ECC SUDS team have been consulted on the proposal.

**14.12.6** Although no comments were received by the Environmental Agency, ECC SUDS within their formal response stated that having reviewed the Flood Risk Assessment and the associated documents that they had no objections to the to the granting of planning permission subject to imposing conditions to minimise the chances of flood risk and providing appropriate surface water drainage facilities.

**14.13 K) Construction considerations and site restoration.**

**14.13.1** Construction methods should minimise disruption to land e.g. intrusive groundworks, such as trenching and foundations, should be minimised and the use of concrete avoided where possible and should be detailed through a CEMP. On agricultural land, frames should be pile driven or screw anchored and not concrete-based, and capable of easy removal, allowing the ground to be fully restored. If permission were to be approved, a pre-comment condition requiring a CEMP would be imposed.

**14.13.2** A restoration plan should be identified at the earliest stage of planning. Solar farms are temporary developments and should be capable of removal and reversible i.e. at the end of the life of the development, the land can be return to its pre-development use. After the use of the site as a solar photovoltaic farm, land should be restored to its previous state including removal of all panels, supporting infrastructure and other temporary structures onsite. This can be secured by way of a Section 106 Agreement.

**14.14 L) Planning Obligations (GEN6 and the NPPF)**

**14.14.1** Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

**14.14.2** Following the operation stage, it is proposed that the solar farm is decommissioned, with the solar panels and other infrastructure will be removed and the majority of the site will be retained as grassland back to its previous condition.

**14.14.3** The restoration process is intended to ensure that the site is restored to the same quality as existing, and the applicant has confirmed within their

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

**14.14.4** At the time of issuing this assessment, a S106 Agreement had not been prepared or completed. As such, the proposals is contrary to pPolicy GEN6 of the Adopted Local Plan and the National Planning Policy Framework.

**14.15 1M) Other Issues**

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

**14.15.2** The applicant has undertaken an appraisal of the site selection process. The application site has been chosen for a combination of reasons including that the site is of a suitable area to accommodate the solar PV arrays, is located in close proximity to an existing grid connection point, it is served by an appropriate access and is well located geographically for solar gain.

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

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

**14.15.5** The Council is aware that there may be services within the area and has consulted with relevant stakeholders. Services, including Cadent and National Grid and Essex Water raise no objection to the proposal. There may be separate arrangements outside of the planning process to notify utilities stakeholders separately.

**14.15.6** In relation to the suitability of other sites, preference for the use of alternative forms of energy such as wind and nuclear and precedent, planning law is clear that applications must be considered on their merits against the relevant development plan and other material considerations that apply. In this regard, the proposal has been assessed against this criterion and any future planning applications will also be considered on a site-by-site basis without prejudice basis to decisions the Council has taken.

**14.15.7** Currently there are no other sites close to this development site that would require the consideration of cumulative impacts.

**14.15.8** Concerns were highlighted within some representations regarding the safety of the development. Any fire risks of proposed solar and (battery) energy storage systems should be considered and appropriately managed to minimise fire risks. A management plan should demonstrate how the facility will be constructed and operated safely, in consultation with Essex Fire and Rescue Service where appropriate. The developer will further be obliged to ensure the safe installation and operation of all apparatus to satisfy insurance requirements.

## **15. ADDITIONAL DUTIES**

### **15.1 Public Sector Equalities Duties**

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

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

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

### **15.2 Human Rights**

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

## **16. CONCLUSION**

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

- 16.2** In respect to addressing the benefits of the development, the proposal for a large-scale renewable and low carbon energy scheme would assist in tackling climate change and provide a valuable contribution to cutting greenhouse gas emissions. There is also general support within the Framework for renewable energy schemes. In addition, the proposal would secure some limited ecological enhancement in terms of biodiversity enhancements. The development would assist in increasing the security of electricity supply and contribute towards replacing the UK's dated fossil-fuel based energy infrastructure. It would also deliver moderate social and employment benefits by providing employment in the construction and operational phase and generally contributing to sustaining jobs in the wider solar per industry.
- 16.3** The above economic and environmental benefits can be given considerable weight in the overall planning balance. Thus, taken these together, moderate weight to the benefits of the development have been considered.
- 16.4** In respect to harm, it is the view that the proposed solar farm and associated works would have an unacceptable impact on landscape character and on the visual appearance of the local area, and that the proposed development thus conflicts with adopted Local Policy S6. Furthermore, as set out in paragraph 137 of the NPPF, "*The Government attaches great importance to Green Belts*". It is the LPA's view that the harm that would be caused by reason of inappropriateness, by a significant loss of openness of the Green Belt, and by significant encroachment into the countryside, in addition to the harm that would be caused to the character of the landscape, to the visual amenity of the countryside, is not clearly outweighed by the environmental and biodiversity benefits of the proposed renewable energy scheme.
- 16.5** Insufficient ecological information is available for determination of this application. Specifically, the ecologist requires and recommends that further information is provided regarding a bespoke Farmland Bird Mitigation Strategy is required to ensure that impacts upon nesting Skylark are mitigated and compensated for prior to determination of the application.
- 16.6** Furthermore, due consideration has not been given to the historic environment implications specifically in relation to establish the nature and complexity of the surviving archaeological assets which should be undertaken prior to a planning decision being made.
- 16.7** Also, a lack of information submitted in support of the proposals to thoroughly consider the impact of the proposal to demonstrate to the satisfaction of highway authority that the impact on the public rights of way network caused by this proposal will not have unacceptable consequences in terms of user safety. The Council are unable to

accurately assess the potential impact that the proposals may have safety of all users of the PROW's.

- 16.8** Therefore, and taken together, significant weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. In the circumstances, the proposal would not represent sustainable development contrary to the NPPF.
- 16.9** For the reasons given above, the proposals would be contrary to Policies S6, ENV4, GEN6, and GEN7 of the adopted Local Plan and the NPPF. The application is therefore recommended for refusal.

**17. REASONS FOR REFUSAL**

- 1** The site is identified within the area in Uttlesford's adopted local plan as Metropolitan Green Belt. The Framework defines inappropriate development as being harmful to the Green Belt and further defines exceptions which would not be inappropriate. Consequently, in not complying with the list of exceptions, the proposals would amount to inappropriate development in the Green Belt in which paragraph 147 of the Framework states is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

By reason of the inappropriate size and siting, the proposals by way of the long rows of panels, ancillary buildings and infrastructure would comprise a rather utilitarian form of development not typical of its agricultural context. It would contrast awkwardly with the unspoilt open qualities of the site and would introduce a discordant element of significant scale that would encroach into the local landscape contrary to one of five purposes set out in paragraph 138 of the Framework. As such, the proposal would have an adverse effect of moderate significance on the local landscape and a significant adverse effect on the visual amenity of the area.

It is considered that the 'very special circumstance' in this case either individually or collectively do not clearly outweigh the harm that has been identified, and the very special circumstances necessary to justify the development do not exist. The proposals are thereby contrary to Policy S6 of the Adopted Local Plan and the National Planning Policy Framework.

- 2** The Historic Environment Record and the desk-based assessment submitted with the application shows that the proposed development lies within an area of known archaeological deposits. These particularly highlighted the potential for Iron Age and Roman occupation, identified in advance of the A120 Hadham Bypass following the completion of geophysical survey as part of the pre application evaluation undertaken on the road line.

Following the guidance within the NPPF at present the application has not provided appropriate consideration of the impact of the development such as a geophysical assessment and photographic evidence of the area to assess the historic environment. The proposals are thereby contrary to Policy ENV4 of the adopted local plan and the National Planning Policy Framework.

- 3** Insufficient information has been submitted in support of the application to demonstrate that there would not be an unacceptable impact to protected and priority species and their habitats particular in relation to Skylarks. This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 as updated by the Environment Act 2021 and to be able to properly assess any potential impacts upon protected species. Without this information, the LPA are unable to properly assessed the proposals and impacts on legally protected and priority species. The proposals would thereby be contrary to Policy GEN7 of the adopted Local Plan and the NPPF.
- 4** Insufficient information has been provided in support of the proposals to demonstrated that the the impact on the public rights of way network caused by this proposal will not have unacceptable consequences in terms of highway safety, efficiency and accessibility and that the proposed works are indeed deliverable. The proposal is therefore contrary to Policy GEN1 of the Adopted Local Plan and the National Planning Policy Framework.
- 5** The applicant stipulates that following the operation stage, it is proposed that the solar farm is decommissioned, with the solar panels and other infrastructure to be removed and the site to be retained back to its original condition. This requirement would need to be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement had not been prepared or completed. As such, the proposals is contrary to policies GEN6 of the Adopted Local Plan and the National Planning Policy Framework.



**STATUTORY CONSULTEE RESPONSES:**

**Highway Authority**

Your Ref: UTT/21/3108/FUL  
Our Ref: 52114  
Date: 10<sup>th</sup> March 2022



CC: (by email) *DM, SMO2, Chelmsford  
PROW, Chelmsford  
Cllr Ray Gooding*

Andrew Cook  
Director for Highways  
and Transportation

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

County Hall  
Chelmsford  
Essex CM1 1QH

### Recommendation

Application No. UTT/21/3108/FUL  
Applicant Tim Holmes Endurance Energy Wickham Hall Ltd  
Site Location Land to the North-West of Bishops Stortford Farnham Road Farnham  
Proposal Erection of a Solar Photovoltaic Farm with an output capacity not to exceed 49.9MW of energy, with supporting infrastructure and battery storage, inverters, and a transformers, fencing and landscaping works

### **SUPERSEDES PREVIOUS RECOMMENDATION DATED 8<sup>TH</sup> FEBRUARY 2022**

The Highway Authority has assessed the additional plans and information submitted by the applicant and provides the following updated comments.

**From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:**

1. As far as can be ascertained from the submitted information, the proposed construction access to the site coincides with the definitive route of public footpath no. 31 Farnham and public bridleway no. 20 Farnham and consequentially would intensify the use of the public rights of way network (PROW) network by construction vehicles. The intensification of the PROW network by vehicles, including large vehicles, associated with the proposal would be to the detriment of highway safety for all users of the PROW.
2. Additionally, a satisfactory comprehensive construction management plan for the PROW network within Essex has not been submitted. The plan should include but not limited to the following;
  - Stipulation that the PROW network will not be used for construction access to the site (other than appropriate crossing points, where necessary, with banksman and appropriate signage etc), to ensure the integrity of the public rights of way.
  - Details and associated plan of the construction vehicle routing within the site.
  - Treatment and protection of PROW within the site.

Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

Note:

- i. The applicant has alluded to the creation of PROWs within the development site. Creation of PROWs falls outside the planning system and would be subject to further consultation with the Highway Authority. Any proposed PROW would need to comply with the Highway Authority's requirements, including minimum surface width of 3 metres, and all costs to be borne by the applicant.
- ii. The access and any part of the development must be completely separate from definitive line and width of the public rights of way network.
- iii. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over the PROWs shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

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

*NOTE – The proposed development would impact upon the public rights of way network within Essex, however, the routing of construction and maintenance vehicles associated with the site is proposed to take place via the road network in Hertfordshire. Therefore, Hertfordshire County Council Highway Department must be consulted on the application as Highway Authority.*

*F Masnie*

.....  
pp. Director for Highways and Transportation  
Enquiries to Sophie Currey  
Telephone: 03330 133056  
Email: [sophie.currey@essex.gov.uk](mailto:sophie.currey@essex.gov.uk)

## Local Flood Authority

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



Lindsay Trevillian  
Uttlesford District Council  
Planning Services

Date: 10<sup>th</sup> Mar 2022  
Our Ref: SUDS-005679  
Your Ref: UTT/21/3108/FUL

Dear Lindsay Trevillian,

### **Consultation Response – UTT/21/3108/FUL– Land North-West of Bishops Stortford Farnham Road**

Thank you for your email received on 2/12/2021 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

#### **Lead Local Flood Authority position**

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

##### **Condition 1**

No works 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:

- Provide 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.

- Incorporate bunds to help slow and interrupt the surface water flows.
- Provide an enforceable and robust soil, grass, and/or land management plan to keep land in good condition. If the ground becomes bare due to lack of maintenance the peak discharge has the potential to increase significantly.
- Provide the appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Provide a drainage plan which details exceedance and conveyance routes, FFL levels of sub stations, levels of battery units, and ground levels.
- Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.

#### **Condition 2**

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

#### **Reason**

The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

#### **Condition 3**

Prior to start of construction a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

#### **Reason**

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk and soil erosion.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk, soil erosion or pollution hazard from the site.

#### **Condition 4**

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

#### **Reason**

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

We also have the following advisory comments:

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

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

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

#### **Summary of Flood Risk Responsibilities for your Council**

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

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

- Sustainability of the development.

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

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

**INFORMATIVES:**

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

Yours sincerely,

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

Internet: [www.essex.gov.uk](http://www.essex.gov.uk)

Email: [suds@essex.gov.uk](mailto:suds@essex.gov.uk)

## Historic England



Ms Lindsey Trevillian  
Uttlesford District Council  
Council Offices  
London Road  
Saffron Walden  
Essex  
CB11 4ER

Direct Dial: 01223 582716

Our ref: **W:** P01448535

17 December 2021

Dear Ms Trevillian

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

**LAND TO THE NORTH-WEST OF BISHOPS STORTFORD, FARNHAM ROAD,  
FARNHAM, ESSEX  
Application No. UTT/21/3108/FUL**

Thank you for your letter of 2 December 2021 regarding the above application for planning permission for the erection of a Solar Photovoltaic Farm with an output capacity not to exceed 49.9MW of energy, with supporting infrastructure and battery storage, inverters and a transformers, fencing and landscaping works.

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

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

Yours sincerely

**Sheila Stones**  
Inspector of Historic Buildings and Areas  
E-mail: [Sheila.Stones@HistoricEngland.org.uk](mailto:Sheila.Stones@HistoricEngland.org.uk)



## Natural England

Our ref: 382994  
Your ref: UTT/21/3108/FUL

Lindsay Trevillian  
Uttlesford District Council

BY EMAIL ONLY



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

T 0300 060 3900

Dear Ms Trvellian

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

**Location:** Land To The North-West Of Bishops Stortford Farnham Road Farnham

Thank you for your consultation on the above which was received by Natural England on 02 February 2022

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

### SUMMARY OF NATURAL ENGLAND'S ADVICE

#### NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

#### Best and Most Versatile Agricultural Land

Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan.

From the description of the development this application may impact on 'best and most versatile agricultural. We consider that the proposed development is unlikely to lead to significant long term loss of best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the

development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

However, during the life of the proposed development it is likely that there will be a reduction in agricultural productivity over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land.

Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

Should you have any questions about Agricultural Land Classification or the reliability of information submitted with regard to BMV land please consult [Natural England's Technical Information Note 049 on Agricultural Land Classification](#). This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required.

We would also draw to your attention to [Planning Practice Guidance for Renewable and Low Carbon Energy \(March 2014\)](#) (in particular paragraph 013), and advise you to fully consider best and most versatile land issues in accordance with that guidance.

General guidance for protecting soils during development is also available in Defra's [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and should the development proceed, we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather.

We would also advise your authority to apply conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A. Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me on 02080268326

Yours sincerely  
Camilla Davidge

Lead Advisor – Land Use Planning  
West Anglia Area Team  
Annex A – General Advice

Natural England offers the following additional advice:

#### **Landscape**

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

#### **Best and most versatile agricultural land and soils**

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#) Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*, and we recommend its use in the design and construction of development, including any planning conditions. *Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.*

#### **Protected Species**

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

#### **Local sites and priority habitats and species**

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)<sup>2</sup>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former

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<sup>1</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

<sup>2</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

### **Ancient woodland, ancient and veteran trees**

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

### **Environmental enhancement**

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

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

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

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

### **Access and Recreation**

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

### **Rights of Way, Access land, Coastal access and National Trails**

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to

mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer.

**Biodiversity duty**

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