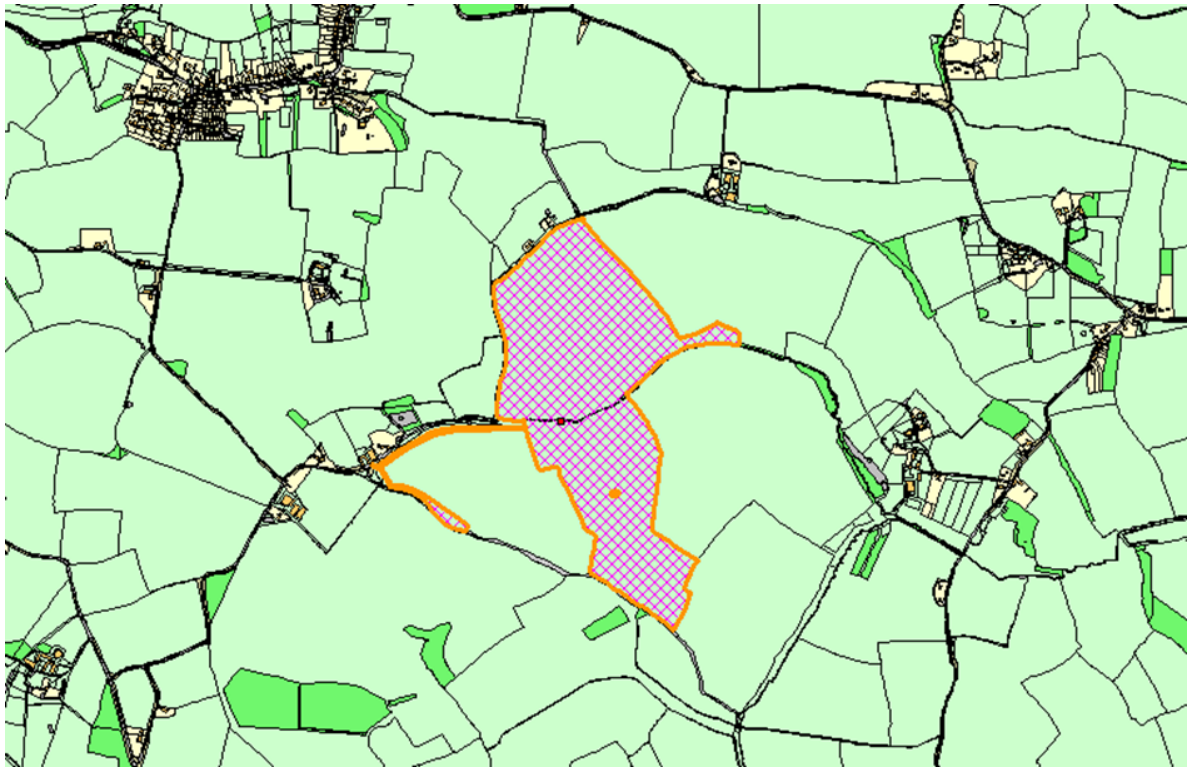


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|---------------------------------|---------------------------------------|
| ITEM NUMBER: | 8 |
| PLANNING COMMITTEE DATE: | 5 April 2023 |
| REFERENCE NUMBER: | UTT/21/0688/FUL |
| LOCATION: | Land At Cole End Lane, Wimbish |

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 17/03/2023

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: 08/06/2021

EOT Expiry Date: 7/4/2023

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

1. EXECUTIVE SUMMARY

1.1 This planning application was approved by the Planning Committee on the 6 July 2022, subject to a S106 agreement for the decommissioning of the solar farm.

1.2 A S106 agreement has been completed and as per requested this has been brought back to the Planning Committee to be ratified.

1.3 The S106 provides sufficient detailing to secure the decommissioning of the development and secure the costs of decommissioning through bond or deposit.

2. RECOMMENDATION

That the Director of Planning be authorised to **GRANT** planning 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 of Planning shall be authorised to **REFUSE** permission following the expiration of a 6-month period from the date of Planning Committee.

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 abuts 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 south west 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.

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 undertaken, 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

No further responses have been received following the approval of the planning application on the 6/7/2022.

9. PARISH COUNCIL COMMENTS

9.1 No further comments have been received following the approval of the planning application on the 6/7/2022.

10. CONSULTEE RESPONSES

10.1 No further responses have been received following the approval of the planning application on the 6/7/2022.

11. REPRESENTATIONS

11.1 No further comments have been received following the approval of the planning application on the 6/7/2022.

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)
- Stebbing Neighbourhood Plan (made July 2022)
- Saffron Walden neighbourhood plan (made October 2022)
- Ashdon Neighbourhood Plan (made December 2022)
- Great and Little Chesterford neighbourhood Plan (made February 2023)

13. **POLICY**

13.1 **National Policies**

- 13.1.1 National Planning Policy Framework (2021)

13.2 **Uttlesford District Plan 2005**

Policy S7 – The countryside Policy
Policy GEN1- Access Policy
Policy GEN2 – Design Policy
Policy GEN3 -Flood Protection Policy
Policy GEN4 - Good Neighbourliness Policy
Policy GEN6 - Infrastructure Provision Policy
Policy GEN7 - Nature Conservation Policy
Policy GEN8 - Vehicle Parking Standards Policy
Policy ENV2 - Development affecting Listed Buildings Policy
Policy ENV3 - Open Space and Trees, Policy
Policy ENV4 - Ancient monuments and Sites of Archaeological Importance
Policy ENV5 - Protection of Agricultural Land Policy
Policy E4 – Farm Diversification

13.3 **State name of relevant Neighbourhood Plan in this title**

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. **DETAILS OF S106**

- 14.1 **Schedule 1** - Developers Obligation, include the following:

The development shall not be Implement the Development until the Decommissioning Plan has been submitted to and approved in writing by the Council (such approval not to be unreasonably withheld or delayed) and details of the Decommissioning Bond or the Deposit are provided.

The Decommissioning Plan shall include:

- Reference to the anticipated life of the Development;
- An overview of how the Development will physically be Decommissioned,
- Evidence of the anticipated cost of Decommissioning the Development at the date of submission of the Decommissioning Plan,
- Evidence of the Decommissioning Cost projections for the 5th, 10th, 15th, 20th, 25th, 30th and 35th anniversaries of the Date of Final Commissioning,
- The Salvage Value of the Development at the date of submission of the Decommissioning Plan, and Salvage Value projections for the Anniversary Dates,
- An assessment of the market for securing decommissioning of developments similar in nature and size to the Development as at the date of the Decommissioning Plan.

14.2 Decommissioning Amount- means the Decommissioning Cost minus the Salvage Value

Decommissioning Bond- means the bond to underwrite the Decommissioning Amount

Decommissioning Plan- means the Decommissioning Plan to be provided by a licensed and appropriately qualified civil engineer

14.3 The Decommissioning Plan, the Decommissioning Amount, and the Decommissioning Bond or Deposit (as appropriate) shall be reviewed and updated at every 5-year anniversary date for the lifetime of the development until the date of decommissioning, this shall be submitted to the Council for approval in writing.

14.4 If the decommissioning amount is nil or a net receipt to the developer, then no decommissioning bond or deposit shall be required for that period (and the Council shall be notified accordingly in writing).

14.5 If the decommissioning amount would result in a net loss to the Developer then a decommissioning bond or deposit would be provided to the council.

14.6 Schedule 2 - Council's Obligations

14.7 In the event of a material breach of the planning condition (contained within the Planning Permission), the Council shall:

- Call in the Decommissioning Bond to the value of the Decommissioning Amount and arrange for the Decommissioning of the Development in accordance with the Decommission Plan.
- Call in the Decommissioning Bond to the value of the Decommissioning Amount and arrange for the Decommissioning of the Development in accordance with the Decommission Plan.

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 S106 provides sufficient detailing to secure the decommissioning of the development and secure the costs of decommissioning through bond or deposit.

16.2 The decommissioning cost will be provided prior to the commencement of the development and then every 5 years, if the cost to decommissioning

the development would result in net loss to the developer then a decommissioning bond or deposit would be secured.

16.3 The S106 provides sufficient details for the Council to decommission the development if there is a material breach of the developers obligations.

16.4 It is therefore recommended the application is approved subject to the completion of the S106 agreement and conditions set out in the committee report (approved 6th July 2022).

17. RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO COMPLETION OF S106 LEGAL OBLIGATION