



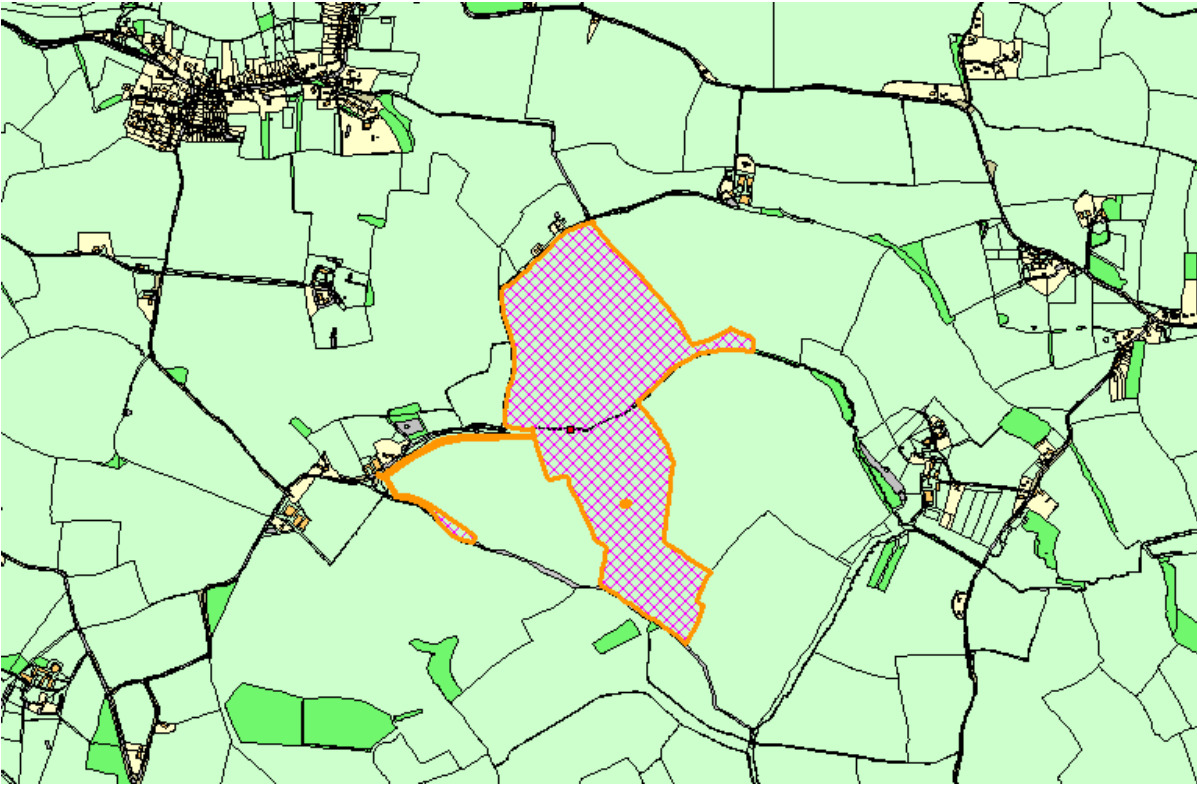
**ITEM NUMBER: 8**

**PLANNING COMMITTEE DATE: 6 July 2022**

**REFERENCE NUMBER: UTT/21/0688/FUL**

**LOCATION: Land At Cole End Lane, Wimbish**

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 20/6/2022**

**PROPOSAL:** Construction and operation of a ground mounted solar farm together with associated infrastructure, including inverters, customer switchgear, substation, medium voltage power station, security cameras, perimeter fence, access tracks and landscaping.

**APPLICANT:** Long Meadow Solar Farm Ltd

**AGENT:** Mr Jack Ellis (Pegasus Planning Group Ltd)

**EXPIRY DATE:** 08 June 2021

**EOT Expiry Date:** 08 July 2022

**CASE OFFICER:** Chris Tyler

**NOTATION:** Outside Development Limits, Adjacent Listed Buildings, Public Right of way, Archaeology Site, Scheduled Monument

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

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## **1. EXECUTIVE SUMMARY**

**1.1** The proposal is for the construction of a solar farm and associated development on 54.92 arable agricultural land. The nature of the proposal is such that the development would be temporary and reversible. There would be some adverse impacts on the local landscape and rural character of the area however the impact on the character of the area needs to be weighed against the benefits of the provision of renewable energy.

**1.2** This application has been made under the principles of the “Rochdale Envelope” which allows a degree of flexibility when the final detailed design is not known e.g., due to the procurement options not being available. The Rochdale Envelope requires the worst-case scenario to be assessed by selecting a maximum set of parameters including,

the maximum extent of the development  
the maximum heights of any equipment and buildings  
the maximum number of equipment and buildings

- 1.3 The development includes proposals for landscape, legacy woodland planting and nature conservation enhancement. 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.
- 1.4 The development would not result in the permanent loss of agricultural land and the land will be returned to full agricultural use. During the operational stage of the development, the land will have time to assist in the rebalancing of soil nutrients, re-establishing soil biota, breaking crop pest and disease cycles, and provide a haven for wildlife thus enhancing the quality of land for future agricultural use following the decommissioning of the solar farm.
- 1.5 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.
- 1.6 It is considered that the proposed access and traffic management strategy for the site during both the operational and temporary construction stages of the development will have a negligible impact on the surrounding highway network.
- 1.7 It is considered the harm arising from the development would be of a lesser magnitude than the public benefits. Consequently, taking into account the Framework as a whole, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits

## 2. **RECOMMENDATION**

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

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

### **And**

If the freehold owner shall fail to enter into such an agreement, the Director Planning shall be authorised to **REFUSE** permission at their discretion at any time thereafter.

## 3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site comprises two large scale geometrical and irregular fields located east of Cole End Lane and 2.7km to the south-east of Saffron Walden. The land is split in to two large agricultural fields and are

well screened by existing vegetation, including hedgerows, trees and significant areas of woodland. The size of the application site is 54.92 hectares.

- 3.2** The fields are generally separated by mature hedgerow and tree planting. The land within the site gently undulates with a discernible dip in the central part of the site due to changes in levels with a small watercourse draining the site.
- 3.3** The nearest residential properties to the site abut the northern edge of the northern land parcel, Frogsgreen Cottage and Frogsgreen Farm. A small number of dwellings are located in Wimbish, a hamlet c.0.8km to the east of the site. C. 0.9km to the north of the site boundary is Swards End. Saffron Walden is the largest settlement in the vicinity, located c. 2.7km to the west of the development site.
- 3.4** There are no sensitive landscape features either within or immediately adjacent to the site. Six Acre Wood, Harrison's Wood and Crowney Wood located to the west and southwest of the site. There are no statutory environmental designations within the site's boundaries or within a 3km radius of the site, including SSSIs.
- 3.5** The site can only be accessed via two routes, Cole End Lane runs to the site from Swards End and the B184. There is also an unnamed access track that runs to the northern field from Walden Road. Site access is currently taken via an access point to the west of the southern parcel on Cole End Lane. This access currently serves the agricultural vehicles that farm the land. A number of public right of ways are located around the inside and outside of the application site.

#### **4. PROPOSAL**

- 4.1** This application is for the construction and operation of a ground mounted solar farm together with associated infrastructure including:

Approximately 18 Inverters,  
Customer switchgear,  
Substation,  
Medium voltage power station,  
Security cameras,  
Perimeter fence,  
Access tracks,  
Landscaping,  
New woodland approximately 7.5ha equating to some 12,000 trees being planted.

- 4.2** The design principle of the layout of the solar farm are:

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

There will be a gap of approximately 3-4m between each row of arrays,

The maximum height of the solar panels would be 2.8m.

The proposal includes the retention and enhancement of existing public right of way and legacy tree planting.

The buffer area would be used for ecological enhancement measures and the trimming and maintenance of existing and proposed vegetation

**4.3** The components of the solar farm include:

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

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

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

Customer Switchgear and DNO Substation.

Temporary construction and main site access tracks of permeable construction.

Internal access tracks of permeable construction.

The scheme does not propose battery storage.

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

Distribution Network Operator (DNO) substation – 8m x 6m x 4.1m

Customer Substation – 10.0m x 4.0m x 3.0m

Inverter Building – 12.2m x 2.5m x 2.9m

Security Fence – 2.0 metres in height

CCTV Camera – 2.3m pole with camera on top

The development would have an operational lifespan of 40 years.

**4.5** It is estimated that the proposed development would generate approximately 30 MW of renewable energy, which could provide approximately enough energy to power up to 9,090 homes and displace approximately up to 12,900 tonnes of CO2 per annum.

- 4.6** The applicant has further advised that the approach involved assessing the maximum (and where relevant, minimum) parameters for the elements where flexibility is required. For example, the solar panels have been assessed for the purposes of landscape and visual impact as being maximum of 2.8 high, which is the worst-case. The panels could be lower. The approach also involved defining development zones, rather than having a defined layout. This would allow the future contractor to optimise the layout of the solar farm following any grant of planning permission, rather than being bound to a precise layout.
- 4.7** The zones define where certain infrastructure should be located within the Site, but there is flexibility in terms of the layout within each zone. The infrastructure that is permitted to only be located within each zone is as follows:
- Development Zone 1 – solar panels and inverters; and
- Development Zone 2 – solar panels, inverters, DNO substation and customer switch room.
- 4.8** The proposed development will be unmanned with infrequent visits made for maintenance purposes. Continuous lighting is therefore unnecessary at the site. The only permanent lighting on site will be timer controlled and motion sensor activated security lighting on the proposed buildings (including switchgear, inverter, and substation and battery container units). This will be downwards facing to limit spread. Task lighting (low in luminance and typically comprising a torch or similar) will only be necessary when an engineer is in attendance. If deemed necessary, the applicant is happy to accept an appropriately worded planning condition to secure the submission of a detailed lighting strategy prior to the commencement of development. Furthermore, the proposed facility will also be fitted with CCTV and/or infrared security cameras at regular intervals along the edge of the perimeter fencing and facing into the site to protect privacy which do not require illumination to function at night.

## **5. ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1** An application for a screening opinion for the above proposal under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), under Regulation 6 of the stated Regulations, was submitted under application UTT/20/3024/SCO.
- 5.2** The 2017 Regulations provides guidance regarding procedures which are required in establishing whether an EIA is required. This guidance requires the Local Planning Authority (LPA) to consider whether the proposed development is described in Schedule 1 or 2 of the Regulations. Schedule 2 identifies 13 different categories, of which Class 3 is 'Energy Industry' and a) relates to 'Industrial installations to produce electricity, steam and hot water (unless included in Schedule 1)'. The proposal

exceeds the thresholds. The proposal is not, however located in wholly or partly within a 'sensitive area' as defined by the Regulations.

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

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

## **6. RELEVANT SITE HISTORY**

**6.1** There are no planning applications linked to this proposal on this site.

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

**7.1** Pre application discussion took place prior to the submission of the planning application. A statement of community Involvement has been included with the application setting out the consultation of the local community.

**7.2** The consultation strategy was designed to respond and adapt to the restrictions on physical movement and contact as imposed by Government's COVID-19 response. Whilst it was not possible to hold a public exhibition, the applicant ensured that the combination of a letter drop, press advert and project website delivered a robust pre-submission consultation package. The responses from the public were constructive and very helpful and influenced a number of changes made to the design prior to submission, such as setting panels away from the public footpath.

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

### **8.1 Highway Authority**

**8.1.1** From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following conditions:

- 1) Prior to the commencement of the development the access will be widened and no unbound materials will be used within the first 10m of the highway
- 2) Prior to the commencement of the development, submission and approval of Construction Traffic Management Plan
- 3) The public right of way within the site and vicinity shall be maintained free and unobstructed at all times.



See appendix 1.

## **8.2 Local Flood Authority**

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

See appendix 2.

## **8.3 Environment Agency**

- 8.3.1** We have reviewed the plans as proposed and have no objection the application.

See appendix 3

## **8.4 Historic England**

- 8.4.1** Historic England has no objection to the application on heritage grounds. We advise that should your authority be minded to approve this application, this should be conditional on a scheme of archaeological work being secured, in accordance with the NPPF paragraph 199. The archaeological advisor to the Local Planning Authority (Essex County Council Place Services) will be able to comment on the scheme of the archaeological investigation.

See appendix 4.

## **8.5 Natural England**

- 8.5.1** No objection, based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

See appendix 5

## **9. PARISH COUNCIL COMMENTS**

### **9.1 Wimbish Parish Council;**

Objection, the ecology statement is very poor quality, and it was only a one-day assessment. The proposal will result in a loss of agricultural land. Concerns are raised in regard to the decommissioning of the solar farm and also its impact of the nearby heritage assets.

### **9.2 Swards End PC are very concerned about the following: -**

- 9.3** The solar farm will be located off a narrow single tracked lane. During the construction period the PC are concerned about the lane becoming

congested with traffic and issues will be caused for residents using the lane. Can controls be stipulated regarding the timing and volume of construction traffic? The site access must only be from Cole End Lane because that utilises much more of a tarmac lane. Traffic should not be allowed to access or exit the site via the Water Tower in the middle of Swards End.

- 9.4** What is the duration of the build? Cole End Lane is a narrow single-track lane which will be severely damaged by heavy construction traffic. Will the Solar Farm developers be responsible for returning the condition of the lane after the development has been built?
- 9.5** If planning is approved a condition must be made about how the site will be decommissioned and clear details of financial responsibility for decommissioning. A named entity must be held accountable for the decommissioning process, within 2 years of the site having stopped producing a certain % of energy.
- 9.6** The PC are concerned about wildlife in the area and the issues caused by the fencing impeding the natural inhabitant of the deer population and other wildlife in the area.
- 9.7** With the increase in applications for Solar Farms in UDC it is imperative that UDC approve a policy including a consistent set of conditions covering decommissioning, the amount of countryside that is taken up with solar farms etc.
- 9.8** S106 funding for the local community to be part of the planning application and consent for a Solar Farm. The amount of funding to be set by reference to the size of the solar farm.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Environmental Health**

- 10.1.1** No objection subject a noise survey to demonstrate the development will not result in harmful impact to the nearby residential properties. An informative is recommended regarding construction management.

### **10.2 UDC Landscape Officer/Arborist**

- 10.2.1** I'm in broad agreement with the findings of the submitted Landscape and Visual Impact assessment. Additional mitigation to reduce the visual impact of the proposed development should be sort in the form of new woodland planting. In the circumstances of a recommendation being made for approval of this application, I advise that it is conditional on the provision of mitigating legacy mixed native species woodland planting. A woodland planting proposed consists of 3 compartments (A-C). These new woodlands would be linked by existing hedgerows to be retained. In total the area of new woodland would be approximately 7.5ha in extent,

which would equate to some 12,000 trees being planted within the application site. Such new woodland would take agricultural land out of production, but this should be balanced against the benefits of the development.

### **10.3 Place Services (Conservation and Heritage)**

**10.3.1** It is considered that the proposals would result inevitably in a setting impact to several designated heritage assets. With regards to that of Cole End Farmhouse (list entry number: 1238641) and Hoys Farmhouse (list entry number: 1274070), the level of harm would be less than substantial, through change in their setting and at the lowest end of the scale, Paragraph 202 of the NPPF (2021) being relevant. Frogs Green Cottage (list entry number: 1239700) would also have an impact upon its setting through the proposed development however with the proposed mitigation such as the legacy woodland the scale of harm is considered to be at the low end of less than substantial (Paragraph 202). It is not considered that the proposals to result in harm to the significance of the Grade I listed Tiptofts (list entry number: 1274093) or Dovecote (list entry number: 1238643).

### **10.4 Place Services (Ecology)**

**10.4.1** No objection subject to securing biodiversity mitigation and enhancement measures. The mitigation measures identified in the Ecological Assessment (Landscape Science Consultancy Ltd, February 2021) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly Badger, nesting birds, reptiles and Brown Hare.

To further protect ecological receptors during the construction phase, a Construction Ecological Management Plan (CEMP) should be secured by a condition of any consent. A specific Skylark mitigation strategy should also be provided and secured by a condition of any consent to ensure the loss of Skylark territories is compensated for. Recommended conditions include:

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment.

Submission and approval of construction management plans for biodiversity.

Submission and approval of Skylark mitigation strategy,

Submission and approval of biodiversity enhancement strategy.

## **10.5 Place Services (Archaeology)**

### **10.5.1** No Objection subject to conditions.

A Heritage Statement has been undertaken for the above application and has assessed the potential of surviving below ground deposits. The document concluded that there was the potential for the medieval remains of a possible moated enclosure within the proposed development. However, aerial photographic evidence identifies a range of archaeological features being present within the proposed development area (EHER 47932 and 47933).

Recommendation: Archaeological field evaluation post decision in advance of a planning decision.

## **10.6 NATS Safeguarding**

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

## **10.7 MAG Aerodrome Safeguarding**

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

## **10.8 Essex Police Crime Prevention**

### **10.8.1** It should be noted that other parts of the country have seen an exponential rise in crime in relation to solar farms with everything from solar panels to cabling and ancillary equipment being targeted. As a consequence, the solar trade body has been in talks with the National Metal Crime Working Group. In view of this we would like to see greater consideration given to the security of the site.

Clearly planning to install "Deer fencing" in relation to crime will only provide a symbolic boundary, we would draw attention to the BREEAM document "Guide to large scale ground mounted solar PV systems" ([www.bre.co.uk/filelibrary/pdf/other\\_pdfs/KN5524\\_Planning\\_Guidance\\_reduced.pdf](http://www.bre.co.uk/filelibrary/pdf/other_pdfs/KN5524_Planning_Guidance_reduced.pdf)) and would welcome to consult with the developer in relation to this and other proposed large scale solar farms.

## **10.9 Ministry of Defence- Abandoned Pipe Lines**

### **10.9.1** We can confirm that the Ministry of Defence has no safeguarding objections to this proposal.

## **10.10 CLH Pipeline System**

**10.10.1** CLH-PS, does not have apparatus situated within the vicinity of your proposed works, and as such do not have any further comments to make.

**10.11 Northwest Essex Swift Group**

**10.11.1** If this application is approved, could the Council please ensure that the measures stipulated to enhance biodiversity and aid local wildlife in the Ecological Assessment are enforced. The wildflower meadows, management plans, low intensity grazing, mammal gates and 10m buffers between boundaries would be advantageous.

**10.12. Campaign to Protect Rural England Charity**

**10.12.1** CPRE are becoming increasingly concerned about the number of large-scale solar farm applications coming forward in Uttlesford. Since the rather surprising grant of permission for the Terriers Farm scheme it would appear that developers (and Low Carbon in particular) see the District as an easy target. You will no doubt appreciate the reference in government planning guidance to the 'cumulative impact' of this form of development and it is necessary to first point out that Uttlesford probably already has more than its fair share of these schemes and the impact on such an important rural landscape is worrying.

Concerns raised:

Visibility of the proposal,  
Land Classification,  
Introduction of the operation housing units on the site,  
Lack of decommissioning details

**11. REPRESENTATIONS**

**11.1** Site notices were displayed on site and 59 notifications letters were sent to nearby properties. The application was also advertised in on site and in the local newspaper.

**11.2** Numerous representations were received from neighbouring resident and the following observations have been made:

**11.2.1 Object,**

Loss of agricultural land,  
Impact to the setting of Heritage Assets,  
Loss of rural character of the site,  
Impact to the public right of way,  
The development will be highly visible,  
Due consideration needs to be made to the decommissioning of the development,  
The proposed screening will not mitigate the harm,

Impact from noise and disturbance,  
Increase in traffic,  
Solar panel should be put of new buildings only,  
The development is in the wrong location,  
Safety impact to aircraft.

### **11.3 Comment**

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

## **12. MATERIAL CONSIDERATIONS**

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

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

(a)The provisions of the development plan, so far as material to the application,:

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

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

(c) any other material considerations.

**12.3** Section 66(1) 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.

### **12.4 The Development Plan**

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

Thaxted Neighbourhood Plan (made February 2019)

**13. POLICY**

**13.1 National Policies**

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

**13.2 Uttlesford District Plan 2005**

S7 – The countryside Policy

GEN1- Access Policy

GEN2 – Design Policy

GEN3 -Flood Protection Policy

GEN4 - Good Neighbourliness Policy

GEN6 - Infrastructure Provision Policy

GEN7 - Nature Conservation Policy

GEN8 - Vehicle Parking Standards Policy

ENV2 - Development affecting Listed Buildings Policy

ENV3 - Open Space and Trees, Policy

ENV4 - Ancient monuments and Sites of Archaeological Importance

ENV5 - Protection of Agricultural Land Policy

E4 – Farm Diversification

**13.3 Neighbourhood Plans**

There are no relevant adopted neighbourhood plan policies.

**13.4 Supplementary Planning Document or Guidance**

Uttlesford Interim Climate Change Policy (2021)

Landscape Character Assessment of Uttlesford District (2006).

**14. CONSIDERATIONS AND ASSESSMENT**

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

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

B) Heritage

C) Impact on neighbour's amenity

D) Access and highway safety

E) Impact on biodiversity

F) Whether the development would increase flood risk issues

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

**14.3** A) Whether the use of the site for the purpose of a solar farm

**would be appropriate in terms of land use and impacts on the character of the area.**

- 14.3.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the planning policies set out in the Adopted Development Plan unless material considerations indicate otherwise. The planning policies contained within the National Planning Policy Framework (the Framework) are also a material planning consideration, particularly where the policies in the Adopted Development Plan are out of date whereby the revised NPPF provides the statutory guidance for determining planning applications at a national level. The adopted development plan for Uttlesford comprises the Uttlesford Local Plan which was adopted in January 2005 and is therefore now over 16 years old and pre-dates both the original NPPF (2012) and the latest version (2021).
- 14.3.2** Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. Local planning authorities are responsible for renewable and low carbon energy development of 50 megawatts or less installed capacity (under the Town and Country Planning Act 2008 Section 15 (2c) significant contribution towards the district and County's renewable energy production.
- 14.3.3** The applicant has advised that it is estimated that the proposed development would generate approximately 30 MW of renewable energy, which could provide approximately enough energy to power over 9,090 homes and displace approximately up to 12, 900 tonnes of CO<sub>2</sub> per annum. These benefits need to be weighed against the impacts. The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes, however, the visual impact of a well-planned and well screened solar farm can be properly addressed within the landscape if planned sensitively.
- 14.3.4** In June 2019, the Government raised the UK's commitments in tackling climate change by legislating a net-zero gas emissions target for the economy by 2050. Following the Climate Change Committee's advice in the Sixth Carbon Budget, Prime Minister Boris Johnson has agreed to legislate a new target to reduce national emissions by 78% by 2035, with the target due to be enshrined in law by the end of June 2020. This builds on the nations new Nationally Determined Contribution (NDC) to the Paris Agreement, which will see the UK reduce emissions by 68% by 2030 compared to 1990 levels. Decarbonising the power sector is integral to achieving these targets and requires major investment into renewable technologies, such as solar power, which are supported by planning policy at both local and national levels.
- 14.3.5** At a local level, Uttlesford District Council voted to declare a climate emergency in August 2019 and are currently in the process of preparing a climate change action plan that will set out realistic, measurable, and



deliverable targets that define how the Council will achieve net-zero carbon by 2030. It is anticipated that the action plan will be adopted in April 2023. Further, in February 2021 Uttlesford District Council adopted its Interim Climate Change Planning Policy.

- 14.3.6** The application site is located outside any Development Limits and in the countryside where Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. A review of Policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. Policy S7, however, is still a saved local plan policy and carries moderate weight
- 14.3.7** The application includes an Agricultural Land Classification (ALC) report concludes that proposal to be comprised of Grade 3b land. Accordingly, the site does not comprise best and most versatile agricultural land.
- 14.3.8** In terms of the loss of Grade 3b agricultural land i.e. moderate quality agricultural land Natural England have not raised any objection, however the application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land. This is because the solar panels would be secured to the ground with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur. Therefore, we consider that the proposed development is unlikely to lead to significant and irreversible long-term loss of best and most versatile agricultural land, as a resource for future generations.
- 14.3.9** Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Whilst this view is clearly at odds with that of Parish Council's, local residents, and the Campaign to Protect Rural England (CPRE), this is the opinion of the statutory independent consultee, and should be given significant weight.
- 14.3.10** The applicant had provided additional information in regard to Food Production Vs Renewable Energy. Whilst it should be noted that the Cole End application has been found to be grade 3b in its entirety (as demonstrated by the Amet study submitted with the application) and, therefore, not Best and Most Versatile Land (BMV) it is worth noting the points below.

In summary the appraisal concludes that the loss of BMV land is deemed to be temporary, and in an area with such high proportions of BMV Land, is difficult to avoid and it appears to be accepted that the loss of BMV land will be inevitable in Uttlesford.

With regards to the food versus energy debate, England is largely self-sufficient when it comes to production of grains, producing over 100% of domestic consumption of oats and barley and over 90% of wheat.

In respect of energy, 40.8 percent of our electricity was generated using fossil fuels in 2020. Gas accounted for 35.7% of electricity produced but 59% of gas was imported. Wind and solar accounted for 28.4% of electricity production in 2020. With global prices dictating the cost of imported gas and England's high reliance on imported gas, energy prices are soaring. The cost of living crisis and rising energy costs in particular, are a major concern for the entire population.

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

**14.3.11** The proposal relates to the installation of rows of solar panels which would be within fenced enclosures. Each of these enclosures would be within the existing field boundaries and would ensure that the existing hedge rows would remain. In response to discussions during the planning application the applicant has advised that key elements of the design approach have included the following:

The development will aim to preserve existing trees, hedgerows, woodland, and ecological features both within and in close proximity of the site where possible.

Orientating the solar panels south to benefit from maximum solar irradiation.

The access point will be upgraded with improved visibility splays to serve both operational and construction vehicles.

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

Proposed legacy woodland planting,

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

- 14.3.12** The Council's Landscape Officer has advised the visual impact of the proposal on the agrarian character of the site would be significant and evident from the public footpath network which runs through the site. The impact on the wider landscape would be limited by existing tree belts, field hedges, woodland, and the topography. The Officer is in agreement with the findings of the submitted LVIA; Additional mitigation to reduce the visual impact of the proposed development should be sort in the form of new woodland planting. It is recognised that new planting would take some years before becoming effective, however, after 15 years the new woodland would likely have a significant ameliorating effect. In the circumstances of a recommendation being made for approval of this application, advise that it is conditional on the provision of mitigating legacy mixed native species woodland planting. The new woodlands would be linked by existing hedgerows to be retained. In total the area of new woodland would be approximately 7.5ha in extent, which would equate to some 12,000 trees being planted within the application site. The long term protection of such new woodland beyond the life time of the solar farm could be secured by the making of a woodland tree preservation order, which could take effect at the time the woodland is planted. Such new woodland would take agricultural land out of production, but this should be balanced against the increase of woodland cover in the district and the potential biodiversity gains.
- 14.3.13** A Landscape Appraisal has been submitted with the application and due consideration has been made to this. It is concluded in terms of effects upon landscape character, these have been assessed as minor. This would translate to minor effects upon the host B8 Thaxted Farmland Plateau LCA (district level – Landscape Character Assessment of Uttlesford District (2006)), and the Glacial Till Plateau LCT B, and more specifically its Central Essex Farmlands (B1) LCA (county level – Essex Landscape Character Assessment).
- 14.3.14** The proposed development has been designed to reduce its physical extent and level of inter-visibility. It would physically introduce a new element into the receiving landscape, but its presence would not manifest itself due to the relatively high level of enclosure within and around the site. The underlying agricultural character of the surrounding landscape would be retained with the perceptual and sensory aspects of the landscape also largely retained. The visual assessment has concluded that the proposed development would be almost completely screened, taking advantage of the topographical variations in the local landscape, vegetative screening such as tree belts and woodlands, and roadside vegetation across the landscape

- 14.3.15** In overall terms, it is not considered that the development would meet the requirements in full of Policy S7 of the Local Plan and that, therefore the proposal is contrary to that policy. However, it is considered with mitigation measures as set out above, the proposal would meet the aims of Policy ENV8, which seeks to secure appropriate landscape mitigation.
- 14.3.16** Policy ENV15 of the adopted Local Plan 2005 states that small scale renewable energy development schemes to meet local needs will be permitted if they do not adversely affect the character of sensitive landscapes, nature conservation interests or residential and recreational amenity. However, the adopted Local Plan is silent on policies relating to large scale proposals such as this, other than that it is expected that acceptable schemes in the district would be relatively small scale. The application therefore needs to be assessed based on other material considerations, and therefore guidance contained within the National Planning Policy Framework 2021 (NPPF) is material to the consideration of this planning application.
- 14.3.17** In this regard, the NPPF states that “Renewable and low carbon energy: Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).”
- 14.3.18** Section 14 of the NPPF – Meeting the challenge of climate change, flooding and coastal change, and states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 14.3.19** The NPPF further advises that new development should be planned for in ways that:
- avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
- can help to reduce greenhouse gas emissions, such as through its location, orientation, and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.

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

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

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

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

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

#### **14.4 B) Heritage**

**14.4.1** There are no statutory listed heritage assets within the site boundary. There is one Grade II listed structure adjacent to the northern site boundary: Frogsgreen Cottage. Beyond this, there exists a large collection of Grade II buildings c. 1km to the north-west of the site at Swards End, and a Grade I listed building, Church of All Saints, located c. 1km to the east of the site in Wimbish. Three further Grade II listed structures can also be located at Cole End, approximately 500m west of the site.

**14.4.2** There are two Scheduled Monuments within the local area: 'Tiptoff's moated site and fishponds', c. 0.6km west from the site; and 'Moated site and three ponds at Parsonage Farm', c. 0.8km south from the site.

**14.4.3** A Heritage Statement is submitted in support of this planning application and includes a consideration of all the heritage assets identified and which of those assets have the potential to be sensitive to development within the vicinity of the site, and the degree of harm which may arise.

**14.4.4** The Council's Heritage Officer has been consulted as part of the application process and has visited and assessed the application site. It is considered that the proposals would result inevitably in a setting impact to several designated heritage assets. With regards to that of Cole End Farmhouse and Hoys Farmhouse (the level of harm would be less than substantial, through change in their setting and at the lowest end of the scale. Paragraph 202 of the NPPF (2021) being relevant. Frogsgreen Cottage (list entry number: 1239700) would also have an impact upon its setting through the proposed development however with the proposed

mitigation such as the legacy woodland the scale of harm is considered to be at the low end of less than substantial (Paragraph 202).

**14.4.5** Taking into consideration the comments by the Heritage Officer due consideration should be made to paragraph 202 of the NPPF and where the proposal results in less than substantial harm to the heritage asset the public should be weighed against the public benefits of the development.

**14.4.6** In regard to the impact on the significance of two scheduled monuments Historic England have been consulted. Following visiting the site and assessment the Historic England consider the proposed solar farm will result in a slight change to the setting of the 'Tiptofts moated site and fishponds'. This is because the moated site draws a considerable amount of significance from its landscape setting. In our view, however, the harm would be towards the lower end of less than substantial. Taking into consideration the comments from Historic England the proposed development will not have a harmful impact to the nearby Scheduled Monuments.

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

**14.4.8** Place Services Heritage and Historic England identify harm at the lower end of the spectrum, but this harm needs to be balanced against the public benefits of the proposal. The concerns raised by the Heritage Officer have been duly assessed in the context of the site and setting of the heritage assets. The public benefits arising from the development includes:

Generation of electricity for export to the grid,  
Generation of renewable energy,  
Contribute towards reducing carbon emissions, and local and national targets,  
Economic investment, and  
Helping to ensure energy security in the UK

It is considered the harm arising from the development would be of a lesser magnitude than the public benefits. Consequently, taking into account the Framework as a whole, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits.

**14.5 (C) Impact on neighbour's amenity**

**14.5.1** In terms of the impact to nearby residential amenity, nearby dwellings include, Frogreen Cottage, Frogreen Farm, Hoys Farm and Cole End Farm. The proposed inverters would have a sound level of 75 dB (A) at a 1 metre distance. Given the location of the inverters and the existing background noise, there would be no adverse noise impact on any neighbouring receptors.

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

#### **14.6 D) Access and highway safety**

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

a) Access to the main road network must be capable of carrying the traffic generated by the development safely.

b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network

c) The design of the site must not compromise road safety and must take account of the needs of cyclists.

d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to access.

**14.6.2** In this regard, Essex County Council as Local Highway Authority have advised that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following measures:

Provision of widened access,  
Construction Management Plan,  
Unobstructed public right of ways.

**14.6.3** A temporary construction compound will be set up within the development boundary during construction. Any vehicles associated with construction will therefore be contained within the site and no unnecessary parking will occur on the local highway network. Furthermore, post construction parking will provided within the site. From a highway and transportation perspective, the impact of the proposal is acceptable to the Local Highway Authority, subject to mitigation and conditions, and that the proposal is consistent with the implementation of Policy GEN1 of the adopted Uttlesford Local Plan 2005

## **14.7 E) Impact on biodiversity**

**14.7.1** Policy GEN7 and paragraph 174 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. The application is supported by an Ecological Impact Assessment relating to the likely impacts of development on designated sites, protected species and Priority species and habitats. These submissions have been assessed by Place Services Ecology Officers, who that they are satisfied subject to conditions that there is sufficient ecological information available for determination.

**14.7.2** Therefore, and subject to the submission and implementation of appropriate conditions, the application is acceptable, being consistent with the implementation of Policy GEN7 of the adopted Uttlesford Local Plan 2005, and the NPPF.

## **14.8 F) Whether the development would increase flood risk issues**

**14.8.1** The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. The built form of the development proposed lies within Flood Zone 1 (low probability of flooding) as defined by the Environment Agency. The proposed development will not add any significant areas of impermeable surfacing. Surface water runoff will drain partially to ground, as existing, and overland flows collected via new swale systems to slow run-off and improve water quality. Lead Local Flood Authority and the Environment Agency raises no objections to the proposals.

**14.8.2** It is proposed to allow the site to drain as close as naturally possible to the existing situation with run-off intercepted by a series of shallow swales / filter trenches adjacent to the proposed new internal access roads and swales located at the low parts of the site to collect and slow surface water run-off prior to discharging to the existing watercourses. It is considered that due to the nature of the development that displaced flood risk is low and therefore such it is considered the proposals comply with Policy GEN3 and the National Planning Policy Framework 2021.

## **14.9 G) Other Material consideration: Section 106 Agreement and Decommissioning**

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

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



The anticipated life of the project,  
The anticipated present value cost of decommissioning,  
An explanation of the calculation of the cost of decommissioning,  
The physical plan for decommissioning,  
A broad understanding of the lease arrangements with the Landowner,  
A surety or bond to cover the cost of decommissioning

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

Financial security in the form of surety bond, letter of credit, or cash escrow held by an appropriate insured financial institution.

Updated decommissioning costs and salvage value projections every five years and including a mechanism for truing up the security.

A reserve factor to the cost projections to protect against changes in market values.

A detailed decommissioning plan with a documented decommissioning costs and salvage value projections. This plan should be either produced by, or reviewed by, a licensed civil engineer; and

A process to require decommissioning if the solar energy system is no longer operational

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

**14.9.5** The heads of terms of the S106 have been reviewed and it is considered it provides protection to the local authority. The obligation to review and update the decommissioning estimate and bond or deposit every 5 years goes beyond what is typically provided and would give the local authority additional protection with the updates for salvage, disposal, equipment and labour costs.

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

**14.9.6** Anticipated disassembly methods are included in appendix 6.

## **15. ADDITIONAL DUTIES**

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

- 15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised

## **15.2 Human Rights**

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

## **16. CONCLUSION**

- 16.1** The proposal would lead to loss of 54.92 arable agricultural land; however, the nature of the proposal is such that the development would be temporary and reversible. There would be some adverse impacts on the local landscape and rural character of the area, especially those experienced by the users of the nearby public rights of way. The impact on the character of the area needs to be weighed against the benefits of the provision of renewable energy and in this instance the benefits outweigh the harm.
- 16.2** It is considered when taking the National Planning Policy Framework 2021, that the benefits of the proposal, where mitigation has been offered to make the development acceptable, are considered not to outweigh the harm which would be caused to the character of the rural area, and any less than substantial harm to the significance of the Grade II listed buildings.
- 16.3** Consideration has been given to paragraph 11 c) i, and Footnote 7 of the National Planning Policy Framework 2021 in terms of impacts of the development upon designated heritage assets. Given that the identified harm to assets is categorised at the lower half of the spectrum of harm,

this does not give the Local Planning Authority a clear reason for refusing the development, and given the identified public benefits as set out, the application can be supported. The “tilted balance” is in favour of the proposal, including a presumption in favour of sustainable development, as set out in paragraph 14 of the National Planning Policy Framework 2021, which is therefore engaged.

- 16.4** The proposal subject to mitigation would not result in any material detrimental loss of residential amenity
- 16.5** The impact on the local highway would be minimal, even during the construction phase given the limited number of vehicular movements.
- 16.6** The proposals would not adversely affect protected species. There would be new hedgerows and other landscape features and the planting of new trees belts. It is not considered that the proposal would have any material detrimental impact in respect of protected species or biodiversity.
- 16.7** The proposals would not result in increased flooding.
- 16.8** The proposal would not impact on airport safeguarding.

**17. S106 / CONDITIONS**

**17.1 S106 HEAD OF TERMS**

- 17.2** I. Decommissioning of the PV Plant and associated infrastructure  
II. Pay the Council’s reasonable legal costs  
III. Pay the monitoring fee

**17.3 CONDITIONS**

- 1** The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

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

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

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

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

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

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

- 4** No commencement of the development shall take place until the following has been provided

- i. The site access shall be widened to accommodate the swept path of vehicles associated with the proposal, as shown in principle on DWG no. FIGURE 2 REV.B (dated – 28/10/2021).
- ii. No unbound material shall be used in the surface treatment of the access within 10 metres of the highway.

REASON: To ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Pre-commencement condition justification: To ensure that the resulting development does not result in a harmful impact to highway safety.

- 5** Prior to commencement of the development, planning document 'Construction Traffic Management Plan' shall be updated/revised and submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, to include the following, in addition:

- i. A package of signage and safety measures to protect the users of the public rights of way (PROW) network within and in the vicinity of the site during the construction phase.
- ii. Construction traffic routing, including prohibiting the use of southern-most entrance to Cole End Lane off Thaxted Road for vehicles associated with construction of the site.

iii. Provision of passing places and appropriate hardening of existing carriageway/highway along Cole End Lane, from the junction with Thaxted Road to the site access, to facilitate construction vehicles.

iv. Comprehensive before and after survey of the highway network from B184 Thaxted Road junction with Cole End Lane, along Cole End Lane to application site, and the PROW network in the immediate vicinity of the site.

v. Appropriate widening of the southern kerb line of the northern junction of Cole End Lane onto B184 Thaxted Road.

vi. Wheel and underbody washing appropriate for the site.

The approved statement shall thereafter be adhered to throughout the construction period.

REASON: To ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Pre-commencement condition justification: To ensure that the resulting development does not result in a harmful impact to highway safety.

- 6** The definitive width and line of the public rights of way (PROW) network within the site and vicinity of the site and the public's rights and ease of passage over the PROWs shall be maintained free and unobstructed at all times.

REASON To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with ULP Policy GEN1.

- 7** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Landscape Science Consultancy Ltd, February 2021) including but not limited to buffer zones along boundary features, creation of wildflower meadows and the retention, enhancement and strengthening of boundary features as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

- 8** Prior to the commencement of the development hereby approved a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. Details on the protection of boundary features and retained habitats during construction, pre-commencement Badger survey and protection measures for Badger during construction, protection measures for nesting birds during site clearance and construction works and protection measures for reptiles, Brown Hare and other species during site clearance and construction works shall be included.

The CEMP (Biodiversity) shall include the following.

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

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

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

Pre-commencement condition justification: To ensure that the resulting development conserves and protects Priority species

- 9** Prior to the commencement of the development hereby approved a Skylark Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss of any Skylark territories. This shall include provision of the evidenced number of Skylark nest plots, to be secured by legal agreement or a condition of any consent, in nearby agricultural land, prior to commencement.

The content of the Skylark Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed Skylark nest plots;
- b) detailed methodology for the Skylark nest plots following Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c) locations of the Skylark plots by appropriate maps and/or plans;
- d) persons responsible for implementing the compensation measure.

The Skylark Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.

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

Pre-commencement condition justification: To ensure that the resulting development conserves and protects Priority species

- 10** Prior to any works above slab level a Biodiversity Enhancement Strategy for protected and Priority species including but not limited to the provision of mammal gates in security fencing for Badger and other small mammals and implementation of a Biodiversity Management Plan shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans;
  - d) timetable for implementation;
  - e) persons responsible for implementing the enhancement measures;
  - f) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

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

- 11** Prior to beneficial use (i.e. generation of energy), a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and Page 79 technical specifications) so that it

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

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

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

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

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

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

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

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

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

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



- 16** Prior to operational use of the development hereby approved, a manned measured noise survey must be carried out and a report of the findings shall be submitted to and approved in writing by the Local Planning Authority.

The noise emitted by the combined operation of all plant hereby permitted (including power inverter units, battery storage units, transformer station & generators etc) shall have a rating level that does not increase the background noise level at any time at the boundary of the nearest residential premises including Frogsgreen Farm, Frogsgreen Cottage, Tiptoft Farm and Cole End Farm.

Measurement parameters must include the LA90, LAeq, LA Max and 1:1 frequency analysis, and appropriate corrections shall apply in accordance with BS4142:2019

Should the plant fail to comply with this condition at any time, it shall be switched off and not used again until it is able to comply. The use of the equipment must not re-commence until a fully detailed noise survey and report has been submitted to and approved in writing by the Local Planning Authority and approved mitigation measures such as acoustic screening or silencers have been implemented. The plant shall be serviced in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained at all times.

REASON: To ensure the development does not result in any harmful impact to the amenity of neighbouring residential properties in accordance with Policies GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005.

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

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

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

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

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

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

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

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

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

- proposed finished levels or contours;
- legacy planting proposals
- means of enclosure;
- car parking layouts;
- other vehicle and pedestrian access and circulation areas;

hard surfacing materials;  
minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)

proposed and existing functional services above and below ground (e.g. drainage power communications cables, pipelines etc. indicating lines, manholes, supports.)

retained historic landscape features and proposals for restoration, where relevant.

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

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2 and S7 of the Uttlesford Local Plan (adopted 2005).

- 20** A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, including legacy planting, shall be submitted to and approved in writing by the local planning authority before development, for its permitted use. The landscape management plan shall be carried out as approved.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2 and S7 of the Uttlesford Local Plan (adopted 2005).

- 21** If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, the applicant/developer shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to ensure that the site is made suitable for its end use.

REASON: To protect human health and the environment and in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

**Appendices.**

Appendix 1- Highway Authority

Your Ref: UTT/21/0688/FUL  
Our Ref: 48606  
Date: 29<sup>th</sup> November 2021



CC: (by email) *DM, SMO2, Chelmsford  
PROW, Chelmsford  
Cllr Martin Foley*

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/21/0688/FUL  
Applicant Long Meadow Solar Farm Ltd  
Site Location Land at Cole End Farm Lane Wimbish Essex  
Proposal Construction and operation of a ground mounted solar farm together with associated infrastructure, including inverters, customer switchgear, DNO substation, medium voltage power station, security cameras, perimeter fence, access tracks and landscaping

**From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following measures:**

1. No commencement of the development shall take place until the following has been provided or completed;
  - i. The site access shall be widened to accommodate the swept path of vehicles associated with the proposal, as shown in principle on DWG no. FIGURE 2 REV.B (dated – 28/10/2021).
  - ii. No unbound material shall be used in the surface treatment of the access within 10 metres of the highway.
2. Prior to commencement of the development, planning document 'Construction Traffic Management Plan' shall be updated/revised and submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, to include the following, in addition:
  - i. A package of signage and safety measures to protect the users of the public rights of way (PROW) network within and in the vicinity of the site during the construction phase.
  - ii. Construction traffic routing, including prohibiting the use of southern-most entrance to Cole End Lane off Thaxted Road for vehicles associated with construction of the site.
  - iii. Provision of passing places and appropriate hardening of existing carriageway/highway along Cole End Lane, from the junction with Thaxted Road to the site access, to facilitate construction vehicles.
  - iv. Comprehensive before and after survey of the highway network from B184 Thaxted Road junction with Cole End Lane, along Cole End Lane to application site, and the PROW network in the immediate vicinity of the site.

- v. Appropriate widening of the southern kerb line of the northern junction of Cole End Lane onto B184 Thaxted Road.
  - vi. Wheel and underbody washing appropriate for the site.
- The approved statement shall be adhered to throughout the construction period.  
**Reason:** In the interests of highway safety.

- 3. The definitive width and line of the public rights of way (PROW) network within the site and vicinity of the site and the public's rights and ease of passage over the PROWs shall be maintained free and unobstructed at all times. **Reason:** To ensure the continued safe passage of the public on the definitive right of way and accessibility.

**The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.**

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- 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 public footpath no. 20, 21, 41 (Wimbish), public bridleway no. 30 (Wimbish) and public byway no. 17, 29 (Wimbish) 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.

- iv. All costs associated with the implementation of the Construction Traffic Management Plan should be met by the applicant including but not limited to any Temporary Traffic Regulation Order(s) and signing and lining.

- v. The Highway Authority may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access by vehicles servicing the application site. The construction vehicle route to the site should be clearly signed and a strict regime of wheel washing and street cleaning should be in place.
- vi. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.

*F. Masnie*

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

## Appendix 2- Lead local Flood Authority

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



Chris Tyler  
Uttlesford District Council  
Planning Services

Date: 24<sup>th</sup> Aug 2021  
Our Ref: SUDS-005147  
Your Ref: UTT/21/0688/FUL

Dear Chris Tyler,

### **Consultation Response –UTT/21/0688/FUL– Land At Cole End Farm Lane Wimbish Essex**

Thank you for your email received on 15/07/2021 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.

We also have the following advisory comments:

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

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



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

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

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

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

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

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

#### **INFORMATIVES:**

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](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: Development and Flood Risk  
Service: Waste & Environment  
Essex County Council

Internet: [www.essex.gov.uk](http://www.essex.gov.uk)  
Email: [suds@essex.gov.uk](mailto:suds@essex.gov.uk)

### **Appendix 1 - Flood Risk responsibilities for your Council**

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be

achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications '[Preparing for Floods](#)' and '[Improving the flood performance of new buildings](#)'.

#### Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

## Appendix 3- Environment Agency



Chris Tyler  
Uttlesford District Council  
Development Control  
Council Offices London Road  
Saffron Walden  
Essex  
CB11 4ER

Our ref: AE/2021/126190/01-L01  
Your ref: UTT/21/0688/FUL  
Date: 10 June 2021

Dear Mr Tyler

**CONSTRUCTION AND OPERATION OF A GROUND MOUNTED SOLAR FARM TOGETHER WITH ASSOCIATED INFRASTRUCTURE, INCLUDING INVERTERS, CUSTOMER SWITCHGEAR, DNO SUBSTATION, MEDIUM VOLTAGE POWER STATION, SECURITY CAMERAS, PERIMETER FENCE, ACCESS TRACKS AND LANDSCAPING.**

**LAND AT COLE END FARM LANE WIMBISH ESSEX**

Thank you for your consultation we have reviewed the plans as proposed and have no objection the application, we have taken the opportunity to provide advice on biodiversity.

### Biodiversity

We wish to see all open ditches, watercourses and ponds retained and enhanced with generous buffer strips of native vegetation. This is a perfect opportunity to gap up and thicken up hedge growth allowing them to grow thicker and taller for landscape and biodiversity benefits.

Solar farms can be a win-win for wildlife and people if biodiversity gain is planned for as an intrinsic element of design. Species rich grassland is resilient and a perfect ground cover for field based panels allowing flora, invertebrates and small mammals to flourish alongside native reptiles and ground nesting birds. Where panels are elevated slightly wildlife can flourish beneath them.

Many close spaced intensive solar farms are little benefit for wildlife but we wish to see a win-win for nature and people so recommend a wildlife friendly approach in a similar approach to the Broxted Solar farm at Hundon in West Suffolk.

Environment Agency  
Iceni House Cobham Road, Ipswich, IP3 9JD.  
Customer services line: 03708 508 508  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)  
Cont/d..

We trust you find this advice useful.

Yours sincerely



**Ms Gemma Allsop**  
Sustainable Places - Planning Advisor

Direct dial 020 7714 0541  
E-mail [planning.ipswich@environment-agency.gov.uk](mailto:planning.ipswich@environment-agency.gov.uk)

## Appendix 4- Historic England



Mr Chris Tyler  
Uttlesford District Council  
Council Offices  
London Road  
Saffron Waldon  
Essex  
CB11 4ER

Direct Dial: 01223 582769

Our ref: P01417770

Date: 12 April 2022

Dear Mr Tyler

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

**Land at Cole End Farm Lane, Wimbish, Essex  
Application UTT/21/0688/FUL**

Historic England provided detailed comments in our consultation response of 27 April 2021. We provided further comments on 23 August 2021.

We previously raised concerns about the assessment of the impact on the significance of two scheduled monuments, 'Tiptofts moated site and fishponds' (LEN 1008702) and 'Moated site and three ponds at Parsonage Farm' (LEN 1007841), both of which are within the Zone of Theoretical Visibility.

### **Historic England's position on the proposals**

Following a site visit and walkover on 11 April 2022, we offer the following further advice to assist your authority in determining the application.

In our view, the proposed solar farm will result in a slight change to the setting of the 'Tiptofts moated site and fishponds'. This is because the moated site draws a considerable amount of significance from its landscape setting. In our view, however, the harm would be towards the lower end of less than substantial. We do not consider there will be any harm to the 'Moated site and three ponds at Parsonage Farm'.

### **Recommendation**

Historic England has no objection to the application on heritage grounds. We advise that should your authority be minded to approve this application, this should be conditional on a scheme of archaeological work being secured, in accordance with the NPPF paragraph 199. The archaeological advisor to the Local Planning Authority (Essex County Council Place Services) will be able to advise on the scheme of the



24 BROOKLANDS AVENUE, CAMBRIDGE, CB1 8BU

Telephone 01223 582749  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)





archaeological investigation.

Yours sincerely

**Dr Jess Tipper MCIfA FSA**  
Inspector of Ancient Monuments (Essex and Hertfordshire)  
Email: [Jess.Tipper@HistoricEngland.org.uk](mailto:Jess.Tipper@HistoricEngland.org.uk)

Appendix 5- Natural England

Date: 12 March 2021  
Our ref: 346267  
Your ref: 21/0424/FUL



UTTLESFORD DISTRICT COUNCIL  
[planning@uttlesford.gov.uk](mailto:planning@uttlesford.gov.uk)

BY EMAIL ONLY

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

T 0300 060 3900

Dear Sir or Madam

**Planning consultation: construction and operation of a ground mounted solar farm together with associated infrastructure, including inverters, customer switchgear, DNO substation, medium voltage power station, security cameras, perimeter fence, access tracks and landscaping.**

**Location: Land At Cole End Farm Lane Wimbish**

Thank you for your consultation, which was received by Natural England on 09 March 2021

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

#### SUMMARY OF NATURAL ENGLAND'S ADVICE

##### NO OBJECTION

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

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

##### **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.

**Sites of Special Scientific Interest Impact Risk Zones**

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

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

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

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

Yours faithfully

Corben Hastings  
Consultations Team



## Appendix 6- Anticipated disassembly methods



PV Plant Decommissioning Estimate  
Thaxted PV Plant

**Table 1: Anticipated Disassembly Methods**

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

## Appendix 7- Applicants Additional Information:

JE/ P20-1299

04 May 2022

Mr Christopher Tyler  
Uttlesford District Council  
Planning and Development  
Council Offices  
London Road  
Saffron Waldon  
CB11 4ER

**BY EMAIL**

Dear Mr Tyler,

### **Additional information provided in support of application UTT/21/0688/FUL.**


As you are aware, the Solar Farm proposed by Low Carbon at Land West of Thaxted, Cutlers Green (UTT/21/1833/FUL), was reported to Planning Committee meeting on the 19th January 2022. The application was deferred, and Members were seeking additional information on a number of matters. Some of these matters are relevant to the Saffron Walden site and pre-empting that Members may have similar questions, we are providing additional information regarding the following areas:

- Level of detail within the application on layout and equipment proposed
- Fire Safety
- Visualisations
- Lighting
- Noise
- Decommissioning
- Food Production vs Renewable Energy

The above items are discussed in greater detail below together with the applicant's detailed response to each of the comments raised.

### **Level of detail within the application on layout and equipment proposed**

There seemed to be some confusion during the committee as to what was applied for, whether there were detailed plans included with the application and whether there was insufficient detail to be able to determine the application. This application, like the Cutlers Green application, has been made under the principles of the "Rochdale Envelope" which allows a degree of flexibility when the final detailed design is not known e.g., due to the procurement options not being available. The Rochdale Envelope



requires the worst-case scenario to be assessed by selecting a maximum set of parameters including,

- the maximum extent of the development
- the maximum heights of any equipment and buildings
- the maximum number of equipment and buildings

All of the surveys have assessed the development at the maximums and therefore the worst-case scenario. It is possible that the project could be underdeveloped but not overdeveloped against these parameters.

However, a layout and all of the necessary infrastructure to facilitate a solar farm has been provided in drawing form and forms part of the planning application so the detail has been provided. The important distinction is that this represents the worst-case scenario.

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

We trust that this helps to explain that the application can be comprehensively assessed in its current form and there should be no doubts over the worst-case being asked to be determined.


### **Battery Safety**

Questions were raised regarding the risk of fire in relation to the Battery Energy Storage System (BESS) element of the development, but this scheme does not propose battery storage.

### **Lighting**

The proposed development will be unmanned with infrequent visits made for maintenance purposes. Continuous lighting is therefore unnecessary at the site. The only permanent lighting on site will be timer controlled and motion sensor activated security lighting on the proposed buildings (including switchgear, inverter, substation and battery container units). This will be downwards facing to limit spread.

Task lighting (low in luminance and typically comprising a torch or similar) will only be necessary when an engineer is in attendance. If deemed necessary, the applicant is happy to accept an appropriately worded planning condition to secure the submission of a detailed lighting strategy prior to the commencement of development. Furthermore, the proposed facility will also be fitted with CCTV and/or infrared security cameras at regular intervals



along the edge of the perimeter fencing and facing into the site to protect privacy which do not require illumination to function at night.

### **Noise**

Questions were raised by Members of the planning committee in relation to the noise impacts of the proposed development and how any subsequent impacts will be mitigated by the development.

Overall, the noise generated from the development will be minimal. The only noise generating equipment which will be installed on the site would be limited to the proposed inverter units across the site.

The inverters would be dispersed across the site in small numbers and located toward the centre of the solar panel areas in each development zone to reduce visual and noise impacts on surrounding receptors. Given the distance of the proposed units from the closest residential receptors and the low predicted specific noise levels there would be no adverse noise impact on any neighbouring receptors.

Given the above, it is considered that there are no noise-related issues associated with the proposed solar farm which would prevent the granting of full planning permission.

### **Decommissioning**

It was noted members had concerns over the detail of the section 106 in respect of decommissioning of the Thaxted proposals. You will recall the discussions that have taken place and, to clarify, the following was provided to William Allwood, on 23rd November 2021 in support of the scheme at Thaxted:

- A draft s106 agreement that reflects the points requested by the Council;
- An example of what the decommissioning plan referenced in the s106 agreement will look like, broadly speaking. The report submitted was produced by RINA, a large global engineering consultancy with experience in this field.
- A second example of a similar decommissioning analysis for a battery storage site. This is based on a theoretical 10MW & 50MW battery storage system using standard lithium-ion technology and other standard components.

Accordingly, it is not clear to us what additional information we could provide at this stage that would help you or members above and beyond what we have already for the Thaxted scheme but perhaps you could respond with an update on this.

## Food production Vs Renewable Energy

### **Land and Energy Resource Appraisal – Technical Note (Kernon Countryside Consultants Limited)**

Lastly, members wrestled with the issue of food production/security and renewable energy production/security, which we appreciate are both important considerations.

To seek to put these issues into context, the applicant commissioned Kernon Countryside Consultants, a specialist agricultural, equestrian and rural planning consultant to undertake a formal land and energy resource appraisal of the Thaxted solar site and proposed development. Whilst it should be noted that the Cole End application has been found to be grade 3b in its entirety (as demonstrated by the Amet study submitted with the application) and, therefore, not Best and Most Versatile Land (BMV) it is worth noting the points below.

In summary the appraisal concludes that the loss of BMV land is deemed to be temporary, and in an area with such high proportions of BMV Land, is difficult to avoid and it appears to be accepted that the loss of BMV land will be inevitable in Uttlesford.

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

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