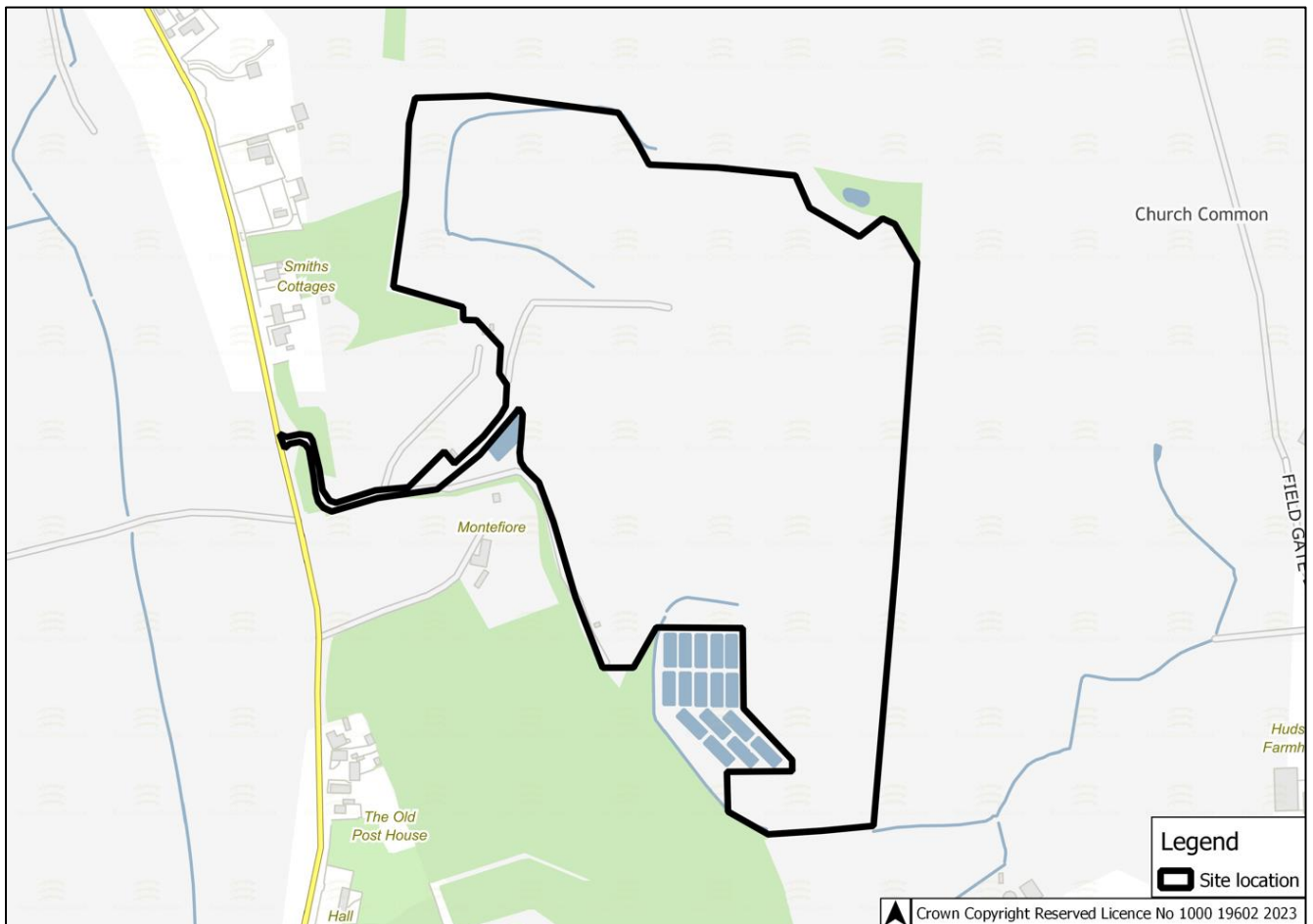


DR/13/23

Report to: DEVELOPMENT & REGULATION (26 MAY 2023)	
Proposal: MINERALS AND WASTE DEVELOPMENT - Importation of soils to allow for the re-capping and reprofiling of restored landfill and installation of a ground-mounted solar array.	
Ref: ESS/66/22/UTT	Applicant: Biffa Waste Services Ltd.
Location: Ugley Landfill Site, Cambridge Road, CM22 6HT	
Report author: Chief Planning Officer (County Planning and Major Development)	
Enquiries to: Tom Sycamore Tel: 03330 321896	
The full application can be viewed at https://planning.essex.gov.uk	



1. BACKGROUND

Ugley landfill is a former sand and gravel quarry which has, in the majority, been restored through landfilling of household and industrial waste (most recent planning permission ref: ESS/66/12/UTT). Landfill operations ceased in 2011 and the site was restored to agricultural land by 2013. The site benefits from separate permissions relating to a gas compound (ref: ESS/38/20/UTT), leachate irrigation ponds (ref: ESS/85/20/UTT), generator, transformer, gas flare stack, oil storage tanks and acoustic fencing (ref: ESS/82/20/UTT) and site offices and car parking area (ref: ESS/104/21/UTT).

The restoration and aftercare for the landfill site is accommodated, under permission ref: ESS/66/12/UTT, within an approved restoration and aftercare masterplan scheme requiring the site to be returned to amenity grassland.

The separate permissions referenced above; the gas compound, the leachate irrigation ponds, the additional gas compound infrastructure and the site offices, have restoration requirements reflecting the masterplan requirements.

2. SITE

Ugley landfill is located approximately 1.5 miles north of Stansted Mountfitchet and immediately east of the B1383 Stansted to Newport Road. Ugley Green lies some 1.5 miles to the east.

Access to the site is taken from a concreted access road approximately 100m in length that links to the B1383. A public footpath (PRoW Ugley 11) runs parallel to the track on the southern side.

Surrounding land is primarily agricultural, occupying a landscape of mature trees and hedgerows. Residential properties lie approximately 250m to the west whilst an individual property lies 50 metres to the south.

There are 59 Listed Buildings within 2km of the site. Those within close proximity are Grade II Listed 'Ivy Cottage and Park Cottage and Rose Cottage' which is located approximately 230m to the south. Grade II Listed 'Jordan's Cottage' is located approximately 200m to the south. Grade II Listed '3-5 The Square, Cambridge Road' is located approximately 242m to the southwest. Grade II Listed '6 and 7 The Square, Cambridge Road' is located approximately 228m to the southwest.

Hall's Quarry Site of Special Scientific Interest (SSSI) is a geological SSSI located partly within the site. Quendon Wood SSSI is located approximately 1.3km north of the site. Part of Elsenham Wood SSSI is located approximately 3.7km to the southeast.

Broom / Burney Wood Local Wildlife Site (LoWS) is located approximately 400m to the northwest of the site. Alsa Wood and Alsa Lodge Pit LoWS are both located approximately 700m to the south. Aubrey Buxton Reserve LoWS is located approximately 900m to the south. Houghtey Wood LoWS is located approximately 1km to the west. All of these areas, except for Aubrey Buxton Reserve, are also classed as ancient woodlands.

The site lies within Flood Zone 1 (low risk of flooding).

Public Right of Way (PRoW) Footpath 11 runs parallel to the southern site boundary.

The site lies within the Stansted Airport Safeguarding Outer Zone.

3. PROPOSAL

The proposal seeks to import approximately 430,000 cubic metres of topsoil and subsoils to recap and re-profile the existing restored landform for the purpose of improving the site's environmental management of leachate levels. The landform would be re-profiled to create a more dome-shaped profile. A new Low Linear Density Polyethylene (LLDPE) layer would be laid on top of the existing Geosynthetic Clay Liner (GCL) cap, with further soils to be placed on top of the new LLDPE cap. The existing GCL cap is not proposed to be altered or compromised. The reprofiling is anticipated to take three years to complete and would be completed in three phases, working in a clockwise direction.

The proposal anticipates 110 HGV trips per day (55 in and 55 out) between 07:00 and 17:30 hours Monday to Friday, with no working on weekends or Bank/Public Holidays.

In addition, the proposal seeks the provision of a 2.4 MW solar array located within the southern part of the site to be placed following the completion of the recapping and re-profiling. The array would cover an area of approximately 4.97 ha and would be positioned in 'strings' and would be accompanied by necessary infrastructure to facilitate the development including a central inverter and ancillary electrical equipment, cabling, transformers, 5m high column-mounted CCTV camera, 2.4m high security fencing and security gate, 1.5m high agricultural fencing and a monitoring system.

The solar array is anticipated to have a lifespan of around 40 years, at which time it would be decommissioned and the site restored.

The proposal includes a revised restoration scheme which reflects the above proposals.

4. POLICIES

The following policies of the [Essex and Southend Waste Local Plan \(WLP\) adopted 2017](#) and the [Uttlesford Local Plan \(ULP\) adopted 2005](#) provide the development plan framework for this application. The following policies are of relevance to this application:

ESSEX AND SOUTHEND-ON-SEA WASTE LOCAL PLAN (WLP) 2017

Policy 2 - Safeguarding Waste Management Sites & Infrastructure

Policy 9 - Waste Disposal Facilities

Policy 10 - Development Management Criteria

Policy 11 - Mitigating and Adapting to Climate Change

Policy 12 - Transport and Access

Policy 13 - Landraising

UTTLESFORD LOCAL PLAN (ULP) 2005

Policy S7 - The Countryside

Policy GEN1 - Access

Policy GEN2 - Design

Policy GEN3 - Flood Protection

Policy GEN4 - Good Neighbourliness

Policy GEN7 - Nature Conservation

Policy ENV3 - Open Spaces and Trees

Policy ENV7 - The Protection of the Natural Environment: Designated Sites

Policy ENV8 - Other Landscape Elements of Importance for Nature Conservation

Policy ENV11 - Noise Generators

Policy ENV12 - Protection of Water Resources

Policy ENV13 - Exposure to Poor Air Quality

Policy ENV15 - Renewable Energy

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a material consideration in planning decisions.

Paragraphs 218 and 219 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the

policies in the plan to the policies in the Framework, the greater the weight that may be given).

The level of consistency of the policies contained within the Uttlesford District Local Plan is considered further in the report.

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

At an Extraordinary Council Meeting on Thursday 30 April 2020 Members decided to withdraw the draft Uttlesford Local Plan 2019 and start a new Plan. This decision was in response to the government appointed Inspector's letter dated 10 January 2020 and the independent Peer Review report from the East of England Local Government Association dated 23 March 2020. The consultation draft local plan is scheduled to be published in Summer 2023.

5. CONSULTATIONS

Summarised as follows:

UTTLESFORD DISTRICT COUNCIL – No objection.

The site lies in open countryside. Essex County Council should be satisfied that the proposal does not lead to unacceptable (major/moderate adverse) harm to the character and appearance of the area. In cases where any such harm is identified, consideration should be given to mitigation secured by means of a Landscape and Ecological Management Plan and Landscape Mitigation Plan.

To mitigation against the visual impacts of the development and the effect of any harmful glint and glare upon highway users and other public vistas, Uttlesford Council would recommend that consideration is given introducing a deeper planting belt around the boundaries of the site that includes infilling hedgerows/tree planting where needed.

Uttlesford District Council would strongly recommend that Essex County engaged a specialist Landscape Consultant to assess the application submission and the impact of the proposed development upon the countryside.

Uttlesford District Council would suggest that careful consideration is given to ensuring that the proposal does not materially harm the living environments of neighbouring residential properties, particularly with regards to glint and glare.

Several heritage assets including listed buildings are near the application site. Uttlesford Council suggested that consideration needs to be given to ensure that the setting and significance of these assets are not significantly harmed.

The application site is located within a defined Country Wildlife Area along with Broom Wood located just to the north of the site and is also designated as Important Woodland. Appropriate measure needs to be undertaken to ensure appropriate mitigation and net gain is achieved in respect to biodiversity and that no harm towards protected species and their habitats occur.

Uttlesford District Council suggests that appropriate consideration needs to be given in respect to matters of highway safety for all users including nearby PROW's during both the construction and operational phases of development.

Uttlesford District Council would request that all Statutory and Non-Statutory consultees comments are taken into consideration in the assessment and determination of the planning application.

UTTLESFORD DISTRICT COUNCIL ENVIRONMENTAL HEALTH – No objection, subject to conditions.

Air Quality – Dust: Operational Impact - The submitted air quality assessment shows that the development will not have a significant impact on air quality.

Air Quality – Dust: Construction Impact - The assessment shows that with appropriate controls in place the residual effects will be 'not significant'. The assessment states that a DMP will be submitted as part of the variation of the environmental permit for the site and implemented under the permit management system in accordance with the 'low risk' schedule of measures from the IAQM guidance. We would also request that DMP also be submitted to the Local Planning Authority for comment.

Noise – A noise assessment has been carried out and shows that noise from the solar arrays is likely to have a low impact, with rating levels below background noise levels at all receptors. The noise from construction works associated with the recapping of the landfill is also not considered likely to exceed the threshold for significant noise impact at any noise sensitive receptors. A CMP should be submitted to ensure suitable measures are implemented to minimise noise impacts as much as possible. The below condition is recommended:

1. Construction Method Statement/Plans

There are residential properties adjacent to this site. A construction method statement is required to minimise loss of amenity to neighbours during construction. The following condition is therefore recommended. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means the approved Statement shall be adhered to throughout the construction period.

2. Solar Array

To ensure the findings of the noise report are implemented the following condition is recommended:

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

The noise emitted by the combined operation of all plant hereby permitted (including power inverter units, battery storage units, transformer station & generators etc) shall have a rating level that does not increase the background measured background noise level expressed as LA90 during the night-time period and the day-time period when all relevant plant is operating at the boundary of the nearest residential premises. Measurement parameters must include the LA90, LAeq, LA Max and 1:1 frequency analysis, and appropriate corrections shall apply in accordance with BS4142:2019.

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

Updated comments following submission of CEMP: The CEMP is acceptable however please can it be confirmed what the working hours are as it says 07:30 in one section but 07:00 in another section.

Case officer comment: Confirmed that working hours would commence at 07:00 Monday to Friday.

ENVIRONMENT AGENCY – No objection.

We acknowledge the submission of the Waste Recovery Plan to the planning portal but do not consider it something that we can address in full through the planning permission system. The Waste Recovery Plan and requisite permit variation must be submitted directly to the Environment Agency as part of the permitting regime.

Our position therefore remains that the Environment Agency have not yet agreed that recovery of waste is the best solution to solve the elevated leachate levels at Ugley landfill or even notified the applicant that the elevated levels do require action. These agreements need to be reached directly with the Environment Agency by applying for a permit variation with us. We cannot approve a Waste Recovery Plan via the planning regime.

As set out in our previous letter, dated 06 October and referenced AE/2022/127328/01- L01, this will require pre-application discussions through our National Permitting Service, addressing if/how the proposals can meet the test for recovery of waste and which risk assessments we would be expecting to see as part of any application.

We recommend that the developer considers parallel tracking the planning and permit applications as this can help identify and resolve any issues at the earliest opportunity.

Parallel tracking can also prevent the need for post-permission amendments to the planning application. We would welcome a joint discussion with the applicant and planning authority to discuss this further.

NATURAL ENGLAND – No objection.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Hill's Quarry Site of Special Scientific Interest (SSSI) - Hill's Quarry SSSI is outside the red line boundary for the application but adjacent to the proposed development (i.e. within the blue line boundary). Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection provided that there is no incursion into the SSSI by the proposal, i.e., there should be no storage of materials, no vehicular or mechanical disturbance of soils in order to safeguard the geological features for which the site has been designated.

Soils, Land Quality and Reclamation - Natural England has considered this proposal in the light of our statutory duties under Schedule 5 of the Town and Country Planning Act 1990 (as amended) and the Government's policy for the sustainable use of soil as set out in paragraphs 174 and 175 of the National Planning Policy Framework.

Based on the information provided in support of the planning application, we note that the proposed development would extend to approximately 20 ha. In view of the area and Agricultural Land Classification (ALC) grading of land affected, Natural England does not wish to comment in detail on the soils and reclamation issues arising from this proposal, but would make the following points:

In accordance with Schedule 5, Part 1, Paragraph 4 (1) of the 1990 Act, Natural England confirms that it would be appropriate to specify agriculture as an afteruse.

To ensure that the site working and reclamation proposals meet the requirements for sustainable minerals development, the proposals should be carefully considered against current Minerals Planning Practice Guidance, particularly section 6 on restoration and aftercare of minerals sites.

Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. In order to safeguard soil resources as part of the overall sustainability of the development, it is important that the soil resource is able to retain as many of its important functions as possible. This can be achieved through careful soil management and appropriate, beneficial soil re-use, with consideration on how any adverse impacts on soils can be avoided or minimised.

Some suggested conditions to safeguard soil resources and achieve a satisfactory standard of agricultural reclamation can be found in Natural England full response on the online planning record under ref: ESS/66/22/UTT.

The Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Workings provides detailed advice on the choice of machinery and method of their use for handling soils at various phases, which we strongly recommend is followed. For agricultural after uses, the best available practice is using the excavator-dump truck combination in conjunction with the sequential 'strip' method (Sheets A – D).

More general advice for planning authorities on the agricultural aspects of site working and reclamation can be found in the Defra Guidance notes Reclaim minerals extraction and landfill sites to agriculture, which again we strongly recommend is followed.

HIGHWAY AUTHORITY – No objection, subject to conditions.

The application site has an existing use and although there will be an intensification of the use of the site for the period of capping and construction of the solar farm this will be for a limited period and is not likely to have a severe impact on the highway.

Only one condition is proposed which is for a construction management plan and which includes ensuring that the access visibility splays for the site are kept clear of vegetation during the construction period as it is noted that they are overgrown.

It is noted that footpath 11 (Ugley) runs to the south of the current haul road and to the south of the proposed solar panels, it does not appear that these are directly affected but please note the informative below and a condition is thought necessary to ensure that the footpath is not encroached upon or unduly enclosed by vegetation or fencing.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions:

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;
 - I. The clearance of vegetation from the access visibility splays to provide clear to ground visibility splays with dimensions of 2.4 metres by 150 metres in both directions, as measured from and along the nearside edge of the carriageway
 - II. The parking of vehicles of site operatives and visitors,
 - III. Loading and unloading of plant and materials,
 - IV. Storage of plant and materials used in constructing the development,
 - V. Wheel and underbody washing facilities.
 - VI. Routing strategy for construction vehicles including signing to the site in appropriate locations

VII. Protection of public rights of way within or adjacent to the site

2. Any planting or fencing adjacent to the public rights of way to be planted a minimum of 3m from the extent of the public right of way.

Updated comments following submission of CEMP: Thank you for your consultation. The applicant has included in the CEMP at 6.3.1 the commitment to produce a traffic management plan prior to commencement. As it is unlikely that the highway authority will have a view of this it should be included within the CEMP in at this stage, In addition to points included at 6.3.1 it should include details of how any abnormal loads that may encroach onto the highway while waiting at the access will be treated (e.g. banksman). At 6.3.1 the plan states that the PROW will be protected throughout the construction period but does not state how, Some details would provide assurance.

LEAD LOCAL FLOOD AUTHORITY – No objection, subject to conditions.

1. The development permitted by this planning permission shall be carried out in accordance with the approved Ugley Landfill Site Flood Risk Assessment dated June 2022, by AECOM and the Biffa Ugley Landfill Site Surface Water Drainage Strategy dated 28/06/2022 by AECOM. The mitigation measures detailed in the FRA shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
2. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.
3. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.
4. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
5. The solar array erection phase of the development shall not be commenced until such time as a soil management plan in respect of the Solar Farm area has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

STANSTED AIRPORT – No objection, subject to conditions.

1. During the works, robust measures should be taken to mitigate against any increase in the number of birds that might be attracted to the site.
2. In perpetuity, robust measures should be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. No additional pools or ponds of water should occur/be created without permission. To prevent the restored area having the potential to create a new feral goose breeding site, the waterbodies need to be made unattractive to these birds by having dense, marginal vegetation around the perimeters of the waterbodies.

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

COUNTY COUNCIL LANDSCAPE CONSULTANT – No objection, subject to conditions.

Overarching National Policy Statement for Energy:

The UK Government's position on power is set out in the Overarching National Policy Statement (NPS) for Energy (EN-1), which recognises the importance of understanding and addressing landscape and visual impacts (Department of Energy and Climate Change, 2011). It includes a section on criteria for "good design" for energy infrastructure, which states that:

"Applying "good design" to energy projects should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible. It is acknowledged, however that the nature of much energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area."

National Planning Policy Framework:

National Planning Policy is set out in the National Planning Policy Framework (NPPF) (Revised July 2021) (NPPF). Paragraph 8 of the NPPF sets out the three overarching objectives of the planning system. These include an environmental objective to "to protect and enhance our natural, built and historic environment..." Paragraph 9 sets out that "Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area" (emphasis added). The overarching objective to protect and enhance our natural, built, and historic environment is reflected in specific policies about: achieving well-designed places (Section 12); conserving and enhancing the natural environment (Section 15); and conserving and enhancing the historic environment (Section 16).

Review of submitted information:

Although the nature of the proposed development means that landscape features such as hedgerows and trees will predominately remain, this doesn't automatically

mean that the principle of this form of development will not have an adverse impact on the character of the site, and general sense of place.

To assess whether the scheme will result in adverse impacts, the application has been supported by a Landscape and Visual Appraisal (LVA) by AECOM. The LVA has been carried out in accordance with the principles set out within the 'Guidelines for Landscape and Visual Impact Assessment', Third Edition ('GLVIA3') (2013) prepared by the Landscape Institute (LI) and Institute of Environmental Management and Assessment (IEMA) and has reference suitable Technical Guidance Notes in relation to visual representation and landscape value.

The assessment includes a desktop study, a review of the landscape and visual baseline, Zone of Theoretical Visibility (ZTV) mapping, and an assessment of landscape and visual receptors, that includes value, susceptibility and sensitivity and assessment of potential direct and indirect effect on landscape and visual environment.

Review of landscape character:

The importance of understanding the landscape character of all landscapes in England is recognised in the National Planning Policy Framework (NPPF) published by the Ministry of Housing, Communities & Local Government (MHCLG) and last updated in July 2021, which states that planning policies and decisions should contribute to the natural environment by: "recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services". Landscape character assessment is the process which can identify these intrinsic values and unique characteristics of the diverse landscapes in the UK.

Effects on landscape character can be both direct (i.e., on the character area / landscape type that the site is located within), and indirect (i.e., changes to characteristics or perceptions of character that occur beyond the boundary of a character area / landscape type). In addition, effects on landscape character may be positive or negative (i.e., strengthening and enhancing the characteristic patterns and features, or eroding and losing the patterns and features that contribute to landscape character).

GLVIA3 recognises that landscape value is not always signified by designation "the fact that an area of landscape is not designated either nationally or locally does not mean that it does not have any value". This has been considered in the assessment and the Site has been judged as having a 'Very low' value, whilst the Landscape Character Areas (LCA) with the Study area have been deemed to have 'Medium' value. In our judgement, the value of the Site should be considered as low, rather than very low, however we consider the value given to the LCAs to be appropriate.

The assessments overall judgment of importance of landscape effect has been defined as 'negligible' given the solar array will represent a small-scale industrialisation with very limited influence on the wider landscape due to intervening landform, including the modified landfill landform to the north. In general, we agree with the methodology used. Where judgements may differ,

these are not deemed significant/important (in assessment terms) and would not alter the overall stance on the proposed development.

Visual Amenity:

Visual effects are a result of the sensitivity of visual receptors (people who will experience changes to existing views) to the proposed development and the magnitude of those changes. The appraisal has identified visual receptors within the Study Area that are likely to have visibility of the Proposed Development. These include [but are not limited to]; Views from Church Lane, Pennington Lane and local PRoW.

On review, the extent of views is limited, and visibility will be restricted by landform and vegetation, therefore visual effects are localised. Where effects will occur, these are proposed as minor effects and therefore deemed acceptable.

Further action:

If minded for approval, we would advise the following landscape and design recommendations are taken into consideration:

- Security fencing on the perimeter of the solar array are suitable surfaces for growing climbers such as honeysuckle or clematis, both of which are good nectar sources as well as providing additional screening for the site.
- Security lighting should also be minimised; passive infra-red (PIR) technology should be designed and installed to minimise glare, light pollution and impacts on biodiversity (particularly bats).
- Any buildings required in order to house electrical switchgear and inverters such as the DNO switch station should be designed and constructed in order to minimise their landscape and visual impact. If a prefabricated building is used, consideration should be given to the need to screen the building with vegetation. We would also advise the concept of biodiverse roofs is also explored.

1. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows in the surrounding area. A specification of soft landscaping, including proposed trees, plants and seed mixes must be included. The specification should be in line with British Standards and include details of planting works such as preparation, implementation, materials (i.e. soils and mulch), any protection measures that will be put in place (i.e. rabbit guards) and any management regimes (including watering schedules) to support establishment. This should be accompanied by a schedule, with details of quantity, species and size/type (bare root, container etc). Hard landscape details such as surface materials and boundary treatments must also be included.
2. No development shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning

Authority. The landscape management plan shall be carried out in accordance with the approved details and timetable.

Updated comments:

I have reviewed the documents and overall I still have limited concerns regarding the visual and landscape impacts. The inclusion of additional scrub and woodland planting is beneficial, however we would appreciate it if Scots Pine was removed from the woodland mix. The previously proposed conditions are still required as the restoration plan does not include an associated specification and further details regarding boundary treatments and hard standing are required. Similarly, the landscape management plan will still need to be conditioned.

COUNTY COUNCIL ECOLOGY CONSULTANT – No objection, subject to conditions.

We have reviewed the revised and additional documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority habitats and species and identification of proportionate mitigation.

We are satisfied that there is sufficient ecological information available for determination of this application. This provides certainty for the Waste Planning Authority of the likely impacts on protected and Priority species and habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

We welcome the clarifications provided by the Further Ecological Information in Response to Planning Comments report (06 February 2023, AB Ecology) and the resulting updates to the Construction Environmental Management Plan; Biodiversity Net Gain calculations and report; and Restoration Masterplan. The mitigation measures identified in these documents should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly bats, Skylarks, Grey Partridge and other ground nesting birds, Great Crested Newts, reptiles, Hedgehogs and hedgerows.

We welcome the provision of additional species-rich grassland and the removal of the hedgerows cutting across the middle of the site which could deter ground nesting birds.

We acknowledge receipt of the Great Crested Newt District Level Licensing Impact Assessment and Conservation Payment Certificate (signed by Natural England on 25 January 2022). No further action is required in this respect.

Additional clarification has now been provided with respect to reptiles and we are satisfied that reptile surveys are not needed for this site.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021).

As advised in the Biodiversity Net Gain Report, the site will need to be managed for the long term (at least 25 years), through a Landscape and Ecology Management Plan which should be secured by a condition of any consent. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

1. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the following reports as already submitted with the planning application and agreed in principle with the local planning authority prior to determination:
 - Protected Species Survey Report (September 21, 2022, AB Ecology)
 - Further Ecological Information in Response to Planning Comments Ugley Landfill (06 February 2023, AB Ecology)
 - Revised Ugley Landfill- Biodiversity Net Gain calculations and report (AB Ecology, 6 February 2023)
 - Construction Environmental Management Plan v.2 (AB Ecology, 6 February 2023)
 - Updated Restoration Masterplan, Figure 07 Rev. C (Biffa)

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.”

2. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority within three months of consent. The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

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

biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”

COUNTY COUNCIL ARBORICULTURE CONSULTANT – No objection.

Due consideration has been given to Policy ENV3- Open Spaces and Trees from the Uttlesford Local Plan which states: The loss of traditional open spaces, other visually important spaces, groups of trees and fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value. Due consideration has also been given to Section 5.39 from the Essex Minerals Local Plan.

Sixty trees/groups/hedges have been identified in the survey provided, including 24 individual trees, 34 groups of trees, one woodland group and one hedge. Restoration planting with the species and numbers of plants as proposed will mitigate for any loss of trees resulting from the proposals.

Some clarification is however required from the applicant since it is stated that: ‘Four trees and one group are to be removed to facilitate the Proposed Development. These tree features are all identified as Category C. The removal of three trees is required to achieve the re-capping and the removal of two further tree features is necessary to install the proposed drainage across the Site’. It is not entirely clear whether four trees and one group in total are to be removed or whether the three trees required to be removed to facilitate the re capping and the removal of two further features to facilitate the drainage installation are additional to that number. We concur with the Landscape Team that a Landscape Management Plan should be submitted

COUNTY COUNCIL HISTORIC BUILDINGS CONSULTANT – No objection, subject to the following.

Upon review of the submitted documents, it is understood that the proposed location of the solar array shall be upon elevated topography which shall result in intervisibility between the site and several heritage assets. The application site is understood to have been restored as agricultural land which is considered to preserve the rural character and agrarian context of the site. Due to the distance between the site and lack of visibility, a number of heritage assets can be scoped out from further assessment in line with GPA Note 3, The Setting of Heritage Assets published by Historic England. The following heritage assets are considered to be adversely impacted through the proposed development and shall be discussed below, this being: Fieldgate Farmhouse; Jordans Cottage; and The Hermitage.

Fieldgate Farmhouse is a seventeenth century timber framed building, the principal significance of the listed building is expressed through its architectural interest. The surrounding agricultural landscape, including the application site, is considered to positively contribute to the setting and significance of the listed building. As shown within Viewpoint 12, the proposed development shall be visible within the setting of and the approach to the listed building along Field Gate Lane. The proposed solar

array would result in a more industrial character, failing to preserve the setting of the listed building and resulting in less than substantial harm to significance. The proposed security fence and 5 metre security camera masts would also exacerbate this impact. I consider the harm to be at the lowest end of the scale of less than substantial (Paragraph 202).

With regards to Jordans Cottage and The Hermitage, the proposals shall be visible within the wider setting and approach to the heritage assets along Pound Lane. The existing site as agricultural land is considered to positively contribute to the setting, rural character and significance of the heritage assets. The proposed installation of a solar array with security fencing and masts would result in a more industrial character, therefore failing to preserve the setting of the assets. The harm to significance would be less than substantial, I suggest that this harm is at the lowest end of the scale.

To conclude, the proposals are considered to fail to preserve the special interest of the listed buildings, Fieldgate Farmhouse, Jordans Cottage and The Hermitage contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in their setting. The proposals would result in less than substantial harm, at the lowest end of the scale, Paragraph 202 of the NPPF being relevant. The proposals are also considered contrary to Paragraph 206. I do not consider that the maximum level of mitigation to have been fully realised given that the restoration plan pre-dates the Heritage Impact Assessment. I suggest that the restoration plan and any mitigation measures are updated and increased following the assessment from the HIA. Additionally, I recommend that more information upon the location of the CCTV masts (which should be of the minimum quantity) should be detailed.

Updated comments:

Thank you for sending across the updated Restoration Masterplan. The Restoration Masterplan now omits the proposed security fencing, increased hedgerow reinforcement, woodland planting and a reduction of CCTV cameras to one which is located to the west of the site. This amended plan has further mitigated the level of less than substantial harm, which has been identified as at the lowest end of the spectrum (Paragraph 202). I advise that Paragraph 202 of the NPPF would apply and that this should be weighed against the public benefits of the scheme. It would be inappropriate for me to state an objection or no objection given that 202 is relevant.

COUNTY COUNCIL NOISE CONSULTANT – No objection, subject to conditions.

We previously provided our initial consultation response for this application on 23 August 2022. The response concluded that the following information and clarifications were required to enable a full consideration of this application:

1. Survey details including details of on-site activities, laboratory calibration of equipment;
2. Sources heights used in all noise modelling;
3. Construction assessment needs to be resubmitted based on the appropriate guidance (i.e. PPG: Minerals);

4. Further commentary and clarifications needed on assumptions used in the 'construction noise assessment' for the capping and reprofiling works;
5. Construction noise assessment of the solar array should be included in the re-submitted report;
6. Clarification of any noise emissions associated with additional cooling fans and transformers and their operational hours, and;
7. Cumulative assessment of solar proposals with existing landfill gas management infrastructure.

An updated Acoustics Assessment (Issue 3) was received on 2 December 2022 and discussed in a meeting with Aecom on 7 December 2022. A further updated Acoustics Assessment (Issue 4) was received on 20 February 2023. This current consultation response uses the Issue 4 version of the Acoustics Assessment to address the clarification points presented above.

Survey details:

Additional information confirming the laboratory calibration details of the equipment are presented in Table 5. The calibration intervals meet with relevant standards. Paragraph 6.5 now confirms that no noise from the existing operations at the site was observed during the equipment deployment, retrieval or attended measurements. Whilst there is no indication that the existing activities (e.g. landfill gas plant) significantly influenced the measurements of background noise, this cannot be explicitly confirmed for the majority of the unattended measurements, and hence should be considered as a source of uncertainty in all of the assessments presented. Observations of audible noise sources indicate that traffic noise is the dominant noise source, therefore it can be assumed that any on-site activities are likely to have less potential influence during daytime periods than night-time periods.

Source heights:

Paragraph 9.5 states that a source height of 2m has been assumed for the mobile plant used for the recapping and reprofiling works. This is considered reasonable. A unit height of 3m is reported as assumed for the central inverter, with 1m used for the string inverters. In both cases the noise model has been calibrated to field measurements of these sources.

PPG: Minerals Assessment:

The predicted noise levels from capping and reprofiling have been assessed in accordance with PPG: Minerals. Predicted noise levels have been assessed against 3 relevant noise limits set out in PPG: Minerals:

- 70dB(A) Leq 1 hr for temporary operations, applicable to 'Activities such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance' and 'essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs' for up to 8 weeks per year.
- Background noise level +10dB(A) Leq 1hr – this is the normal operations noise limit;
- 55dB(A) Leq 1hr – applicable where compliance with the normal operations noise limit would impose an 'unreasonable burden' on the operator.

Assessment of capping and re-profiling works:

Predicted noise levels have been prepared for three scenarios:

- 'Apply cap worst case' – this assumes that the proposed soil storage bunds are not in place, and all plant is at closest approach to each receptor.
- 'Apply cap' – whilst not confirmed by the AA, it is assumed that the soil storage bunds are in place for this scenario, and plant usage across the site has been considered.
- 'Other works' – again, whilst no explicit confirmation is provided, it is assumed that the soil storage bunds are in place for this scenario, and plant usage across the site has been considered. Reduced plant list when compared with the 'Apply cap' activities.

The plant list includes, dozers, excavators, dump trucks and HGVs. The noise emission data is taken from BS5228 and appears reasonable; however, it is noted that the assumed sound power levels in version 4 of the AA are lower than those selected by version 3 of the AA. It should be noted that the plant item selected from BS5228 by version 4 to represent a D6 Dozer is smaller in weight and power than a standard D6 Dozer. The value used for the dump trucks relates to tipping activity, and does not reflect transportation of materials, which is cited by BS5228 as being 8dB(A) higher. However, it is acknowledged that the data in BS5228 was compiled over 15 years ago, and noise emissions from modern machinery are now often lower than previously measured.

It is reported that stockpiles of stripped soils (up to 2.5m in height) will be placed in the northwest and southwest areas of the site to provide screening for Montefiore House, Smiths Cottages and Oakdene (all west of the site). The 'approximate locations' of these stockpiles are shown by Figure 3 of the AA. No comment is provided on why 2.5m has been selected as the stockpile height.

The predicted noise levels are assessed against guidance for normal and temporary operations presented by PPG: Minerals:

- 'Apply cap worst case' – Predicted noise levels are below the temporary operations threshold of 70dB(A), and would be completed in less than 8 weeks per year.
- 'Apply cap' – Predicted noise levels exceed 55dB(A) at receptors west of the site when works are in certain areas (3pprox.. 15 %) of the site; Predicted noise levels exceed LA90 +10dB(A) at receptors west of the site when works are in certain areas (3pprox.. 47 %) of the site.
- 'Other works' – Predicted noise levels exceed 55dB(A) at Montefiore House when works are in certain areas (3pprox. 9 %) of the site; Predicted noise levels exceed LA90 +10dB(A) at receptors west of the site when works are in certain areas (3pprox. 41 %) of the site.

Information presented concerning the likely programme of works states that the overall duration would be 2.5-3 years, and confirms that operations which are predicted to exceed 55dB(A) would be completed in less than 8 weeks per rolling year.

Re-capping and re-profiling works are not explicitly listed by PPG Minerals as examples of temporary works; however due to the reported potential wider

environmental benefits of the scheme, the application of temporary operations noise limits to some aspects of the works is considered reasonable.

It is noted that normal operations noise limits of background +10dB(A) are predicted to be exceeded for 47% of the site area for capping works, and 41% of the area for other works, but that these noise levels would be below 55dB(A). The areas where the different thresholds are likely to be exceeded are presented in Figures 4 and 5 of the AA. No comment is provided on whether compliance with the normal operations noise limits of background +10dB(A) would result in an 'unreasonable burden' on the operator. It is assumed therefore that increasing the soil bund heights and/or extents sufficiently to provide meaningful additional noise attenuation would not be viable due to additional visual effects, and/or materials management issues.

Solar array construction:

A revised plant list, with noise emissions taken from BS5228 data, is presented along with other calculation assumptions which appear reasonable. The predicted worst case noise levels are below the relevant threshold for construction noise of 65dB(A), based on guidance in BS5228.

Solar array cooling fans and transformers:

It has been confirmed that the only cooling fans proposed are intrinsic to the converters and that no additional transformers are proposed as part of the scheme.

Cumulative effects of solar array and landfill gas management infrastructure:

The AA acknowledges that whilst noise emissions from the landfill gas engines were not audible during the site visits, these have not been evaluated in detail. A simple statement is presented that asserts that the risk of cumulative effects altering the assessment outcomes is low. The landfill gas extraction and burning plant is regulated by a condition based upon night-time noise, and the solar proposals will generate noise only during the day and evening. It is therefore considered that the risk of significant cumulative effects is low; however, this cannot be confirmed without quantitative noise predictions.

We do not propose to object to this scheme, subject to the inclusion in any consent of conditions addressing the following issues:

1. Capping and reprofiling works:
 - Monday to Friday 07:00-17:30 hours, except soil stripping and construction of soil storage mounds should not commence until 08:00hrs.
 - Temporary operation noise limit of 70dB LAeq 1 hr for up to 8 weeks in any year long period. Seven days advance written notification of temporary works should be provided to the WPA.
 - Normal operations noise limit of 55dB LAeq 1 hr, applicable at all noise sensitive receptors only when works are within the yellow areas shown by Figures 4 and 5 of the AA.
 - Normal operations noise limits of background +10 dB LAeq 1hr applicable at all other times: Receptors west of the site including Montefiore House, Smiths Cottages, Oakdene, The Old Vicarage and The Square – 40dB LAeq 1 hr; Receptors north, east and south of the site including Ugley Hall,

- Fieldgate Farm House, Ugley Park, and Boundary Cottage – 38dB LAeq 1hr.
- Quarterly noise monitoring.
 - Plant used on site to have effective silencers and non-tonal reversing alarms.
 - HGV movements to occur only during working hours and limited to a maximum of 4 movements per hour (equivalent to 42 movements per working day).
2. Solar array installation:
- A daytime noise limit of 65dB LAeq T could be included; however, it is noted that construction noise can be controlled by the Local Authority using the Control of Pollution Act powers.
3. Solar array operation:
- No noise generating operations to be carried out 23:00-07:00.
 - Daytime (07:00-19:00) and evening (19:00-23:00) noise limits of 5 dB(A) below background (this takes into account uncertainty associated with the potential influence of existing landfill gas plant on baseline measurements), unless agreed otherwise in writing with the planning authority: Receptors west of the site including Montefiore House, Smiths Cottages, Oakdene, The Old Vicarage and The Square – Daytime 35dB LAr T, evening 33dB LAr T 1hr; Receptors north, east and south of the site including Ugley Hall, Fieldgate Farm House, Ugley Park, and Boundary Cottage – 33dB LAr T, evening 31dB(A) LAr T.
 - Updated operational noise assessment to be submitted and approved in writing by the planning authority prior to operation of the array. This is to include details of the final plant items selected to be installed and a quantitative assessment of the cumulative effects of the solar scheme and existing landfill gas management plant.

COUNTY COUNCIL AIR QUALITY CONSULTANT – No objection.

The air quality assessment screened out the need for detailed modelling of construction related transport emissions based on the predicted concentrations of road traffic related pollutants (PM10 and NO2) using the DMRB screening tool calculations. These were negligible.

The dust assessment has applied the IAQM guidance appropriately and concluded on the highly recommended low-risk mitigation measures, for the soil imports, cap replacement and landform profile work and best practice techniques for the construction of the solar panels.

There is a lack of detail regarding the plant used and proposed access routes for the construction of the solar panels. However, best practice dust mitigation and site management should be sufficient for this aspect of the application.

There are no objections to this application based on air quality.

UGLEY PARISH COUNCIL – No comments to make.

QUENDON AND RICKLING PARISH COUNCIL – No comments received.

LOCAL MEMBER – UTTLESFORD – STANSTED – Any comments received will be reported.

6. REPRESENTATIONS

28 properties were directly notified of the application. One letter of representation has been received. This relates to planning issues, summarised as follows:

Observation

110 truck movements per day is unacceptable. Equates to one vehicle entering or leaving the site every 5.6 minutes, causing congestion on B1383 in both directions.

Congestion in Stansted Mountfitchet high street already occurs when deliveries to local shops are being made during peak hours. Proposed vehicle movements would completely block this section of B1383, causing delay to emergency vehicles, buses, taxis and cars.

Already endure endless drone of 350kW generator noise onsite 24/7 and additional construction machinery would add to this disturbance.

Noise from so many HGVs on daily basis would be intolerable.

During the original capping works the dust levels blowing over our properties on dry days resulted in having to keep windows and doors closed and respiratory risks. Proposal is for far greater amount of material.

What are the details of the makeup of the proposed soils?

Comment

Highways impact considered in appraisal.

Highways impact considered in appraisal.

Noise impact considered in appraisal.

Noise impact considered in appraisal.

Dust impact and air quality considered in appraisal.

Material type subject to EA permit. Considered in appraisal.

7. APPRAISAL

A PRINCIPLE OF DEVELOPMENT AND NEED

WLP Policy 2 concerns the safeguarding of waste management sites and infrastructure in Essex. The policy states, inter alia, that *“Proposals which are considered to have the potential to adversely impact on the operation of a safeguarded waste site or infrastructure, including the site allocations within this Plan, are unlikely to be opposed where:*

- a. *A temporary permission for a waste use has expired, or the waste management use has otherwise ceased and the site or infrastructure is considered unsuitable for a subsequent waste use; or*
- b. *Redevelopment of the waste site or loss of the waste infrastructure would form part of a strategy or scheme that has wider environmental, social and/or economic benefits that outweigh the retention of the site or the infrastructure for the waste use, and alternative provision is made for the displaced waste use; or*
- c. *A suitable replacement site or infrastructure has otherwise been identified and permitted.”*

WLP Policy 13 states that *“Proposals for landraising with waste will only be permitted where it is demonstrated that there are no feasible or practicable alternative means to achieve the proposed development. Proposals will also demonstrate that:*

- a. *There is proven significant benefit that outweighs any harm caused by the proposal;*
- b. *The amount of waste materials used to raise the level of the land is the minimum amount of material necessary and is essential for the restoration of the site; and*
- c. *In the case of land remediation and other projects, will provide a significant improvement to damaged or degraded land and/or provide a greater environmental or agricultural value than the previous land use.*

Proposals for landraising that are considered to constitute a waste disposal activity, for its own sake, will not be permitted.”

WLP Policy 9 states that proposals for landfill facilities will be permitted where

1. *“The landfill site allocations in this Plan are shown to be unsuitable or unavailable for the proposed development;*
2. *Although not exclusively, a need for the capacity of the proposed development has been demonstrated to manage waste arising from within the administrative areas of Essex and Southend-on-Sea;*
3. *It is demonstrated that the site is at least as suitable for such development as the landfill site allocations, with reference to the site assessment methodology associated with this Plan; and*
4. *That the proposed landfill has been demonstrated to be the most appropriate and acceptable development in relation to the Waste Hierarchy.*

In addition, preference will be given to proposals:

- a. *For the restoration of a preferred or reserve site in the Minerals Local Plan;*
or
- b. *For an extension of time to complete the permitted restoration within the boundary of an existing landfill site.*

Proposals for non-inert landfill are required to demonstrate the capture of landfill gas for energy generation by the most efficient means.

Any proposals that come forward on land use types not identified above will be assessed on their merits, based on the policies in this Plan.”

It is stated in the application that the importation of soils is sought in order to adequately manage the levels of leachate that the site currently produces. The justification, as set out in the application, states that the site has a long history of high leachate levels and is very reactive to rainfall and attempts have been made over previous years to try and improve this situation. The performance of the existing GCL cap of the landfill is considered to be of crucial importance for the level of leachate generation. The degree of infiltration of rainwater through the cap dictates the amount of leachate generation from the waste. This site is reported to be highly reactive to rainfall; high leachate levels have been found to occur around three months after periods of heavy rainfall, indicating that the existing GCL cap is underperforming. The compliance level for leachate generation in wells is 6 metres, however some wells onsite averaging 8-12 metres, with some reaching 14m.

It is stated in the application that the installation of a new LLDPE layer would significantly reduce the infiltration rate of rainwater, resulting in lower leachate levels and a reduction in the number of tankers required to remove leachate from the site. The site currently operates two tankers per day to remove leachate from the site and transport it to Biffa's Westmill landfill site where it is processed using existing leachate treatment facility. The applicant estimates that if tankering continues at current levels and rainfall follows current trends, the leachate levels are anticipated to continue to rise, thus tankering is not considered to be a sustainable long term solution both commercially and environmentally. It is estimated that the proposal would tankering from 12 per week to 60 per year over time.

The settlement of waste in the landfill has resulted in areas of relatively flat land which prevents surface water from draining away. Low surface water drainage results in surface water accumulation in the form of ponds which risks damage to landfill gas and leachate infrastructure. The proposed re-profiling through the importation of soils would create a more 'dome-shaped' landform profile which would allow surface water to drain away more effectively.

With regards to WLP Policy 2 it is considered that the primary waste management use of the site, acceptance of landfill waste, has expired and the site has been restored. The proposal seeks to place the new LLDPE layer on top of the existing GCL cap with imported soils used to create a revised landform to a maximum level that does not exceed that of the approved pre-settlement level of 107.5 metres AOD. There would be no waste materials beneath the cap exposed as a result of

the proposal, nor would the existing cap be tampered with or compromised. It is considered that the proposal conforms with WLP Policy 2.

With regards to WLP Policy 13, the applicant has contended that the proposal would constitute an engineering project, however the WPA considers it to be waste disposal thus Policy 13 is relevant. The application has considered other alternative means in order to achieve the improved management of leachate levels on site. It is considered that a 'do-nothing' approach would result in surface water continuing to accumulate as the landform continue to settle and infiltration levels would remain problematic, leading to continued increasing leachate levels. It is considered that the proposal would provide a significant benefit, particularly from an environmental perspective. Any harm caused by the proposal is considered further in the report and balanced against the perceived benefits. The level of the land is proposed to be raised to a maximum level that does not exceed the pre-settlement contour levels of 107.5 metres AOD and the proposed topography is considered necessary in order to achieve the desired outcomes of the works.

The other alternative is to import a lesser amount of material in order to achieve the necessary environmental improvement and reduction in leachate levels. However it is considered that less material would not provide the necessary topography required to drain the problematic surface water.

In terms of improving damaged or degraded land and/or provide a greater environmental or agricultural value than the previous land use, it is considered that the proposal would provide environmental benefit through the improved management of leachate and would not compromise the existing landfill integrity. It is not considered that the proposal would be a waste disposal activity for its own sake and it is considered that the proposal conforms with WLP Policy 13.

The applicant states in the submitted Planning Statement that the works have been encouraged by the Environment Agency (EA) and that it is the view of the EA that the site would need to be re-capped and re-profiled to create a dome-shaped profile in order to overcome the site's high leachate levels. In the EA's initial consultation response, they state that this is not necessarily true and that the EA has never specifically stated that the proposed works would need to be carried out in order to meet the required leachate compliance levels. The EA acknowledge the existing high leachate levels and do not object to the application, but clarify that they have not specifically suggested to the applicant that the proposed development is the required solution. Through subsequent meetings and discussions with the EA and the applicant, the applicant clarifies that they understand an application to the EA to alter the environmental permit would be required prior to any works commencing and acknowledge that the 'no objection' position of the EA does not necessarily mean the permit alteration would be approved. With that said, the EA do not object to the principle of development but maintain that a permit application would be required before any works can take place.

With regards to WLP Policy 9, the site is an existing landfill site that has ceased and been restored. The proposal does not seek landfilling operations for its own sake but an alteration/improvement to an existing landfill site. It is considered that

the merits of the proposal are to be assessed and balanced against any harm further in the report.

With regard to the proposed solar array, at a national level, government planning policy supports the development of renewable energy sources, including solar power. NPPF paragraph 152 states that *“the planning system should support the transition to a low carbon future in a changing climate”*, and should support renewable and low carbon energy and associated infrastructure. The National Planning Practice Guidance (NPPG) further states the importance of planning in its role to deliver new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable (Para 001 ref ID: 5-001-20140306). WLP Policy 11 states, inter alia, that *“proposals for waste management development, through their construction and operation, are required to minimise their potential contribution to climate change by reducing greenhouse emissions, incorporating energy and water efficient design measures and being adaptable to future climatic conditions.”* ULP Policy ENV15 supports the provision of small scale renewable energy development schemes to meet local needs. NPPF paragraph 158 states inter alia that *“When determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) Not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) Approve the application if its impacts are (or can be made) acceptable.”*

In the same vein, NPPG states that large-scale solar farms can have a negative impact on the rural environment but a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively (Para 013 ref ID: 5-013-2015-0327). Such considerations are considered further in this report.

The proposed solar array would not affect the underlying landfill or the existing gas and leachate extraction taking place at the site. The proposed solar development would bring the benefits of additional renewable energy production whilst allowing the continuation of gas and leachate extraction. It is considered that the land has limited opportunities for alternative land uses due to the constraints of the leachate and landfill gas infrastructure. It is considered that the provision of solar developments are supported and acceptable in principle and the utilisation of previously disturbed land of a former landfill for use as a solar development is considered acceptable in principle. Irrespective of this, the impacts and acceptability of the proposal overall must be considered on its own merits and weighed in the balance against any benefits.

B LANDSCAPE AND VISUAL IMPACT

WLP Policy 10 states, inter alia, that proposals for waste management development will be permitted where it can be demonstrated that the development would not have an unacceptable impact on the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness.

ULP Policy S7 states that development in the countryside will be approved only if the development needs to take place there, or is appropriate to a rural area. It goes on to state that *“development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.”*

The application is supported by a Landscape and Visual Appraisal (LVA). The LVA includes a desktop study, a review of the landscape and visual baseline, Zone of Theoretical Visibility (ZTV) mapping, and an assessment of landscape and visual receptors, that includes value, susceptibility and sensitivity and assessment of potential direct and indirect effect on landscape and visual environment.

At the national scale, the site lies within NCA 86: South Suffolk and North Essex Clayland. The LVA considers the proposed development is too small a scale to have any significant effect on the NCA, which the WPA considers to be accurate. The site is located within A1 North-West Essex Chalk Farmland LCA; the study area of the LVA encompasses this LCA, as well as B1 Central Essex Farmland LCA, C1 Cam Valley LCA and C2 Stort Valley LCA. The LVA also considers the development would be too small a scale to affect the character of these County-level LCAs, which is largely agreed with by the WPA and the County Council landscape consultant. The LVA considers the District-level character assessments, with the site and wider LVA study area falling within Uttlesford Character Assessment areas A1, A3, B7 and B10.

The LVA's overall judgment of importance of landscape effect has been defined as 'negligible' given the solar array would represent a small-scale industrialisation with very limited influence on the wider landscape due to intervening landform, including the modified landfill landform to the north of the solar array. In general the methodology used is considered to be appropriate and the effect on landscape character is considered to be low.

In terms of the visual impact on sensitive receptors, visual receptors have been identified within the study area of the LVA which would be likely to have views of the solar array, which includes a PRoW. It is considered that visibility of the site overall is limited and, considering existing hedgerows/trees and other proposed planting and landscaping, it is not anticipated that the proposed development would have an unacceptable impact on the visual amenity of surrounding receptors. Such planting includes an area of woodland on the eastern side of the site to mitigate views from Fieldgate Farmhouse and the retention of mature hedges and trees on the southern boundary to mitigate views from Hermitage/Jordans Cottage as shown on the submitted revised Restoration Masterplan.

Uttlesford District Council raise no objection to the proposal from a landscape perspective as long as the WPA are satisfied that the proposal would not lead to major/moderate adverse harm to the character and appearance of the area. They request a Landscape and Ecological Management Plan and Landscape Mitigation Plan should such harm be identified. The County Council landscape consultant considers the proposal to be acceptable but contends that the provision of a hard, soft and boundary treatment landscaping scheme should be provided to include

specific details on proposed trees, plants and seed mix, planting schedule, quantity and size. It is also considered necessary to require a landscape management plan which would include long-term design objectives, management responsibilities and maintenance schedules and timetable. A condition requiring a hard, soft and boundary treatment landscaping scheme has been attached which would include details of the visual mitigation that would be planted and would cover the requirements of a landscape mitigation plan should permission be granted. A Landscape and Ecological Management Plan condition has also been attached to the recommendation which would include management responsibilities and maintenance schedules of landscaping features in combination with ecological features also requested by the County Council ecology consultant.

Also to note, the solar array is proposed for an estimated 40 year period after which it would be decommissioned and site restored in line with the restoration plan. Whilst 40 years is considered to be a long period of time above and beyond a 'temporary' period, the perceived visual impact of the array would be reversible and not a permanent change to the landscape.

With regards to the change in landform topography as a result of the importation of materials and recapping of the landfill, as can be seen in the proposed landform re-profiling drawings, the final landform would have a more dome-shaped profile compared to the existing. The majority of the material would be placed in flat areas that have settled over time. The actual height at the peak would match that of the pre-settlement landfill level of 107.5m AOD. The existing land has settled to 104m AOD at its peak. Visually the land would be grassed once the temporary three year importation period is completed. It is not considered that the importation of material would result in unacceptable harm to the landscape to a level that would necessitate a refusal of planning permission.

It is considered that, with the appropriate mitigation, the proposal would conform with the landscape element of WLP Policy 10 and ULP Policy S7.

C HIGHWAYS IMPACT

WLP Policy 12 states, inter alia, that *“proposals for waste management development will be permitted where it is demonstrated that the development would not have an unacceptable impact on the efficiency and effective operation of the road network, including safety and capacity, local amenity and the environment.”*

ULP Policy GEN1 states that development will only be permitted where:

“

- a) *Access to the main road network must be capable of carrying the traffic generated by the development safely.*
- b) *The traffic generated by the development must be capable of being accommodated on the surrounding transport network.*
- 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.*

- d) *It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.*
- e) *The development encourages movement by means other than driving a car."*

The site formerly operated as a landfill site and currently extracts landfill gas and leachate. The site has an existing access road and site gate which has been in place throughout the life of the site. The proposal seeks the importation of 430,000 cubic metres of topsoil and subsoils which would equate to 110 daily HGV movements (55 in and 55 out) between 07:00 and 17:30 hours Monday to Friday over a three-year period. HGVs used would be 32 tonne tipper lorries.

During the construction and installation of the solar array (4 months), 20 staff vehicle movements per day (10 in and 10 out) are proposed, with a maximum of two HGV movements on some days to import construction materials. Once constructed, movements would be minimal and only relate to occasional servicing.

Representation has been made concerning the level of congestion that 110 HGV movements per day would likely create on the B1383, as well as congestion on nearby Stansted Mountfitchet High Street which already experiences congestion and would likely be exacerbated by the proposed development.

The application is supported by a Transport Assessment (TA) which refers to the 'Guidance on Transport Assessment 2007'. Although now withdrawn, the TA states that most highway authorities still use this to establish the general threshold of 30 two-way trips in any one hour (or 100 two-way trips in a single day) as a starting point for the need to assess highway impact of a development proposal. The TA later states that as the proposal would not generate this many trips per day, the impact on highway capacity over and above the existing conditions is considered to be negligible.

The Highway Authority raises no objection to the proposal and concludes that, whilst the proposal would result in an intensification of use of the site for the period of re-profiling / re-capping and solar array installation, it would only be for a limited period of time and would be unlikely to have a severe impact on the highway.

It is considered that the proposed development would generate a level of HGV traffic above the existing level and would represent an intensification of use. However it is considered that the total number (110 daily movements) would not result in a significant adverse impact to the existing highway network. The B1383 is a main road that has carried HGV traffic associated with the former quarry and landfill at this location in the past therefore it is considered that the temporary reintroduction of such movements would not have a significant adverse impact on highway capacity. The TA states that the majority of HGVs would route to / from the A120 to the south which is connected to the site by the B1383 for the whole route.

Regarding the access, as aforementioned, it has been used previously for the site's former quarrying and landfill operations and is now used on a lesser basis for HGVs removing leachate from the site and other servicing requirements. The existing access is wide with suitable visibility splays in both directions. The

entrance and access road is considered to be wide enough to accommodate two passing HGVs at any one time. No additional parking is proposed above and beyond what already exists at the site. This consists of six car parking spaces and four contractor vehicle parking spaces. No overnight parking is proposed.

With regard to PRow's, Uttlesford District Council suggest that appropriate consideration should be given in respect to the safety of users of nearby PRow's during both the construction and operational phases of development. PRow 11 Ugley is considered to be the only footpath with the potential to be impacted by the proposals. The applicant has confirmed that existing boundary fencing parallel to the PRow is already in place which would be retained and that additional temporary (Heras or similar) fencing would be erected at least 3 metres within the boundary fence line in the event that any works would take place in proximity to the southern boundary. It is considered that only the solar array construction element of the proposal would likely come within close proximity to this southern boundary with the PRow which would generate less disturbance than the reprofiling works.

It is considered that the proposal is acceptable from a highway perspective and would not significantly detriment the safety and capacity of the highway network or PRow network. The existing site access and parking arrangements are considered to be appropriate for the proposed development and it is considered that the proposal would conform with WLP Policy 12 and ULP Policy GEN1.

D AMENITY IMPACT

ULP Policy GEN2 states, inter alia, that development will not be permitted unless its design *“minimises the environmental impact on neighbouring properties by appropriate mitigating measures”*, and *“would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or shadowing.”*

ULP Policy GEN4 states, inter alia, that *“development and uses, whether they involve the installation of plant and machinery or not, will not be permitted where*

- a) Noise or vibrations generated; or*
- b) Smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants;*

would cause material disturbance or nuisance to occupiers of surrounding properties.”

ULP Policy ENV11 states that *“noise generating development will not be permitted if it would be liable to affect adversely the reasonable occupation of existing or proposed noise sensitive development nearby, unless the need for the development the degree of noise generated.”*

ULP Policy ENV13 states that *“development that would involve users being exposed on an extended long-term basis to poor air quality outdoors near ground*

level will not be permitted. A zone 100 metres on either side of the central reservation of the M11 and a zone 35 metres either side of the centre of the new A120 have been identified on the proposals map as particular areas to which this policy applies.”

Noise

Representation has raised concerns around the noise that would be generated from construction machinery and HGVs entering and egressing the site.

The application is supported by an Acoustics Assessment which assesses the sound associated with the proposed re-capping and re-profiling works, construction plant sound associated with installation of the solar array, construction traffic noise changes and operational sound of the fixed plant associated with the solar installation. Sensitive receptors and sound measurement locations are identified within the Assessment.

The assessment of noise has been considered against guidance for mineral development, as the proposed placement of materials would give rise to similar noise impacts associated with mineral development. With regards to the re-capping and re-profiling, the assessment identifies that predicted sound levels are likely to meet the general noise requirements in the Planning Guidance for Minerals at all locations, remaining no more than 10dB above the background sound level for the majority of works, not exceeding 55 dB at any receptor for more than 8 weeks in a given year, and not exceeding 70 dB at any time. The assessment recommends temporary noise mitigation in the form of a soil stockpile bund in the southwest corner of the site near to the closest residential receptor. MPG has been used as recommended by the County Council noise consultant.

Noise created by HGV movements over the three year period is considered to be negligible. The assessment uses an example baseline road traffic scenario whereby four additional HGV movements per hour would add 0.4 dB to overall road traffic noise. It is predicted that 100 additional HGV movements would be required to add 1.0 dB to overall noise level. In this context, it is considered that the proposed HGV traffic to be created by the development would not significantly impact the existing road traffic noise.

The assessment of the solar array installation identifies that predicted sound levels are not anticipated to exceed the threshold for a significant noise impact at any receptor. Outline general recommendations for construction noise management and control measures are provided in the assessment, which could be employed as appropriate. The Uttlesford District Council EHO has requested a condition requiring that all plant and infrastructure required in combination with the solar array shall have a rating level that does not increase the background noise level, expressed as LA90, during the night time period and day time period. Should the plant fail to comply it should be switched off and not used again until it is able to comply.

The County Council noise consultant raises no objection to the proposal subject to conditions relating to each element of the proposal. For the re-capping and re-profiling works it is recommended that noise limits are implemented and quarterly

noise monitoring carried out. It is also recommended that all plant used on site should have silencers and non-tonal reversing alarms. During the proposed solar array installation, it is recommended to secure daytime noise limit. Bespoke noise limits for the solar array would also be secured via condition following completion of the solar array development as the solar array would exist in-situ 24/7. This addresses the EHO comments.

It is considered that these limits would ensure that nearby sensitive receptors would not be impacted by the solar array

Dust

Representation has raised concerns around the impact the proposal will have on air quality in the local area, in particular with regards to the dust levels during the importation of materials for re-capping and re-profiling. Uttlesford District Council's EHO has suggested that a dust management plan should be required by condition should approval be granted.

The application is supported by an Air Quality Assessment. The assessment considers the impact of construction dust as well as the impact of increased road traffic emissions caused by HGV movements. It is anticipated that dust would mainly be generated during the earthworks phase of the development whereby the new cap would be laid and the site re-profiled. A number of mitigation measures are recommended within the assessment which are welcomed by the WPA.

The Council's Air Quality consultant supports the outcomes of the assessment and considers that, with the implementation of the suggested mitigation and best practice measures, which could be secured by condition, the proposal would be acceptable from an air quality perspective and the impact of dust during re-capping and re-profiling would be low-risk. It is considered that securing these dust mitigation measures via condition would negate the need for a standalone dust mitigation plan.

In terms of vehicle emissions, the assessment shows that the proposal would result in an increase of less than $0.1\mu\text{g}/\text{m}^3$ for NO_2 and PM_{10} . The Council's air quality consultant considers that an increase of this amount would be negligible.

Regarding the type of materials proposed to be used for the re-capping and re-profiling works, only topsoil and subsoils from local construction sites are proposed. Soils would only be accepted if they are of a type listed in the environmental permit (controlled by the EA), and their chemical, physical and biological characteristics are suitable for the intended site use, along with visual inspections and other quality control measures. No waste type other than topsoil and subsoil is proposed to be imported and used to achieve the desired outcomes of the works.

Glint and Glare

With respect to the proposed solar array, glint refers to a momentary flash of bright light whilst glare refers to a continuous source of bright light. Glint and glare effects may occur during clear and sunny weather conditions when the panel surface

reflects sunlight. This is relevant to this proposal as it is located within the Stansted Airport Outer Safeguarding Zone and glint / glare has the potential to affect aircraft, as well as road users.

The application is supported by a Glint and Glare assessment which concludes that due to the existing buildings and vegetation around the site, almost all glare would be screened from views on the ground. The only road considered to have the potential for glare is Field Gate Lane which is a cul-de-sac road to the east of the site. Due to the road's limited use, it is considered that further mitigation would not be required as the safety of the road would be unlikely to be affected. Despite this, additional mitigation has been added to the proposal along the eastern boundary as described in the paragraph below. In terms of aircraft safety, the assessment concludes that all requirements for solar developments in relation to aircraft and airports have been met. Stansted Airport raise no objection to the proposal.

Uttlesford District Council recommend that consideration is given to a deeper planting belt around boundaries of the site which would include infilling hedgerows/trees in order to mitigate against the visual impact of glint and glare on highway users, living environments of neighbouring residential properties and other public vistas. Since these comments, the applicant provided an updated restoration plan which included more woodland planting along the eastern boundary and on the western boundary around the existing gas compound area. As well as this, reinforced hedgerow planting has been added along the length of the eastern boundary to further mitigate potential impacts. It is considered that these changes would adequately mitigate against potential glint and glare caused by the proposed solar array.

It is considered that the proposal is acceptable from an amenity perspective and would conform with WLP Policy 10 and ULP Policies GEN2, GEN4, ENV11, ENV13 and ENV15.

E ECOLOGICAL IMPACT

ULP Policy GEN7 states that "development that would have a harmful effect on wildlife or geological features will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. Where the site includes protected species or habitats suitable for protected species, a nature conservation survey will be required. Measures to mitigate and/or compensate for the potential impacts of development, secured by planning obligation or condition, will be required. The enhancement of biodiversity through the creation of appropriate new habitats will be sought."

ULP Policy ENV3 states that "the loss of traditional open spaces, other visually important spaces, groups of trees and fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value."

ULP Policy ENV7 refers to the protection of Designated Sites, stating, inter alia, that "development proposals that adversely affect areas of nationally important

nature conservation concern, such as Sites of Special Scientific Interest and National Nature Reserves, will not be permitted unless the need for the development outweighs the particular importance of the nature conservation value of site or reserve. Development proposals likely to affect local areas of nature conservation significance, such as County Wildlife sites, ancient woodlands, wildlife habitats, sites of ecological interest and Regionally Important Geological/ Geomorphological Sites, will not be permitted unless the need for the development outweighs the local significance of the site to the biodiversity of the District.”

ULP Policy ENV8 lists a number of landscape elements including hedgerows, linear tree belts, larger semi natural or ancient woodlands, semi-natural grasslands, plantations and networks or patterns of other local important habitats. It states that development that may adversely affects these landscape elements would only be permitted if

- “ a) The need for the development outweighs the need to retain the elements for their importance to wild fauna and flora;
- b) Mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of the locality.”

ULP Policy ENV12 states that “development that would be liable to cause contamination of groundwater particularly in the protection zones shown on the proposals map, or contamination of surface water, will not be permitted unless effective safeguards are provided.”

Uttlesford District Council identify that the site is located within a defined Country Wildlife Area along with Broom Wood located just to the north of the site and is also designated as Important Woodland. They make comment that appropriate measures should be taken to ensure appropriate mitigation and net gain is achieved in respect of biodiversity and that no harm towards protected species and their habitats occur. The application is supported by a Preliminary Ecological Appraisal (PEA), Protected Species survey report, Biodiversity Net Gain (BNG) Report, Construction Environmental Management Plan (CEMP) and an Arboricultural Impact Assessment (AIA).

The PEA identifies habitats suitable for breeding birds, roosting and foraging/commuting bats, reptiles, badgers, great crested newts and terrestrial invertebrates within the site. Ponds within the wider landfill site, outside the red line boundary, that previously supported great crested newts are also identified. The PEA makes provision for biodiversity enhancements in the form of native and wildlife friendly planting. The BNG report confirms that the proposal would result in a 10.48% net gain in habitat units, 135.23% net gain in hedgerow units and 187.53% net gain in river units.

The County Council ecology consultant raises no objection to the proposal and considers that the proposal would be acceptable on ecological grounds, with a recommendation for the provision of a Landscape and Ecological Management Plan (LEMP) to be secured by condition. It is considered that the impact on protected and priority species and habitats could be made acceptable with the appropriate mitigation and enhancement measures proposed. The revised restoration masterplan includes a planting schedule for grassland, hedgerows and trees and illustrates the areas of proposed hedgerow and tree planting as well as

the retention of surface water lagoons. These enhancements are supported and considered appropriate.

In terms of arboricultural loss, four category C trees and one group of category C trees are proposed to be removed in order to accommodate the required re-capping and re-profiling works and to allow site drainage to be installed. All other trees would be retained and protected with root protection zones and protection fencing ensured. The County Council arboriculture consultant considers the proposal to be acceptable based on the proposed restoration planting to provide mitigation for the small amount of trees to be lost. The consultant raised a point of clarification as to whether four trees and one group of trees in total were to be removed or whether the three trees were required to be removed to facilitate the recapping and the removal of the two further features required to facilitate the drainage installation were additional to that number. It is understood that trees T8, T9, T10 and T20 would be required for removal in order to facilitate the recapping and reprofiling works. Group G34 located partly along the northern boundary of the red line would need to be removed in addition to the four aforementioned trees in order to accommodate drainage, although the removal of G34 is considered a worst case and it is more than likely that this group would be able to be retained.

Hall's Quarry SSSI is not located within the red line boundary but within the blue line boundary. It is not considered that the proposed works would have any impact on the feature considering that no storage of materials and no vehicular or mechanical disturbance of soils are proposed. Natural England raise no objection to the proposal. It is also considered that the proposal would not have any impact to LoWS, ancient woodland and other SSSI located at a distance from the site. This includes Broom / Burney Wood LoWS which is the closest LoWS to the site and identified by Uttlesford District Council, although is actually located approximately 400m to the northwest of the red line boundary and would not be impacted by the proposed works.

It is considered that the proposal would provide significant BNG and mitigation against any impacts that the proposal may have. It is considered that the proposal would conform with ULP Policies GEN7, ENV3, ENV7, ENV8 and ENV12.

F FLOOD RISK

WLP Policy 11 states, inter alia, that proposals for waste management development will only be permitted where *“there would not be an unacceptable risk of flooding on site or elsewhere as a result of impediment to the flow of storage or surface water, as demonstrated by a Flood Risk Assessment, where required by the National Planning Policy Framework”*, and *“there would not be an unacceptable risk to the quantity and quality of surface and ground waters, or impediment to groundwater flow.”*

ULP Policy GEN3 states, inter alia, that *“outside flood risk areas development must not increase the risk of flooding through surface water run-off. A flood risk assessment will be required to demonstrate this. Sustainable Drainage Systems should also be considered as an appropriate flood mitigation measure in the first instance. For all areas where development will be exposed to or may lead to an*

increase in the risk of flooding applications will be accompanied by a full Flood Risk Assessment (FRA) which sets out the level of risk associated with the proposed development. The FRA will show that the proposed development can be provided with the appropriate minimum standard of protection throughout its lifetime and will demonstrate the effectiveness of flood mitigation measures proposed.”

The application is supported by a Flood Risk Assessment (FRA) and a surface water drainage strategy. The FRA considers potential sources of flooding to the site including tidal, fluvial, groundwater, overland flow, artificial sources and drainage infrastructure arrangements. The FRA finds that the site is generally at very low risk of flooding from surface water flooding and the construction of the proposed development, with the inclusion of the proposed drainage strategy, would ensure that the risk of flooding to the site and off-site would remain low when climate change is taken into account.

Regarding drainage, the proposed network of channels would discharge into existing infiltration basins, with the water quality expected to be good. The LLFA raises no objection to the proposal with recommendations to attach conditions requiring a maintenance plan for the surface water drainage system as well as yearly logs of maintenance and a soil management plan prior to the commencement of the solar array works. It is also recommended that a scheme to minimise the risk of offsite flooding caused by surface water runoff and groundwater during construction works and prevention pollution is to be submitted prior to works commencing. It is considered that the CEMP submitted by the applicant provides much of this information, however a condition would ensure that all matters could be provided prior to commencement.

It is considered that the proposal would conform with WLP Policy 11 and ULP Policy GEN3.

G HERITAGE IMPACT

WLP Policy 10 states, inter alia, that *“proposals for waste management development will be permitted where it can be demonstrated that the development would not have an unacceptable impact on... the historic environment including heritage and archaeological assets and their settings.”*

Uttlesford District Council suggest that consideration should be given to ensure that the setting and significance of the several heritage assets near the application site are not significantly harmed. The application is supported by a Heritage Impact Assessment (HIA). The HIA identifies all designated and non-designated heritage assets within 1km of the site and assesses the proposal’s likely impact to these heritage assets and their settings. All but seven listed buildings and the two non-designated buildings were screened from the site by natural landform and/or vegetation, or were sufficiently distant from it that the proposed development would not have the potential to change the ability to understand and appreciate their significance. The nine assets were therefore assessed, and the remaining assets left out of the assessment.

The HIA considers that three listed buildings' settings would likely be altered as a result of the proposed development; The Hermitage, Jordan's Cottage and Fieldgate Farmhouse. It is concluded that in each case any loss of significance would only be very slight and any harm would be considered at the lowest end of the scale of less than substantial harm. NPPF paragraph 202 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 including, where appropriate, securing its optimum viable use."* The County Council historic buildings consultant does not raise objection to the proposal but considers paragraph 202 should be considered given the less than substantial harm. The restoration masterplan was amended to take into consideration the historic buildings consultant's original comments; proposed security fencing and CCTV camera were reduced and increased hedgerow and woodland planting was added to further mitigate potential impact to listed building settings.

It is considered that the environmental benefits that the proposal would bring in terms of better management of leachate levels on site, minimising the potential for potential pollution issues and the production of renewable energy via the provision of a solar array aligns with the government's broader aspiration to transition to a low carbon future and amounts to public benefit that would outweigh the less than substantial harm caused to heritage assets in the local area. As such, it is considered that the proposal would conform with WLP Policy 10 and Para 202 of the NPPF.

H RESTORATION

The site as existing is currently subject to an approved restoration plan. As part of this proposal, a revised restoration plan has been submitted which incorporates the provision of the solar array alongside the change to site levels and associated planting, mitigation and biodiversity net gain.

The restoration would include the planting of areas of species-rich grassland and wildflower, woodland/woodland edge planting, shrub planting and hedgerows once soils have been imported and the site re-profiled. It is considered that the revised restoration plan would provide more benefit than the previously approved restoration plan which provided amenity grassland, hedgerow and tree planting, albeit at a lesser quantity than the proposed.

Overall, the proposed restoration plan is considered acceptable and appropriate to the scale of development proposed. The previously approved scheme included the submission of an aftercare scheme under permission ref: ESS/66/12/UTT. It is considered that, should approval be granted, a condition should be attached requiring the submission of an updated aftercare scheme.

8. CONCLUSION

The proposal seeks the importation of approximately 430,000 cubic metres of topsoil and subsoils to recap and re-profile the existing restored landform for the purpose of improving the site's environmental management of leachate levels. The

proposal also seeks the provision of a 2.4 MW solar array on the southern part of the site for 40 years to be placed following the completion of the recapping and re-profiling.

It is considered that the amount of material proposed to be imported would be the minimum amount necessary to achieve the proposed landform. It is considered that the proposal does not constitute a waste disposal activity for its own sake and would not compromise the existing landfill cap underneath. The solar array is not considered a risk to the integrity of the existing landfill. As such, the proposal is considered acceptable in principle.

The proposal is considered acceptable from a landscape and visual perspective as well as a heritage perspective due to the proposed mitigation and retention of existing visual mitigation. The proposed planting is considered to provide ecological benefit and biodiversity net gain. It is considered that the proposed operations would be acceptable from an amenity perspective through the implementation of proposed noise and dust mitigation measures during construction. The impact to the highway network is considered to be acceptable and temporary. The development is considered to be acceptable from a flood risk perspective. Whilst the development is considered to cause less than substantial harm to heritage assets within close proximity to the site, it is considered that the level of public benefit generated through the production of clean renewable energy would outweigh this less than substantial harm.

On balance, whilst the development would likely have some short term localised impacts, these are considered to be outweighed by the environmental benefit that would result from the reduction in leachate levels as well as the renewable energy generated by the solar array. As such, the proposal is considered to conform with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 2, 9, 10, 11, 12 and 13 and Uttlesford Local Plan (2005) Policies S7, GEN1, GEN2, GEN3, GEN4, GEN7, ENV3, ENV7, ENV8, ENV11, ENV12, ENV13 and ENV15.

9. RECOMMENDED

That planning permission be granted subject to conditions covering the following matters.

- 1 The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.

Reason: *To comply with section 91 of the Town and Country Planning Act 1990 [as amended].*

- 2 The development hereby permitted shall be carried out in accordance with the details of the application dated 6 July 2022, together with the following documents:
 - Drawing Ref: U3032000 Figure 01, dated February 2022;
 - Drawing Ref: U3032100 Figure 02, dated 20 May 2022;
 - Drawing Ref: U3032200 Figure 03, dated 17 February 2022;
 - Drawing Ref: U3032300 Figure 04, dated June 2022;

- Drawing Ref: U3032400 Figure 05, dated 7 February 2022;
- Drawing Ref: U3032500 Figure 06, dated 2 March 2022;
- Drawing Ref: U3032600 Figure 07 Rev C, dated February 2023;
- Drawing Ref: U3032700 Figure 08 Rev 1, dated 8 June 2022;
- Drawing Ref: U3032800 SK003, dated 20 May 2022;
- Drawing Ref: U3032900 SK004, dated 20 May 2022;
- Drawing Ref: U3033000 SK005, dated 20 May 2022;
- Drawing Ref: U3033100 SK006, dated 20 May 2022;
- Drawing Ref: U3033200 SK007, dated 26 April 2022;

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions:

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 and in accordance with Essex and Southend-on-Sea (2017) Polices 2, 9, 10, 11, 12 and 13 and Uttlesford Local Plan (2005) Policies S7, GEN1, GEN2, GEN3, GEN4, GEN7, ENV3, ENV7, ENV8, ENV11, ENV12, ENV13 and ENV15.

- 3 The importation, re-capping and re-profiling element of the development hereby permitted shall be completed within a period of three years from the notified date of commencement of the development as required by condition 1 by which time operations shall have ceased and the site restored in accordance with the scheme approved under Condition 40.

The solar array element of the development hereby permitted shall be completed within a period of six years of the date of commencement of the development as notified under condition 1.

Reason: To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Polices 2, 9, 10, 12 and 13 and Uttlesford Local Plan (2005) Policies S7, GEN1, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV13.

- 4 Any building, plant, machinery, foundation, hardstanding, roadway or structure used in connection with the development hereby permitted shall be removed from the site when no longer required.

Reason: To enable the Waste Planning Authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Polices 10, 11 and 12 and Uttlesford Local Plan (2005) Policies S7, GEN2, GEN4, GEN7, ENV3, ENV7, ENV8, ENV11 and ENV13.

- 5 In the event that the operations are terminated or suspended for a period in excess of 6 months, the operational land shall be restored in accordance with the scheme approved under Condition 40 and within a period of 6 months from the

date of notification by the Waste Planning Authority, except as may be varied by details to be submitted to the Waste Planning Authority, for approval in writing.

Reason: *To enable the Waste Planning Authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10, 11 and 12 and Uttlesford Local Plan (2005) Policies S7, GEN2, GEN4, GEN7, ENV3, ENV7, ENV8, ENV11 and ENV13.*

- 6 The development hereby permitted shall only be carried out during the following times:

07:00 hours to 17:30 hours Monday to Friday

No development shall take place on Saturdays, Sundays, Bank or Public Holidays.

Reason: *In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 12 and Uttlesford Local Plan (2005) Policies GEN4, ENV11 and ENV13.*

- 7 From the date of commencement of this permission as notified under condition 1, the operators shall maintain records of their quarterly throughput and shall make them available to the Waste Planning Authority within 14 working days, upon request.

Reason: *To allow the Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies GEN4, ENV11 and ENV13.*

- 8 All vehicular access and egress to and from the site shall be from Cambridge Road (B1383) as indicated on Drawing Ref: U3032200 Figure 03, dated 17 February 2022. No other access shall be used by vehicles entering or exiting the site.

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 12 and Uttlesford Local Plan (2005) Policies GEN1 and GEN4.*

- 9 The surfaced section of the access road from the junction with Cambridge Road (B1383) shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.

Reason: *In the interest of highway safety, to prevent material being taken onto the public highway and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 12 and Uttlesford Local Plan (2005) Policies GEN1 and GEN4.*

- 10 During the construction duration of the development hereby permitted, no commercial vehicle shall leave the site unless its wheels and underside chassis

have been cleaned to prevent materials, including mud and debris, being deposited on the public highway.

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Polices 10 and 12 and Uttlesford Local Plan (2005) Policies GEN1 and GEN4.*

- 11 The total number of heavy goods vehicle* (HGV) movements associated with the development hereby permitted shall not exceed the following limits:

110 movements (55 in and 55 out) per day (Monday to Friday)

No HGV movements shall take place outside the hours of operation authorised in Condition 6 of this permission.

*for the avoidance of doubt a heavy goods vehicle shall have a gross vehicle weight of 7.5 tonnes or more.

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Polices 10 and 12 and Uttlesford Local Plan (2005) Policies GEN1 and GEN4.*

- 12 The ground visibility splay at the access onto Cambridge Road (B1383) shall be retained free of any obstruction at all times for the duration of the development hereby permitted.

Reason: *In the interests of highway safety and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Polices 10 and 12 and Uttlesford Local Plan (2005) Policies GEN1 and GEN4.*

- 13 The development hereby permitted shall be carried out in accordance with the Noise Management and Control Measures contained within Section 10 of the Acoustics Assessment, Issue 4, dated 16 February 2023.

Reason: *In the interests of amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies GEN4 and ENV11.*

- 14 Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties Montefiore House, Smiths Cottages, Oakdene, The Old Vicarage, The Square, Ugley Hall, Fieldgate Farm House, Ugley Park and Boundary Cottage shall not exceed 55 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Following completion of the solar array development, the sound rating level (LAr T 1hr) at noise sensitive properties Montefiore House, Smiths Cottages, Oakdene, The Old Vicarage and The Square shall not exceed the following limits:

Daytime (07:00-19:00) – 35 dB LAr T

Evening, shoulder periods and night time (19:00-07:00) – 33dB LAr T 1hr

Following completion of the solar array development, the sound rating level (LAr T 1hr) at noise sensitive properties Ugley Hall, Fieldgate Farm House, Ugley Park and Boundary Cottage shall not exceed the following limits:

Daytime (07:00-19:00) – 33 dB LAr T

Evening, shoulder periods and night time (19:00-07:00) – 31dB LAr T 1hr

Reason: *In the interests of amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies GEN4 and ENV11.*

- 15 For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties listed in Condition 14 shall not exceed 70 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Waste Planning Authority in advance of such a temporary activity taking place.

Reason: *In the interests of amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies GEN4 and ENV11.*

- 16 Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at locations to be previously agreed with the Mineral Planning Authority. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations of 30 minutes separated by at least 1 hour during the working day and the results shall be submitted to the Waste Planning Authority within 1 month of the monitoring being carried out. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Waste Planning Authority.

Reason: *In the interests of amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies GEN4 and ENV11.*

- 17 All plant, equipment and machinery shall only operate during the hours permitted under Condition 6. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer and white noise alarms to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential or rural amenity. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.

Reason: *In the interests of amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies GEN4 and ENV11.*

- 18 No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Waste Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: *To minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies S7, GEN4, GEN7, ENV3, ENV7 and ENV8.*

- 19 The development hereby permitted shall be implemented in accordance with the mitigation measures contained within Section 6 of the Air Quality Assessment, Rev 3, dated 4 July 2022.

Reason: *To reduce the impacts of dust disturbance from the site on the local environment and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies S7, GEN4, GEN7, ENV3, ENV7, ENV8, ENV12 and ENV13.*

- 20 The haul road used in connection with the development hereby permitted shall be sprayed with water during dry weather conditions when necessary.

Reason: *To reduce the impacts of dust disturbance from the site on the local environment and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies S7, GEN4, GEN7, ENV3, ENV7, ENV8, ENV12 and ENV13.*

- 21 The development hereby permitted shall be carried out in accordance with the mitigation strategies contained within the Construction Environmental Management Plan, ref number: EPR/PP3735SW/V09, dated 30 November 2022.

Reason: *In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 11 and Uttlesford Local Plan (2005) Policies S7, GEN2, GEN3, GEN7, ENV3, ENV7 and ENV8.*

- 22 No development shall take place until there has been submitted to and approved, in writing, by the Waste Planning Authority a scheme of hard, soft and boundary

treatment landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows in the surrounding area. A specification of soft landscaping, including proposed trees, plants and seed mixes must be included. The specification should be in line with British Standards and include details of planting works such as preparation, implementation, materials (i.e. soils and mulch), any protection measures that will be put in place (i.e. rabbit guards) and any management regimes (including watering schedules) to support establishment. This should be accompanied by a schedule, with details of quantity, species and size/type (bare root, container etc). Hard landscape details such as surface materials and boundary treatments must also be included. The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement (or completion) of the development hereby permitted in accordance with the approved details and maintained thereafter.

Reason: *To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 11 and Uttlesford Local Plan (2005) Policies S7, GEN2, GEN3, GEN7, ENV3, ENV7 and ENV8.*

23

No development shall take place until a Landscape and Ecological Management Plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas together with a timetable for the implementation of the Plan, has been submitted to and approved in writing by the Waste Planning Authority. The Plan shall include:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 25 year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the Plan will be secured by the developer with the management body(ies) responsible for its delivery. The Plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The Plan shall be carried out in accordance with the approved details and timetable.

Reason: *To ensure the longevity of the landscaping scheme and protect the visual amenity and character of the area, to allow the Waste Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of*

the NERC Act 2006 (Priority habitats & species) and in accordance with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 11 and Uttlesford Local Plan (2005) Policies S7, GEN2, GEN3, GEN7, ENV3, ENV7 and ENV8.

- 24 The development hereby permitted shall be carried out in accordance with the details contained within Section 5 of the Arboricultural Impact Assessment, Rev 02, dated 4 July 2022.

Reason: *In the interest of the amenity of the local area and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 11 and Uttlesford Local Plan (2005) Policies S7, GEN2, GEN7, ENV3, ENV7 and ENV8.*

- 25 Any tree or shrub forming part of a landscaping scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with an appropriate species of tree or shrub, the details of which shall have received the prior written approval of the Waste Planning Authority.

Reason: *In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 11 and Uttlesford Local Plan (2005) Policies S7, GEN2, GEN3, GEN7, ENV3, ENV7 and ENV8.*

- 26 No development or any preliminary groundworks shall take place until:

- a) All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with BS:5837 "Trees in Relation to Construction", and;
- b) Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".

Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period without the prior written consent of the Waste Planning Authority.

Reason: *In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 11 and Uttlesford Local Plan (2005) Policies S7, GEN2, GEN3, GEN7, ENV3, ENV7 and ENV8.*

- 27 No retained tree shall be cut down, uprooted or destroyed.

Reason: *In the interest of the amenity of the local area and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 11 and Uttlesford Local Plan (2005) Policies S7, GEN2, GEN7, ENV3, ENV7 and ENV8.*

28 The development hereby permitted shall be implemented in accordance with the biodiversity mitigation / enhancement measures submitted with the application as detailed in the following approved documents:

- Biodiversity Net Gain Report, ref number: 2021/040/03, dated 6 February 2023;
- Protected Species Survey Report, ref number: 2021/040/01, dated 21 September 2022;
- Letter from AB Ecology titled 'Planning comments response – Ugley Landfill', dated 6 February 2023;
- Revised Ugley Landfill- Biodiversity Net Gain calculations and report (AB Ecology), dated 6 February 2023;
- Construction Environmental Management Plan, ref number: 2021/040/02, V2, dated 6 February 2023;

and shall be implemented in accordance with the timetable specified in the submitted details and completed in full prior to the substantial completion of the development hereby permitted. The mitigation / enhancement measures shall be permanently maintained and retained in accordance with the approved details, unless otherwise approved in writing by the Waste Planning Authority.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 11 and Uttlesford Local Plan (2005) Policies S7, GEN2, GEN7, ENV3, ENV7 and ENV8.

29 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken an ecological assessment to confirm that no birds would be harmed and/or appropriate measures are in place to protect nesting bird interest on site. Any such written confirmation or ecological assessment shall be submitted to the Waste Planning Authority for approval prior to any removal of hedgerows, trees or shrubs during this period.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 11 and Uttlesford Local Plan (2005) Policies S7, GEN2, GEN7, ENV3, ENV7 and ENV8.

30 No excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part and stored in accordance with the details agreed under condition 2 of this planning permission.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 2 and 10 and Uttlesford Local Plan (2005) Policies S7, GEN2 and GEN7.

31 All topsoil, subsoil and soil making material shall be retained on the site and used in the restoration scheme indicated on Drawing Ref: U3032600 Figure 07 Rev C, dated February 2023.

Reason: *To prevent the loss of soil and aid the final restoration of the site and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 2 and 10 and Uttlesford Local Plan (2005) Policies S7, GEN2 and GEN7.*

32 No development shall take place unless a plan, showing the location, contours and volumes of the bunds and identifying the soil types and units contained therein, has been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved plan.

Reason: *To minimise structural damage and compaction of soils, aid the final restoration of the site and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 2 and 10 and Uttlesford Local Plan (2005) Policies S7, GEN2 and GEN7.*

33 No movement of existing topsoil or soil making materials stripped on the site shall take place except when the full depth of soil to be stripped or otherwise transported is in a 'suitably dry soil moisture condition". No movement of stripped soils shall take place between 1 November and 31 March unless a field assessment by a suitably qualified person has been undertaken and it has been agreed with the Waste Planning Authority that the soils are in a "suitably dry soil moisture condition".

"Suitably dry soil moisture condition" is determined by a field assessment of the soil's wetness in relation to its lower plastic limit. The field assessment should be made by attempting to roll a ball of soil into a thread on the surface of a clean plain glazed tile (or plate glass square) using light pressure from the flat of the hand. If the soil crumbles before a long thread of 3mm diameter can be formed, the soil is dry enough to move. The assessment should be carried out on representative samples of each major soil type.

Reason: *To prevent damage to the integrity of the soil resource by avoiding movement when the soils are wet or excessively moist and so do not meet the defined criteria having regard to Essex and Southend-on-Sea Waste Local Plan (2017) Policies 2 and 10 and Uttlesford Local Plan (2005) Policies S7, GEN2 and GEN7.*

34 Topsoil, subsoil and soil making materials shall be stored in separate mounds which shall:

- a) Not exceed 3 metres in height in the case of topsoil, or exceed 5 metres in height in the case of subsoils;
- b) Be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;
- c) Not be subsequently moved or added to until required for restoration;

- d) Have a minimum 3.0 metre standoff, undisturbed around each storage mound;
- e) Comprise topsoil on like-texture topsoil and like-texture subsoils;
- f) In the case of continuous mounds, ensure that dissimilar soils are separated by a third material, which shall have previously been agreed in writing by the Waste Planning Authority.

Reason: *To minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 2 and 10 and Uttlesford Local Plan (2005) Policies S7, GEN2 and GEN7.*

- 35 The development shall be implemented in accordance with the approved Surface Water Drainage Strategy, project number: 60673809, dated 28 June 2022; and Flood Risk Assessment, project number: 60673809, dated June 2022 and maintained for the life of the development hereby permitted.

Reason: *To minimise the risk of pollution of water courses and aquifers, minimise the risk of flooding to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 11 and Uttlesford Local Plan (2005) Policies GEN3 and ENV12.*

- 36 Repair, maintenance and refuelling of plant, equipment and machinery shall only take place on an impervious surface drained to an interceptor.

Reason: *To minimise the risk of pollution of watercourses and aquifers and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 11 and Uttlesford Local Plan (2005) Policies GEN3 and ENV12.*

- 37 All stones and other materials in excess of 100mm in any dimension shall be removed from the final restored surface of the site, prior to the commencement of the aftercare period.

Reason: *To ensure proper restoration of the site and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies S7, GEN2 and GEN7.*

- 38 Upon the completion of restoration, no part of the restored land shall exceed the pre-settlement contours as shown on Drawing Ref: U3032600 Figure 07 Rev C, dated February 2023.

Reason: *To ensure proper restoration of the site and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies S7, GEN2 and GEN7.*

- 39 Final landform, surface restoration levels and final contours shall accord with the landform shown on Drawing Ref: U3032600 Figure 07 Rev C, dated February 2023.

Reason: *To ensure proper restoration of the site and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies S7, GEN2 and GEN7.*

- 40 The development hereby permitted shall be carried out in accordance with the Restoration Masterplan, Drawing Ref: U3032600 Figure 07 Rev C, dated February 2023.

Reason: *To ensure proper restoration of the site and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies S7, GEN2 and GEN7.*

- 41 An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for amenity grassland/woodland use shall be submitted to and approved in writing by the Waste Planning Authority prior to completion of restoration works/infilling/the placement of soils on site. The submitted Scheme shall:

- a) Provide an outline strategy in accordance with Paragraph 57 of the Minerals Planning Practice Guidance for the five year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme.
- b) Provide for a detailed annual programme, in accordance with Paragraph 58 of the Minerals the Planning Practice Guidance to be submitted to the Waste Planning Authority not later than two months prior to the annual Aftercare meeting.
- c) Unless the Waste Planning Authority approved in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

The development shall be implemented in accordance with the approved aftercare scheme.

Reason: *To ensure the satisfactory restoration of the site for amenity/woodland and in accordance with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies S7, GEN2 and GEN7.*

- 42 No waste other than those waste materials defined on page 17 of the Planning Statement prepared by Aecom, dated July 2022 and submitted with the application, shall enter the site.

Reason: *Waste material outside of the aforementioned would raise alternate, additional environmental concerns which would need to be considered afresh and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 2, 9, 10 and 13 and Uttlesford Local Plan (2005) Policies S7, GEN4, GEN7, ENV7, ENV8, ENV11, ENV12 and ENV13.*

Informatives

- 1 The applicant's attention is drawn to the new procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>
- 2 Any planting or fencing adjacent to the public rights of way should be planted a minimum of 3m from the extent of the public right of way.

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

The proposed development would not be located within distance to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL MEMBER NOTIFICATION

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