



ITEM NUMBER: 6

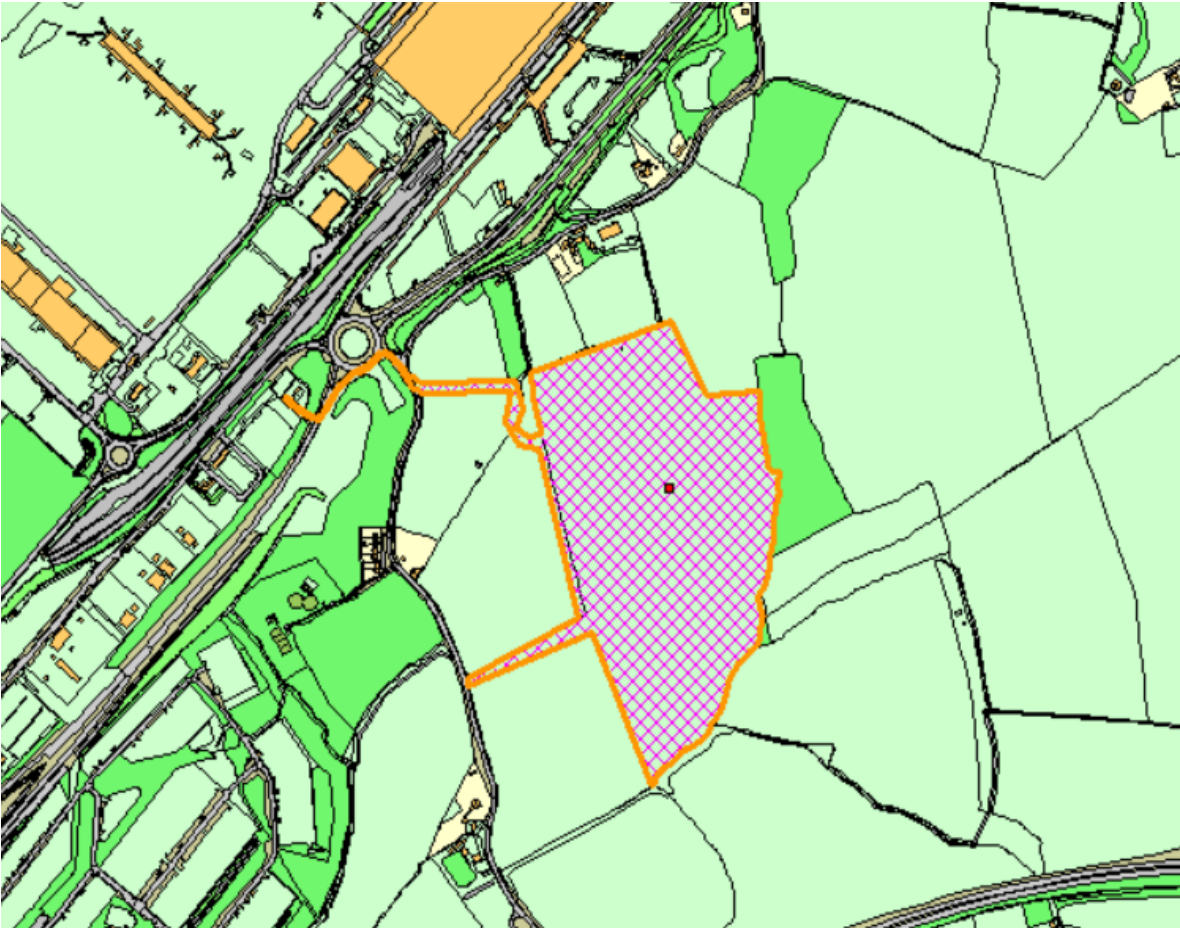
PLANNING COMMITTEE

DATE: 6 July 2022

REFERENCE NUMBER: S62A/22/0000004
UTT/22/1474/PINS

LOCATION: Land East of Parsonage Road, and South of Hall Road, Takeley

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: June 2022**

PROPOSAL: Consultation on S62A/22/0000004 - The erection of a 14.3MW solar photovoltaic farm with associated access tracks, landscaping, supplementary battery storage, and associated infrastructure

APPLICANT: Stansted Airport Limited

AGENT: Mr A Murray

DATE CONSULTATION RESPONSE DUE: 7th July 2022

CASE OFFICER: Mr Bruce O'Brien

NOTATION: Consultation of Stansted Airport (BAA), Consultation of National Air Traffic Services (NATS), Important Woodlands (Seven Acre Wood), Within 100m of Local Wildlife Site, Outside Development Limits, Countryside Protection Zone (Parcel 6), Within 2km of SSSI.

REASON THIS CONSULTATION IS ON THE AGENDA: This is a report in relation to a major planning application submitted to the Planning Inspectorate (PINS) for determination.

Uttlesford District Council (UDC) has been designated by Government for poor performance in relation to the quality of decision-making on major applications.

This means that the Uttlesford District Council Planning Authority has the status of a consultee and is not the decision maker. There is limited time to comment. In total 21 days.

1. **RECOMMENDATION**

Request that PINS **APPROVE** the application subject to:

(A) Completion of a s106 Obligation Agreement in accordance with Heads of Terms

(B) Conditions

As set out in sections 16 of the report.

2. **SITE LOCATION AND DESCRIPTION**

2.1 The application site comprises 22.5 hectares of land which is located to the south-east of Stansted Airport outside of the boundary of Stansted

Airport and any recognised development limits. The developable area of land amounts to 18 hectares.

2.2 The parcel of land is set between Hall Road to the north and Parsonage Road to the east and is in the ownership of Stansted Airport.

2.3 The land is arable, agricultural land interspersed with ditches, hedgerows, and trees. It is currently leased for crop production.

3. PROPOSAL

3.1 The erection of a solar photovoltaic farm with a total Megawatt Peak of 14.3MW. At full output this amount of power should meet the current and future electricity needs of the airport of which 87% of its power use is supplied by electricity. There are five on-site battery storage units proposed to meet demands outside of peak production hours.

3.2 The development comprises Photo Voltaic (PV) solar panels set in rows with a 4m gap between each row. There shall be 72 Panels at approximately 2.2m x 1.3m in size. Most panels shall face south, but due to considerations relating to glint and glare, some shall face east. Each panel has a maximum overall height of 3.2m and shall be set at angles between 25 and 30 degrees. Panels shall be attached to metal framework which shall in turn be fixed to the ground by way of pile or screw foundations or concrete blocks.

3.3 Associated infrastructure shall include inverter substation buildings (6m long x 3.2m wide x 3.4m high) in 5 locations on the site, the number and type to be confirmed and an electricity substation (7.1m long x 1.6m wide x 2.5m high). There shall be a track for access purposes, mesh 'deer fence' security fencing at 2.45m high and CCTV, erected on 11 poles at 3m high. Motion activated security lighting shall be installed, the details of type and location to be agreed by condition.

3.4 The power from the site shall be connected to the airport's primary existing substation (Substation 100 as identified on submitted plan STN-PV-001-Rev 01), which is located within the airport site. The connection shall be via a circuit cable installed across and within the verge of private highways and then across the public highway of Parsonage Road.

3.5 The submitted site plan includes boundary planting to the eastern and western boundaries and some planting within the site. The estimated lifespan of the proposed development is 25 years and as such the proposed development and associated infrastructure is long-term temporary and reversible.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 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 5 of the stated Regulations, was submitted under application UTT/21/2664/SCO (appendix A).
- 4.2 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 is not, however located in wholly or partly within a 'sensitive area' as defined by the Regulations.
- 4.3 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.
- 4.4 Given the location of the proposed development 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.

5. **RELEVANT SITE HISTORY**

- 5.1 There are no relevant planning applications linked to this proposal on this site.

6. **PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

- 6.1 Other than the screening opinion as mentioned in Paragraph 5.1, there has been no other pre-application advice or community consultation.

7. **STATUTORY CONSULTEES**

- 7.1 All statutory consultees will write directly to PINS within the 21 days period being the 7th of July 2022 and are thereby not mentioned within this report.

8. **PARISH COUNCIL/TOWN COUNCIL COMMENTS**

- 8.1 These should be submitted by the Parish / Town Council directly to PINS within the 21-day consultation period.

9. **CONSULTEE RESPONSES**

9.1 All consultees' comments should be submitted directly to PINS within the 21-day consultation period.

10. REPRESENTATIONS

10.1 The application was publicised by sending letters to adjoining and adjacent occupiers and by displaying a site notice. Anyone wishing to make a representation (whether supporting or objecting) are required to submit their comments directly to PINS within the 21-day consultation period ending the 7th of July 2022. All representations should be submitted directly to PINS within the 21-day consultation period.

10.2 UDC has no role in co-ordinating or receiving any representations made about this application. It will be for PINS to decide whether to accept any representations that are made later than 21 days.

11. MATERIAL CONSIDERATIONS

11.1 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.

11.2 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:
- (a) 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.

11.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or the Secretary of State, in considering whether to grant planning permission 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.

11.4 The Development Plan

11.4.1 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)

12. POLICY

12.1 National Policies

12.1.1 National Planning Policy Framework (2021)

12.2 Uttlesford District Plan 2005

12.2.1 S7 – The Countryside
S8 – The Countryside Protection Zone
GEN1- Access
GEN2 – Design
GEN5 –Light Pollution
GEN6 - Infrastructure Provision
GEN7 - Nature Conservation
ENV2 - Development affecting Listed Buildings
ENV3 - Open Space and Trees,
ENV4 - Ancient monuments and Sites of Archaeological Importance
ENV5 - Protection of Agricultural Land
E4 - Farm Diversification
ENV7 - The Protection of the Natural Environment
ENV13 - Exposure to Poor Air Quality
ENV14 - Contaminated Land
ENV15 - Renewable Energy

12.3 Supplementary Planning Document or Guidance

12.3.1 Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

13. CONSIDERATIONS AND ASSESSMENT

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

13.2 **A) Principle of Development**
B) Impacts on the Countryside Protection Zone
C) Impacts on biodiversity
D) Access and highway safety
E) Aircraft Safety
F) Heritage and Archaeology
G) Environmental Health
H) Flood Risk and Surface Water Drainage

I) Benefits of the scheme and the Planning Balance
J) Other Matters

13.3 A) Principle of development

- 13.3.1** 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 NPPF (2021) 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).
- 13.3.2** A significant area of land that surrounds the boundary of Stansted Airport is a designated Countryside Protection Zone (CPZ) as defined on the adopted Uttlesford Local Plan (2005) Proposals Map. The CPZ attracts its own policy requirements as stated within policy S8 of the Local Plan (2005). The application site is situated within The Countryside Protection Zone, (Parcel 6).
- 13.3.3** Policy S8 of the adopted Local Plan states that planning permission will only be granted for development that is required to be there, or is appropriate to a rural area, adding that there will be strict control on new development. Policy S8 adds that development will not be permitted if either:
- (a) new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside, or
 - (b) it would adversely affect the open characteristics of the Zone.
- 13.3.4** Paragraph 2.4 of the Local Plan (2005) speaks of the implementation of Policy S8 wherein *'Development will be largely implemented with private sector resources. Investment is anticipated by the house building industry, commercial developers, and BAA. This is realistic in the context of the area's relative prosperity'*.
- 13.3.5** The proposal cannot be tested against a fully up-to-date Development Plan. Therefore, Paragraph 11 of the NPPF (2021) is fully engaged and the proposal is assessed in line with Paragraph 8 of the NPPF (2021) to judge the sustainable merits of the scheme.

13.3.6 Paragraph 11 of the NPPF (2021) requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would ‘significantly and demonstrably’ outweigh the benefits of the proposal.

13.3.7 Paragraph 11 therefore advocates that a planning balance be made. Such a planning balance is undertaken by way of a wider assessment of the proposal against all relevant material considerations to determine if there are adverse impacts that would ‘significantly and demonstrably’ outweigh the benefits of the proposal in the planning balance.

13.4 B) Impacts on the Countryside Protection Zone

13.4.1 Paragraph 174 of the NPPF (2021) states that:
‘Planning policies and decisions should contribute to and enhance the natural and local environment by; protecting and enhancing valued landscapes’ and by ‘recognising the intrinsic character and beauty of the countryside’ including the benefits of trees and woodland.

13.4.2 The site is expansive and would utilise a significant amount of land that is designated for special protection, it being sited within the Countryside Protection Zone as defined within the 2005 Local Plan.

13.4.3 The site is included within the Uttlesford “Countryside Protection Zone Study” (LUC, 2016) identified as “Parcel 6- Bamber’s Green’. The study sought to test the robustness of the LPA’s Policy S8 of its adopted Local Plan and to identify those parcels which should be retained within the zone due to the contribution they make to the zone in terms of various defined purposes.

A quantitative evaluation was carried out on “Parcel 6” by the commissioned study in terms of its own contribution to the Countryside Protection Zone (CPZ) and assessed level of environmental impacts of new development on the parcel. The findings were as follows:

Purpose 1 To protect the open characteristics of the CPZ –*High* impact

Purpose 2 To restrict the spread of development from the airport –*High* impact

Purpose 3 To protect the rural character of the countryside (including settlement) around the airport –*High* impact

Purpose 4 To prevent changes to the rural settlement pattern of the area by restricting coalescence – *Low* impact.

It is the LPA’s stated view from this evaluation that this part of Parcel 6 should be retained as open undeveloped land given the contribution it makes to the CPZ whereby development of it as proposed would erode its sense of openness to the countryside to the detriment of this land parcel within the CPZ.

The intention of the CPZ is to provide a green “lung” around Stansted Airport as a non-statutory “mini-green belt”, to preserve the zone from incursive development. As such, it is argued that this additional environmental protection afforded by the CPZ whereby Policy S8 of the Uttlesford Local Plan has been found by the 2016 study to still be “fit for purpose” in terms of controlling such development should be seen as a reason to argue that there would not be a presumption in favour of sustainable development.

13.4.4 The application site comprises parts of two arable fields, which are subdivided by low-cut hedgerows, with occasional individual trees. To the north and west of the site is Parsonage Road. Much of the eastern side of Parsonage Road is open, without hedgerows, and with an open ditch forming part of the grassland strip alongside the road. In contrast, established hedgerows occur along other sections of Parsonage Road, albeit intermittently. Two separate important woodlands border the application site to the east (Newlands Wood and Seven Acre Wood). Agricultural fields adjoin the application site to the west and south. This area is bisected by the A120 dual carriageway which runs to the north of the B1256 and the settlement of Takeley. It is further interrupted by local roads and London Stansted Airport which is to the north/north-west.

13.4.5 Furthermore, part of a long-distance route public right of way (Harcamlow Way) runs to the south and east of the application site. There is also a public footpath which follows a loop to the west of Parsonage Road, dropping down to and following the course of Pincey Brook before returning adjacent to Parsonage Road and the A120. A further public footpath runs to the north of the site, linking Parsonage Road with a minor road to the north.

13.4.6 The applicant’s submitted landscape assessment, based on the findings of the *Braintree, Brentwood, Chelmsford, Maldon, and Uttlesford Landscape Character Assessments (CBA 2006)*, *Landscape Character Area (LCA) B10: Broxted Farmland Plateau* describes the characteristics of the landscape surrounds and places the application site within the same definition:

‘The area consists of undulating arable; the farms are large, and the landscape is open, with few trees except in blocks or near settlements. Hedgerows are intermittent and field pattern is delineated mainly by ditches or grass tracks, occasionally with trees or scrub.... Stansted Airport is a major influence on the character of the southwestern part of this area. Though screened by trees and shrubs, its buildings and tower can be seen in long views. The access roads and perimeter roads have brought an urban feel with them. The sound of aircraft is almost constant. The A120 and the B1256 cut across the southern part of this area, and a small piece of the M11 crosses the northwest corner. Water towers, telegraph poles and telecommunications masts are sometimes seen on the horizon. Despite the proximity of the airport and major roads in the south and west, there remain only winding lanes and minor roads for

access to the scattered farmsteads. Many of these lanes are sunken, with verges of varying widths, sometimes tree-lined, and often quite peaceful. Many footpaths including the Harcamlow Way cross the area. The texture of the landscape is influenced by the topography and the contrasts with trees, fields, and local building materials. Away from the Stansted flight path tranquillity is moderate to strong.'

13.4.7 The application site has a positive scenic quality due to its rolling landform and field pattern provided by its network of hedges and ditches, watercourses, and woodlands. However, this report recognises the impacts of the existing airport and its associated infrastructure on the current landscape of Parcel 6 of the Countryside Protection Zone.

13.4.8 To summarise the landscape character of the site, the value of the site and its surroundings are considered to have a medium value, it being neither of a high or low value. It is intensively farmed with a fragmented field pattern and other incursions such as agricultural buildings, gates, and signage. However, the land does provide a rural setting to Stansted Airport as part of the CPZ and there is a nearby Listed Heritage Asset in the form of the Grade II Listed Building, Le Knells Cottage to the west.

Whilst there is no recreational value to the land, nearby public rights of way allow views into the land. However, the nearby airport and roads erode any sense of tranquillity, and the site is considered not to have any exceptional qualities of landscape value in comparison to other agricultural land.

13.4.9 The recognition of the impacts of the development upon the landscape means that the scheme has been designed to mitigate its level of public visibility and harm to the landscape character. The existing mature green infrastructure, the undulating landform and the local PRow networks are positive amenity, landscape character and biodiversity assets. The proposed development has taken into consideration these assets when minimising the impacts on landscape and views. Therefore, all trees would be retained and protected as part of the proposed development and alterations to landform to accommodate the access track, substation and battery storage units would be kept to a minor level.

13.4.10 It is proposed that the existing mature hedgerows would be infilled where bare, with supplementary native planting, and existing trees shall be better managed, to retain their important boundary screening functions and landscape structure characteristics. Mitigation measures would enhance the green infrastructure contribution to the quality of the site, the wider rural character of the landscape and increase their screening function.

13.4.11 Existing hedgerows within the site would be retained and allowed to flourish to provide additional screening. It is anticipated that they would have attained a height of between 4-6m by Year 15 of the development's

lifespan. Newly planted native species hedgerows would be between 4-6m height by year 15. The proposed solar panels and security fences would be located at an appropriate distance from existing landscape features to ensure their ongoing management and maintenance.

- 13.4.12** Grassland incorporating a mix of native grass and flora species will be established between and beneath the solar panels.
- 13.4.13** The landscape and visual effects of the development shall be assessed at summer in Year 15. The proposals would be implemented, managed, and monitored to achieve their design function. As a result of the improved management of the existing vegetation and new planting proposed, the identified adverse effects of the proposed development on the landscape character and the openness of Parcel 6 of the Countryside Protection Zone would be partially mitigated and offset.
- 13.4.14** Most of the land on the site is identified on the Uttlesford District Council Constraints Map as being Grade 2 Agricultural Land. Such land is very good quality, high yielding agricultural land with minor limitations which affect crop yield, cultivations or harvesting and can support a wide range of agricultural and horticultural crops.
- 13.4.15** Local Plan policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.
- 13.4.16** There is conflict with the requirements of policy ENV5. The applicant has failed to assess whether the proposed development could be accommodated elsewhere within the substantial land holding of Stansted Airport, which may prove to be more sustainable or of a poorer quality of agricultural category. However, it is accepted that the overwhelming classification of agricultural land around Stansted Airport is classed as Grade 2, as is 80% of the agricultural land in Uttlesford.
- 13.4.17** Local Plan policy E4 allows for alternative uses of agricultural land provided the development includes proposals for landscape and nature conservation enhancement, the development would not result in a significant increase in noise levels or other adverse impacts beyond the holding, the continued viability and function of the agricultural holding would not be harmed, and that the development would not place unacceptable pressures on the surrounding rural road network.
- 13.4.18** Some conflict is identified with policy E4. Whilst it may be that there shall be some landscape impact mitigation and biodiversity enhancements resulting from the scheme, and there would not be adverse impacts beyond the holding or the rural road network, it has not been

demonstrated that the viability and function of the agricultural holding would not be harmed by way of the loss of functioning arable land.

13.4.19 When considering the long-term impacts on the openness of the Countryside Protection Zone, its openness, and the loss of a proportion of its agricultural land, are the long-term impacts of the proposed development.

13.4.20 The applicant has stated that the solar farm shall be in existence for a lifespan of 25 years. Solar Farms tend to have a limited lifespan due to the reduction of efficiency of the solar panels and the expected progress of technology that may render the site unviable. This, coupled with the increased effectiveness of proposed landscape mitigation over time, are factors that are given weight in the planning balance against the identified harm to the CPZ. It is expected that any final decision would include appropriate conditions for the decommissioning and removal of the development and the re-instatement of agricultural land.

13.4.21 The impacts on the landscape and the proposed mitigation measures shall ultimately be assessed by the landscape officer at UDC who shall directly provide written advice of their findings and conclusions directly to PIN's.

13.5 C) Impacts on biodiversity

13.5.1 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 5 of the stated Regulations, was submitted under application UTT/21/2664/SCO, where it was decided that an Environmental Impact Assessment was unnecessary.

13.5.2 Paragraph 180 of the National Planning Policy Framework (2021) states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for, then planning permission should be refused.

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

13.5.4 The application is supported by an Ecological Appraisal Report which recognises that the site comprises arable farmland, with hedgerows, scattered trees, vegetation, grassland, and some scrub. There are two statutorily designated sites and eight non-statutorily designated sites within 2 km. The site falls within two Impact Risk Zones for Sites of Special Scientific Interest.

- 13.5.5** Surveys were undertaken for Great Crested Newts (GCN), reptiles, bat activity and roosts, breeding birds, invasive species and badgers.
- 13.5.6** It was found unlikely that there are GCN on the site; all ponds within 500m returned negative results and no mitigation is required.
- 13.5.7** It was found that there is a presence of badger setts nearby, there are low numbers of foraging and commuting bats, low numbers of common lizards, and 32 species of birds of which 13 species are considered to have conservation importance. The site contains important hedgerows, trees, scrubland, and vegetation that can provide for wildlife habitats. Japanese Knotweed was found near to the site; however, it is considered that this can be managed as part of a wider management plan.
- 13.5.8** Given the above, and the details of mitigation measures as laid out in the submitted Ecological Report the development has the potential to provide a net gain of 163.48% for habitats and 29.57% net gain for hedgerows. Therefore, the proposed development would comply with the requirements of Paragraph 180 of the NPPF (2021) and Local Plan policies GEN2 and GEN7.
- 13.5.9** The application is accompanied by a Tree Survey Report and Arboriculture Impact Assessment. The tree survey assesses individual trees and groups of trees for quality and benefits within the context of proposed development.
- 13.5.10** Trees onsite appear to be good structural and physiological condition with ages ranging between young and over-mature. 104 individual trees, 11 tree groups, 4 woodlands and 14 hedges were recorded. Two of the woodlands are classed as important woodlands and are of high retention value (Category A). Both are offsite and provide landscape value to the area. There are no TPO trees or Ancient Woodlands on the site.
- 13.5.11** One tree shall be removed to facilitate the access road into the site from the west. The tree shown as T1 in the AIA is a small roadside Ash tree with no significant merit. Its removal will have negligible impact to the wider setting and therefore is deemed to be a reasonable loss. No other tree works other than supplementary planting shall be undertaken to realise the proposed development.
- 13.5.12** Below ground impact to Root Protection Areas is restricted to trees shown as T17, T32 & T45 on plan number 703 A, and is deemed to have little to no detrimental impact to the impacted trees. Tree Protection Fencing shall be erected as shown on the Tree Protection Plan (JSL3353_710A) to ensure retained trees are protected from construction activity. Given the location of landscape features and the type of proposed development, trees and hedgerows on the site can be

retained safely without undue impact or the requirement for further protection measures.

- 13.5.13** The acceptance of the proposals shall be assessed by Essex County Council Place Services (Ecology) who are the lead authority in respect to matters of biodiversity, protected species, and their habitats. Place Service will directly provide written advice of their findings and conclusions directly to PIN's.

13.6 D) Access and highway safety

- 13.6.1** Paragraph 110 (b) of the NPPF states that 'safe and suitable access to the site can be achieved for all users', whilst Paragraph 112 (c) asks that development should 'create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.'

- 13.6.2** Local Plan policy GEN1 relates to safe access and states that development will only be permitted where a) Access to the main road network must be capable of carrying the traffic generated by the development safely and c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.

- 13.6.3** The applicant has submitted a Construction Traffic Management Plan and identifies the proposed use of an existing field access from Parsonage Road to provide access for construction traffic and ongoing maintenance vehicles. The operational site would be monitored remotely; any impacts from maintenance vehicles would be negligible.

- 13.6.4** The construction access will be via an improved simple priority junction with Parsonage Road, located approximately 600m south of the Coopers End Roundabout in the position of the existing gated field access. The existing field entrance will be suitably improved to allow for all HGV movements safely to/from the site. In addition, internal access tracks will be required during the construction phase. The access tracks around the solar farm will be constructed using crushed rock / aggregate based laid over clear ground with a finer 'type 2' stone and gravel material surface. These tracks will be fully permeable and will not affect on-site drainage. It is proposed that temporary signage is used to direct construction traffic to the site along the proposed construction traffic route utilising existing street furniture.

- 13.6.5** The typical build programme will be between 30 to 40 weeks. The construction impacts from traffic are likely to be limited. The PV panels will be delivered in approximately 140 standard shipping containers by articulated HGVs spread through the 30-to- 40-week construction phase. In addition, it has been advised that the metal

frames and other plant will arrive in a similar number of HGVs to the PV panels. Therefore, the construction programme will result in circa 280 HGV movements.

Based on the shorter 30-week construction programme (6 working days Monday – Saturday) the site would be accessed by 1.6 HGVs per day spread evenly. On this basis it will be easier to schedule HGV deliveries to avoid arriving at the same time and avoid peak or sensitive periods. In addition, the site would also need to be accessed by construction workers to install the PV -panels. The on-site contractors would typically use light goods vehicles such as small vans or transit vans. It is anticipated that these would account for 3-4 light goods vehicles (LGVs) per day.

13.6.6 The applicant will appoint a Site Manager for the project and the details will be provided to ECC. The Site Manager for the project will undertake the transport co-ordination role for the site. Their main responsibilities will include:

Managing the implementation of the CTMP.

Vehicle scheduling.

Checking for scheduled road works on the local highway network.

Dealing with any complaints; and

Acting as a point of contact for employees, contractors, highway authority, planning authority and the public.

13.6.7 The acceptance of the proposed vehicle access point and the Construction Management Plan will ultimately be assessed by the highway authority in respect to matters of highway safety, traffic congestion, intensification, and accessibility. The highway authority will directly provide written advice of their findings and conclusions directly to PIN's.

13.7 E) Aircraft Safety

13.7.1 Given the location of the site, adjacent to Stansted Airport, the applicant is reminded that action may be taken against anyone found in contravention of the Air Navigation Order ("Order"). In contravention of the following provisions under that Order: -

Part 10: 240: A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft.

Part 10: 241: A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.

13.7.2 Therefore, the proposed solar panel development is accompanied by a 'Solar Photovoltaic Glint and Glare Study' to assess any possible impacts upon aviation activity associated with Stansted Airport.

13.7.3 The results of the study are as follows:

No impacts are predicted upon personnel in the ATC tower and no mitigation is required.

No significant impacts are predicted upon pilots on approach to the runways assessed at London Stansted Airport.

Glare is possible towards positions within the visual circuits at Stansted Airport. The glare intensity is mostly 'low potential for temporary after-image', which is acceptable even for pilots on final approach.

- 13.7.4** The acceptance of the submitted 'Solar Photovoltaic Glint and Glare Study' will ultimately be assessed by the safeguarding authorities at Stansted Airport, NATS (En Route) Public Limited Company and MAG Aerodrome Safeguarding who will directly provide written advice of their findings and conclusions directly to PIN's.

13.8 F) Heritage and Archaeology

- 13.8.1** Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the decision maker 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. This responsibility is enshrined in Section 16 of the National Planning Policy Framework, and subsequently transposed into Local Plan policy ENV2 which requires that development affecting a listed building should be in keeping with its scale, character, and surroundings, adding that development proposals that adversely affect the setting and alterations that impair the special characteristics of a listed building will not be permitted.

- 13.8.2** The site is near to a Grade II Listed Building known as Le Knells Cottage. The Listed Building is located approximately 275 metres to the west of the proposed development. Given the separation distance and the low level of the proposed scheme, the development would not cause significant harm to the setting of the heritage asset.

- 13.8.3** Local Plan policy ENV4 ensures the protection of Ancient Monuments and Sites of Archaeological Importance, whether they are scheduled or not. Development will not be permitted until satisfactory provision has been made for a programme of archaeological investigation and recording prior to commencement of the development.

- 13.8.4** As advised in the screening response to UTT/21/2664/SCO, the Historic Environment Record indicates that the proposed development lies within a sensitive area of heritage assets. The County Council Archaeology commented that the area may be subject to important Archaeological remains. As such the applicant has submitted an archaeological desk-based assessment which has received a consultation response from the ECC Historic Environment Advisor. They state that in line with the National Planning Policy Framework (2021), Paragraph 205, conditions should be added to any approval decision whereby an archaeological programme of investigation is undertaken.

13.8.5 The proposed development lies within an area where extensive archaeological evaluation has already been undertaken during the proposed development of Stansted G2 comprising trial trenching over most of the area. This has shown extensive archaeology in the area comprising Prehistoric, Roman, and medieval occupation which is described in the submitted desk-based assessment. The most significant archaeology comprises prehistoric settlement evidence identified in the trial trenching extending over part of the development area. The submitted desk-based assessment identifies these deposits but does not consider any way in protecting these as part of the development. On several solar park sites discussions have led to changes in construction design to minimise or in most cases virtually remove the need for ground disturbance in areas of archaeological significance. This has not occurred to date on this application and therefore the following recommendation is being made to ensure appropriate recording of the archaeological deposits where required.

13.8.6 The acceptance of the submitted archaeological assessment, the suggested archaeological conditions, and the impact of the development on the setting of Le Knells Cottage will ultimately be assessed by the Planning Inspectorate.

13.9 G) Environmental Health

13.9.1 Paragraph 130 of the NPPF states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

13.9.2 Local Plan Policy GEN2 requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties.

13.9.3 Residential dwellings are sited at distances of between 275 and 300 metres to the west, and 350 metres to the southwest of the boundaries of the application site. Within responses to other solar farm applications in the district the Uttlesford Environmental Health Officer has advised that noise associated with the operational phase of such development is considered unlikely to cause any adverse impacts. Given this, the separation distances from residential dwellings and the existing background noise arising from the airport and highways, it is considered unlikely that there would be adverse noise impact on any neighbouring occupants of residential houses. Furthermore, the proposal would not result in a material detrimental impact on the living conditions of the occupants and future occupants of nearby dwellings, by way of an overshadowing or overbearing impact and the proposal would comply with Local Plan policy GEN2.

13.9.4 Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that

final ground conditions are fit for the end use of the site in accordance with policy ENV14 of the adopted Local Plan.

13.9.5 The applicant has submitted a Phase 1 Preliminary Risk Assessment for contamination (RPS, REV 2 April 2022) wherein no significant potentially contaminative current or historical land uses have been identified on the site, with potential contaminants likely to be limited to herbicides, pesticides and fertiliser associated with agricultural land use. There is the potential for a degree of contamination to be present within Made Ground beneath the roads along the proposed cable route; however, the cable route is not considered a sensitive receptor to this potential contamination.

13.9.6 Considering the findings of the Phase 1 desktop study it is reasonable to suggest a condition by which any contamination that is discovered during the construction of the development shall be reported to the LPA and steps shall be taken for remediation.

13.9.7 The impacts of the development on Environmental Health and subsequent amenity shall ultimately be assessed by the Environmental Health Officer at UDC who shall directly provide written advice of their findings and conclusions directly to PIN's.

13.10 (H) Flood Risk and Surface Water Drainage

13.10.1 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. A check of the Environmental Agency's website and the Councils policy maps has identified the site is within a fluvial Flood Zone 1 and therefore at a Low Risk of flooding.

13.10.2 Major developments must include sustainable drainage details to ensure that the risk of flooding is not increased to those outside of the development and that the development is future proofed to allow for increased instances of flooding expected to result from climate change.

13.10.3 The applicant has submitted a Flood Risk Assessment and a Sustainable Drainage Strategy. No significant risk of flooding has been identified and the bottom of the proposed solar panels would be elevated at 800mm above surface level to help mitigate any risks.

13.10.4 The submitted report (RPS, January 2022) is not intended to provide formal details of the final drainage design for the development. However, it provides information regarding the capabilities of the conceptual surface water drainage strategy to meet the requirements of the NPPF. Therefore, a request for a more detailed strategy is requested by way of a suggested planning condition. This may then be reviewed by the Local Lead Flood Authority and the Environment Agency.

13.10.5 The impacts of the development on the flood risk, any increase in surface water and its drainage and mitigation shall ultimately be assessed by the Local Lead Flood Authority at ECC who shall directly provide written advice of their findings and conclusions directly to PIN's.

13.11 I) Benefits of the scheme

13.11.1 Paragraphs 14.4.3, 14.4.16 and 14.4.18 of this report have identified that there would be harm caused to the Countryside Protection Zone contrary to Local Plan policy S8 and that there is conflict with Local Plan policies ENV5 and E4. However, within the assessment of the accordence of the proposal towards these policies, it is recognised that the proposed solar farm has a limited lifespan, the remediation of which may be controlled by planning conditions.

13.11.2 Paragraph 8 of the NPPF (2021) outlines the aspects of development whereby a scheme may be classified as sustainable. These reflect the social, environmental, and economic roles that the scheme may play or deliver. In other words, the benefits of the scheme, which are in this case weighed against the harm and conflict identified in Paragraphs 14.4.3, 14.4.16 and 14.4.18 of this report.

13.11.3 Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. Local planning authorities are responsible for renewable and low carbon energy development of 50 megawatts or less installed capacity (under the Town and Country Planning Act 2008 Section 15 (2c), an amount that forms a significant contribution towards the district and County's renewable energy production.

13.11.4 The applicant has advised that it is estimated that the proposed development would generate approximately 14.3MW of renewable energy, which shall eventually provide approximately enough energy to power the electricity needs of the Stansted Airport site, allowing flexibility for some extra supply needs. For the initial 5-7 years that the proposed installation is functional, any surplus energy production shall be diverted to other airport sites within the Manchester Airport Group, prior to the power being required by Stansted Airport. As such the provision of the battery installation to the northwest of the site shall not be expected until 5-7 years after the site becomes active. These renewable energy benefits are significant and are weighed against the identified impacts and the mitigation of those impacts.

13.11.5 In June 2019, the Government raised the UK's commitment 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, there is an agreement to legislate a new target to reduce national emissions by 78% by 2035, with the target due to be enshrined in law. This builds on the nation's new Nationally Determined Contribution (NDC) to the Paris Agreement, which will see the UK

reduce emissions by 68% by 2030 compared to 1990 levels. Decarbonising the power sector is integral to achieving these targets and requires major investment into renewable technologies, such as solar power, which are supported by planning policy at both local and national levels.

13.11.6 Paragraphs 152 and 155 of the NPPF (2021) advocate the transition to a low-carbon future including support for renewable energy production and its associated infrastructure, whereby development may draw its energy supply from renewable systems.

13.11.7 At a local level, Uttlesford District Council voted to declare a climate emergency in August 2019 and are committing to realistic, measurable, and deliverable targets that define how the Council will achieve net-zero carbon by 2030. Further, in February 2021 Uttlesford District Council adopted its Interim Climate Change Planning Policy.

13.12 J) Other Matters

13.12.1 Section 62A Process

13.12.2 From 1 October 2013 the Growth and Infrastructure Act inserted two new provisions into the Town and Country Planning Act (1990) ('the Act'). Section 62A allows major applications for planning permission, consents and orders to be made directly to the Planning Inspectorate (acting on behalf of the Secretary of State) where a local planning authority has been designated for this purpose.

13.12.3 The Planning Inspectorate will appoint an Inspector to determine the application. The Inspector will be provided with the application documents, representations and any other relevant documents including the development plan policies. Consultation with statutory consultees and the designated LPA will be carried out by the Planning Inspectorate.

13.12.4 The LPA also must carry out its normal notification duties, which may include erecting a site notice and/or writing to the owners/occupiers of adjoining land.

13.12.5 The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days, in this case by 07.07.2022. This should include a recommendation, with reasons, for whether planning permission should be granted or refused, and a list of conditions if planning permission is granted.

13.12.6 The Planning Inspectorate will issue a formal decision notice incorporating a statement setting out the reasons for the decision. If the application is approved the decision will also list any conditions which are considered necessary. There is no right to appeal.

13.12.7 Section 106

- 13.12.8** Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations.
- 13.12.9** Relevant statutory and non-statutory consultees will directly provide PIN's their formal consultation response in respect to the proposals which may or may not result in the need for obligations to be secured by a Section 106 Legal Agreement.
- 13.12.10** However, the LPA in recommending support for the scheme strongly recommend that a Section 106 Agreement under the terms of the Town and Country Planning Act 1990, (as amended) shall be entered into for the proposed development. The suggested Heads of Terms of which are listed below.
- 13.12.11** 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 cost of decommissioning,
An explanation of the calculation of the cost of decommissioning,
The physical plan for decommissioning,
A broad understanding of the land ownership and current tenancy agreement,
A surety or bond, letter of credit, or cash escrow held by an appropriate insured financial institution. to cover the cost of decommissioning,
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.
- 13.12.12** Such an Agreement will be secured in advance of the release of any planning permission.
- 13.12.13** The heads of terms of the S106 (Paragraph 17.2) are to provide protection to the local authority. The obligation to review and update the decommissioning estimate a bond or deposit every 5 years would give the local authority additional protection with the updates for salvage, disposal, equipment, and labour costs.
- 13.12.14** A bond or deposit shall be secured to provide the local council with funds that would cover their time and costs in covering for a contractor to

perform the decommissioning work if the developer walks away from the project.

14.0 ADDITIONAL DUTIES

14.1 Public Sector Equalities Duties

14.1.1 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.

14.1.2 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.

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

14.2 Human Rights

14.2.1 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 considered in the determination of this application.

15.0 CONCLUSION

15.1 As set out in this report, the proposed development will cause some harm to the openness of the CPZ and is contrary to Local Plan policy S8, however there is a case for the landscape mitigation of such impacts. Further, the proposal conflicts with other Local Plan policies relating to the use of agricultural land. These impacts would be long-term, over 25 + years but ultimately temporary due to the future decommissioning of the site.

The proposal is in accordance with other Local Plan policies which, although they are attributed with varying weightings, they closely reflect the requirements of the NPPF (2021) as a whole. Where there is conflict with Local Plan policies, adequate mitigation measures are proposed.

However, the proposed benefits of supplying enough renewable energy to meet the needs of a major transport hub, Stansted Airport, cannot be

underestimated and are considered to outweigh the temporary and reversible harm caused by the proposed solar installation. As such, when assessed against the criteria of Paragraph 11 (d) of the Framework, the application of policies in the Local Plan and the Framework provides no clear reason for refusing the development and the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits of the supply of renewable energy, when assessed against the policies in the Framework.

As such, the 'tilted balance' weighs towards the approval of this application, subject to suggested Section 106 details and planning conditions.

16.0 Conditions/S106

16.1 Section 106 Heads of Terms

- 16.2**
- I. Decommissioning of the PV Plant and associated infrastructure
 - II. Pay the Council's reasonable legal costs
 - III. Pay the monitoring fee

16.3 Conditions

- 1** The development hereby permitted shall be begun before the expiration of 3 years from the date of the final 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 S8 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2021.

- 3** The development shall be carried out in accordance with the details of the submitted Construction Traffic Management Plan (CTMP, RPS February 2022).

REASON: To ensure safe access and egress of vehicles to and from the site, that on-street parking of 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 Policy GEN1.

- 4** 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 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 network is mitigated in the interests of highway safety and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 5** 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. 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.)

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 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 S8 of the Uttlesford Local Plan (adopted 2005).

- 6** No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA

REASON: To ensure an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

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

REASON: The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 8** No works shall take place until a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policy GEN3 of the Adopted Local Plan and the NPPF. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 9** 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).

- 10** A mitigation strategy detailing the excavation/preservation strategy for the proposed development and the protection of underground archaeological deposits shall be submitted to the local planning authority.

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

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: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 11** A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:

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

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

and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species)

- 12** 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 contour plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To 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)

- 13** A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- 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 Policy GEN7 of the Adopted Local Plan and the NPPF.

- 14** The proposed development hereby approved shall be constructed in accordance with the Tree Survey, Tree Protection Plan and AIA prepared by RPS (January 2022) unless otherwise agreed by the Local Planning Authority.

REASON: To ensure the protection of the protected trees on the site in accordance with Policy ENV3 of the Adopted Local Plan and the NPPF.

APPENDIX A

Uttlesford District Council

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 2017, (as amended)

ENVIRONMENTAL IMPACT ASSESSMENT

SCREENING APPLICATION: UTT/21/2664/SCO

PROPOSAL: Request for Screening Opinion for proposed solar farm

LOCATION: Land East of Coopers End Road Takeley

SCREENING OPINION

Under Regulation 5 of the above Regulations the authority is required to adopt an opinion (a **SCREENING OPINION**) as to whether an Environmental Impact Assessment (an **EIA**) is required in relation to the above planning application that has been submitted to it.

The Local Planning Authority (LPA), Uttlesford District Council, has considered the proposals and its **SCREENING OPINION** is that:

AN EIA IS NOT REQUIRED

The considerations, in coming to this decision are as follows:

Schedule 1

The proposal does not fall within Schedule 1 of the Regulations that would require mandatory Environmental Impact Assessment (EIA).

Schedule 2

Schedule 2 identifies 13 different categories, of which Class 3 is 'Energy Industry' and a) relates to 'Industrial installations for the production of 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.

Uttlesford DC as Local Planning Authority conclude 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.

Schedule 3 – Criteria for Column 2 of Schedule 2

Schedule 3 of the Regulations sets out selection criteria which must also be taking into account in determining whether the development is likely to have significant effects on the environment.

These criteria are identified under 3 separate headings and I shall deal with each in turn.

Characteristics of Development

The site consists of approximately 22.5ha of agricultural land. The application shows the general heights and indicative layout of the solar panels.

A project of this scale would require the use of natural resources, most notably the use of agricultural land and an application of this proposal is of such a scale that Natural England have been consulted on the loss of best and most versatile agricultural land, and the impacts of the proposal on the landscape, geodiversity and biodiversity receptors; the LPA would draw to your attention to the Natural England response to this Request dated 1st September 2021.

The location of the site and the current use of the land the proposals are likely to result in less than significant impacts in respect of biodiversity. However, it is noted that a strip of Woodland to the east and northwest corner, which borders the site. The hedgerows bordering the arable fields are likely to meet the criteria for Priority habitat.

Furthermore, the ECC Place Services Ecology have been consulted. Their comments are available online. The Ecology Team have stated that it is unclear whether the Ecological Impact Assessment has been done in conjunction with Essex Field Club & Essex Wildlife Trust Biological Records Centre and should be shared and completed with these parties. A Ecology Statement and Assessment is required as part of the planning application and suitable mitigation measures are required.

In Highways and Transportation terms, the application needs to be supported by a Transport Statement (TS); further, Essex County Council as Local Highway Authority have their own pre-application. It is advisable to engage the Highway

Authority separately. The Highways have commented that any application submitted needs to be supported with a Transport Statement. This should also include:

1. The operational traffic and the daily and peak hour construction traffic forecast to be generated by the proposal including likely size of vehicles, frequency, construction operational hours etc.
2. Details of the access including visibility splays and vehicle swept path analysis.
3. A detailed traffic Construction Management Plan (CMP) to consider and control the impact of construction of the proposal including but not limited.
 - a. Routing of vehicles
 - b. Safe access into the site.
 - c. The parking of vehicles of site operatives and visitors.
 - d. Loading and unloading of plant and materials.
 - e. Storage of plant and materials used in constructing the development.
 - f. Wheel and underbody washing facilities.
 - g. Before and after survey and subsequent repair of any damage to the highway
4. An assessment of the visibility of the solar farm from the highway and an assessment of glint and glare pertaining to highway safety should be carried out.

In terms of cumulative developments, this proposal would need to be considered in relation to the adjacent developments, especially the developments south of the site, across the A120 and other existing landscape features surrounding the site. In addition, landscape character assessments for cumulative impacts will also need to consider, particularly for users of the public rights of way networks, both within and surrounding the footpath network.

The production of waste is unlikely to be significant. Noise, dust and vibration nuisances are highly probable during the construction phase. Some of the impacts can be mitigated by way of a Construction Environmental Management Plan, although this hasn't been stated in the Screening Opinion. Noise would be generated as part of the operational phase, but this is unlikely to be significant.

The risks of accidents should be low given the nature of the development. However, the Safeguarding Authority have commented that there are two areas of concern that will need to be addressed:

1. The potential for the solar array to create a Glint and Glare hazard to pilots – we will need the developer to supply a Glint and Glare assessment from an aviation (Stansted Airport) perspective.
2. Solar arrays are known to be attractive sites for birds, we would appreciate sight of the plans to mitigate against this problem.

The site is not located within or adjacent to a Flood Zone and therefore, subject to

appropriate mitigation measures, should not give rise to increased flooding risks. The risk of accidents is low. The risks to human health are required to be considered as part of the application. Whilst risks arising from potential pollution or water contamination are likely to be low, the main impact is likely to arise from noise during the operational phase. As noted above, the impacts are likely to be low. The working hours (both construction and operational) do not appear to be specified; however, these can be controlled through conditions should a planning application be submitted, and planning permission be granted.

It is considered that even though the scheme exceeds the thresholds on balance the size of the proposal, the accumulation of it with other developments and its surroundings, the use of natural resources, the production of waste, the likelihood of significant additional pollution or other nuisances and the risk of accidents are such that there will not be a significant effect on the environment; this is considered particularly the case as the traffic associated with the proposed development, which has current capacity and air quality issues.

However, this would be further justified and demonstrated through the submission of specialist reports, refer to section below on Characteristics of Potential Impact.

Location of Development

The proposed development site is located outside the Development Limits of Takeley, and it is located within countryside.

The proposed site is used for arable agricultural purposes. There would be a loss of agricultural land, although at this time it is not known if it constitutes Best and Most Versatile Land. There are various levels of landscaping around the perimeter of the site.

The proposed development would result in change of visual appearance from an area that appears rural, together with the possible creation of new and transferred habitats as part of a landscaping scheme, new water features/wetland creation and possible removal of trees.

The subject area falls within a sensitive area by reason of the following.

The site falls within Flood Risk Zone 1 which has a low risk of flooding. The area falls within a ground water protection zone and any works would need to adhere to British Standards.

The site as a whole falls within building height restriction zones due to flight paths in connection with London Stansted.

The area falls within the open countryside. Due to the sites rural farm complex appearance the site would appear to form part of the wider countryside. The proposed development is likely to have a visual impact upon the countryside and, west to east and possibly the site viewed across the fields from the north and south.

The site falls within a SSSI consultation zone, together with a Local Wildlife zone at Priors Wood. Public Rights of Way cross the site

The application site lies east of a designated Air Quality Management Area (AQMA).

No technical documents have been submitted, such as:

- Transport Assessment
- Phase 1 Contaminated Land Report
- Noise Assessment
- Landscape and Visual Impact Assessment
- Flood Risk Assessment
- Economic Benefit Assessment
- Ecology Report
- Air Quality Assessment
- Heritage Statement
- Glint and Glare assessment
- Power line asset assessment
- Legacy planting

Characteristics of Potential Impact

There are recognised sensitive areas of the site and of the proposed development. There would be possible wildlife habitats as a result of trees and hedges on site's margins, and the changing ground levels. The associated intensification as a result of the proposed development is likely to have impact in terms of noise and disturbance, with possible litter/pollution.

As part of any application submission a *Tree survey, arboriculture implication assessment and method statement*, must be undertaken and submitted. A Landscape and Visual Impact Assessment has to be assessed. The site is open fields and therefore would be visible from long views. The objective within the Scoping Opinion is to provide a response on whether an Environmental Impact Assessment is needed or not. There are no details of scale and massing nor layout of the estate within the Visual Impact Assessment and this would need further development.

The applicant is reminded that the Council declared a **Climate and Ecology Emergency** at its full council meeting on 30 July 2019. A Climate Change Strategy has been adopted by the Council. The link below provides details of this: [CLIMATE CHANGE STRATEGY.pdf \(moderngov.co.uk\)](#)

The applicants will have to address the issues raised and a **Sustainability Statement** will be required to show this.

An *Ecological Report* will be required. The Ecology Team and Natural England have been consulted. The Ecology Team and Natural England have responded. Their comments are online and they confirmed that the site is not within any protected designation.

Whilst the Screening Opinion Request notes that an assessment of heritage assets will need to be undertaken as part of the application, it should be noted that the proposed development area contains potentially significant archaeological remains.

Initially a desk-based assessment will be required and, depending on its results, there is the potential that a programme of archaeological ground truthing evaluation will be needed to assess the significance of any heritage assets on the site to inform the planning application.

As part of the desk-based assessment it is recommended that the cropmarks be digitally rectified as part of this process. Also, there should also be an assessment of the proposed construction technique to be used for the solar farm and how much ground disturbance is proposed. The retention of all cables above ground can significantly reduce the heritage impact on below ground deposits for instance.

Whilst Uttlesford DC note your identification of Heritage Assets, as sites close to the site have been subject to Screening Opinions and archaeological finds are shown, Essex County Council Place Services Heritage have not to date responded to the Uttlesford DC consultation request within the agreed extended timeframe. In any event, I note that you will be submitting a Heritage Assessment, which should include reference to built Heritage Assets and Archaeology.

The site is located adjacent to an accessible village at Takeley. However, the proposed scheme would still result in the creation of additional traffic within the locality due to the new dwellings with public open space being proposed

A *Transport Assessment* has not been submitted and the Highway Authority have not commented. One of the main concerns that would need to be addressed is the level of predicted vehicle movement as part of the proposed development, junction capacity and the related air quality impact, particularly on the adjoining Air

Quality Management Area. This does not warrant the requirement of an EIA.

Due to the scale of the proposed development this would need to be demonstrated through an *Air Quality Assessment*, both in terms of construction works and daily vehicle movement resulting from this development and the cumulative impact from other committed developments.

Both the Transport and the Air Quality Assessment would need to take into account the cumulative impact of other committed developments.

The Environment Health have commented that the proposal should including lighting and construction management plan in any application. This would not necessarily mean that an Environmental Impact Assessment is required.

With regards to any visual impact as a result of the development a *Design and Access Statement* and *Visual Landscape Assessment* would need to be submitted as part of any application submitted and is an aspect that would be assessed as part of any application determination.

The proposal is in a open area and planting for the site will be critical for the site in long term. The issue of legacy planting will require long term views of providing planting for the term of the project.

Waste Management in terms of methods of reducing, re-using and recycling waste in accordance with national legislation, together with a *Sustainability Strategy* outlining various energy saving features that have been adopted within the design and proposed to be used would need to be considered as part of the application. This should outline how it would reduce the developments carbon footprint in line with emerging Interim Council Policy and national legislation.

A *Flood Risk Assessment* is required as part of the planning submission due to the size of the site area. It would need to be demonstrated that the proposed scheme would create a neutral affect or betterment and that it would not increase the risk of flooding to other areas, which could also be achieved through proposed mitigation measures.

Due to the agricultural use of the site and the neighbouring commercial activities there is the potential for contamination on the subject site. An investigation of the site has been undertaken and submitted as part of *Phase 1 Desktop Study*.

The proposed development falls within building height restrictions, however relevant airport authority bodies may need to be consulted of any landscaping scheme so as to not impact upon airstrikes.

Historical impact, ecology, nature conservation, noise, traffic, sustainable drainage including flooding and sustainable construction, would need to be assessed and monitored during the course of assessing the application and possibly during the duration of the works should planning permission be granted. There are a number of points which could be suitably addressed through the imposition of conditions should planning permission be granted in the future.

The **Historic Environment Record** indicates that the proposed development lies within a sensitive area of heritage assets. A Heritage Statement has not been supplied. The County Council Archaeology have commented that the area is subject to Historical Archaeological remains. A desk-based study should be submitted as part of the planning application. The details should include construction techniques to be used for the development.

The subject area does not fall within an environmentally sensitive area as outlined in Regulations and supporting guidance. The proposed development is not one with complex and potentially hazardous effects and hence is not considered that it would not have complex, long term or irreversible impacts as outlined in Regulations and supporting guidance for the reasons discussed above.

The potential impact of the development has been considered considering of planning policy requirements, which would mitigate the environmental impact. After considering the above factors it is the Council's opinion that the development **does not** require an EIA provided the measures listed above are undertaken during the designing and construction of the proposed scheme.

The Local Planning Authority has considered the 'selection criteria' in Schedule 3 of the Regulations and has concluded that the proposal **would not be likely to have a significant effect on the environment both in isolation and cumulative combination of other committee development.**

Signed: Amit Patel

Dated: 20 September 2021