



ITEM NUMBER: 6

PLANNING COMMITTEE DATE: 8 July 2026

REFERENCE NUMBER: UTT/25/2426/FUL

LOCATION: Land Located Between Thaxted Substation And The Cutlers Solar Farm Site, Cutlers Green Lane, Thaxted, Essex.

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: March 2026

PROPOSAL: The installation and operation of an underground high voltage electrical cable and associated works required to connect Cutlers Solar Farm to the electricity grid.

APPLICANT: Ms Jane Papenfus

AGENT: Rob Booth

EXPIRY DATE: 8 July 2026

EOT EXPIRY DATE: 8 July 2026

CASE OFFICER: Richard Elder

NOTATION: Outside Development Limits. PROW, Local Wildlife Site, Archaeological Site, Oil Pipeline, within 6km of Stansted Airport, Special Verge, SSSI impact zone, listed buildings in the vicinity.

REASON THIS APPLICATION IS ON THE AGENDA: Major Application

1. EXECUTIVE SUMMARY

1.1 The application seeks permission for the installation and operation of a 4 kilometre long underground high voltage (HV) electrical cable, including a temporary construction compound and associated works to connect a consented solar farm, known as 'Cutlers Solar Farm', to the national grid. Cutlers Solar Farm was allowed on appeal (ref. APP/C1570/W/23/3319421) on 18th December 2023.

1.2 The underground HV electrical cable is proposed to connect into the existing Thaxted Substation, located to the northeast of Thaxted and Boyton End, approximately 3.2 km northeast of Cutlers Solar Farm. The cable corridor did not form part of the approved planning application, hence the need for separate planning permission to allow Cutlers Solar Farm to connect into the electricity grid. The proposed route would be located under a mixture of highways and agricultural land, as well as two small watercourses, and runs to the north of Thaxted and Boyton End, from Thaxted Substation in the northeast to the village of Cutlers Green in the southwest.

- 1.3 Overall, the proposal is considered to be acceptable and would not result in any significant harm to the countryside, watercourses, biodiversity or to residential amenity subject to conditions.

2. **RECOMMENDATION**

That the Strategic Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 15 of this report –

Conditions

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site measures approximately 3.4 hectares ('ha'), being a corridor of approximately 4km in length and approximately 6 metres ('m') wide and extends from Thaxted Substation in the northeast and runs broadly south-westerly to Cutlers Green in the southwest. At its closest point, the cable corridor would be located approximately 750 m north of the centre of Thaxted and just to the north of Boyton End.

- 3.2 The land on within the application site consists of approximately 1.4 km of highways and 2.6 km of agricultural fields, which are currently in arable rotation. The carriageway section of the cable route borders either farmland, residential dwellings or green open spaces with hedgerows, individual trees and tree groups present. Farmland sections of the cable route are generally alongside hedgerows with ditches and within ploughed fields. The topography is generally flat with numerous ditches running along roads and hedgerows. The cable route site also passes under a brook near Watling Lane. There is a large existing site access off Bolford St at the western end of the route allowing access to the proposed compound area.

- 3.3 The site is relatively isolated and well separated from residential areas except for a small stretch of properties in Cutlers Green and off the B1051 in Boyton End. There is a small number of stand-alone properties in close proximity to the Site on Watling Lane, as well as a few isolated farmsteads scattered within the vicinity. The land around Thaxted Substation, where the cable connects, contains existing solar developments and some industrial uses (motorcycle repair and sandblasting facility).

4. **PROPOSAL**

- 4.1 The proposed development comprises the installation and operation of a 4 kilometre long underground high voltage electrical cable, including a temporary construction compound and associated works to connect a consented solar farm, known as 'Cutlers Solar Farm', to the national grid.

The underground HV electrical cable is proposed to connect into the existing Thaxted Substation, located to the northeast of Thaxted and Boyton End, approximately 3.2 km northeast of Cutlers Solar Farm. The cable corridor did not form part of the approved planning application, hence the need for separate planning permission to allow Cutlers Solar Farm to connect into the electricity grid. The proposed route would be located under a mixture of highways and agricultural land, as well as two small watercourses, and runs to the north of Thaxted and Boyton End, from Thaxted Substation in the northeast to the village of Cutlers Green in the southwest.

4.2 The proposal includes associated works such as a temporary construction compound and laydown area at its most western extent (adjacent to Bolford Street). The underground cable would run north west from Thaxted Substation for approximately 280m underneath an agricultural field, before turning south-west under the B1051 for approximately 1.35 km. It would then cross Walden Road and run under another agricultural field, before crossing Watling Lane and a small section of the River Chelmer. Then it would pass underneath several more agricultural fields for approximately 1.3 km, including a small unnamed brook. Finally, it would run north-westerly underneath Bolford Street for approximately 150 m, before reaching a field parcel where Cutlers Solar Farm is located. Within Cutlers Solar Farm itself, it would head north westerly under further field parcels, before terminating at the DNO substation provided as part of the approved Cutlers Solar Farm. In total, the cable route would pass underneath approximately 1.4 km of highways and 2.6 km of agricultural land.

5. RELEVANT SITE HISTORY

5.1	Reference	Proposal	Decision
	UTT/21/1833/FUL	Construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and landscaping.	Refused. Allowed on appeal.

6. SUMMARY OF STATUTORY CONSULTEE RESPONSES

6.1 Highway Authority

6.1.1 No objection subject to conditions.

6.2 Environment Agency

6.2.1 No objection.

6.3 PARISH/TOWN COUNCIL COMMENTS

6.3.1 Thaxted Parish Council raises the following comment:

- To accept the application with the following comments: that the cables should be aligned with the hedge line and not 15 metres into the field.

7. CONSULTEE RESPONSES

7.1 UDC Landscape Officer/Arborist

7.1.1 No objection subject to conditions

7.2 Place Services (Conservation and Heritage)

7.2.1 No objection subject to a condition. The proposed development would not result in harm to built heritage due to the cabling installed underground.

7.3 Place Services (Ecology)

7.3.1 No objection subject to conditions.

7.4 ESP Utilities

7.4.1 No objection

7.5 Energy Assets Network

7.5.1 No objection

7.6 UK Power Networks

7.6.1 No objection

7.7 National Grid

7.7.1 No objection

7.8 Fulcrum Pipelines

7.8.1 No objection

7.9 Anglian Water

7.9.1 No objection

7.10 Cadent Gas

7.10.1 No objection

8. REPRESENTATIONS

8.1 A site notice was displayed on site; the application was advertised in the local press and notification letters were sent to nearby properties. No public representations have been received in response.

9. MATERIAL CONSIDERATIONS

9.1 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.

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

- a) The provisions of the development plan, so far as material to the application, (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and any other material considerations.

9.3 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.

9.4 The Development Plan

9.5 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Felsted Neighbourhood Plan (made February 2020)

Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon Neighbourhood Plan (made December 2022)
Great & Little Chesterford Neighbourhood Plan (made February 2023)
Uttlesford Local Plan 2021-2041 (adopted March 2026)

10. POLICY

10.1 National Policies

10.1.1 National Planning Policy Framework (2024)

10.2 Uttlesford District Local Plan 2021-2041

10.2.1 Core Policy 3 - Settlement Hierarchy
Core Policy 5 - Providing Supporting Infrastructure and Services
Core Policy 27 - Assessing the Impact of Development on Transport Infrastructure
Core Policy 30 – Public Rights of Way
Core Policy 35 – Watercourse Protection and Enhancement
Core Policy 36 – Flood Risk
Core Policy 37 – Sustainable Drainage
Core Policy 38 – Sites Designated for Biodiversity or Geology
Core Policy 39 – Green & Blue Infrastructure
Core Policy 40 – Biodiversity and Nature Recovery
Core Policy 41 – Landscape Character
Core Policy 62 – Listed Buildings
Core Policy 63 – Conservation Areas

10.3 Supplementary Planning Document or Guidance

10.3.1 Supplementary Planning Document – Developer’s contributions
Uttlesford Interim Climate Change Policy (2021)

11. CONSIDERATIONS AND ASSESSMENT

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

- A) Principle of Development**
- B) Impact on Trees and Vegetation**
- C) Highways Considerations**
- D) Flood Risk and Drainage**
- E) Biodiversity and Protection of Natural Environment**

11.2 **A) Principle of Development**

11.2.1 Planning permission was granted on appeal for the construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and landscaping on 18th December 2023. The cable route corridor did not form part of this planning permission, hence the need to obtain separate approval to connect Cutlers Solar Farm into the electricity grid.

11.2.2 As such, due to the need for the proposed development as essential infrastructure subject of this application to facilitate the delivery of the approved solar farm, it is considered that the principle of development is acceptable in accordance with Core Policy 5 (Providing Supporting Infrastructure and Services), subject to it satisfying specific policy requirements, planning considerations and potential impacts addressed below.

11.3 B) Impact on Trees and Vegetation

11.3.1 Core Policy 41 (Landscape Character) of the Uttlesford Local Plan 2021–2041 requires development to respond positively to its landscape context. Core Policy 39 (Green and Blue Infrastructure) states that for major developments, priority will be given to the role of GBI in responding to climate change, managing flood risk, protecting and enhancing heritage assets, supporting sustainable transport options, supporting biodiversity and the natural environment.

11.3.2 An Arboricultural Impact Assessment has been submitted to support the application. It confirms that 106 arboricultural features were recorded along the cable route which includes various high value and prominent trees which have been surveyed. Some of these included yew trees (located in a private garden west of the B1051), oak trees (located along the edge of the B1051), high-value willow and poplar trees (alongside a brook) and a very large field maple near to the cable route where it crosses the brook. Several other high and moderate quality oak trees were located along the cable route intermittently between the brook crossing and the western end of the cable route. A large veteran willow (T7) was identified and is located on the off-site side of the brook. Although the presence of the brook will likely have limited the roots extending towards the cable alignment, a precautionary veteran tree buffer (inline with the Standing Advice of Natural England and Forestry Commission) has been applied to this tree.

11.3.3 The highest density of trees along the cable route site was within agricultural fields roughly 500m north of Cutlers Green where there is an approximately 250m long section of A and B category trees formed mostly of oak and ash. The only high-value trees in the vicinity of the compound area are 2 oak trees located at sufficient distance from the compound.

The other trees in that area are category C (low) or category B (moderate) trees. A combined Tree Retention and Removal and Tree Protection Plan (TRRP) is included in Section 2 of the Assessment.

11.3.4 Trees to be removed

11.3.5 In general, the cable route runs within the carriageway of roads and through open farmland. Where possible the cable route has been aligned to utilise existing gaps in hedgerows and between trees (e.g existing field gateways) and utilising Horizontal Directional Drilling (HDD) under the trees and the brook. However, the partial removal of 3 groups will be necessary to facilitate the installation of the cable. The removals are required from within low quality (category C) groups G1, G10 and G31 which the cable route passes through. In all cases this will likely just require the removal of two or three individual trees from within the groups and pruning of adjacent trees. The gaps created will likely 'fill out' through natural regrowth but replacement planting should be undertaken to supplement this.

11.3.6 Impact on retained trees

11.3.7 The cable will be located along the carriageway on the B1051, starting from the existing solar farm to Thaxted. The area around the carriageway has several ditches which will act as natural barriers to rooting areas of trees either side. Where ditches are not present as natural barriers for rooting areas then the RPA should be adhered to, although it is unlikely that roots of trees will pass directly under the carriageway. Although significant roots are not expected to be present beneath the carriageway, where the cables route passes through the notional RPAs of high quality (Category A) trees, the cable alignment will be located as far away from the trees as possible (within the limitation of the redline boundary) and pre-installation trial holes will be carried out within the carriageway. Should the trial holes reveal significant roots are present then alternative or supplementary excavation methods such as vacuum excavation may be required. The project arboriculturist will need to advise based on the trial hole findings and any changes in workings methods reflected in a revised Arboricultural Method Statement (AMS) to be secured by a pre-commencement condition.

11.3.8 Where the cable passes through agricultural land, it generally travels along the inside periphery of the fields approximately 5 meters into the ploughed land where there is unlikely to be significant roots. On the occasions where the cable is aligned to be closer to the field margin that has not been historically ploughed and will infringe into RPAs then local adjustments could be made (where possible) to adjust the cable alignment within the redline boundary. The cable route has also been designed to avoid the RPA and veteran tree buffer. Many of the trees and tree groups close to the proposed cable route within the agricultural land also have deep ditches running between them and the cable, acting as a natural

barrier for the roots and making the impacts to these retained trees very minimal.

11.3.9 Temporary protective fencing is proposed to be installed around the most significant, high quality trees to prevent visible mechanical damage from occurring above ground and prevent the RPAs from becoming contaminated or compacted. HERAS fencing will be suitable for the protection of trees and would be installed for the duration of the development.

11.3.10 The UDC Tree and Landscape officer has been consulted and raises no objection subject to conditions requiring replacement planting to hedgerow gaps, tree protection measures and submission of any revised Arboricultural Method Statement prior to commencement of the development. As such, it is considered that subject to the recommendations set out in the AIA and conditions, the proposal will not have any significant impact on prominent and high value trees, hedgerows, surrounding vegetation and the wider landscape in accordance with Core Policies 39 and 41 of the Uttlesford Local Plan 2021-2041.

11.4 C) Highways Considerations

11.4.1 The proposal would affect several Public Rights of Way throughout the cabling route within the application site. Core Policy 30 (Public Rights of Way) states that development proposals for sites that include a Public Right of Way within the site or are for major development proposals adjacent to an existing Right of Way are required to submit a Rights of Way Scheme that demonstrates how the development will protect, enhance and promote the Public Rights of Way network.

11.4.2 Submitted drawing CR-01-rev10 shows the PROW routes affected by the proposal and shows where they interact with the cable route. PROW 106 is shown on the plan which is a bridleway that runs through the main site from Bolford Street to the west of the cable route compound area. The cable route briefly runs along the same route as a Public Right of Way ('PROW') known as Thaxted 17 in the southwest off Bolford Street. A section of Thaxted 102 then runs along the cable route, before it is intersected by Thaxted 8. The cable route is then briefly covered by Thaxted 10, which then crosses Watling Lane and runs along the same route as Thaxted 97. Several more PROWs stem off the B1051, which the cable would be laid under, but are not directly intersected by the cable route. It is proposed that the PROWs and its users would be separated from the construction/installation works by temporary fencing covered in sheeting to ensure that users of the PROW'S are able to continue to use the routes and pass through the site. Once the proposed development is operational, it will sit wholly underground and therefore views experienced from the PROWs will be restored to their original state post-construction.

- 11.4.3** Additional information submitted also confirms that the alignments and widths of the PROWs will be retained throughout the construction and subsequent operation of the development. Should construction vehicle movements need to occur across the alignment of a PROW, gates will be put in place at either side of the PROW and a temporary surface matting or plate will be laid across each PROW where construction vehicles will be required to pass, to protect the surface of the PROW(s) during the construction works. A banksman will be present to open the side gates to vehicles, ensuring that the movements of PROW users are prioritised.
- 11.4.4** Essex Highways have been consulted and raise no objection subject to a condition requiring a PROW Management Plan for the protection of the public rights of way and users affected by the development and a condition requiring a Decommissioning Method Statement.
- 11.4.5** As such, subject to the above mentioned conditions, it is considered that the proposed development would not have any significant impact on the use and operation of the Public Rights of Way network and the highway in accordance with Core Policy 30 of the Uttlesford Local Plan 2021-2041.

11.5 D) Flood Risk and Drainage

- 11.5.1** The NPPF 2024 seeks to direct development away from areas at highest risk of flooding and requires that development is safe for its lifetime without increasing flood risk elsewhere. This is reflected in Core Policy 36 (Flood Risk) and Core Policy 37 (Sustainable Drainage Systems) of the Uttlesford Local Plan 2021–2041.
- 11.5.2** A Flood Risk Assessment has been submitted to support the application which confirms that the vast majority of the cable route is located in Flood Zone 1. A small portion of the cable route is expected to pass through Flood Zones 2 and 3 either side of the River Chelmer adjacent to Watling Lane. However, it would run underneath the ground and underneath the River Chelmer and would have no negligible impact on increasing flood risk.
- 11.5.3** The submitted Flood Risk Assessment Note considers land in Flood Zones 2 and 3, and demonstrates that a sequential approach to flood risk has been taken, concluding that there are no alternative routes at lower risk using ‘reasonably’ available land. Furthermore, given that the nature of the cable route proposals constitute water resistant buried services with no impact on existing ground levels, it is considered that they are outside the scope of the Sequential Test and are essential infrastructure associated with an approved solar farm. The FRA confirms that once the cable is installed, providing there is no resultant change to ground levels, it would have a negligible impact on flood risk and surface water flows along its route post-construction. The cable would also have a waterproof rubber insulation layer that would protect it from water in areas prone to

saturation. Therefore, the proposed cable route is at a negligible risk of flooding from groundwater or surface water flows.

11.5.4 The Environment Agency have been consulted and have responded raising no objection to the proposal. As such it is considered that the proposal accords with the objectives of Core Policies 36 (Flood Risk) and Core Policy 37 (Sustainable Drainage Systems) of the Uttlesford Local Plan 2021–2041.

11.6 E) Biodiversity and Protection of Natural Environment

11.6.1 The NPPF 2024 requires planning decisions to contribute to and enhance the natural environment, including by minimising impacts on biodiversity and providing net gains where possible. This is reflected in Core Policy 40 (Biodiversity and Nature Recovery) of the Uttlesford Local Plan 2021–2041.

11.6.2 A Preliminary Ecological Appraisal dated November 2024 has been submitted to support the application. The report confirms that the site supports a range of common and widespread habitats, the most notable being boundary features such as hedgerows, trees and ditches. The site also crosses a sinuous section of the River Chelmer featuring established riparian vegetation.

11.6.3 The impact of the proposed development upon habitat and species is considered to be low, owing to its temporary nature and to the limited scope for enabling works in the form of vegetation management/clearance.

11.6.4 Impact on habitats

11.6.5 The crossing of boundaries between fields will be achieved exploiting existing hedge breaks and farm tracks and therefore, the removal of vegetation to enable construction works is expected to be unnecessary or minimal.

11.6.6 Damage to the root system of established woody vegetation should be generally avoidable through the establishment of a suitable root protection area, to be informed by a pre-development tree survey report.

11.6.7 It is understood that Chelmer stream will be crossed by underground directional drilling, thus avoiding interference with its banks and associated riparian habitats.

11.6.8 Excavation across areas of modified grassland is not expected to have any negative effects on biodiversity, owing to this habitat's intrinsically poor quality, and will create opportunities for the sowing of a species-rich grass and wildflower mix upon reinstatement, to the benefit of biodiversity.

11.6.9 Impact on protected species

- 11.6.10** No impacts are expected, and no further surveys or mitigation are required for white clawed crayfish, water vole, invasive species. Badgers are considered the most significant ecological constraint on site, owing to the presence of 4 active setts within the survey area. To afford these setts suitable protection during construction activities, a minimum buffer of 20 metres shall be established from any active entrances. This is to prevent the risk of excavation interfering with tunnels or chambers, as well as to minimise disturbance during the construction phase. All identified badger setts have been successfully avoided through minor adjustments to the red-line boundary. However, due to the itinerant nature of badgers, it is also recommended that a walkover survey is carried out no earlier than one month prior to works commencing, to obtain an up-to-date picture of badger activity within the site.
- 11.6.11** In relation to bats, any short-term impacts from the proposed works would be limited to lighting and noise, which can be mitigated by adopting sensible construction practices within a Construction and Environmental Management Plan and secured by condition.
- 11.6.12** Any vegetation management/removal works required to facilitate development should be delivered outside the nesting bird season (Mar-August inclusive). If this is not possible, a breeding bird check shall first be undertaken by a suitably qualified ecologist. Any active nests found within the works area shall be left undisturbed until such time as all chicks have fledged and the nest is confirmed as vacant.
- 11.6.13** The presence of reptiles within the works area is deemed low and limited to the site's eastern and western extremities. Any reptiles found on site shall be translocated to a suitable receptor, to be identified/created prior to works commencing.
- 11.6.14** In relation to the impact on Great Crested Newts, having regard to the transient and low-impact nature of the proposed development, the specific characteristics of the works, and the local context, the applicant's ecologist considers it is highly unlikely that the proposals would give rise to a material impact on any potential GCN population. In particular, those sections of the cable route located within 250 m of the identified ponds would be confined to trenching within the existing carriageway, with no works affecting suitable terrestrial habitat. The ponds closest to the application site are situated in close proximity to B-class roads carrying moderate levels of vehicular traffic, which are likely to act as a significant barrier to amphibian dispersal. On this basis, it is considered that potential risks to GCN can be effectively addressed through the implementation of a Precautionary Method of Works (PMW), delivered under the supervision of a suitably experienced and licensed ecologist acting in the role of Ecological Clerk of Works (ECoW). While it is recognised that secondary protected species surveys are not generally conditioned, a pragmatic assessment indicates that, given the limited extent, duration, and nature

of the works, any effects would be temporary and negligible, subject to the agreed mitigation measures.

11.6.15 After additional information received, Place Services Ecology have been consulted and after additional information was requested on Great Crested Newts within the site, Place Services Ecology have confirmed that as the identified ponds are now outside of the red-line boundary and the development footprint is limited, they are satisfied that potential impacts of development on Great Crested Newt (GCN) can be mitigated with a Precautionary Working Method Statement (PWMS) for GCN, secured by a condition and no objection is raised.

11.6.16 Biodiversity net gain and biodiversity enhancements

11.6.17 Core Policy 40 states all development proposals will be required to demonstrate a minimum of 20% Biodiversity Net Gain calculated using the most recent Statutory Metric, unless it can be clearly demonstrated that provision in excess of the statutory minimum 10% would make development unviable (with the exception of development which is exempt from statutory Biodiversity Net Gain requirements).

11.6.18 A BNG Impact Assessment and Enhancement Strategy dated April 2026 has been submitted in response to Place Services Ecology holding objection on grounds of insufficient information relating to mandatory biodiversity net gains where certain habitats within the site have not been included within the metric. This is also accompanied by a revised BNG metric sheet which confirms that the proposals will compensate for all units lost and achieve a balance of 6.14 habitat units and 0.63 hedgerow units, equating to a net gain of 11.36% and 121.06%, respectively and a net gain of 30.06% watercourse units.

11.6.19 Place Service Ecology have been reconsulted and have responded to confirm no objection to the proposals subject to conditions. As such, the proposed development is considered acceptable on biodiversity and nature recovery grounds in accordance with Core Policy 40 of the Uttlesford Local Plan 2021–2041 and national planning policy relating to biodiversity protection and enhancement.

12. **ADDITIONAL DUTIES**

12.1 **Public Sector Equalities Duties**

12.1.1 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.

- 12.1.2** 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.
- 12.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

13.2 Human Rights

- 13.2.1** 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.

14. CONCLUSION

- 14.1** The application seeks permission for the installation and operation of a 4 kilometre long underground high voltage electrical cable, including a temporary construction compound and associated works to connect a consented solar farm, known as 'Cutlers Solar Farm', to the national grid.
- 14.2** Planning permission was granted on appeal for the construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and landscaping on 18th December 2023. Due to the need for the proposed development as essential infrastructure to facilitate the delivery of the approved solar farm, it is considered that the principle of development is acceptable.
- 14.3** The proposed cable will be installed underground and under the River Chelmer. The proposal will require the removal of some trees to facilitate the laying of the cable which will be replaced by new trees within the site. Retained trees will be protected by HERAS fencing installed for the duration of the development. The UDC Tree and Landscape officer has been consulted and raises no objection subject to conditions.
- 14.4** Due to the nature of the proposed development, the proposal would have no impact on the use and enjoyment of the Public Rights of Way Network or highway; only during construction stage requiring temporary rerouting and on decommissioning after 40 years.

14.5 In terms of flood risk, given that the nature of the cable route proposals constitute water resistant buried services with no impact on existing ground levels, it is considered that they are outside the scope of the Sequential Test and are essential infrastructure associated with an approved solar farm. The FRA confirms that once the cable is installed, providing there is no resultant change to ground levels, it would have a negligible impact on flood risk and surface water flows. The Environment Agency have been consulted and raise no objection.

14.6 A Preliminary Ecological Appraisal has been submitted to support the application. The report confirms that the site supports a range of common and widespread habitats, the most notable being boundary features such as hedgerows, trees and ditches. The impact of the proposed development upon habitat and protected species is considered to be low, owing to its temporary nature and underground subject to conditions. The proposal also includes biodiversity net gains of 6.14 habitat units and 0.63 hedgerow units, equating to a net gain of 11.36% and 121.06%, respectively and a net gain of 30.06% watercourse units. Place Services Ecology have been consulted and raise no objection.

14.7 In consideration of the above the proposal is acceptable and in accordance with policy. Therefore, approval is recommended subject to the following conditions.

15. CONDITIONS

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

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

- 2.** The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford District Local Plan 2021-2041 as shown in the Schedule of Policies.

- 3.** Prior to commencement of works, a Public Right Of Way management plan for the protection of the public rights of way and users affected by the development (within the site, the construction access routes and adjacent to it) shall be submitted to the Planning Authority in consultation with the highway authority for approval. The plan shall address the treatment of the public rights of way during the cable installation. The approved plan shall

be implemented thereafter. The plan will contain but not be limited to the following:

- i. Details of any temporary diversions and/or closures required during construction
- ii. Details of the method of the protection of users during construction, such as fencing, use of banksmen etc
- 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 developer.
- iv. Any signing required

REASON: to ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Core Policy 30 of the Uttlesford District Local Plan 2021-2041 and the National Planning Policy Framework (2024).

4. Not more than three months prior to the solar farm development permanently ceasing operations, a Decommissioning Method Statement (DMS) must be submitted to the local planning authority for approval in writing, in consultation with the Highway Authority. The DMS must include the following details:

- i. Proposals for the removal of the cable installations
- ii. A Decommissioning Public Rights of Way Management Plan

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Core Policy 30 of the Uttlesford District Local Plan 2021-2041 and the National Planning Policy Framework (2024).

5. Prior to the commencement of works, full details of the replacement trees to replace those lost and planting to gap up existing hedgerows removed to facilitate cable installation shall be submitted to and approved in writing by the Local Planning Authority. The replacement planting shall be carried out in full after the cable installation within a timescale to be agreed set out in the submitted details.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with the adopted Uttlesford District Local Plan 2021-2041 (2026) Core Policies 3, 38, 39 and 41 and the National Planning Policy Framework (2024).

6. Where the cable installation route passes through the notional Root Protection Areas of high quality (Category A) trees, the cable alignment shall be located as far away from the trees as possible (within the limitation of the redline site boundary) and pre-installation trial holes to be carried out. Should the trial holes reveal significant roots are present then alternative or supplementary excavation methods such as VacEx (vacuum excavation) may be required, full details of which shall be set out in a revised Arboricultural Method Statement (AMS) to be submitted and

approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with the adopted Uttlesford District Local Plan 2021-2041 (2026) Core Policies 3, 38, 39 and 41 and the National Planning Policy Framework (2024).

7. The development shall be carried out in accordance with the recommendations, mitigation works and tree protection measures set out in the submitted Arboricultural Impact Assessment (AIA) dated September 2024. Any deviations to the agreed works set out in this AIA shall be submitted to the Local Planning Authority for approval prior to the works commencing.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with the adopted Uttlesford District Local Plan 2021-2041 (2026) Core Policies 3, 38, 39 and 41 and the National Planning Policy Framework (2024).

8. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Ecology Resources, November 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve 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 (as amended). And in accordance with Core Policies 39, 40 and 41 of the Uttlesford District Local Plan 2021-2041 and the National Planning Policy Framework (2024).

9. No development shall take place (including any demolition, ground works, site clearance) until a Precautionary Biodiversity Method Statement for protected and Priority species (Great Crested Newt) has been submitted to and approved in writing by the local planning authority.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations. And in accordance with Core Policies 39, 40 and 41 of the Uttlesford District Local Plan 2021-2041 and the National Planning Policy Framework (2024).

10. Prior to the commencement of works, a Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to include the following:
- a) a non-technical summary;
 - b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - c) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
 - d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
 - e) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
 - f) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- initial enhancements, as set in the HMMP, have been implemented; and
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 3, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

The Council shall only issue approval of the habitat creation and enhancement works until:

- the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

REASON: To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development. And in accordance with Core Policies 39, 40 and 41 of the Uttlesford District Local Plan 2021-2041 and the National Planning Policy Framework (2024).

11. Not more than 2 months prior to completion of the development, full details of how the site will be suitably reinstated following excavation and installation of the cable including timescales for completion of the reinstatement works shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

REASON: To ensure there is no adverse impact on the setting and significance of heritage assets in accordance with Core Policies 62, 63 and 64 of the Uttlesford District Local Plan 2021-2041 and the National Planning Policy Framework (2024).

INFORMATIVES

1. All work within, or affecting, the highway shall be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority (Essex County Council), with all details being agreed before the commencement of any highway works. Failure to secure the necessary approvals and relevant permits for works within the highway may result in enforcement action by the Highway Authority against, but not limited to, the owner of the land or the person causing, or responsible for, the damage to the Highway. To start the process to obtain the relevant permissions the applicant should contact the Essex Highways Development Management Team by email at development.management@essexhighways.org.
2. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
3. There shall be no discharge of surface water onto the Highway.
4. The applicant should be made aware that any potential relocation of the utility apparatus in the highway shall be fully at the applicant's expense.
5. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review ensuring requirements are adhered to.

6. The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Cranenotification/>