The Planning Inspectorate

Decision Notice and Statement of Reasons

Site visits made on 8 and 10 March 2023

Hearing held on 9 March 2023

By M Shrigley BSc (Hons) MPlan MRTPI

A person appointed by the Secretary of State

Decision date: 9 May 2023

Application Reference: S62A/22/0006
Site address: Land at Berden Hall Farm, Ginns Road, Berden

- The application is made under section 62A of the Town and Country Planning Act 1990.
- The site is located within the administrative area of Uttlesford District Council.
- The application dated 7 July 2022 is made by Berden Solar Limited.
- The development proposed is for a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping.

Decision

1. Planning permission is granted for a ground mounted solar farm with a generation capacity of up to 49.99MW together with associated infrastructure and landscaping, in accordance with the application dated 7 July 2022 subject to the conditions listed within 'Schedule 1' at the end of this decision.

Procedural Matters

2. Section 62A of the Town and Country Planning Act 1990 allows for planning applications to be made directly to the Secretary of State (SoS), where a local authority has been designated. In this case, Uttlesford District Council (UDC) have been designated for major applications from 8 February 2022, onwards.

3. Due to the potential of the proposed development to give rise to significant landscape and visual effects the Planning Inspectorate (on behalf of the SoS) issued a Screening Direction under Regulation 12(3) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) on 19 August 2022 requiring the applicant to prepare and submit an Environmental Statement (ES).

4. ES information was submitted by the applicant during December 2022 for public consultation and application validation purposes. The submitted ES and associated notification were reviewed by the Planning Inspectorate as meeting EIA regulatory requirements.

5. A copy of the application material including the ES was able to be found at https://www.gov.uk/government/collections/section-62a-planning-applications and forms the public record for the application. It remains available. I am satisfied the content of the EIA Regulations has been met.

6. Representations were invited on the application material with the statutory deadline of 15 February 2023. The 16-week target for my decision fell on the 27 April but was formally extended to the 9 May to avoid the local election period 13 April to 4 May, and the bank holiday on 8 May 2023.

7. On behalf of the SoS, I completed an Issues Report, prepared under the provisions of the Town and Country Planning (Section 62A Applications) (Hearings) Rules 2013. It was subsequently published on 28 February 2023. The Issues Report included a description of the development, consultation details, material considerations, and identified the issues to be considered in relation to the application. In tandem with that report, I set out an agenda and a schedule of draft conditions, which were put forward on a without prejudice basis.

8. I carried out two unaccompanied site visits, the latter being when access to the site was enabled. Those visits included seeing public views of the site; the surrounding area; local roads and junctions; and nearby settlements.

9. The Hearing to the application was held at UDC offices, Saffron Walden. The event was attended by ward members of the Council, Parish Council's, by officers of UDC and members of the public. It was live streamed and recorded for public viewing. The speaking participants present at the Hearing are listed in Schedule 2.

10. I have taken account of the written representations received in advance of the Hearing as well as the oral submissions made by the various parties.

11. A Construction Traffic Management Plan CTMP Version 3 was submitted on 6 March 2023 before the date of the Hearing and is listed publicly as 'Applicant Correspondence' (on the Government website detailing the application). It responds to objections from Essex County Council as the Highway Authority, dated 10 February 2023. Although dialogue may have taken place between the Highway Authority and the applicant directly the content of that revised CTMP (as well as acknowledging additional commentary from them), has not been subject to additional formal public consultation, which is required given the implications arising to the local road network. Therefore, I have only considered CTMP Version's 1 and 2 (the latter being published during October 2022) in my overall findings alongside standard scope for planning condition use.

Planning History

12. No previous applications covering the whole of the application site are identified in the ES or by UDC. However, on neighbouring land planning application reference UTT/16/2316/FUL for the development of a 49.99MW battery storage facility connected to Pelham Substation (and connection to the National Grid) is acknowledged, along with broad reference to the historic screening and planning condition discharge applications associated to that decision. The facility is now operational and is located adjacent to the south-west boundary of the application site.

13. Application 3/22/0806/FUL for a Battery Electricity Storage Scheme (BESS) at Stocking Pelham, administered by East Hertfordshire District Council, lies adjacent to the site. It is close to Crabbs Lane. That application was still awaiting a decision prior to the closure of the Hearing.

Background and Policy Context

14. The EIA Regulations require consideration of cumulative effects, which are effects that may arise when a Project is considered together with other proposed developments in the area. The cumulative effects of this Project (the

application scheme), both through construction and operation, in conjunction with other proposed developments have been assessed in the ES. I have taken that information into account in my overall reasoning. The applicant also produced a non-technical summary to aid statutory consultees and non-represented interested parties.

15. The Issues Report undertaken already details the description of the development alongside other relevant points. That information should be read collectively with this Decision Notice and Statement of Reasons.

16. Those points aside, the Uttlesford Local Plan (2005) is the approved development plan for the area. National policy and guidance are contained within the National Planning Policy Framework (the Framework) and associated national Planning Practice Guidance (nPPG).

17. Furthermore, material considerations in the determination of the planning proposal include the National Policy Statements (NPSs) for the delivery of major energy infrastructure. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. Whilst NPSs EN-1 and EN-3 do not specifically refer to solar generated power they reiterate the urgent need for renewable energy electricity projects to be brought forward. Draft updates to NPSs EN-1 and 3 identify that, as part of the strategy for the low-cost decarbonisation of the energy sector, solar farms can provide a clean, low cost and secure source of electricity.

Main Issues

18. At the Hearing I referred to the main issues as being the following:

- the visual effect of the development on the character and appearance of the area in a countryside location, including regard to the setting of heritage assets;
- whether the proposed use of agricultural land is appropriate;
- the effects to wildlife and whether mitigation is adequate;
- whether highway safety and noise impacts would be acceptable; and
- acknowledgement of any benefits of the proposal, compliance with the development plan, including an assessment of alternatives, and the overall planning balance.

Reasons

Character and appearance/ setting of heritage assets

19. The application land comprises of undeveloped agricultural fields in predominantly rural surrounds as well as being close to existing visible electrical infrastructure such as pylons leading to Pelham Substation. There are small attractive village settlements nearby and in the wider area. For decision making purposes the site falls within the open countryside.

20. The Uttlesford Local Plan 2005 (ULP) taken as a whole seeks to protect the countryside for its own sake and limit development that needs to take place there or is otherwise appropriate to a rural area. In that vein, ULP Policy S7 indicates that development will only be permitted if its appearance protects or

enhances the character of the part of the countryside within which it is set or there are special reasons to allow it. In tandem, the National Planning Policy Framework (the Framework) seeks that the intrinsic character and beauty of the countryside is recognised.

21. The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) within the ES. The applicant accepts the proposal will result in some adverse landscape and visual effects. However, it makes the case significant effects will be confined to a relatively small area of the overall open countryside which is already influenced by electrical infrastructure.

22. In the applicant's view, once mitigation is effective the impact to most visual receptors will be either negligible or minor with only those using the footpaths which pass through the proposed solar farm experiencing moderate adverse effects, due to winter views and the loss of the open countryside character along those routes.

23. Taking into account the content of the LVIA the most visible components of the proposed development would be the solar panels themselves. The panels would be mounted on a metal frame and constructed from non-reflective glass. They would run west to east, following the existing contours of the ground with the panels facing south. The panels and the ancillary structures proposed (fencing, cabinets, inverters, substation, etc.) would be functional in appearance, reflecting their purposes.

24. I acknowledge that the proposed development would be well screened by existing tree and hedge cover which lies to the south and west. More open areas to the east would be able to be screened by new hedge and tree planting.

25. The most telling views of the scheme without mitigation would be from Ginns Road and higher ground further north. For that reason, the applicant has proposed to plant woodland buffers along the northern edge to augment the existing roadside tree cover and a new hedge which has recently been planted by the landowner.

26. As well as the woodland planting individual fast-growing trees are indicated to ensure the views from the north would be able to be screened as rapidly as possible. I note that blocks of woodland planting along the eastern edge would be able to soften and, in some respects, screen the appearance of the solar farm from Berden, nearby footpaths, and in longer distance views from high ground to the east.

27. Nonetheless, the proposed solar array would be visible to recreational users from a number of designated Public Rights of Way (PRoW) that both traverse and are parallel to the site. The LVIA submitted by the applicant highlights that there are potentially moderate to major adverse effects on visual receptors from various viewpoint locations for users of PRoW 5/26, and 5/21, which are stated as being significant even after the installation of mitigation measures.

28. The applicant makes the case that the long-term visual effects experienced would last for the operational life of the solar farm and would be reversable following decommissioning. With the legacy benefit of increased tree and hedge cover across the site. Even so, whilst I accept the mitigation measures outlined by the applicant are well thought out and would be extensive, the solar farm

would still result in a noticeable and uncharacteristic engineered landscape feature change in an open field countryside location.

29. Given the scheme's magnitude and accounting for local topography it is not possible to successfully screen the entirety of the scheme from all landscape views. It would be seen in the immediate landscape from various public vantage points as a dominant, albeit low lying, physical feature relative to surrounding countryside greenery and nearby rural settlements. The primary effects being within the site confines itself. The overall changes would result in visual harm to the character and appearance of the open countryside.

30. In addition to gauging the open countryside impacts, I have a statutory duty under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider any effect on the significance of heritage assets.

31. There are a number of Grade II listed buildings inside a 1500m radius, within the settlements of Berden, Stocking Pelham, and further afield. The most up to date advice of Historic England is that they do not object to the application. In gauging the subsequent impacts, I have considered the information contained within the applicant's 'Heritage Assessment' of relevant built heritage assets which includes regard to the Crabb's Green Conservation Area designation groupings, and other buildings further afield.

32. Notably, the site is near to a range of listed buildings, including the Grade I Church of St Nicholas (the Church), Berden Hall which is Grade II*, and several other Grade II assets. Additionally, 'The Crump', south of Berden, is a ringwork designated as a Scheduled Ancient Monument in close proximity to the application site.

33. The significance of the Church is derived from the age of its construction (of twelfth century origin) and the role it would have played at the heart of the community, as well as the evolved phases of architectural style in its overall construction. Its immediate setting is formed by the churchyard and open views towards The Street along Church Drive. Those components being significant as they denote its use and importance as a place of worship.

34. The applicant's Heritage Statement notes the extended setting of the Church is formed by the built form of Berden to the east and north, Berden Hall to the south and open, arable land to the west. The setting of the Church to the north and east is identified as having changed over time due to the expansion of the village. However, the setting to the south and west remain comparatively unaltered. Immediately to the west of the Church lies the former vicarage, and beyond that grassland meadows. I acknowledge views looking directly east, back to the Church, can be obtained from this area, but mature hedging and trees screen most of the views from the north-west and south-west.

35. Beyond the meadow area lies cultivated arable farmland. Some views can be obtained from farmland back towards the Church tower. But it sits within a strong tree line and is therefore not prominent in those views.

36. Indeed, at my site visit I could see partial elements of the Church's tower from the application site sitting amongst a belt of trees restricting views. The application site makes some marginal positive contribution to the Church's overall setting by virtue of its openness and rural character. The applicant's

plans show areas of additional planting proposed, including a hedge and tree line along the eastern edge of where the solar panels would be located.

37. The additional planting proposed would cover some existing intervisibility between the application site and the Church in a way respectful to its rural context. I realise that setting is not solely defined by a visual relationship. But the relative low-lying nature of the solar panels as well as the physical and functional separation involved are crucial factors in my decision.

38. The open characteristics of the application land would be retained given the panels are low to the ground. Taken together with the comprehensive landscape strategy reinforcing rural character the scheme would have a neutral impact on the significance of the Church's setting.

39. Similarly, Berden Hall (and associated buildings) around 0.5km, or so, from the site are also screened by intervening mature tree belts and woodland. Those buildings are identified to have architectural significance owing to their age. But there is no known historical or convincing functional relationship with the application site demonstrated. Therefore, I find that the impact to the historic setting of Berden Hall would also be negligible.

40. The application information identifies that the ringworks present in the area are Medieval fortifications, probably built and occupied from the late Anglo-Saxon period, continuing into the later twelfth century. Rarity being one of the main reasons why they are nationally significant.

41. The wider setting of The Crump comprises of the extensive agricultural landscape within which it is located and makes a positive contribution to its significance. I appreciate that the application site forms a part of that overall landscape. That said, The Crump cannot be easily perceived or distinguished as a physical feature.

42. The application site, although large, forms only a small part of the overall rural landscape. Thus, it makes a minor contribution to the setting and significance of The Crump when factoring distance, intervening vegetation, and a lack of any known historical or functional connection. Accordingly, I agree with Historic England there would be less than substantial harm arising from the impact of the scheme on its setting.

43. The archaeological remains of another ringwork known as 'The Rookery' which is a non-designated asset, and is closer, are relevant. It is located to the east of the proposed development, of which the application site makes a minor contribution to its setting and significance because it is part of the open countryside setting. In response, the application site was amended so that it no longer includes the field with The Rookery. Considering that change and the remaining proximity, the scheme would result in limited harm to the setting of that non-designated heritage asset of potentially equivalent significance as the scheduled ancient monument.

44. Furthermore, Historic England's advice raises the possibility of some impacts on the 'Berden to Little London' historic lane, to the east of the application site. Yet only fields to the north and south of the lane can occasionally be glimpsed at through the mature hedgerow lining its sides.

45. The ES concludes that the development would result in permanent effects of minor adverse significance on late Iron Age to Roman and post-Medieval

archaeological deposits, and in permanent effects of up to moderate adverse significance on early Medieval and Medieval archaeological deposits, should they survive. However, planning conditions securing a written scheme of investigation are possible. The technical consultees do not oppose such an approach as being an acceptable means of protecting the archaeological significance of the locality.

46. I have considered the impacts to other relevant listed buildings in the surrounding area, and I agree with the applicant's findings there would be no significant impact to those. Because of distance and intervening landscape features.

47. The possibility of any historic or cultural appreciation enhancement measures embedded in the scheme design if it were to be allowed was considered during proceedings. On that basis, there is scope for public information display boards to be secured by planning condition to increase awareness and appreciation of the local historic assets referred to.

48. The Framework requires that 'great weight' is applied to the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be, this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

49. I note the cumulative effects of other potential solar schemes has been assessed by the ES. The schemes are: UTT/21/3356/FUL on Land Near Pelham Substation, Maggots End Road Manuden; UTT/21/0688/FUL concerning Land At, Cole End Farm Lane, Wimbish, and UTT/21/2846/FUL in Chesterford Park, Little Chesterford, Essex. As well as acknowledgement of application 3/22/0806/FUL for the BESS adjacent to the site administered by East Hertfordshire District Council.

50. All those developments would potentially increase the amount of electrical infrastructure visible within the locality, increasing the perception that the landscape is adversely dominated by electrical infrastructure due to the substation and recent battery storage facility.

51. The landscape strategy for the Stocking Pelham BESS is evidenced in the applicant's ES as planning a 5m wide landscape buffer on the west side to reinforce the hedgerow along the Pelham Substation access track. This would, once established, screen the BESS from the PRoW. At the same time, similar planting associated with the Proposed Development would also screen the proposed solar farm. Accepting the mitigation for both schemes is effective, in summer the cumulative effect is anticipated to be negligible. In winter there would be a greater perception of the infrastructure beyond the leafless hedges and so there would be a minor adverse cumulative effect. I concur with those findings detailed by the ES.

52. The ES finds that the proposed development would have an adverse cumulative effect on the local landscape bearing in mind the potential for other schemes. I have no reason to disagree.

53. In addition, and specifically with regards to heritage implications, Historic England recommended the cumulative impact should be assessed in terms of the impact on The Crump, given the scale of the proposed development and

the scale of the proposed solar farm at Maggots End Road (to the south of The Crump).

54. There would not be much direct intervisibility between the two schemes because the Maggots End Road scheme would occupy a gentle south facing slope, while this development would occupy a gentle north facing slope, with a strong band of tree and hedge cover running along the ridge between the two. The exception to this is from 'Viewpoint 7' included in ES Appendix 5.1. For that reason, the ES assesses the potential cumulative effect from the proposed development to be indirect, minor adverse. I concur with that assessment.

55. Overall, I find that the application scheme proposed, beyond the well thought out strategic landscaping elements embedded within its design, would not enhance the character and appearance of the open countryside in conflict with ULP Policy S7. Its impacts would be contained but there would still be a noticeable adverse visual change involved. There would be harm arising from the scheme to the character and appearance of the open countryside and less than substantial harm to the setting of The Crump. The setting of non-listed historic remains of The Rookery would also be adversely visually impacted through changes in the open countryside's overall appearance. Thus, the development would be contrary to ULP Policy ENV4 which seeks to safeguard the setting of ancient monuments and sites of archaeological significance.

Agricultural land use

56. ULP 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.

57. The loss of best and most versatile agricultural land is included in the ES as a worst-case assessment on the basis the site would be taken out of agricultural production for the 40-year duration of any planning consent. The applicant also makes the secondary case that should it be appropriate and practical to allow sheep grazing within the solar farm there would be no loss of agricultural land.

58. The Framework defines the Best and Most Versatile (BMV) agricultural land as being in Grades 1, 2 and 3a. I accept that approximately 72% of the site comprises BMV agricultural land based on the applicant's soil survey submitted.

59. The Framework sets out that economic and other benefits of BMV agricultural land should be recognised. Footnote 58 indicates that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

60. Accordingly, both local and national policy encourage development to take place on land of poorer quality wherever that is practicable. In that regard, the scheme is not fully compliant with policy. Therefore, I accept that the implications of using BMV farming land against any alternatives available need to be fully justified.

61. During the Hearing UDC's officers could not identify a more appropriate alternative site. The applicant argues that land within the district is

predominantly BMV land and therefore a commercial scale solar scheme would be unable to avoid its use. There is also the proximity of the existing national grid connection facility and battery storage to acknowledge. For those reasons the applicant does not consider there to be a better alternative.

62. I also recognise that planning permission is sought for 40-years from the time of the first exportation of electricity, after which de-commissioning would occur and the land returned to full agricultural use. In that context, the effect on agricultural land although lengthy is ultimately temporary and reversible. The mountings for the solar panels would allow for restoration to full agricultural use, subject to appropriate soil management practices secured by planning condition.

63. Aside from those points, the scheme would not prevent some continued, albeit limited, agricultural grazing. However, the information detailing the scope of that is sparse. Even if some sort of subsidiary agricultural use such as sheep grazing did take place, I doubt it would be comparable to farming practices without the solar arrays. There are also other competing wildlife considerations which may well inhibit potential grazing.

64. Consequently, I find that the scheme would not represent a total loss of agricultural land. There would be some conflict with ULP Policy ENV5. But I consider that the proposed development is unlikely to lead to significant and irreversible long-term loss of BMV agricultural land, as a resource for future generations. Therefore, I attribute limited harm arising from the uptake of BMV or the principle of using farming land in this particular case.

Wildlife impacts and mitigation adequacy

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

66. Paragraph 180 (a) of the Framework 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.

67. Two Local Wildlife Sites border the development site: Stocking Pelham Field Centre which is designated for neutral grassland; and Crabbs Green Common which is designated for being common land on the edge of a rural village. There is nothing convincing demonstrating those wildlife sites would be directly or indirectly impacted upon.

68. Surveys are evidenced for Great Crested Newts (GCNs), reptiles, bat activity and roosts, breeding birds, invasive species and badgers. The site overall provides low potential for GCNs in the hedgerows and ditches for commuting. A badger sett and trees suitable for bat roosting would be able to be retained.

69. A skylark nesting habitat on arable land would be lost to accommodate the scheme. The loss would be unavoidable. However, the range of technical information available suggests that sufficient replacement habitat would be possible and achievable. The Council's ecological advisor does not oppose the replacement skylark provision which has been modified in response to initial concerns.

70. No tree loss is involved in the proposal. There would be some biodiversity improvements around the perimeter of the solar arrays. This would be in the form of species rich field margins and new and reinforced hedgerows, as well as the creation of compensatory skylark nesting plots off-site.

71. The applicant's Biodiversity Net Gain (BNG) Assessment, highlights that there is scope for BNG indicating that the scheme could provide area-based habitats with a net gain in the order of 83% and hedgerows with a net gain of around 126%. The Council's ecology technical advice does not challenge those figures. The BNG assessment gives credible evidence that there would be enhanced features promoting biodiversity within the site for the long term. Nevertheless, post all proposed mitigation the changes would represent only a minor overall biodiversity enhancement.

72. Planning conditions which could be potentially applied, could extend to providing a copy of the mitigation licenses for GCN and badgers as well as an additional Construction Environmental Management plan CEMP with an ecology focus. I have considered scope for those, but the applicant is already committed to fulfilling all licensing requirements (including a GNC District Level Licensing Impact Assessment and Conservation Payment Certificate), where no legal impediment has been identified.

73. The applicant also indicated that a 30m badger set buffer would be able to be accommodated. There appears room to do that inclusive of minor working variation to avoid the need for further survey. Moreover, there is adequate supporting information available not to require the additional CEMP above the range of other biodiversity conditions forming the draft schedule.

74. Considering other potential development(s) no other likely significant effects are identified owing to distance. For planning application 3/22/0806/FUL (Stocking Pelham BESS) the ES identifies that if construction phases potentially overlapped, disturbance impacts would extend over a slightly larger area but given the small size of the BESS relative to the Berden Hall Farm proposals, it is not considered that significant cumulative effects would occur. For operation, the BESS was not considered suitable for skylark and therefore cumulative impacts on this species are not considered likely. There would be a slightly greater loss of low-quality habitat for GCN but given the mitigation proposed for Berden Hall Farm, significant cumulative effects are not considered likely. The ES finds that no other likely cumulative effects are considered likely to occur and there is nothing convincing for me to conclude otherwise.

75. Overall, I find that the proposed development would comply with the requirements of ULP Policies GEN2 and GEN7 as well as Paragraph 180 of the Framework.

Highway safety impacts

76. ULP Policy GEN1 relates to safe access and includes 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.

77. I accept that no significant traffic changes would be generated by the proposed development during its operation as only occasional maintenance visits would be expected. The design of the site access and site layout would not compromise local road safety having regard to the needs of cyclists, pedestrians, public transport users, horse riders and people with impaired mobility.

78. A new public right of way would also be constructed between Berden and Stocking Pelham increasing accessibility levels. Separate to accessibility provision aspects, there is no evidence that glint and glare effects would result in an adverse safety impact.

79. During my site visits I could see that the local road network comprises of narrow rural lanes often with no pedestrian pavement and inadequate lighting. Surrounding local roads appeared to be in poor condition and some involved passing points which narrowed to a single vehicle width.

80. I am cognisant there would be many residents in the vicinity ranging from elderly persons to children, including those travelling from villages and other settlements further afield using the roads. The proximity and accessibility of nearby schools and other village services being further related factors to inform my decision.

81. The total number of Heavy Goods Vehicles (HGV's) is estimated to be 350, over a 6-month construction period. This averages roughly 2 HGVs per day (over a 6-day week), but the indicative number would most probably be higher during the enabling and ground works phases and lower during the commissioning period.

82. Non-local construction operatives are anticipated to stay at nearby accommodation and would be transported to the site by minibuses to minimise the impact on the local highway network. By doing so the number of car trips can be minimised.

83. A large component of preventing safety detriment on the highway network would be to avoid peak travel times, restricting vehicle speeds, and managing large vehicle passing points. Such provision is able to be undertaken by the applicant. Nonetheless, I acknowledge that without changes to CMTP Revision 2 overarching highway safety interests could be eroded. The changes needed involve workable core principles linked to vehicle routing. The Highway Authority do not support that the content of CMTP Revision's 1 or 2 are sufficient to address all highway safety concerns attributed to the scheme.

84. However, there is no strong reason to believe that a suitably revised CMTP incorporating carefully planned overarching safety principles is not possible. A revised document could ensure adequate public safety levels for all users of the highway and public rights of way.

85. I also agree that any revised CMTP above Version 2 would need to be subject to public consultation. That provision would in principle be able to be met by UDC should a planning condition be applied as a result of my decision.

86. From a cumulative perspective other development(s) has not been identified as a significant barrier. There would be reasonable scope to adapt to material changes in circumstances in any event in a condition route.

87. I note that the draft schedule of conditions I advanced prior to the Hearing did not include matters covering access detail provision; route mitigation planning; highway condition survey work; or specific public rights of way protection measures. Nevertheless, the applicant has given written agreement to the use of such pre-commencement conditions if applied.

88. That said, even if construction traffic attributed to the scheme was well managed there would no doubt still be reductions in general amenity levels directly arising from the construction period. Including probable driver and pedestrian frustration.

89. Those construction activity impacts would be short lived. I do not find that reductions in general amenity or any probable local driver; pedestrian; cyclist; or horse rider frustration that is probable would constitute a highway safety issue.

90. Thus, I am satisfied that a revised CTMP together with associated conditions would ensure that the development would be acceptable from a road user and pedestrian safety perspective in accordance with ULP Policy GEN 1, and the wider highway safety aims of the Framework.

Noise impacts

91. Public concerns are raised in relation to potential noise created by the development, and background noise from the existing battery plant and apparatus serving Stocking Pelham Substation.

92. Paragraph 185 of the Framework indicates that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area.

93. I acknowledge that there would be some unavoidable short term construction noise. But that can be mitigated through planning conditions and considerate construction management practice to an acceptable level.

94. In terms of operational noise, the noise sources within the proposed development are identified in the applicant's noise assessment as the inverters and the transformer at the substation. The noise environment with the proposed development in place is evidenced as being modelled in three dimensions using proprietary noise modelling software which considers topography as well as screening, ground and atmospheric effects, and directivity. Data for the proposed electrical infrastructure is also referred to in the application material to be from a similar operational solar farm in the UK.

95. Noise sensitive receptors along Crabbs Lane are located around 240 metres away from the plant or equipment associated with the solar farm and have the most susceptibility to audible changes. Stocking Pelham being approximately 350 meters away.

96. The modelling referred to considers the proposed development with and without the adjacent battery storage facility being operational. The results of the noise modelling are stated to conclude that the sound from the plant (the inverters and transformer in the substation) within the proposed development is predicted to result in no change in the ambient sound levels at all noise

sensitive receptors during all assessment time periods (covering early morning, daytime and night-time).

97. That position is challenged by the UDC's technical officer advice on the basis that the information is not sufficient to properly gauge subsequent noise impacts.

98. I agree the proposal has the potential to result in some increased cumulative low frequency noise, and noticeability could in theory vary from person to person. However, there is little information other than broad anecdotal reference available for me to be certain if there is an existing planning noise issue arising from the existing battery infrastructure consented under the terms of UTT/16/2316/FUL. The baseline position of the ES appears reasonable.

99. Although complaints are referenced by the technical consultee and interested parties there is no hard evidence statutory noise issues are currently occurring. Nor any compelling evidence the scheme would lead to a statutory nuisance if consented. I am also aware that if a statutory noise nuisance did occur or was already occurring, of which there is little or no evidence available, it could be dealt with by mechanisms outside of the planning regime.

100. Existing background sound levels even without the in-situ electrical storage linked to UTT/16/2316/FUL and the unconsented BESS 3/22/0806/FUL site would still include noise from the much larger Stocking Pelham Substation and overhead lines, as the dominant noise source which can result in a characteristic 'hum' sound. The ES suggests an overall cumulative background noise range change of around 5 dB – 10 dB. With the lower end of the range being more likely. Whilst there may be shortcomings in the application technical information advanced, I do not consider it to be so deficient as to not give reasonable indication as to what the resultant noise effects would be.

101. The results of the assessment reported in the ES indicate that there is a low risk that the sound from the proposed development or from a cumulative perspective would result in adverse impacts during all assessment time periods. Therefore, I accept that any adverse effects would either be very unlikely or not significant. In any event, any existing high frequency noise issue not linked to the application scheme could be managed separately under nuisance legislation. Moreover, there is nothing convincing to conclude the changes would be harmful to local wildlife.

102. The evidence provided all points to the conclusion that the operational effects of the scheme and resultant cumulative effects it would generate would be acceptable. Accordingly, I find that additional conditions for further noise survey work or mitigation would not meet the test of necessity.

Benefits of the proposal

103. It is important to acknowledge that the Climate Change Act 2008, as amended, sets a legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100%, Net Zero, by 2050. Recently, the Government committed to reduce emissions by 78% compared with 1990 levels by 2035. The Clean Growth Strategy 2017 anticipates that the 2050 targets require, amongst other things, a diverse electricity system based on the growth of renewable energy sources.

104. The December 2020 Energy White Paper (WP) reiterates that setting a net zero target is not enough, it must be achieved through, amongst other things, a change in how energy is produced. The WP sets out that solar is one of the key building blocks of the future generation mix. In October 2021, the Government published the Net Zero Strategy: Build Back Greener. Under 'Key Policies' it explains that subject to security of supply, the UK will be powered entirely by clean electricity through, amongst other things, the accelerated deployment of low-cost renewable electricity generation such as solar.

105. The Government's British Energy Security Strategy (April 2022) does not set a firm target for solar but expects a five-fold increase in deployment by 2035. This aligns to the strategy's aim that by 2030, 95% of British electricity could be low carbon; and by 2035 that the electricity system will be able to be decarbonised, subject to security of supply. The transition is highlighted in the strategy to reduce dependence on imported oil and gas and delivering a long-term shift in energy production to cleaner, cheaper forms of power and lower energy bills.

106. The scheme has a generating capacity of up to 49.99MW. It would provide for a substantial reduction of CO_2 emissions annually and meet the energy needs of thousands of homes. As such, the scheme could make an early and significant contribution to the objective of achieving Net Zero and the commitment to reducing emissions by 78% compared with 1990 levels by 2035.

107. I note that UDC have declared a climate emergency and are currently in the process of preparing a climate change action plan that will set out how the Council will achieve net-zero by 2030. With the action plan to be adopted during 2023. UDC having adopted its existing Interim Climate Change Planning Policy February 2021.

108. UDC considers that the district of Uttlesford has already made a significant contribution to renewable energy aims in terms of permissions granted for solar farms, the cumulative effect of which should reduce the pressure to consent further solar farms on greenfield sites without robust justification. However, the headway already made on renewable energy delivery within the district does not lessen the substantial benefits offered by the current scheme before me.

109. BNG would be a benefit; there would be legacy planting scheme provision enhancement, the scheme would provide new and strengthened hedgerow planting and managed areas of improved habitat; there is some scope for appreciation of heritage assets to be achieved through condition; and some economic related benefits associated to construction. The submitted ES highlights that when proposed mitigation is included, the scheme would have an overall minor beneficial long-term impact on biodiversity. I have treated the level of enhancement offered in the same way.

Other considerations, and overall compliance with the development plan

110. Outside of the visual impacts on the character and appearance of the open countryside having regard to heritage assets, none of the assessments undertaken by the applicant have identified the potential for significant cumulative effects with other proposed developments. I have no strong reason

to disagree with that overall conclusion. From an EIA regulation perspective, no monitoring measures are evidenced as being justified.

111. There are no other more suitable sites available, demonstrated as being feasible relative to grid connectivity, storage and the extensive range of other environmental factors evidenced by the applicant's ES together with the information requested to inform the Hearing. Additionally, the scheme provision allows for soil health to regenerate and for natural carbon storage to be maintained. There would be aesthetic implications for pedestrians using PRoW's viewing the solar farm. However, these are linked to the first main issue. Adequate PRoW accessibility for recreation purposes would otherwise remain in place.

112. I note the content of ULP Policy GEN2, but the design and layout of the scheme is tailored in a way to protect important environmental features assisting to reduce its visual impact as far as possible.

113. ULP Policy ENV15, relates to 'small scale' renewable energy development which the proposal is not. Aside from that it indicates that schemes should not adversely affect: i) The character of sensitive landscapes; ii) Nature conservation interests; or iii) Residential and recreational amenity.

114. The site is not within a designated landscape which is defined as 'sensitive' by virtue of a specific designation outside of ULP Policy S7. Suitable mitigation is proposed in relation to nature conservation interests. Other than the visual and historic asset impacts identified the completed scheme would not significantly adversely impact on residential or recreational amenity once completed. Construction impacts could be mitigated through highway management and dust management planning conditions. Therefore, given all those elements I find no conflict with Policy ENV15.

115. ULP 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.

116. Based on the evidence I do not find the likely operational noise effects to count significantly against the scheme proposed. Proposals for landscape and biodiversity enhancement are included. There is no convincing evidence of the scheme preventing the viability or function of an existing holding. The applicant is constrained by the existing public rural road network, but it is not an insurmountable constraint in my view. It would not result in unacceptable levels of pressure if carefully managed. And that aim can be achieved through planning condition use. I have identified that there would be short term noise disruption arising, associated to the construction activity period rather than operation. For that reason, there would be some conflict with ULP E4.

117. Accordingly, in overall compliance terms the development would not meet the full requirements of ULP Policies S7, E4, ENV4 or ENV5.

Other Matters

118. The site-specific Flood Risk Assessment (FRA) submitted demonstrates that the site has a 'low' risk of flooding. With appropriate surface water and soil management conditions the development would result in negligible effects. The application material does not suggest lighting would harm amenity levels as only sparse lighting is anticipated.

119. The Council argue that a financial bond or planning obligation is needed to avoid any potential future problems from an overall landscape management and maintenance perspective as well as ensuring future decommissioning. No draft planning obligations have been tabled. I accept that direct action involving the public purse cannot be ruled out altogether, particularly given the 40-year operational period. However, there is no strong evidence a condition route would be an unreliable mechanism for enforcement purposes. Thus, I find that sole reliance on planning conditions dealing with decommissioning matters would provide enough security, in accordance with the statutory tests.

120. Outside of the main issues other public opposition to the application scheme included: that no sequential test has been applied; food security problems; harmful cumulative impacts; ineffective landscaping mitigation; eroded public views; reduced enjoyment of public routes; footpath diversion has been overlooked; white coloured battery storage units are more prominent than green; photovoltaic production is environmentally damaging and unethical; the operational term is not temporary; solar panels last around 10-years; pollution from site maintenance; fire risks; low solar efficiency; drainage issues and flood risk; no benefits to the local populous; inadequate consultation by the applicant; solar technology will be superseded quickly; non-compliance with local/ national planning policy and ministerial advice; the determination process bypasses the democratic process; and comparable schemes have been found to be unacceptable elsewhere.

121. I have carefully considered those points in my findings however, the specific environmental and cumulative effects triggered by the application scheme before me alongside the immediate benefits on offer relative to current circumstances are the most important elements for me to have regard to.

Conditions

122. The condition recommended by the Fire and Rescue Service does not meet the test of necessity in the absence of battery storage being part of the scheme applied for and given substation access is possible. Additionally, the Health and Safety Executive have been consulted and there is nothing evidenced to suggest public safety would be at risk from the development. Furthermore, I have considered a range of other conditions based on the main issues, other considerations, consultee advice and the draft conditions schedule circulated indicating the reasoning where applicable.

123. I agree planning conditions would be required to specify the time limit and plans for any approval in accordance with statutory provision and to allow a formal mechanism for amendment. A range of planning conditions would be required to ensure proper: decommissioning; landscape and ecology protection and bolstering enhancement where possible; lighting protection; highway safety and access; drainage, flood risk, soil pollution management, the report of unexpected contamination; dust management during construction.

Planning Balance

124. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

125. There would be conflict with the Council's development plan arising from the main issues of the case. Outside of my findings on the main issues, there would also be substantial benefits as a result of the development encouraged by the Framework when read as a whole. Namely, achieving sustainable development.

126. I have borne in mind all the cumulative construction and operational impacts evidenced in the applicant's ES which inform my overall decision. Noting that the original basis for the ES, in this case, was because of the cumulative landscape and visual effects triggered.

127. I have found harm arising from the visual impacts of the development on the intrinsic beauty of the open countryside location, less than substantial harm to the setting of The Crump when applying the terms of the Framework and visual harm to the setting of a non-designated heritage asset. Separate to those harms I agree that the protection of archaeological remains of historic and cultural importance also referred to in statutory provision would be able to be addressed through suitably worded planning conditions. The overall cumulative visual effects of this scheme would be limited, owing to levels of intervisibility.

128. Having specific regard to heritage implications. Paragraph 202 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

129. The overarching public benefits of providing a large-scale renewable energy scheme in line with climate change interests and supporting national energy needs carry considerable weight in my decision. Importantly, the scheme is not just limited to meeting local needs. It offers potential clean renewable energy production to the National Grid. Those public benefits taken alone in this case outweigh the less than substantial harm to the setting of heritage assets that would occur.

130. There would be temporary loss of BMV land, albeit some limited agricultural use could in theory continue. Given the lack of alternative sites at lower Grades across the district, and the lack of realistic alternatives with readily available grid connection, I give only limited weight to that harm. I also appreciate there would be considerable disruption during construction phases, particularly from traffic which would have an impact on local amenity. However, those construction related harms would be short lived and can be considerately managed, as far as is practicable to do so.

131. Overall, bringing all issues together the collective harms arising from the development applied for would be of a lesser magnitude than the substantial overall benefits which would be delivered.

Conclusion

132. In conclusion, taking all relevant matters in the round against the content of the Framework I find that the overall benefits of the development would outweigh all of the resultant harms. For the reasons set out above planning permission should be granted.

M Shrigley

APPOINTED PERSON

SCHEDULE 1: Planning Conditions

Time Limit

1) The development hereby permitted shall begin no later than three years from the date of this permission.

   REASON: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.

Plans

2) The proposed development hereby approved shall be constructed in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority: ES Fig 1.1 Location Plan; ES Fig 2.8 Layout at ES (Block Plan Rev B); ES Fig 2.2 Solar Panel; ES Fig 2.3 Inverter and Transformer Block Plan; ES Fig 2.4 Substation plan and elevation; ES Fig 2.5 Substation_Connection_Compound; ES Fig 2.6 Deer Fence A3; ES Fig 2.7 Proposed_Site_Access_Arrangement; ES Fig 2.9 Temporary_Construction_Compound; ES Fig 3.3 Planting Plan Rev A 08.11.22; Pelham Solar Skylark Nest sites 527 SL LP Rev A 08.02.23 v2; 21120-GA01 Revision A (dated 16.12.21).

   REASON: To allow compliance with the approved plans and allow mechanism for formal amendment if it is required.

Decommissioning

3) Within 1 month of the date of first export of electricity to the National Grid confirmation shall be given in writing to the local planning authority the date of first export. The development hereby permitted shall then cease on or before the expiry of a 40-year period from the date of the first export of electricity. The land shall thereafter be restored to its former condition (allowing for any appropriate enhancements) in accordance with a scheme of decommissioning work (a Decommissioning Scheme), which will include: a Transport Management Plan to address transport routes; all landscape restoration works needed; measures to address all environmental effects of decommissioning; an Ecological Assessment Report; and the landscape and ecological features on the site to be retained. The Decommissioning Scheme shall be submitted to and approved in writing no later than 40 years from the date of the first export of electricity from the site, and subsequently implemented as approved.

   REASON: To ensure that the site is properly restored in the interests of protecting visual amenity including the protection of heritage assets; protecting ecology and biodiversity; and to ensure the effects of site decommissioning on the highway network are adequately mitigated in accordance with Policies S7 and GEN1 of Uttlesford Local Plan (2005).

4) In the event the site ceases to generate electricity for a period of 6 months prior to the end of the 40 year period, a scheme of earlier decommissioning works (an Early Decommissioning Scheme) which shall include a Transport

Management Plan and an Ecological Assessment Report, as required by Condition 3, shall first be submitted to the local planning authority and approved in writing no later than 3 months from the end of the 6 month period. The decommissioning shall be carried out strictly in accordance with the approved scheme details.

REASON: To ensure that the site is properly restored in the interests of protecting visual amenity including the protection of heritage assets; protecting ecology and biodiversity; and to ensure the effects of site decommissioning on the highway network are adequately mitigated in accordance with Policies S7 and GEN1 of Uttlesford Local Plan (2005).

Landscape, Ecology and Biodiversity

5) The development permitted by this planning permission shall be carried out in full accordance with the details contained within the Landscape and Ecological and Management Plan by Sightline Landscape Plan Document Ref: 458_Pelham Solar unless the Planning Authority give written consent to any variation.

   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).

6) Prior to the commencement of the development hereby approved, a Biodiversity Enhancement Strategy, for protected and Priority Species and other wildlife 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 plans; d) timetable for implementation demonstrating that works are aligned with any 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 fully implemented in accordance with the approved details prior to operation of the site and shall be retained in that manner thereafter.

   REASON: To enhance protected and Priority species & habitats and allow the Local Planning Authority 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 aims of National Planning Policy Framework.

7) Following commencement of the development hereby approved, the content of the submitted Skylark Mitigation Strategy, dated 9 November 2022, shall be fully implemented unless the Local Authority give written consent to any variation.

   REASON: To enhance protected and Priority species & habitats and allow the Local Planning Authority 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 aims of the National Planning Policy Framework.

Lighting

8) No external lighting shall be installed before, a lighting design scheme to avoid light pollution and for biodiversity protection interests is submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for wildlife 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 shall any other external lighting be installed without the prior consent of the Local Planning Authority.

   REASON: To allow the decision maker 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 to avoid light pollution problems impacting on amenity and living conditions in accordance with Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (2005).

Highway Safety

9) Notwithstanding the Construction Traffic Management Plan (CTMP) revision 2 already submitted, prior to the commencement of the development hereby approved, including any ground works, a detailed revised CTMP shall first be submitted to, and approved in writing by, the local planning authority. The approved revised CMTP shall then be fully adhered to throughout the construction period.

   REASON: To ensure construction traffic is managed on the highway network in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011, and to ensure adequate mitigation of associated environmental impacts in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

10) No development shall take place, including any ground works or demolition, until a detailed Route Mitigation Plan based on the principles in the revised Construction Traffic Management Plan detailed in condition 9 has been submitted to, and approved in writing by, the local planning authority and any required permissions, Traffic Regulation Orders and licences have been applied for. The approved Route Mitigation Plan shall be adhered to throughout the construction period.

   REASON: To ensure construction traffic is managed on the highway network in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011, and to ensure adequate mitigation of associated environmental impacts in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

11) Prior to the commencement of any work on the site a joint inspection of the route to be used by construction vehicles shall be carried out by the applicant and the highway authority, the scope and methodology shall be

agreed in advance with the highway authority and include photographic evidence. The route should then be inspected again every 3 months during construction and on finally on completion of the development, and any damage to the highway resulting from traffic movements generated by the application site should be repaired within 3 months of detection to an acceptable standard and at no cost to the Highway Authority.

REASON: To preserve the integrity and fabric of the highway, in the interests of highway safety and in accordance Policy DM 1 of Development Management Policies, Essex County Council (February 2011) and to ensure adequate mitigation of associated environmental impacts in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

Access

12) Prior to commencement of the development, the access as shown in principle on submitted drawing number 21120-GA01 Revision A (dated 16.12.21 (shall be provided, including clear to ground visibility splays with dimensions of 2.4 metres by 181 metres in both directions, as measured from and along the nearside edge of the carriageway, Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 17 metres from the back edge of the carriageway. No unbound material shall be used in the surface treatment of the vehicular access within 17 metres of the highway boundary. 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 forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Public Rights of Way

13) Prior to 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 for approval. The plan shall address the treatment of the public rights of way during construction and operation of the solar farm. The approved plan shall be implemented thereafter. The plan will contain but shall not be limited to the following: i. Details of any temporary diversions required during construction ii. Details of the method of the protection of users during construction, such as fencing, use of banksmen iii. 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 the developer. iv. 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 v. 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. vi. A maintenance regime for any screen planting adjacent to a public right of way vii. Details of historic and cultural information display(s) referring to local heritage assets and their importance for members of the public, and any other signing required.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11, and to enhance the appreciation of local heritage assets in accordance with Policy ENV4 of the Uttlesford Local Plan (2005) and the aims of the National Planning Policy Framework.

14) No new screening planting shall be located within 3m of a public right of way, any new planting shall be regularly maintained and cutback to ensure clear passage for users of the public right of way throughout the period of occupation of the site.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

Drainage/ Flood Risk / Soil & Pollution Management

15) The development permitted by this planning permission shall be carried out in accordance with the document "Stratera Pelham Solar Farm Flood Risk Assessment and drainage" HLEF81444, ver001 dated May 2022, by RPS Consultants. 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 hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to: • Verification of the suitability of infiltration of surface water for all rainfall events up to the 1 in 100 year + 40% cc event. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. • Final modelling and calculations for all areas of the drainage system. • A final drainage plan which details exceedance and conveyance routes, Floor Finishing Level and ground levels, and location and sizing of any drainage features. • Clarification of the discrepancies between the text of the Flood Risk Assessment concerning the absence of poured concrete foundations to the ancillary structures, and the drawings, which indicate their presence. • A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with Policy GEN3 of Uttlesford Local Plan (adopted 2005) and paragraph's 167 and paragraph 174 of the National Planning Policy Framework.

16) No works shall take place until a scheme to minimise the risk of off-site 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: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with Policy GEN3 of Uttlesford Local Plan (adopted 2005) and paragraph's 167 and 174 of the National Planning Policy Framework.

17) The development hereby permitted shall not be commenced until a Soil Management Plan (SMP) has been submitted to, and approved in writing by, the Local Planning Authority. The SMP should cover, but not be limited to: • Construction phase soil protection during, for example, piling and array installation. • Temporary loss of vegetation cover during/immediately following construction. • Operational phase monitoring of vegetation within the SMP shall be implemented as approved.

REASON: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with Policy GEN3 of Uttlesford Local Plan (2005) and paragraph's 167 and 174 of the National Planning Policy Framework.

Heritage/Archaeology

18) No development or preliminary groundworks of any kind shall take place until: a) a programme of archaeological evaluation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant and approved in writing by the local planning authority; b) the completion of the programme of archaeological evaluation identified in the WSI defined in Part (a) and confirmed by the Local Authority archaeological advisors.

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

19) A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation. The agreed mitigation strategy once approved shall be fully implemented.

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

20) No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

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

Unexpected land contamination

21) If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, it must be reported in writing immediately to the Local Planning Authority. The contamination shall be investigated by a competent person in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and The Environment Agency Land Contamination Risk Management (LCRM) and other current guidance deemed authoritative for the purposes, to the satisfaction of the Local Planning Authority, to ensure that the site is made

suitable for its end use. Where remediation is necessary, a remediation scheme must be prepared and submitted for the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.

REASON: To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with Policies GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (2005).

Construction/Dust Management

22) Prior to the commencement of the 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 any highway works necessary to enable construction to take place d) Parking and loading arrangements e) Details of hoarding f) Management of traffic to reduce congestion g) Control of dust and dirt on the public highway h) Details of consultation and complaint management with local businesses and neighbours i) Waste management proposals j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour. k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures. The CEMP shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. All works shall be carried out in accordance with the approved CEMP thereafter.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (2005).

Informative(s)

1. In determining this application, the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner through correspondence during its course.

2. The applicant should refer to the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found at https://www.essex.gov.uk/protectingenvironment

3. The applicant's attention is drawn to the new procedures for crane and tall equipment notifications issued by London Stanstead Airport.

4. Cadent Gas Ltd own and operate the gas infrastructure within the area of the development. Prior to carrying out works the applicant is advised to register relevant details of any planned works for Cadent's further review, to ensure their requirements are adhered to.

5. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, with details to be agreed before the commencement of

works. The applicant is advised to contact the Development Management Team by email at or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

6. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.

7. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

8. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is a breach of this legislation. The public's rights and ease of passage over the public rights of way within the site (FP5/26, FP5/21) and adjacent to the site (FP5/27, FP5/25 and FP5/22), shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

9. Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

10. Changes to existing water courses may require separate consent under the Land Drainage Act before works take place.

11. Any potential challenge to this Section 62A decision can only be made by an application to the High Court under s288(1) of the Town and Country Planning Act 1990. An application must be made within 6 weeks of the date of the decision made. These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: https://www.gov.uk/courts-tribunals/planning-court

12. Responsibility for ensuring compliance with this Decision Notice rests with Uttlesford District Council and any applications related to the compliance with the conditions must be submitted to the Council.

SCHEDULE 2:

Documents received at the Hearing

1) Nil.

Documents received after the Hearing

1) Copies of oral statements made during proceedings.

2) Suggested additional conditions from UDC Environmental Health and Ecology.

3) Applicant's agreement of extending the 16-week statutory period to 9 May 2023; and agreement of potential pre-commencement conditions if they were imposed.

SCHEDULE 3: Appearances

FOR THE APPLICANT:

Jon Alsop	Planning Director - RPS Consultants
Kirsty Cassie	Project Developer - Statera Energy Limited

FOR THE COUNCIL:

Laurence Ackrill	UDC, Principal Planning Officer
Jane Mann	UDC, Environmental Health
Ella Gibbs	Ecology Consultant
Katherine Wilkinson	Highway Authority

INTERESTED PARTIES:

Cllr Janice Loughlin	Member for Stort Valley Ward
Cllr Geoff Williamson	Member for Little Hadham Ward
Rosie Somers	Stocking Pelham PC
Claire Russell	Berden Parish Council
Richard Haynes	CPRE, Essex
Katherine Armstrong	
James Palmer	
Sara Yarrow	
Jo Van Riemsdijk	
John Arnell	
Sarah Wright	
Daniel Horn	
Colin Berthoud	
John Walker	
Howard Farmer	

End of all Schedules.