



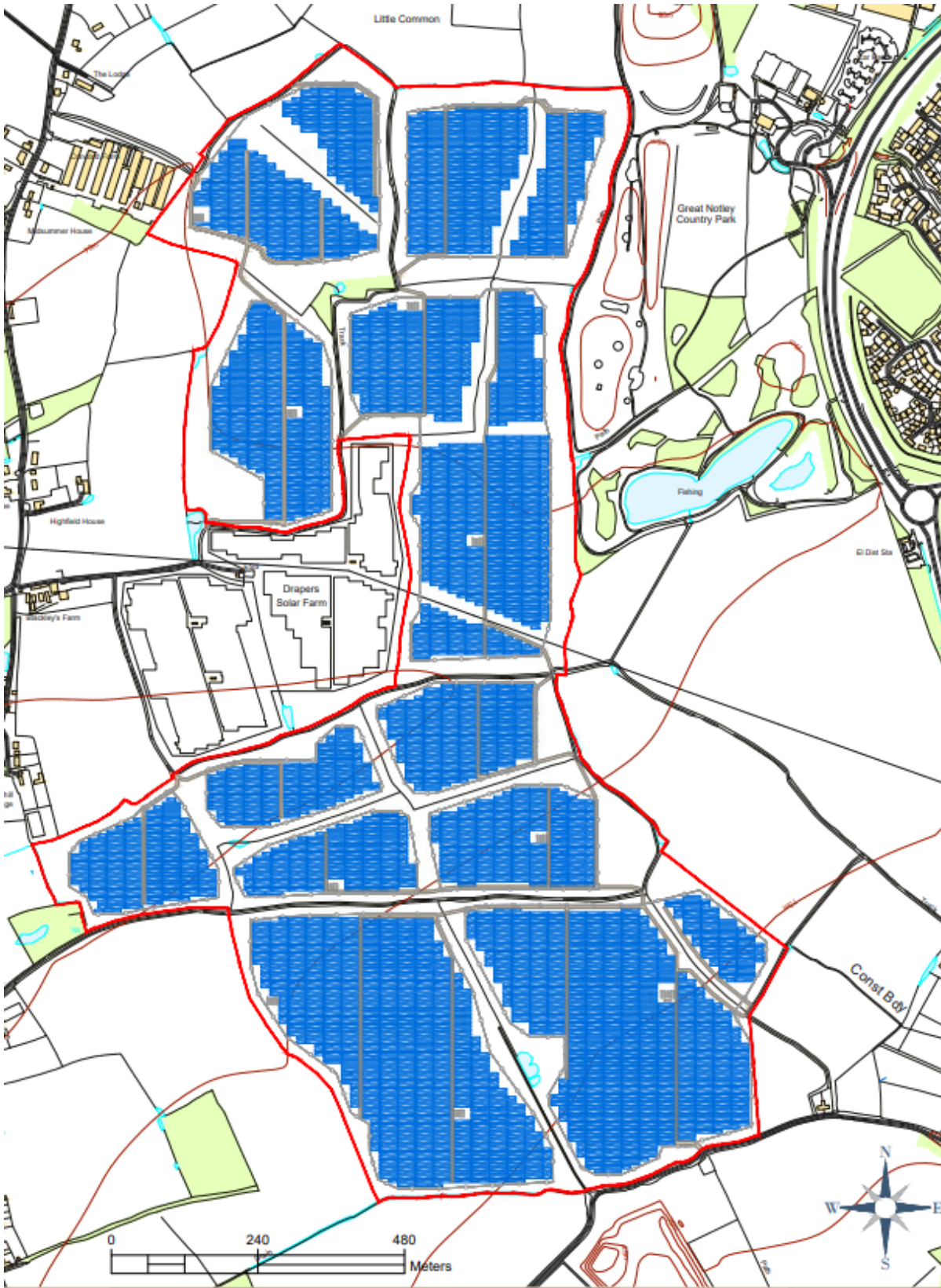
ITEM NUMBER: 9

PLANNING COMMITTEE DATE: 30 August 2023

REFERENCE NUMBER: UTT/22/0007/FUL

LOCATION: Land East of School Road and Main Road,
Felsted,

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: July 2023

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

APPLICANT: Clearstone Energy Ltd

AGENT: DLP Planning Ltd

EXPIRY DATE: 7 April 2022

EOT Expiry Date 1 September 2023

CASE OFFICER: Mr Lindsay Trevillian

NOTATION: Outside Development Limits, Adjacent Public Right of Way (PROW), Part Archaeological Site, Flood Zone 1.

REASON THIS APPLICATION IS ON THE AGENDA: Major Planning Application

1. EXECUTIVE SUMMARY

1.1 A resolution was made to approve this planning application by the Planning Committee on 3rd August 2022, subject to conditions and a S106 agreement which amongst other obligations was to include details for the decommissioning of the solar farm.

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

1.3 The S106 provides sufficient detailing to secure the decommissioning of the development and secure the costs of decommissioning through bonds and deposits.

2. RECOMMENDATION

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

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

And

If the freehold owner shall fail to enter into such an agreement, the Director 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 area of land subject to this full planning application relates to the land known as 'Land East of School Road and Main Road, Felsted, Essex.' The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.
- 3.2** The site is located on agricultural land located between and to the east of the small hamlets of Willows Green, Bartholomew Green, Molehill Green and Ranks Green. The larger settlements of Great Notley and Braintree are located approximately 470m and 2km retrospectively to the east and northeast of the site. The site lies 4.3km to the west of National Grid's Braintree substation.
- 3.3** Great Notley Country Park abuts the eastern boundary of the site with further residential properties located beyond. To the south and opposite Blackleys Lane is Chelmsford City Racecourse and a quarry. In the wider area to the west there are agricultural fields up to and beyond School Road and the site areas wraps around an existing solar farm known as Drapers Solar Farm. To the north there are also further agricultural fields extending up to the A120 and industrial buildings known as Concord farm abuts the northern boundary. The wider area contains scattered farms and other residential properties.
- 3.4** The site area is approximately 114 hectares in overall size and is made up of 12 irregular shaped agricultural fields which are used for a mix of crop production and pasture. A topographical survey has been produced which shows the site contains undulating slopes throughout with slight variation in levels, but overall, the site generally is relatively level.
- 3.5** The sites boundaries and internal fields are made up of either linear tree groups or managed hedgerows and ditches. The local landscape can be described as rural with the occasional domestic dwellings, farmsteads and associated agricultural buildings.
- 3.6** There are no designated heritage assets located within the site. The nearest conservation area being the village of Rayne 1km to the north of

the site. There are several listed buildings within the surrounding hamlets and to the west of the site.

3.7 In terms of local designations, there are no nearby woodlands or county wildlife sites or any other local environmental designations nearby. The site is not adjacent to any statutory or non-statutory landscape designations and the Environmental Agency Flood Risk Maps identifies the whole of the site lying within 'Flood Zone 1'.

3.8 There are a number of public rights of way which bisect the site in places or pass in very close proximity, linking the small hamlets within the vicinity of the site.

4. DETAILS OF THE PROPOSAL

Proposals

4.1 This application seeks full planning permission for the construction, operation, maintenance and decommissioning of a ground-mounted solar farm with battery storage alongside associated works.

4.2 It is estimated that the Proposed Development would generate up to 49.9 MW of renewable energy, which could provide approximately enough energy to power over 15,200 homes and displace up to 47,000 metric tonnes of CO₂ per annum.

4.3 The proposed development containing the whole of the development would include the construction and operation of the following equipment:

- Solar panels arrays. The scheme comprises 3288 full tables and 543 half table arrays to be mounted south facing in rows spaced approximately 4-9m apart.
- 9 No. AC Boxes/Inverters. Transformers and Switchgear units.
- 1 No. Substation
- 1 No. Storage Building
- 18 No. Battery Storage Units
- Secure compound fencing to the electric infrastructure comprising m fencing, with a series of 300mm badger/small mammal gates fitted to the main fence.
- CCTV cameras located to provide surveillance to the site's boundaries, mounted on poles not to exceed 3m in height.

4.4 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 4-9m between each row. The maximum height of the PV panels will not exceed 3m above the immediate ground level and they would be angled at 15-25 degrees, the optimum position for absorbing year-round solar irradiation.

- 4.5** The proposed inverters and transformers will comprise containerised units or small cabin type structures and will be situated across the site. The proposed inverters will measure approximately 12.2m long, 2.4m wide and no higher than 2.9m. The units are typically mounted either directly on shallow concrete pads or raised on compacted stone base.
- 4.6** The proposed battery energy storage units will be in containers spread across the site. The dimensions and appearance will be like the Invertors/Transformer containers being 12.2m in length, 2.4m wide and would not exceed 2.6m in height.
- 4.7** The customer substation will be provided within a 40ft container and will serve to collect the electricity from all the distributed inverters/transformers across the site and export it at set current and voltage suitable for connection to the national grid.
- 4.8** The proposals will also include perimeter fencing that will be installed at a height of approximately 2m along the outer edges of the separate parcels of fields. In addition to the fencing, it is proposed to install pole mounted CCTV security cameras that would be positioned at intervals along the inside face edge of the fencing at a height of no more than 3m.
- 4.9** In addition to the above fix apparatus, the proposals also include the following legacy features which will remain once the solar farm has been decommissioned:
- 7.3 hectares of new woodland and tree belts
 - 20 hectares of wildflower margins
 - 3.5 hectares of amphibian habitat
 - 4 new ponds
 - 6.2km of new hedgerows/screening.
- 4.10** The landscape proposals would equate to a biodiversity gain of 60% for habitat and a gain of 21% for hedgerows.
- 4.11** Access to the proposed solar farm for construction vehicles and its ongoing operation will be via Blackly Lane as shown in drawing reference E5093-1PD-003 of the Transport Statement.
- 4.12** **Operation, Construction and Decommissioning**
- 4.13** Temporary planning permission is sought, with the solar farm having an operational lifespan of 40 years. After this, the scheme would be decommissioned with all of the structures and equipment removed, and the land would revert to its present undeveloped agricultural condition.
- 4.14** During the operational phases, activities would amount to the maintenance, cleaning and servicing of plant and equipment, plus vegetation management.

- 4.15. Temporary construction compounds would be set up with the site development boundary during construction. The compounds would contain temporary portable buildings, containerised storage containers, parking, temporary hardstanding, temporary gated compound and wheel washing facilities.
- 4.16 Construction working hours would typically be 07:00 – 18:30 Monday to Friday and 0800 – 12:30 on Saturdays.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1 A screening opinion request was submitted to the Council on the 17th May 2021. The Council issued a screening opinion on 4th November 2021 (application ref: UTT/21/1671/SC20) under the Town and Country Planning Environmental Impact Assessment (EIA) Regulations 2017 stating that the proposal development was considered to fall within Part 3(a) of Schedule 2 of the EIA regulations as an industrial installation to produce electricity.
- 5.2 Considering the characteristics and location of the development and the types and characteristics of potential impacts, the scale, nature, and location of the proposed development, it was not anticipated that the proposals would result in significant environmental effects. The Council considered that based on the information provided, the proposals did not constitute 'EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulation 2017.

6. **RELEVANT SITE HISTORY**

6.1 Application Site

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

6.2 Surrounding Sites.

- 6.2.1 The site is adjacent to Drapers Solar Farm which abuts in part the western boundary. Planning permission was approved subject to conditions of this solar farm in March 2013 for the '*installation and operation of a ground mounted solar photovoltaic facility*'. This solar farm comprises an area of approximately 15 hectares and generates approximately 6MW.

7. **PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

- 7.1.1 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and that good quality pre-application discussions enable better coordination between public and private

resources, and improved results for the community. The Applicant has entered into a Planning Performance Agreement (PPA) with the Council.

- 7.1.2** A request for pre-application advice was submitted to the Council in September 2020 and a meeting took place with officers in October 2020 to discuss the key points and considerations of the scheme under application reference UTT/20/2260/PA. Both the Council and the Applicant entered into a Planning Performance Agreement in April 2021. Throughout the course of the PPA, regular meetings have been held between officers of the Council and the applicant in respect to matters concerning landscape impact, arboriculture, biodiversity, flood risk, highways, sustainability and construction malmanagement that has led to the front loading of the application prior to its submission.
- 7.1.3** Furthermore, the Applicant has also given a pre-application presentation to Members of the Council's Planning Committee and Members of Felsted Parish Council.
- 7.1.4** The applicant has undertaken public consultation with the local community. This included a brochure and invitation for a public consultation event in which letters were sent out in October 2021 to approximately 1638 residential households and 20 businesses inviting them to an in-person public exhibition on 27th October 2021. A website of the project was also created which provided visitors an overview of the proposals and an opportunity to provide feedback to the applicant.
- 7.1.5** Full details of the consultation exercise conducted is discussed within the supporting Consultation Report. The applicant submits that they listened to all views expressed by consultees, the public and Parish Council, throughout the duration of the consultation and has made appropriate changes to the proposed development to address and mitigate concerns raised where possible.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

- 8.1** No further comments have been received following the Planning Committee's resolution to approval of the planning application on 3rd August 2022.

9. PARISH COUNCIL COMMENTS

- 9.1** No further comments have been received following the Planning Committee's resolution to approval of the planning application on 3rd August 2022.

10. CONSULTEE RESPONSES

- 10.1** **UDC Environmental Health**

10.2 The Council Environmental Health Team confirmed that they have reviewed the Decommissioning Statement submitted in support of the application and that it is appropriate.

10.3 **ECC Place Services Ecology**

10.4 The application was consulted to ecologist at Place Services to review the Landscape and Ecological Management Plan (LEMP) which has been submitted in support of the application as requested by members at the previous committee meeting.

10.5 The ecologist confirmed that the LEMP was comprehensive, however, noted that the LEMP states that further details on the pond creation and management is given in the Great Crested Newt Method Statement and the location of the enhancement features (bird boxes, bat boxes etc.) are in the Biodiversity Enhancement Plan which they have not had sight of. Conditions 8 and 9 as suggested in Section 17 of this report covers off means of biodiversity enhancement strategies and Great Crested Newt Method Statements to ensure the protection and enhancement of protected and priority species and their habitats.

11. **REPRESENTATIONS**

11.1 Since a resolution was made by members of the Planning Committee, a single further representation has been made by a member of the public objecting to the proposals as stipulated below:

11.2 I know there's an obvious answer this plea, and I fear it's too late to prevent the terrible plan to cover the land right next to Great Notley Country Park in hideous panels - I bet you'd have had a different view of things were the park in Uttlesford! - but I just saw this article <https://uk.finance.yahoo.com/news/solar-power-world-record-broken-104338443.html> - saying that thanks to a new breakthrough solar panels are nearly ten times more efficient than they were a decade ago. That means that if the existing solar panels were replaced with the latest technology, which admittedly isn't quite ready yet, they could get the same power from that small, already ruined area as from the whole planned site if old panels were used on the new site. Especially with these advances, do we really need the three huge solar farms in such a small area? They will completely change the nature - pun intended - of the villages here. No wonder you're approving sites on the District boundary and rejecting ones closer to home.

12. **MATERIAL CONSIDERATIONS**

12.1.1 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.

12.1.2 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.

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

12.2 The Development Plan

12.2.1 Uttlesford District Local Plan (adopted 2005)
Essex Minerals Local Plan (adopted July 2014)
Great Dunmow Neighbourhood Plan (made December 2016)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Thaxted Neighbourhood Plan (made February 2019)
Felsted Neighbourhood Plan (made Feb 2020)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (made 6 December 2022)
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

13.2.1 Relevant development plan policies and material considerations:

Uttlesford Local Plan (2005):

S7 – Countryside
GEN1 – Access
GEN2 – Design
GEN3 – Flood Protection
GEN4 – Good Neighbourliness
GEN5 – Light Pollution
GEN6 – Infrastructure Provision
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
ENV3 – Open Spaces and Trees
ENV7 – Protection of the Natural Environment
ENV8 – Other Landscape Elements of Importance
ENV10 – Noise Sensitive Developments
ENV11 – Noise Generators
ENV12 – Groundwater Protection
ENV13 – Exposure to Poor Air Quality
ENV14 – Contaminated Land
ENV15 – Renewable Energy

13.3 Supplementary Planning Document or Guidance

- 13.3.1** Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Uttlesford Interim Climate Change Policy (2021)

13.4 Felstead Neighbourhood Plan

- 13.4.1** The Felstead Neighbourhood Plan was made on the 20th February 2020 and is thereby relevant to the proposals. Relevant development plan policies and material considerations:

FEL/ICH1 – High Quality Design
FEL/CW1 – Landscape Charact and Countryside Character
FEL/CW3 – Footpaths, Bridleways and Cycleways

14. CONSIDERATIONS AND ASSESSMENT

- 14.1** The main planning issues and merits of the application have already been found to be appropriate by members of the Planning Committee in accordance with the recommendation made by officers in the previous committee report presented to members.

- 14.2** Therefore, the only issue remaining to consider in the determination of this application is the acceptance of the S106 Agreement.

- 14.3** Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and

fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

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

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

14.6 Specifically concerning the S106 Agreement, Members previously highlighted at the previous committee:

- The significance and the need for the S106 Agreement to be brought back to the Committee.
- The need for the decommissioning costs in 40 years' time to be realistically costed.
- The fact that if no energy was being generated then decommissioning could take place prior to 40 years elapsing.
- The need for the S106 Agreement to reflect the necessity for UDC to be notified each time the land was sold, with possible novation by every new owner.
- The importance of the Landscape and Ecological Plan (LEMP) and the possibility of linking it to the S106 Agreement.

14.7 Members resolved that the application be approved in line with the recommendations, subject to the S106 Agreement, the Decommissioning Agreement and Method Statement and the on-going LEMP all being brought back to the Committee for approval.

14.8 **Details of the S106 Legal Agreement**

14.9 **Schedule 1: Decision Notice**

14.10 Sets out the draft decision including the imposed suggested conditions that was endorsed by members of the planning committee 3rd August 2022.

14.11 Schedule 2: Developer and Owner Obligations

14.12 The full obligations to be adhered to by the Developers and Owners to the Council are defined within the legal agreement, however, the main points for consideration that form part of Schedule 2 of the agreement include the following:

14.13 Prior to Implementation:

14.14 Not to Implement the Development until a Decommissioning Plan has been submitted and approved in writing by the Council such approval to be provided by the Council following its assessment of the Decommissioning Plan, the cost of such assessment to be borne by the developer.

14.15 The Decommissioning Plan shall include, but not limited to the following:

- a) Reference to the anticipated life of the development
- b) An overview of how the Development will physically be decommissioned.
- c) Decommissioning Cost figures as at the date of the Decommissioning Plan, and projections for the Anniversary Dates along with evidence for how these figures have been established.
- d) Figures for the Salvage Value as at the date of the Decommissioning Plan, and projected figures for the Salvage Value as at the Anniversary Dates, along with evidence for how these figures have been established.
- e) An assessment of the market for securing Decommissioning of developments similar in nature to the Development as at the date of the Decommissioning Plan and the Anniversary Dates.

14.16 The Deposit has been paid to the Council or in the alternative both Decommissioning Bonds have been completed and for the avoidance of doubt the Deposit or the Bonds shall be held / entered into the basis that the relevant monies shall be used to carry out the works specified in the Decommissioning Plan.

14.17 Decommissioning Review:

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.

- 14.18** Council's power to execute decommissioning in default:
- 14.19** In the event of a material breach of the planning condition (contained within the Planning Permission) which secures the Decommissioning or a material breach of the obligations under Schedule 2, the Council shall have liberty to call in the Security to the value of the Decommissioning Amount and arrange for the Decommissioning of the Development in accordance with the Decommissioning Plan.
- 14.20** **Schedule 3 – Council Obligations:**
- 14.21** Upon receipt of the Decommissioning Plan, the Council shall appoint a qualified Expert agreed by the parties to carry a review of the Decommissioning Plan and provide a report to the Council.
- 14.22** Upon receipt of each review, the Council shall appoint a qualified Expert agreed by the parties to carry a review of the assessment of the review and provide a report to the Council.
- 14.23** **Definitions and Interpretation:**
- 14.24** **Decommissioning** – means the dismantling and removal of the Development together with associated infrastructure including inverters, customer switchgear, medium voltage power station, security cameras, perimeter fence and access tracks.
- 14.25** **Decommissioning Amount** – means the Decommissioning Costs minus the Salvage Value.
- 14.26** **Anniversary Dates** – the 5th, 10th, 15th, 20th, 25th, 30th, 35th, and 40th anniversaries of the Date of Final Commissioning.
- 14.27** **Decommissioning Bond** – a bond from a reputable or national organisation first approved by the Council to be provided to the Council to underwrite the Decommissioning Costs.
- 14.28** **Expert** – an independent surveyor who shall be professionally qualified for no less than 10 years and shall be experienced in assessing decommissioning costs for like projects.
- 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 plan and costs will be provided prior to the commencement of the development and then reviewed every 5 years.

16.3 The S106 provides sufficient details for the Council to decommission the development if there is a material breach of the developer's 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 3rd August 2022) and as set out below.

17. CONDITIONS

17.1 The suggested conditions as per below were endorsed by Members at the previous committee meeting on 3rd August 2022. A further suggested condition in addition to those already endorsed conditions is proposed to be imposed as follows:

17.2 The development shall be removed and the land restored to its former condition no later than the date 40 years from the [date of final commissioning] or within six months of the development failing to generate electricity for 12 consecutive months, whichever occurs first. All structures and materials, and any associated goods and chattels shall

be removed from the site and the land shall be restored to its former condition in accordance with a scheme of decommissioning work [decommissioning plan] and land restoration that shall have first been submitted to and approved in writing by the Local Planning Authority.

REASON: In order that the land is restored to its original condition following the expiry of the period of time whereby electricity is likely to be generated by the proposed development and for which a countryside location has been shown to be essentially required

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

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

- 2 The development hereby approved shall be carried out in accordance with the approved plans as listed unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development is built out in accordance with the approved plans and to ensure that the development reflects and maintains the character of the surrounding locality in accordance with Policies GEN2 and S7 of the Adopted Local Plan and the National Planning Policy Framework.

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

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

- 4 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Weddle Landscape Design, November 2021), (Weddle Landscape Design, July 2021) and letter from Neil Northrop (Weddle Landscape Design) dated 2nd March 2022, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside

Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Local Policy GEN7 and the NPPF.

5 Any works which will impact the breeding or resting place of Great Crested Newt, shall not in in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

b) a method statement relating to a registered site supplied by an individual registered to use a Great Crested Newt Low Impact Class Licence; or

c) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

d) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998, and in accordance with Local Policy GEN7 and the NPPF.

6 A Bird Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss or displacement of any Bird territories identified as lost or displaced including those of Skylark, Lapwing and Yellow Wagtail. This shall include provision of offsite compensation measures to be secured by legal agreement or a condition of any consent, in suitable land nearby, prior to commencement. The content of the Bird Mitigation Strategy shall include the following:

a) Purpose and conservation objectives for the proposed compensation measure e.g. Skylark plots;

b) detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots';

c) locations of the compensation measures by appropriate maps and/or plans; d) persons responsible for implementing the compensation measure. The Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years."

Reason: To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species), and in accordance with Local Policy GEN7 and the NPPF.

7 A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

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

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

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

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

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

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 Local Policy GEN7 and the NPPF.

9 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to beneficial use 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 longterm 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) and in accordance with Local Policy GEN7 and the NPPF.

10 Prior to commencement of the development or preliminary groundworks, a written scheme of investigation including a programme of archaeological trial trenching and excavation must be submitted to and approved in writing by the local planning authority. The archaeological work must be carried out in accordance with the approved details prior to commencement of the development.

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. This condition must be 'pre-commencement' to allow investigation prior to the loss of archaeological remains.

- 11** Before the development hereby approved is brought into use, a manned measured noise survey must be carried out and a report of the findings shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the character and amenities of neighbouring areas by ensuring that measures are implemented to avoid any noise nuisance. To comply with Policy ENV10 of the Adopted Local Plan and the NPPF.

- 13** Any fixed plant (including power inverter units, battery storage units, transformers & generators etc) to be used in pursuance of this permission shall be so installed prior to the first use of the premises, and be so retained and operated, so that the noise generated at the boundaries of the nearest noise sensitive locations shall achieve a rating level of 5dB (LAeq) below the typical existing background level (inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics) when measured or calculated according to the provisions of BS4142:2019. Measurement parameters must include the LA90, LAeq, LA Max and 1:1 frequency analysis, and appropriate corrections shall apply in accordance with BS4142:2019.

REASON: To protect the character and amenities of neighbouring areas by ensuring that measures are implemented to avoid any noise nuisance. To comply with Policy ENV10 of the Adopted Local Plan and the NPPF.

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

REASON: To protect the character and amenities of neighbouring areas by ensuring that measures are implemented to avoid any noise nuisance. To comply with Policy ENV10 of the Adopted Local Plan and the NPPF.

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

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of highway works necessary to enable construction to take place
- d) Parking and loading arrangements

- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Wates management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality \nd dust, light and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling starategy, a vibration impact assessment and proposed control and mitigation measures.

Any works shall be carried out in accordance with the approved CEMP thereafter.

Reason: In the interests of protecting the amenity of nearby residents and businesses in accordance with Local Policy GEN2, GEN4 and the NPPF.

- 16** No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by the Local Planning Authority. This approved plan shall be adhered to throughout the construction period. The Plan shall provide for;

- a) The parking of vehicles of site operatives and visitors
- b) Loading and unloading of plant and matala
- c) Storage of plant and materials used in constructing the development
- d) Wheel and underbody washing facilities
- e) Routing strategy for construction vehicles
- f) Details of protection of the public rights of Way and their users
- g) Details of control of the accesses and crossing points of public rights of way

Reason: To ensure that on-site street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interest of highway safety and Policy DM1 of the Highway Authorities Development Management Policies February 2011 and Local Policy GEN1 and the NPPF.

- 17** Prior to the commencement of the development, the temporary construction access as shown in principle on submitted drawing E5093-1PD-003 shall be provided, with a minimum width of 6m, including clear to ground visibility splays with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. The associated vehicular visibility splays shall be retained free of any obstruction at all times thereafter.

Reason To ensure that vehicles can enter and leave the highway in a controlled manner in a forward gear with adequate inter-visibility between

vehicles using the access and those in the existing public highway in the interest of highway safety and Policy DM1 of the Highway Authorities Development Management Policies February 2011 and Local Policy GEN1 and the NPPF.

- 18** Upon completion of the solar farm construction the temporary construction vehicle access shall be suitably downgraded incorporating the reinstatement to full height of the highway verge. Full details to be agreed in writing with the Local Planning Authority.

Reason: To ensure that an appropriate access is provided for the life time of the maintenance of the solar farm in the interests of highway safety in accordance with Policy DM1 of the Highway Authorities Development Management Policies February 2011 and Local Policy GEN1 and the NPPF.

- 19** Any gates provided at the vehicular access shall be inward opening only and shall be setback a minimum of 20 metres from the back edge of the carriageway.

Reason: To enable HGV's and other vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent highway in the interests highway safety in accordance with Policy DM1 of the Highway Authorities Development Management Policies February 2011 and Local Policy GEN1 and the NPPF.

- 20** No unbound material shall be used in the surface treatment o the vehicular access within 10 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy DM1 of the Highway Authorities Development Management Policies February 2011 and Local Policy GEN1 and the NPPF.

- 21** Prior to the commencement of the development a scheme of passing places as shown in principle in drawing number E5093-1PD-003 shall be provided between Blackley Lane and London Road unction, the scheme shall be approved by the highway authority and include new passing places and surfacing and extending of existing passing places as necessary to accommodate the solar farm constructions vehicles.

Reason: To assist access to the site during the construction in the interest of highway safety in accordance with Policy DM1 of the Highway Authorities Development Management Policies February 2011 and Local Policy GEN1 and the NPPF.

- 22** Prior to the commencement of any works on the site a joint inspection of any part of Blackley Lane to be used by construction vehicle, including the junction with London Road, shall be carried out by the applicant and the

highway authority, the methodology shall be agreed with the highway authority and include photographic evidence. The route should then be inspected again, after completion of the development, and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the highway authority.

Reason: To preserve the integrity and fabric of the highway, in the interest of highway safety in accordance with Policy DM1 of the Highway Authorities Development Management Policies February 2011 and Local Policy GEN1 and the NPPF.

23 Prior to the construction a plan for the protection of the public rights of way and users affected by the development (within the site and adjacent to it) shall be submitted to the highway authority or approval. The Plan will address the treatment of the public rights way during construction and operation of the solar farm. The approved plan shall be implemented thereafter. The plan will contain but not limited to the following:

- a) Details of any temporary diversions required during construction
- b) Details of the method of the protection of users during construction, such as fencing, use of banksmen
- c) A before and after condition survey of the PROW network within the vicinity of the site and where necessary ensure repairs are undertaken at the developer expense where identified as being caused by developer.
- d) Details of the method of protection of the PROW network during operation phase – ensuring vehicle maintenance routes avoid the network or appropriate crossing points and protection are provided.
- e) Details of planting and fencing adjacent to public rights of way, ensuing appropriate buffer zones within the site and at the edges of the site
- f) A maintenance regime for any screen planting adjacent to a public right of way
- g) Any signing required.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with highway safety and Policy DM1 of the Highway Authorities Development Management Policies February 2011 and Local Policy GEN1 and the NPPF.

24 No new screening planting shall be located within 3m of a public right of way, a 2.5m wide unobstructed buffer strip shall be provided on both sides of the adopted routes of public footpaths.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with highway safety and Policy DM1 of the Highway Authorities Development Management Policies February 2011 and Local Policy GEN1 and the NPPF.

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

Reason: The National Planning Policy Framework paragraph 167 and 174 states that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution as well as Policy GEN3 of the Adopted Local Plan.

- 26** Prior to the commencement of development, a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the local planning authority. The DCEMP shall include the consideration of the following aspects of demolition and construction:

- A) Demolition, construction, and phasing programme.
- B) Contractor's access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures.
- C) Construction/Demolition hours shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation. Prior notice and agreement procedures for works outside agreed limits and hours.
- D) Delivery times for construction/demolition purposes shall be carried out between 0730 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and at no time on Sundays, bank or public holidays, unless otherwise agreed in writing by the local planning authority in advance.
- E) Noise method, monitoring and recording statements in accordance with the provisions of BS 5228-1: 2009.
- F) Maximum noise mitigation levels for construction equipment, plant and vehicles.
- G) Dust management and wheel washing measures in accordance with the provisions of London Best Practice Guidance: The control of dust and emissions from construction and demolition.
- H) Prohibition of the burning of waste on site during demolition/construction.
 - I) Site lighting.
 - J) Screening and hoarding details.
- K) Access and protection arrangements around the site for pedestrians, cyclists and other road users.
- L) Procedures for interference with public highways, including permanent and temporary realignment, diversions, and road closures.

- M) Prior notice and agreement procedures for works outside agreed limits.
- N) Complaint's procedures, including complaints response procedures.
- O) Membership of the Considerate Contractors Scheme.

The development shall then be undertaken in accordance with the agreed plan

REASON: In the interests of the residential and rural amenities of the area, in accordance with the provisions of GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005

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

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

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

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

28 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, including legacy planting, shall be submitted to and approved in writing by the local planning authority before development,

for its permitted use. The landscape management plan shall be carried out as approved.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).