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1. Policy

1.1 Introduction

1.1.1 This appendix sets out policies which are considered relevant to landscape and visual matters at national, county and local levels, as reported in **Chapter 10: Landscape and Visual Amenity** of the Environmental Statement (ES) [EN010118/APP/6.1].

1.2 National Planning Policy

Overarching National Policy Statement for Energy (EN-1), adopted 2011

1.2.1 EN-1 (Ref 1) is part of a suite of National Policy Statements (NPS) issued by the Secretary of State for Energy and Climate Change (now the Secretary of State for Business, Energy and Industrial Strategy). It sets out the Government's policy for delivery of major energy infrastructure, to help deliver the Government's climate change objectives by clearly setting out the need for new low carbon energy infrastructure to contribute to climate change mitigation.

1.2.2 Paragraph 1.7.2 states:

"The development of new energy infrastructure, at the scale and speed required to meet the current and future need, is likely to have some negative effects on biodiversity, landscape/visual amenity and cultural heritage. However the significance of these effects and the effectiveness of mitigation possibilities is uncertain at the strategic and non-locationally specific level at which EN-1 to EN-5 are pitched. Short-term construction impacts are also likely through an increased use of raw materials and resources and negative effects on the economy due to impacts on existing land and sea uses. In general, it should be possible to mitigate satisfactorily the most significant potential negative effects of new energy infrastructure consented in accordance with the energy NPSs, and they explain ways in which this can be done; however, the impacts on landscape/visual amenity in particular will sometimes be hard to mitigate."

1.2.3 Paragraph 1.7.11 states:

"As noted above, the principal area in which consenting new energy infrastructure in accordance with the energy NPSs is likely to lead to adverse effects which cannot always be satisfactorily mitigated is in respect of landscape and visual effects. EN-1 already contains policies which severely limit the prospects for development of large-scale energy infrastructure in the most attractive landscapes and townscapes. Tightening the development consent policies in EN-1 to make it harder for energy infrastructure to be consented which would have adverse landscape or townscape effects would be likely to make it significantly more difficult to gain consent for a range of large-scale energy infrastructure projects..."

1.2.4 Part 4 deals with Assessment Principles. Paragraph 4.1.3 states:

"In considering any proposed development, and in particular when weighing its adverse impacts against its benefits, the IPC should take into account:

- *its potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts."*

1.2.5 Paragraph 4.1.4 states:

“In this context, the IPC should take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels. These may be identified in this NPS, the relevant technology-specific NPS, in the application or elsewhere (including in local impact reports).”

1.2.6 Paragraph 4.2.1 states:

“All proposals for projects that are subject to the European Environmental Impact Assessment Directive must be accompanied by an Environmental Statement (ES) describing the aspects of the environment likely to be significantly affected by the project. The Directive specifically refers to effects on human beings, fauna and flora, soil, water, air, climate, the landscape, material assets and cultural heritage, and the interaction between them. The Directive requires an assessment of the likely significant effects of the proposed project on the environment, covering the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects at all stages of the project, and also of the measures envisaged for avoiding or mitigating significant adverse effects.”

1.2.7 Paragraph 4.2.3 states:

“For the purposes of this NPS and the technology-specific NPSs the ES should cover the environmental, social and economic effects arising from pre-construction, construction, operation and decommissioning of the project.

1.2.8 Paragraph 4.2.4 states:

“When considering a proposal the IPC should satisfy itself that likely significant effects, including any significant residual effects taking account of any proposed mitigation measures or any adverse effects of those measures, have been adequately assessed. In doing so the IPC should also examine whether the assessment distinguishes between the project stages and identifies any mitigation measures at those stages.

1.2.9 Paragraph 4.2.8 states:

“Where some details are still to be finalised the ES should set out, to the best of the applicant’s knowledge, what the maximum extent of the proposed development may be in terms of site and plant specifications, and assess, on that basis, the effects which the project could have to ensure that the impacts of the project as it may be constructed have been properly assessed.”

1.2.10 Section 4.5 establishes criteria for “good design” for energy infrastructure, which have guided the design of the Scheme from the outset. Paragraph 4.5.1 states:

“The visual appearance of a building is sometimes considered to be the most important factor in good design. But high quality and inclusive design goes far beyond aesthetic considerations. The functionality of an object — be it a building or other type of infrastructure — including fitness for purpose and sustainability, is equally important. 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.”

1.2.11 Paragraph 4.5.2 states:

“Good design is also a means by which many policy objectives in the NPS can be met, for example the impact sections show how good design, in terms of siting and use of appropriate technologies can help mitigate adverse impacts such as noise.”

1.2.12 Paragraph 4.5.3 states:

“Whilst the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation. Furthermore, the design and sensitive use of materials in any associated development such as electricity substations will assist in ensuring that such development contributes to the quality of the area.”

1.2.13 Section 5 sets out policies on generic impacts, including in Section 5.9 those which relate to landscape and visual matters. Paragraph 5.1.1 states:

“Some impacts (such as landscape and visual impacts) arise from the development of any of the types of energy infrastructure covered by the energy NPSs...”

1.2.14 Paragraph 5.9.5 states:

“The applicant should carry out a landscape and visual assessment and report it in the ES...the landscape and visual assessment should include reference to any landscape character assessment and associated studies as a means of assessing landscape impacts relevant to the proposed project. The applicant’s assessment should also take account of any relevant policies based on these assessments in local development documents in England and local development plans in Wales.”

1.2.15 The footnote supporting paragraph 5.9.5 refers to the 2nd edition of the Guidelines for Landscape and Visual Impact Assessment. The 3rd version of this guidance has informed the methodology of this assessment.

1.2.16 Paragraph 5.9.6 states:

“The applicant’s assessment should include the effects during construction of the project and the effects of the completed development and its operation on landscape components and landscape character.”

1.2.17 Paragraph 5.9.7 states:

“The assessment should include the visibility and conspicuousness of the project during construction and of the presence and operation of the project and potential impacts on views and visual amenity. This should include light pollution effects, including on local amenity, and nature conservation.”

1.2.18 Paragraph 5.9.8 states:

“Landscape effects depend on the existing character of the local landscape, its current quality, how highly it is valued and its capacity to accommodate change. All of these factors need to be considered in judging the impact of a project on landscape. Virtually all nationally significant energy infrastructure projects will have effects on the landscape. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.”

1.2.19 Paragraph 5.9.14 states:

“Outside nationally designated areas, there are local landscapes that may be highly valued locally and protected by local designation. Where a local development document in England or a local development plan in Wales has policies based on landscape character assessment, these should be paid particular attention. However, local landscape designations should not be used in themselves to refuse consent, as this may unduly restrict acceptable development.”

1.2.20 Paragraph 5.9.15 states:

“The scale of such projects means that they will often be visible within many miles of the site of the proposed infrastructure. The IPC should judge whether any adverse impact on the

landscape would be so damaging that it is not offset by the benefits (including need) of the project.”

1.2.21 Paragraph 5.9.16 states:

“In reaching a judgment, the IPC should consider whether any adverse impact is temporary, such as during construction, and/or whether any adverse impact on the landscape will be capable of being reversed in a timescale that the IPC considers reasonable.”

1.2.22 Paragraph 5.9.17 states:

“The IPC should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation.”

1.2.23 Paragraph 5.9.18 stated:

“All proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites. The IPC will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project. Coastal areas are particularly vulnerable to visual intrusion because of the potential high visibility of development on the foreshore, on the skyline and affecting views along stretches of undeveloped coast.”

1.2.24 Paragraph 5.9.21 states:

“Reducing the scale of a project can help to mitigate the visual and landscape effects of a proposed project. However, reducing the scale or otherwise amending the design of a proposed energy infrastructure project may result in a significant operational constraint and reduction in function – for example, the electricity generation output. There may, however, be exceptional circumstances, where mitigation could have a very significant benefit and warrant a small reduction in function. In these circumstances, the IPC may decide that the benefits of the mitigation to reduce the landscape and/or visual effects outweigh the marginal loss of function.”

1.2.25 Paragraph 5.9.22 states:

“Within a defined site, adverse landscape and visual effects may be minimised through appropriate siting of infrastructure within that site, design including colours and materials, and landscaping schemes, depending on the size and type of the proposed project. Materials and designs of buildings should always be given careful consideration.”

1.2.26 Paragraph 5.10.2 states:

“The Government’s policy is to ensure there is adequate provision of high quality open space (including green infrastructure) and sports and recreation facilities to meet the needs of local communities. Open spaces, sports and recreational facilities all help to underpin people’s quality of life and have a vital role to play in promoting healthy living. Green infrastructure in particular will also play an increasingly important role in mitigating or adapting to the impacts of climate change.”

1.2.27 Paragraph 5.10.19 states:

“Although in the case of much energy infrastructure there may be little that can be done to mitigate the direct effects of an energy project on the existing use of the proposed site (assuming that some at least of that use can still be retained post project construction) applicants should nevertheless seek to minimise these effects and the effects on existing or planned uses near the site by the application of good design principles, including the layout of the project.”

National Policy Statement for Renewable Energy Infrastructure (EN-3), adopted 2011

1.2.28 The NPS for Renewable Energy infrastructure (EN3) provides the primary basis for recommendations by the Examining Authority on applications it receives for nationally significant renewable energy infrastructure.

1.2.29 Section 2.4 of EN-3 provides policy on Criteria for “good design” for energy infrastructure. Paragraph 2.4.1 of this section refers back to the criteria for good design in NPS EN-1. Paragraph 2.4.2 of EN-3 goes on to state that:

“Proposals for renewable energy infrastructure should demonstrate good design in respect of landscape and visual amenity”.

National Policy Statement for Electricity Networks Infrastructure (EN-5), adopted 2011

1.2.30 EN-5 (Ref 3) provides the primary basis for decisions regarding electricity networks infrastructure.

1.2.31 Paragraph 2.2.5 states:

“There will usually be some flexibility around the location of the associated substations and applicants will give consideration to how they are placed in the local landscape taking account of such things as local topography and the possibility of screening.”

Draft Overarching National Policy Statement (NPS) for Energy (EN-1), 2021

1.2.32 In the energy White Paper: ‘Powering our Net Zero Future’ (2020) the government committed to completing a review of the existing energy NPS to ensure they reflect current energy policy and that the policy framework can deliver investment in the infrastructure needed for the transition to net zero. The Draft Overarching National Policy Statement for Energy (EN1) (Ref 4) was issued for consultation in September 2021 to identify whether the revised document is fit for purpose.

1.2.33 Paragraph 1.7.4 states:

“Due to the nature and size of potential schemes (as well as likely potential locations in areas such as coastal areas), opportunities for landscape mitigation will be limited and while the energy NPS sets out a robust approach to addressing impacts on landscape, townscape and seascape across the short, medium and long timeframes, significant adverse effects are likely to remain.”

1.2.34 Paragraph 4.1.3 states:

“In considering any proposed development, in particular when weighing its adverse impacts against its benefits, the Secretary of State should take into account:

- *its potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce, mitigate or compensate for any adverse impacts.”*

1.2.35 Paragraph 4.1.4 states:

“In this context, the Secretary of State should take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels.”

1.2.36 Paragraph 4.1.10 states:

“Applicants need to consider the importance of ‘good design’ criteria. Such consideration of ‘good design’ criteria should be demonstrated when submitting applications for energy infrastructure projects to the Secretary of State. To ensure good design is embedded within the project development, a project board level design champion could be appointed and a representative design panel used to maximise the value provided by the infrastructure. Design principles should be established from the outset of the project to guide the development from conception to operation.”

1.2.37 Paragraph 4.2.1 states:

“All proposals for projects that are subject to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) must be accompanied by an Environmental Statement (ES) describing the aspects of the environment likely to be significantly affected by the project. The Regulations specifically refer to effects on population, human health, biodiversity, land, soil, water, air, climate, the landscape, material assets and cultural heritage, and the interaction between them. The Regulations require an assessment of the likely significant effects of the proposed project on the environment, covering the direct effects and any indirect, secondary, cumulative, transboundary, short, medium, and long-term, permanent and temporary, positive and negative effects at all stages of the project, and also of the measures envisaged for avoiding or mitigating significant adverse effects.”

1.2.38 Paragraph 4.2.3 states:

“For the purposes of this NPS and the technology specific NPSs the ES should cover the environmental, social and economic effects arising from pre-construction, construction, operation and decommissioning of the project.”

1.2.39 Paragraph 4.2.6 states:

“Where some details are still to be finalised, the ES should set out to the best of the applicant’s knowledge, what the likely worst-case environmental, social and economic effects of the proposed development may be and assess, on that basis, to ensure that the impacts of the project as it may be constructed have been properly assessed.”

1.2.40 Paragraph 4.6.1 states:

“The visual appearance of a building is sometimes considered to be the most important factor in good design. But high quality and inclusive design goes far beyond aesthetic considerations. The functionality of an object — be it a building or other type of infrastructure — including fitness for purpose and sustainability, is equally important. 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.”

1.2.41 Paragraph 4.6.2 states:

“Good design is also a means by which many policy objectives in the NPS can be met, for example the impact sections show how good design, in terms of siting and use of appropriate technologies can help mitigate adverse impacts such as noise.”

1.2.42 Paragraph 4.6.3 states:

“Whilst the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, land form and vegetation. Furthermore, the design and sensitive use of materials in any associated development such as electricity substations will assist in ensuring that such development contributes to the quality of the area.”

1.2.43 Paragraph 5.1.1 states:

“Some impacts (such as landscape and visual impacts) arise from the development of any of the types of energy infrastructure covered by the energy NPSs...”

1.2.44 Paragraph 5.10.1 states:

The landscape and visual effects of energy projects will vary on a case by case basis according to the type of development, its location and the landscape setting of the proposed development.

1.2.45 Paragraph 5.10.5 states:

“The applicant should carry out a landscape and visual assessment and report it in the ES...the landscape and visual assessment should include reference to any landscape character assessment and associated studies as a means of assessing landscape impacts relevant to the proposed project. The applicant’s assessment should also take account of any relevant policies based on these assessments in local development documents in England and local development plans in Wales.”

1.2.46 Paragraph 5.10.6 states:

“The applicant’s assessment should include the effects during construction of the project and the effects of the completed development and its operation on landscape components and landscape character.”

1.2.47 Paragraph 5.10.7 states:

“The assessment should include the visibility and conspicuousness of the project during construction and of the presence and operation of the project and potential impacts on views and visual amenity. This should include light pollution effects, including on local amenity, and nature conservation.”

1.2.48 Paragraph 5.10.8 states:

“The assessment should also demonstrate how noise and light pollution from construction and operational activities on residential amenity and on sensitive locations, receptors and views, will be minimised.”

1.2.49 Paragraph 5.10.9 states:

“Landscape effects of the project depend on the existing character of the local landscape, its current quality, how highly it is valued and its capacity to accommodate change. All of these factors need to be considered in judging the impact of a project on landscape. Virtually all nationally significant energy infrastructure projects will have effects on the landscape. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.”

1.2.50 Paragraph 5.10.10 states:

“Applicants should consider how landscapes can be enhanced using landscape management plans, as this will help to enhance environmental assets where they contribute to landscape and townscape quality.”

1.2.51 Paragraph 5.10.16 states:

“Outside nationally designated areas, there are local landscapes that may be highly valued locally and protected by local designation. Where a local development document in England or a local development plan in Wales has policies based on landscape or waterscape character assessment, these should be paid particular attention. However, local landscape designations should not be used in themselves to refuse consent, as this may unduly restrict acceptable development.”

1.2.52 Paragraph 5.10.17 states:

“The scale of such projects means that they will often be visible within many miles of the site of the proposed infrastructure. The Secretary of State should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project.”

1.2.53 Paragraph 5.10.18 states:

“In reaching a judgment, the Secretary of State should consider whether any adverse impact is temporary, such as during construction, and/or whether any adverse impact on the landscape will be capable of being reversed in a timescale that the Secretary of State considers reasonable.”

1.2.54 Paragraph 5.10.19 states:

“The Secretary of State should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation.”

1.2.55 Paragraph 5.10.20 stated:

“All proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites. The Secretary of State will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project.”

1.2.56 Paragraph 5.10.21 states:

“It may be helpful for applicants to draw attention, in the supporting evidence to their applications, to any examples of existing permitted infrastructure they are aware of with a similar magnitude of impact on sensitive receptors. This may assist the Secretary of State in judging the weight they should give to the assessed visual impacts of the proposed development.”

1.2.57 Paragraph 5.10.23 states:

“Reducing the scale of a project can help to mitigate the visual and landscape effects of a proposed project. However, reducing the scale or otherwise amending the design of a proposed energy infrastructure project may result in a significant operational constraint and reduction in function - for example, the electricity generation output. There may, however, be exceptional circumstances, where mitigation could have a very significant benefit and warrant a small reduction in function. In these circumstances, the Secretary of State may decide that the benefits of the mitigation to reduce the landscape and/or visual effects outweigh the marginal loss of function.”

1.2.58 Paragraph 5.10.24 states:

“Within a defined site, adverse landscape and visual effects may be minimised through appropriate siting of infrastructure within that site, design including colours and materials, and landscaping schemes, depending on the size and type of the proposed project. Materials and designs of buildings should always be given careful consideration.”

1.2.59 Paragraph 5.10.25 states:

“Depending on the topography of the surrounding terrain and areas of population it may be appropriate to undertake landscaping off site. For example, filling in gaps in existing tree and hedge lines would mitigate the impact when viewed from a more distant vista.”

1.2.60 Paragraph 5.11.2 states:

“The Government’s policy is to ensure there is adequate provision of high quality open space (including green infrastructure) and sports and recreation facilities to meet the needs of local communities. Open spaces, sports and recreational facilities all help to underpin people’s quality of life and have a vital role to play in promoting healthy living. Well designed and managed green infrastructure in particular, provides multiple benefits at a range of scales. It can contribute to health, wellbeing, biodiversity recovery, absorb surface water, cleanse pollutants and absorb noise and reduce high temperatures. It will also play an increasingly important role in mitigating or adapting to the impacts of climate change. The provision and enhancement of green infrastructure can improve air quality, particularly in urban areas. Applicants are therefore encouraged to consider how new green infrastructure can be provided, or how existing green infrastructure can be enhanced, as part of their application.”

1.2.61 Paragraph 5.11.18 states:

“Although in the case of much energy infrastructure there may be little that can be done to mitigate the direct effects of an energy project on the existing use of the proposed site (assuming that some at least of that use can still be retained post project construction) applicants should nevertheless seek to minimise these effects and the effects on existing or planned uses near the site by the application of good design principles, including the layout of the project and the protection of soils during construction.”

Draft National Policy Statement for Renewable Energy Infrastructure (EN-3)

1.2.62 The Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (Ref 5) was issued for consultation to identify whether the revised document is fit for purpose. It includes a new section on Solar Photovoltaic Generation and landscape, visual and residential amenity.

1.2.63 Paragraph 2.47.1 states:

“... solar is a key part of the government’s strategy for low cost decarbonisation of the energy sector.”

1.2.64 Paragraph 2.49.5 states:

“Considering the likely extent of solar sites, it is possible that proposed developments may affect the provision of local footpath networks and public rights of way. Public rights of way may need to be temporarily stopped up to enable construction; however it should be the applicant’s intention, where practicable and safe, to keep all public rights of way that cross the proposed development site open during construction and to protect users where a public right of way borders or crosses the site. Developers are encouraged to design the layout and appearance of the site to ensure continued recreational use of public rights of way, where possible during construction, but in particular across the operation of the site, and to minimise as much as possible the visual outlook from existing footpaths. It should be noted that sites may provide the opportunity to facilitate enhancements to the local footpath network and the adoption of new public rights of way through site layout and design of access.”

1.2.65 Paragraph 2.49.6 states:

“It is anticipated that detail on how public rights of way would be managed to ensure they are safe to use is detailed in an outline Public Rights of Way Management Plan.”

1.2.66 Paragraph 2.49.8 states:

“The visual impact of these security measures, as well as the impacts on local residents, including for example issues relating to intrusion from CCTV and light pollution in the vicinity of the site, should be assessed.”

1.2.67 Paragraph 2.49.13 states:

“The time-limited nature of solar farms, where a time-limit is sought by an applicant as a condition of consent, is likely to be an important consideration for the Secretary of State when assessing impacts such as landscape and visual effects and potential effects on the settings of heritage assets. Such judgements should include consideration of the period of time sought by the applicants for the generating station to operate. The extent to which the site will return to its original state may also be a relevant consideration.”

1.2.68 Paragraph 2.49.17 states:

“Where elements of the design of the scheme are unknown, the maximum impact case scenario should be assessed, and the Secretary of State should consider the maximum adverse effects in its consideration of the application and consent.”

1.2.69 Paragraph 2.51.2 states:

“The approach to assessing cumulative landscape and visual impact of largescale solar farms is likely to be the same as assessing other onshore energy infrastructure. Solar farms are likely to be in low lying areas of good exposure and as such may have a wider zone of visual influence than other types of onshore energy infrastructure. However, whilst it may be the case that the development covers a significant surface area, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.”

1.2.70 Paragraph 2.51.3 states

“The applicant should carry out a landscape and visual assessment and report it in the ES. Visualisations may be required to demonstrate the effects of a proposed solar farm on the setting of heritage assets and any nearby residential areas or viewpoints.”

1.2.71 Paragraph 2.51.4 states:

“Applicants should follow the criteria for good design set out in Section 4.6 of EN-1 when developing projects and will be expected to direct considerable effort towards minimising the landscape/visual impact of solar PV arrays. Whilst there is an acknowledged need to ensure solar PV installations are adequately secured, required security measures such as fencing should consider the need to minimise the impact on the landscape and visual impact.”

1.2.72 Paragraph 2.51.5 states:

“The applicant should have regard in both the design layout of the solar farm, and future maintenance plans, to the retention of growth of vegetation on boundaries, including the opportunity for individual trees within the boundaries to grow on to maturity. The landscape and visual impact should be considered carefully at the pre-application stage. Existing hedges and established vegetation, including mature trees, should be retained wherever possible. Trees and hedges should be protected during construction. The impact of the proposed development on established trees and hedges should be informed by a tree survey or a hedge assessment as appropriate.”

1.2.73 Paragraph 2.51.6 states:

“Applicants should consider the potential to mitigate landscape and visual impacts through, for example, screening with native hedges. Efforts should be made to minimise the use and height of security fencing. Where possible projects should utilise existing features, such as hedges or landscaping, to screen security fencing and use natural features, such as vegetation planting, to assist in site security. Projects should minimise the use of security lighting. Any lighting should utilise a passive infra-red (PIR) technology and should be designed and installed in a manner which minimises impact.”

1.2.74 Paragraph 2.51.7 states:

“The Secretary of State will consider visual impact of any proposed solar PV farm, taking account of any sensitive visual receptors, and the effect of the development on landscape

character, together with the possible cumulative effect with any existing or proposed development.”

1.2.75 Paragraph 2.52.2 states:

“In some instances, it may be necessary to seek a glint and glare assessment as part of the application. This may need to account for ‘tracking’ panels if they are proposed as these may cause differential diurnal and/or seasonal impacts. The potential for solar PV panels, frames and supports to have a combined reflective quality should be assessed. This assessment needs to consider the likely reflective capacity of all of the materials used in the construction of the solar PV farm.”

1.2.76 Paragraph 2.52.4 states:

“Solar PV panels are designed to absorb, not reflect, irradiation. However, the Secretary of State should assess the potential impact of glint and glare on nearby homes and motorists.”

Draft National Policy Statement for Electricity Network Infrastructure (EN-5)

1.2.77 The Draft National Policy Statement for Electricity Network Infrastructure (EN-5) (Ref 6) was issued for consultation to identify whether the revised document is fit for purpose.

1.2.78 Paragraph 2.2.4 states:

“There will usually be a degree of flexibility in the location of the development’s associated substations, and applicants should consider carefully their placement in the local landscape. In particular, the applicant should consider such characteristics as the local topography and/or the possibilities for screening of the infrastructure.”

National Planning Policy Framework, published July 2021

The National Planning Policy Framework (NPPF) (Ref 7) sets out the Government’s planning policies for England and how these should be applied. Paragraph 5 of the NPPF explains that the Framework does not contain specific policies for nationally significant infrastructure projects. It states that:

“These are determined in accordance with the decision making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications.”

1.2.79 NPPF paragraph 8(c) states the environmental objective of sustainable development is:

“to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

1.2.80 NPPF paragraph 100 states:

“Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.”

1.2.81 NPPF paragraph 112 states that developments should:

“give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas...”

1.2.82 NPPF paragraph 120 states planning policies should:

“a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside...”

1.2.83 NPPF paragraph 130 states:

“Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);”

1.2.84 NPPF paragraph 132 states:

“Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.”

1.2.85 NPPF paragraph 134 states:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵², taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

1.2.86 NPPF paragraph 152 states:

“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

1.2.87 NPPF paragraph 155 states:

“To help increase the use and supply of renewable and low carbon energy and heat, plans should:

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);*
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and*
- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.”*

1.2.88 NPPF paragraph 174 states:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

1.2.89 Paragraph 175 states:

“Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.”

1.2.90 Paragraph 185 states:

“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*

Planning Practice Guidance (PPG), (2019)

1.2.91 The government's Planning Practice Guidance (PPG) on the Natural Environment (Ref 8) provides information on Green Infrastructure, Biodiversity and Landscape.

1.2.92 In respect of Green Infrastructure, the PPG includes:

"Green infrastructure opportunities and requirements need to be considered at the earliest stages of development proposals, as an integral part of development and infrastructure provision, and taking into account existing natural assets and the most suitable locations and types of new provision."

1.2.93 The PPG supports the use of landscape character assessment as a tool for understanding the character. It also recognises that this can be used to understand local distinctiveness of the landscape and identifying the features that give it a sense of place, as a means to informing, planning and managing change. It also makes reference to Natural England guidance on landscape character assessment. (Ref 9)

1.2.94 Guidance on light pollution (Ref 10) refers to the risk of artificial lighting undermining enjoyment of the countryside or the night sky in paragraph 1, and in paragraph 2, considers potential effects on protected areas of dark skies or intrinsically dark landscapes. It also provides guidance in relation to minimising light pollution.

PPG, Renewable and Low Carbon Energy (2015)

1.2.95 The Renewable and Low Carbon Energy PPG (Ref 11) sets out consideration for the assessment and design of large scale energy schemes relevant to landscape and visual matters.

1.2.96 Planning considerations include:

"cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases; and

local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas."

1.2.97 In respect of buffer zones:

"Local planning authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances. Other than when dealing with set back distances for safety, distance of itself does not necessarily determine whether the impact of a proposal is unacceptable. Distance plays a part, but so does the local context including factors such as topography, the local environment and nearby land uses. This is why it is important to think about in what circumstances proposals are likely to be acceptable and plan on this basis."

1.2.98 Particular considerations for ground mounted solar are:

"The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively".

1.2.99 Particular factors a local planning authority will need to consider include:

- *“that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- *the proposal’s visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;*
- *the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *the need for, and impact of, security measures such as lights and fencing;*
- *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *the energy generating potential, which can vary for a number of reasons including, latitude and aspect.”*

“The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.”

1.3 Legislation

Planning (Listed Building and Conservation Areas) Act 1990

- 1.3.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 (Ref 12) (as amended) provides specific protection for buildings and areas of special architectural or historic interest. These features contribute to the heritage of an area and an understanding of historic landscape.

The Town and Country Planning (Tree Preservation) (England) Regulations 2012

- 1.3.2 The Town and Country Planning (Tree Preservation) (England) Regulations 2012 (Ref 13) provide powers to local planning authorities to make and administer Tree Preservation Orders, the purpose of which is to protect selected trees and woodlands by prohibiting their cutting down, uprooting, topping, lopping, wilful destruction or wilful damage without prior consent.

The Hedgerow Regulations 1997

- 1.3.3 The Hedgerow Regulations 1997 (Ref 14) provide protection for Important Hedgerows, these being hedgerows that meet certain criteria in respect of their length, location and importance.

1.4 District Planning Policy

Chelmsford Local Plan 2013 – 2036

- 1.4.1 The Chelmsford Local Plan (Ref 15), adopted in May 2020, sets out a planning framework to meet local development needs between 2013 – 2036.

1.4.2 Relevant Strategic Priorities comprise:

1.4.3 Strategic Priority 7: Protecting and enhancing the natural and historic environment, and the green belt, includes:

“Chelmsford has a wide range of planning designations such as Green Belt and other environmental designations such as SSSIs, local wildlife habitats and woodlands providing biodiversity and ecological benefits. Chelmsford’s historic environment is also important... All of these contribute towards the local distinctiveness of the area and need to be protected and enhanced at the same time as achieving the growth required”

“The Local Plan will also protect and enhance local distinctiveness and plan positively for the creation, protection and enhancement of networks to ensure a net gain for biodiversity and green infrastructure in line with the Council’s Green Infrastructure Strategic Plan.”

“High quality green infrastructure will be used to protect, enhance and create wildlife corridors to maintain ecological connectivity when greenfield land will be lost.”

“The river valleys are an important local asset which not only offer natural flood protection but contribute significantly to the local landscape and character of the area. In addition, the water quality of the rivers is an important factor in maintaining diverse natural habitats.”

1.4.4 Strategic Priority 8: Creating well designed and attractive places, and promoting healthy communities, includes:

“The high-quality design of new development is essential to making places more attractive, sustainable, safe and accessible. Good design can also help mitigate the impacts of climate change and air pollution, promote healthier lifestyles and build a sense of civic pride.”

“The Local Plan policies will seek to achieve a net gain for biodiversity by providing new green spaces including high quality green infrastructure built into the designs and masterplans of new development. The Local Plan will also seek to ensure that all new development meets the highest standards of design.”

1.4.5 Paragraph 3:35 states:

“The Local Plan policies will also seek to promote the health and wellbeing of communities for example by requiring development to contribute to creating an inclusive built and natural environment, to provide new green spaces including high quality green infrastructure and access to the countryside, sport and recreation facilities and to promote active and healthy lifestyles through the enhancement of walking and cycling. New development will need to ensure that the integrity of communities is maintained, and social cohesion is promoted.”

The local Plan aims that by 2036 Chelmsford will, amongst other aims:

“move towards a low carbon future for Chelmsford, seeking to mitigate and adapt to climate change and to promote the sustainable use of natural resources”

“provide new and expanded infrastructure, services and facilities to support new development, including the provision of new education, healthcare facilities and green infrastructure”

“deliver developments that respect the character and local distinctiveness of the area and that are well designed”

“maximise the conservation value and enjoyment of Chelmsford’s unique Green Wedge, riverbanks, canals and waterways including Sandford Mill”

“protect and enhance the rich and diverse built, historic and natural environment including the coast”

1.4.6 The Council will require all new development to accord with key spatial principles which will underpin spatial planning decisions, these include:

1.4.7 Strategic Policy S1: Spatial Principles which includes:

- *“Protect the Green Belt;*
- *Respect the character and appearance of landscapes and the built environment, and preserve or enhance the historic environment and biodiversity;*
- *Focus development at the higher order settlements outside the Green Belt and respect the existing development pattern and hierarchy of other settlements.”*

1.4.8 Text supporting Strategic Policy S1 includes:

“Chelmsford contains a number of rich and varied landscapes and new development proposals will need to respect their character and appearance and their role for wildlife and increasing biodiversity. The river valleys where they permeate into Chelmsford’s Urban Area have a unique role and function and are identified as the Green Wedge.”

“New development proposals will also need to respond to the character and appearance of the built environment in particular to preserve or enhance the historic environment.”

1.4.9 Strategic Policy S2: Addressing Climate Change and Flood Risk states that the Council will, amongst other things:

- *“Provides opportunities for renewable and low carbon energy technologies and schemes*
- *Provides opportunities for green infrastructure including city greening, and new habitat creation”*

1.4.10 Strategic Policy S3: Conserving and enhancing the historic environment, including:

“The Council will conserve and where appropriate enhance the historic environment recognising the positive contribution it makes to the character and distinctiveness of Chelmsford through the diversity and quality of heritage assets. This includes wider social, cultural, economic and environmental benefits.”

“The Council will conserve or enhance the significance (including any contribution made by its setting) of Listed Buildings, Scheduled Monuments and Registered Parks and Gardens with an emphasis on preserving and where appropriate enriching the social, cultural, economic and environmental benefits that these heritage assets provide.”

“When assessing applications for development, the Council will place great weight on the preservation or enhancement of designated heritage assets and their setting.”

“The Council will seek to conserve and where appropriate enhance the significance of non-designated heritage assets and their settings, which includes buildings, structures, features, gardens of local interest and protected lanes.”

1.4.11 Text supporting Strategic Policy S3 states:

“There are 6 Registered Parks and Gardens, including an 800m long Avenue at New Hall...The Council recognises that Registered Parks and Gardens should be protected.”

1.4.12 Strategic Policy S4: Conserving and enhancing the natural environment includes:

“The Council is committed to the conservation and enhancement of the natural environment through the protection of designated sites and species, whilst planning positively for biodiversity networks and minimising pollution.”

“The Council will plan for a multifunctional network of green infrastructure which protects, enhances and, where possible, restores ecosystems, securing a net gain in biodiversity across the Council’s area. The needs and potential of biodiversity will be considered together

with those of natural, historic and farming landscapes, the promotion of health and wellbeing, sustainable travel, water management including water resources, and climate change adaptation.”

“The Council will ensure that new development does not contribute to water pollution and, where possible, enhances water quality, and demonstrates the advancement of biodiversity and amenity interests through the provision of a range of greenspaces.”

1.4.13 Paragraph 5.27 states:

“The expansion of the City’s natural assets and green infrastructure network will be secured through:

“Protecting, enhancing and restoring green infrastructure assets of all kinds, as part of a multifunctional network which reflects the needs and potential of biodiversity, natural and historic landscapes, sense of place, sport and recreation, water management, productive and healthy farming landscapes, climate change adaptation, sustainable movement, and community health and wellbeing.”

“Facilitating greater appreciation and use of the City’s green infrastructure assets, promoting a sense of place and ownership.”

“Realising greater connectivity across the City through a network of high quality and accessible green spaces and corridors.”

“At the landscape and local scales planning and managing networks of natural and cultural assets to conserve, enhance and restore ecosystem function and human wellbeing.”

“Securing a step-change in environmental quality and performance to meet the goals of sustainable development, quality of life enhancement and climate change adaptation.”

“Where appropriate planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.”

1.4.14 Green Infrastructure and Natural Environment

“Infrastructure necessary to support new development must provide or contribute towards ensuring a range of green and natural infrastructure, net gain in biodiversity and public realm improvements. These include but are not limited to:”

- *“Provision of a wide range of open space within development sites to meet amenity, recreational and functional needs;*
- *To contribute towards a multifunctional network of green infrastructure and to enhance biodiversity;*
- *Provision of new public realm and enhancements at key centres of activity;*
- *Contributions towards recreation disturbance avoidance and mitigation measures for European designated sites as identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy.”*

1.4.15 Strategic Policy S11: The role of the countryside includes:

“The countryside outside of the Urban Areas and Defined Settlements, not within the Green Belt, is designated as the Rural Area. The intrinsic character and beauty of the Rural Area outside of the Green Belt, and not designated as the Green Wedge, will be recognised, assessed and development will be permitted where it would not adversely impact on its identified character and beauty.”

1.4.16 Text supporting Strategic Policy S11 includes:

“The countryside outside of the Urban Areas and Defined Settlements, not within the Green Belt, is designated as the Rural Area. Within this designation, a detailed landscape assessment of the areas around the main river valleys has been undertaken for the Council

which identifies these areas as having distinctive landscape qualities and an important multifunctional role. These areas are locally designated as the Green Wedge.”

“Any development in the Rural Area must be suitable and compatible with its character, as set out in other relevant policies in the Local Plan. Development will be supported provided it does not adversely impact the identified intrinsic character and beauty of the Rural Area and complies with other relevant policies of the Local Plan as well. The Council will use its Landscape Character Assessments, Historic Landscape Characterisation Study, Sensitivity and Capacity Assessments, alongside any other appropriate and relevant evidence which could include that being prepared to support a Neighbourhood Plan, to assess the character of the area and its sensitivity to change.”

“The Council’s Green Infrastructure Strategic Plan provides a framework for the planning and management of Chelmsford’s green and blue infrastructure resources including parks, river valleys, green spaces and gardens, some of which are within the countryside”.

1.4.17 The Local Plan also sets out non-strategic *“policies that will shape Chelmsford’s development opportunities whilst protecting its important physical attributes”* including:

1.4.18 Policy DM8 – New buildings and structures in the rural area

“A) New buildings and structures Planning permission will be granted for new buildings and structures in the Rural Area where the development will not adversely impact on the identified intrinsic character and beauty of the countryside and where the development is for:...

iii. local transport infrastructure and other essential infrastructure or development

which supports existing or potential utility infrastructure; or

iv. appropriate facilities for outdoor sport, outdoor recreation and cemeteries...”

1.4.19 Text supporting Policy DM8 includes:

“The Council will ensure that the intrinsic character and beauty of the Rural Area is recognised, assessed and, where there is material harm arising from new development it is protected. Essential infrastructure is defined as being infrastructure that must be situated in the location proposed for connection purposes and the benefits of which override any adverse impacts on the intrinsic character and beauty of the countryside such as sewage or water connections, power sources, waste water recycling/treatment sites, electricity substations, emergency services or telecommunications, including on-site and off-site reinforcements to existing networks.”

1.4.20 Policy DM10 – Change of use (land and buildings) and engineering operations

Planning permission will be granted for the change of use of land or buildings in the Rural Area where:

“it does not adversely impact on the identified intrinsic character, appearance and beauty of the Rural Area; and Engineering operations will be permitted within the Rural Area where they do not adversely impact upon the identified intrinsic character, appearance and beauty of the Rural Area.”

1.4.21 Policy DM17 – Trees, woodland and landscape features

“A) Protected Trees and Woodland

Planning permission will be granted for development proposals that do not result in unacceptable harm to the health of a preserved tree, trees in a Conservation Area or Registered Park and Garden, preserved woodlands or ancient woodlands.

Consideration will also be given to the impact of a development on aged or veteran trees found outside ancient woodlands. Development proposals that have the potential to affect

preserved trees, trees in a Conservation Area or Registered Park and Garden, preserved woodlands or ancient woodlands must set out measures to secure their protection. In exceptional circumstances there may be overriding public benefits arising from the development that could justify the removal of a preserved tree or trees. In such circumstances, a replacement tree, or trees, shall be provided of a size and type suitable for its location.”

1.4.22 B) Other Landscape Features

“Planning permission will be granted for development proposals that do not result in unacceptable harm to natural landscape features that are important to the character and appearance of the area. Harm or loss of these features will not be permitted unless a landscape strategy, which would compensate for the loss or harm, is secured or where there are overriding public benefits arising from the development.”

1.4.23 Policy DM9 – Renewable and low carbon energy

“Planning permission will be granted for renewable or low carbon energy developments provided that they:

- i. do not cause demonstrable harm to residential living environment; and*
- ii. avoid or minimise impacts on the historic environment; and*
- iii. can demonstrate no adverse effect on the natural environment including designated sites; and*
- iv. do not have an unacceptable visual impact which would be harmful to the character of the area...”*

1.4.24 Policy DM23 – High quality and inclusive design

“A) Responding to Context

Planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape.”

1.4.25 Policy DM 24 – Design and place shaping principles in major developments

“The Council will require all new major development to be of high quality built form and urban design.

- All new major development should reflect the following principles:*
- Respect the historic and natural environment of biodiversity and amenity interests through the provision of a range of green spaces;*
- Respond positively to local character and context to preserve and enhance the quality of existing communities;*
- Provide buildings that exhibit architectural quality;*
- Create well-connected places that prioritise the needs of pedestrians, cyclists and public transport services above the use of the private car;*
- Where possible, provide a mix of land uses and densities with well-defined public and private spaces;*
- Encourage site design and individual building design that minimises energy consumption and provides resilience to a changing climate;*
- Create attractive, multi-functional, inclusive, overlooked and well-maintained public realm, and enhance the setting of existing public realm;*
- Embed public art as an integral part of proposals;*

- *Provide streets and spaces that are overlooked, active and promote inclusive access;*
- *Include parking facilities that are well integrated as part of the overall design;*
- *Provide public open space and contribute to green infrastructure;*
- *Retain existing trees and other landscape features where appropriate and explore opportunities for new tree planting;*
- *Provide opportunities to promote healthy living and to improve health and wellbeing;*
- *The Council will require the use of masterplans by developers and will implement design codes where appropriate for strategic scale developments. The Council will consider the use of Planning Briefs and Design Codes on other development sites;*
- *Where relevant, new residential development must be in accordance with the standards as set out in Appendix B, unless it can be demonstrated that the particular site circumstances require a different design approach to allow for a lower provision.”*

District Level – Braintree

Saved Policies of the Braintree District Local Plan Review

1.4.26 Braintree Council is preparing a new Local Plan (Ref 16). This has been submitted to the Planning Inspectorate but is not yet adopted. The saved policies of the Braintree District Local Plan Review (2011) form part of the adopted Development Plan. The Braintree District broadly covers the eastern half of the study area.

1.4.27 Chapter 6 – Environmental Resources and Protection includes:

1.4.28 Policy RLP 65: External Lighting

“Proposals for external lighting which require planning permission will only be permitted if:

- *The lighting is designed as an integral element of the development;*
- *Low energy lighting is used;*
- *The alignment of lamps and provision of shielding minimises spillage and glow, including into the night sky;*
- *The lighting intensity is no greater than necessary to provide adequate illumination; and*
- *There is no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians and road users;*
- *There is no unacceptable harm to natural ecosystems.”*

1.4.29 Under ‘Renewable Energy Schemes’ the Local Plan Review states:

“Braintree Council wishes to increase the use of sources of renewable energy in the District...a number of potential sources are available... each referred to within Planning Policy Statement 22 Renewable Energy as increasingly viable and suitable local sources: Solar power...”

1.4.30 Policy RLP76: Renewable Energy, states:

1.4.31 *“Proposals for renewable energy schemes and the integration of renewable energy generation into new developments, will be encouraged and permitted where no demonstrable harm is caused to landscape, nature conservation, or historic features within or immediately adjacent to the site. Developers are also encouraged to enter into a dialogue with the District Council to identify sites for renewable energy development.”*

1.4.32 Chapter 7 – Countryside, Nature Conservation and Landscape includes:

“A large proportion of the rural area in Braintree District consists of distinctive and attractive landscapes which should be protected for their own sake”

1.4.33 Policy RLP 80: Landscape Features and Habitats, states:

“Proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. All new development will be expected to provide measures for any necessary mitigation of their impact upon wildlife and for the creation and management of appropriate new habitats, with particular attention paid to species and habitats mentioned in National and County Biodiversity Action Plans. Where development is proposed close to existing features, it should be designed and located to ensure that their condition and future retention will not be prejudiced. Additional landscaping including planting of native species of trees and other flora may be required to maintain and enhance these features.”

1.4.34 Policy RLP 81: Trees, Woodlands, Grasslands and Hedgerows, includes:

“New planting of appropriate native species will normally be required to replace the loss of any protected trees, woodland or hedgerow.”

1.4.35 Policy RLP 86: River Corridors, states:

“Development will not be permitted which would harm the open character, nature conservation importance or recreational importance of the floodplains of the Rivers Stour, Colne, Brain, Pant, Blackwater, Ter Valley and their tributaries and the Chelmer and Blackwater Navigation.”

1.4.36 Policy RLP 87: Protected Lanes

“The District Council will seek to conserve the traditional landscape and nature conservation character of roads designated on the Proposals Map as Protected Lanes, including their associated verges, banks and ditches. Any proposals that would adversely affect the physical appearance of these protected lanes, or give rise to a material increase in the amount of traffic using them will not be permitted.”

1.4.37 Chapter 8 – Design and Heritage “sets out the general design framework for development in the District”

1.4.38 A series of objectives “serve as a guide for the formulation of policies” in Chapter 8 including:

- *“to recognise the fact that local places are different and distinctive in their own ways, and to ensure that they are valued and protected”;*
- *To ensure that places and spaces not only meet people’s needs, but are also pleasing to the eye and encourage a sense of community”;*
- *“To encourage people to take an interest in their surroundings”.*

1.4.39 Policy RLP 95: Preservation and Enhancement of Conservation Areas

“The Council will preserve, and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings, including the buildings, open spaces and areas, landscape and historic features and views into and within the constituent parts of designated areas. Built or other development, within or adjacent to a Conservation Area and affecting its setting, will only be permitted provided that:

(a) The proposal does not detract from the character, appearance and essential features of the Conservation Area;

(b) Any new development is situated in harmony with the existing street scene and building line, and is sympathetic in size, scale and proportions with its surroundings;

(c) Architectural details on buildings of value are retained

(d) Building materials are authentic and complementary to the building's character."

1.4.40 Policy RLP 103: Parks and Gardens of Special Historic Interest

"Development will not be permitted, which would materially detract from the historic character, or setting, of sites included in the English Heritage Register of Parks and Gardens of Special Historic Interest."

[Braintree District Council Local Development Framework Core Strategy, 2011](#)

1.4.41 The Braintree District Core Strategy (Ref 17):

"The Core Strategy includes an Environmental Objective namely: "To protect, restore and enhance the natural habitats, biodiversity, landscape character, amenity and environmental quality of the countryside and the open spaces and green corridors within towns and villages and improve ecological connectivity across the District."

1.4.42 Environmental policies include:

1.4.43 Policy CS8: Natural Environment and Biodiversity, which includes:

"Development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment. Landscape Character Areas will be defined in the Site Allocations Development Plan Document and further guidance will be set out in a supplementary planning document. The natural environment of the District, and in particular designated sites of national importance and locally designated sites, which are identified on the Proposals Map, will be protected from adverse effects. Criteria based policies will be set out in the Development Management Document, against which proposals for any development within, or affecting such sites, will be considered. The restoration and enhancement of the natural environment will be encouraged through a variety of measures such as;

- *Maximising opportunities for creation of new green infrastructure and networks in sites allocated for development;*
- *Creating green networks to link urban areas to the countryside;*
- *Creating and enhancing the biodiversity value of wildlife corridors;*
- *Designating and protecting local nature reserves and local wildlife sites;*
- *Conservation and enhancement of SSSIs in accordance with the Wildlife and Countryside Act;*
- *Development will promote wildlife enhancements which will contribute to the habitat and species restoration targets set out in the Essex Biodiversity Action Plan."*

1.4.44 Policy CS9: Built and Historic Environment, which includes:

"The Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to:

- *Respect and respond to the local context, especially in the District's historic villages, where development affects the setting of historic or important buildings, conservation areas and areas of highest archaeological and landscape sensitivity."*

1.5 Local Planning Policy

Neighbourhood Plans

1.5.1 Boreham and Little Baddow are both in the process of preparing Neighbourhood Plans. The Hatfield Peverel Neighbourhood Plan (Ref 18) was made in December 2019 and therefore comprises part of the development plan for Braintree District.

1.5.2 The Neighbourhood Plan covers the extent of the Parish, which includes the south western part of the Site.

1.5.3 The Neighbourhood Plan sets out a series of 'Environment Key Issues' including:

- *"The community consider a number of views to be important in preserving the rural landscape setting of the village."*

1.5.4 The Neighbourhood Plan includes Environmental Policy, including:

- HPE 1 Natural Environment & Biodiversity

"Development should retain and enhance existing trees, hedgerows and habitats particularly Local Wildlife Sites, priority habitats and ancient woodland (an irreplaceable habitat) which are important for their historic, visual or biodiversity value unless the need for, and the benefits of the development in that location clearly outweigh any loss. Any such loss will be appropriately mitigated. Strong support will be given to the retention of natural boundary treatments and the provision of new areas of natural planting and habitat as part of new developments. This will help to promote wildlife corridors and, where appropriate, provide natural screening to help integrate development with existing built-up areas."

1.5.5 Development should also:

- *"Restrict planting on a development to locally native species;*
- *Take into account the economic and other benefits of the best and most versatile agricultural land;*
- *Have regard to and respect the character of the landscape and its sensitivity to change;*
- *Enhance the locally distinctive character of the landscape in accordance with the Hatfield Peverel Landscape Character Assessment (2015);*
- *Take account of the potential impacts of climate change and ensure the protection and enhancement of the natural environment, habitats, biodiversity and geo-diversity of the Parish;*
- *Proposals to develop a network of wildlife corridors alongside public rights of way will be supported; and*
- *Where revisions to existing rights of way are necessary to accommodate planned development alternative routes should avoid the use of estate roads for the purpose wherever possible. Proposals that include appropriately designed and surfaced footpaths through landscaped and open areas will be supported."*

1.5.6 HPE 5 Protection of Landscape Setting

1.5.7 The landscape setting of the village will be protected. Any proposed development should not detract from the key landscape features of the views identified on the map on page 32 and described in the table on pages 33 to 36.

1.5.8 The key views include one view towards the Site, namely View 7:

“from the railway bridge looking towards Terling Hall”

The value to the community is states as:

“View for many from the train and station on their daily commute. Rural view on entering or leaving the built area of the village”.

1.6 County and District Guidance

Essex Design Guide

1.6.1 The Essex Design Guide (Ref 19) is an online interactive tool used to guide development of high quality places with an identity specific to its Essex context. The 2018 edition seeks to address the evolution of socio-economic impacts on place-making.

1.6.2 Landscape key requirements include:

- *“When planning layouts designers should seek to join up landscape features and open spaces to create coherent linked landscape networks which can be used to encourage people to be active, for example by routing paths and cycle ways through these green networks;*
- *The landscape structure should, in addition, create a network of wildlife corridors linking public open spaces to nearby countryside – and if little biodiversity interest has been identified, should include features that will help to foster new habitats;*
- *Where green infrastructure proposals are based on the retention of existing hedgerows, these should be within the public realm, not just in private gardens. The green links should be fairly continuous (short breaks are possible) and should contain mixed indigenous tree and other plant species as well as areas of long grass, which provides protection for wildlife and may attract some species of ground-nesting birds and is of a benefit to insects, particularly bees. Attention should also be given to the creation of interdependent plant communities; and*
- *The management and aftercare of green spaces, landscaping and protection of habitat and species will need to be considered and where necessary a management plan should be agreed with the Local Planning Authority.”*

1.6.3 The landscape and greenspaces section relates to the important role landscape plays in our lives and explores how to deliver beneficial landscapes through good design. The key messages include:

- *“Landscape and strategic open spaces should be co-located within the layouts of new developments. High-quality communal spaces should be provided with supporting facilities and infrastructure which encourage activity by all users;*
- *Amenity spaces should be provided in a format that is multifunctional and flexible, and which can therefore be adapted (presently and over time) to cater for a range of uses by people of all ages and abilities;*
- *Green infrastructure should be allowed to shape and structure developments, while good landscape design should provide wayfinding cues and sensory stimulation – features which can provide valuable reassurance to older people and those with dementia;*
- *Amenity spaces should be aligned to make best use of sunlight, thereby encouraging residents to use outside spaces;*
- *The impact of the built environment on the local environment should be mitigated with green infrastructure features including green roofs, gardens and planted walls;*

- *The provision and type of ground surfaces should be considered from the outset of any development, and an approach taken that balances the needs of all users in terms of patterns, colours and materials with the technical requirements and future maintenance of highways;*
- *Existing ecology and natural habitats found on sites must be safeguarded and enhanced, and new opportunities for increasing biodiversity should be explored;*
- *Opportunities for community food production should be integrated into the proposed landscape;*
- *Surface water run-off systems should be considered to minimise flood risk and increase biodiversity;*
- *Care should be taken in the selection of tree and shrub species that are appropriate to the area, fitting in scale and colour, climatic requirements and growth habits;*
- *The future management and care of green spaces and infrastructure should be considered at the planning stage; and*
- *Landscape proposals should look to ensure proposed landscape schemes complement and draw from the positive aspects of the sites wider landscape setting, this often identified through landscape or townscape character assessment.”*

Essex Green Infrastructure Strategy

- 1.6.4 The Green Infrastructure Strategy (Ref 23) describes the need for green infrastructure in the county and sets a vision and objectives for the delivery of green infrastructure. This strategy provides a clear plan to guide the future planning and delivery of green infrastructure in Essex in light of increased development and population growth.

Chelmsford Local Plan Topic Papers

Topic Paper 2: Infrastructure Update, 2018

- 1.6.5 Chelmsford City Council produced a series of Topic Papers to inform the development of the Local Plan. Topic Paper 2 (Ref 20):

“covers Infrastructure and how the requirements and delivery of various pieces of infrastructure will be provided for within the Local Plan”.

- 1.6.6 Topic Paper 2 sets out the national planning policy context with regard to infrastructure. It then explains that the Chelmsford Infrastructure Delivery Plan June 2018 Update is key to all aspects of infrastructure required to support the Local Plan:

“The main forms of infrastructure requirements are grouped into the following three types of infrastructure: Physical Infrastructure..., Green and Blue Infrastructure... and Community Infrastructure...”.

- 1.6.7 Topic Paper 2 identifies Strategic Policy S11 of the Local Plan as the policy that:

“identifies infrastructure required to support development in the Local Plan. This includes appropriate open space and green infrastructure is provide to meet the needs of development sites.”

Topic Paper 5: Natural Environment and Green Belt, 2018

- 1.6.8 Topic Paper 5 (Ref 20):

“covers the natural environment and how the role of the countryside, landscape, biodiversity and Protected /Designated Sites, Green Infrastructure Strategy, and policies for the management of development affecting the natural environment will be provided for within the Local Plan”.

1.6.9 Topic Paper 5 sets out the national planning policy context with regard to the natural environment. It then explains:

“how the natural environment has been considered throughout the Local Plan, including within its evidence base, planning policies and site allocations, and representations...”

1.6.10 Section 5 considers ‘Local Plan Policy Requirements’ and sets out the notations that are identified on the Local Plan Proposals Map, including the following landscape designations:

- Green Corridor
- Green Wedge
- Areas for Conservation / Strategic Landscape Enhancement

1.6.11 Topic Paper 5 explains that:

“Green Wedges and Green Corridors are a local landscape designations covering the river valleys of the Rivers Chelmer, Can and Wid, which are included within the Local Plan... they purpose of Green Wedges is to maintain and protect the open character of the landscape of the river valleys, to provide physical links between the urban area of Chelmsford and the countryside beyond, to provide an important network of natural habitats and various formal and informal leisure and recreational uses.”

1.6.12 The conclusion to Topic Paper 5 includes an overview of the Council’s approach to:

- *“Protect the Green Belt;*
- *Identify and protect valued landscapes through the designation and protection of Green Wedges and Green Corridors;*
- *Protect sites which are important for wildlife and habitat conservation;*
- *Provide opportunities for a net increase in biodiversity;*
- *Provide a network of Strategic Green Infrastructure including the creation of new Country Parks;*
- *Mitigate any impacts on the natural environment.”*

Chelmsford Green Infrastructure Strategic Plan

1.6.13 The Green Infrastructure Strategic Plan (Ref 21):

“provides a framework for the planning and management of Chelmsford’s Green Infrastructure resources both in term of the protection of its integrity and enhancement of the benefit of resident’s, workers and visitors...”

1.6.14 The document sets out that:

“the geography of the area can be broadly split into five character areas:

- *The River Valleys (Green Wedges & Green Corridors);*
- *City Centre & Suburbs;*
- *The Urban Fringe;*
- *The Rural Hinterland; and*

- *Areas of Significant Change related to planned housing development.”*

1.6.15 Section 5 includes:

“the following aspirations for the planning and management of Green Infrastructure across the City and its hinterland...

- *Protect, enhance and restore Green Infrastructure assets of all kinds, as part of a multifunctional network which reflects the needs and potential of biodiversity, natural and historic landscapes, sense of place, sport and recreation, water management, productive and healthy farming landscapes, climate change adaptation, sustainable movement, and community health and well-being;*
- *Facilitate greater appreciation and use of the City’s Green Infrastructure assets, promoting a sense of place and ownership;*
- *Realise greater connectivity for people and wildlife across the City through a network of high quality and accessible green spaces and corridors;*
- *At the landscape and local scales plan and manage networks of natural and cultural assets to conserve, enhance and restore ecosystem function and human well-being;*
- *Secure a step-change in environmental quality and performance to meet the goals of sustainable development, quality of life enhancement and climate change adaptation;*
- *Where appropriate planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.”*

1.6.16 Section 5 also sets out objectives including:

- *“Access and recreation – to promote opportunities for recreation, play and everyday transport through an accessible and attractive network of open spaces, footpaths, cycleway, bridleways and waterways;*
- *Biodiversity – to create a well-connected network of healthy ecosystems through protection, enhancement and where possible restoration;*
- *Heritage, landscape and townscape – to protect and enhance the City’s heritage, landscape and sense of place.”*

1.6.17 Section 5 continues by setting out:

“design principles which, using Green Infrastructure as a structuring framework for site design, should guide the masterplanning of all development”.

This includes:

- *“Landscape character – Green Infrastructure should contribute to the management, conservation and improvement of the local landscape;*
- *Biodiversity - Green Infrastructure should maintain and enhance biodiversity to ensure that development and implementation results in a net gain of Biodiversity Action Plan habitats and species;*
- *Woodland - Green Infrastructure should be delivered through the enhancement of existing woodlands and also by the creation of new woodlands and forest areas and linking existing woodlands.”*

1.6.18 Section 5 ‘Delivering Green Infrastructure in New Development’ sets out guidance in table format including:

Table 1-1: Delivering Green Infrastructure in New Development Guidance.

Green Infrastructure Theme	Guidance
<p>Landscape Setting and Quality of Place</p> <p>Green Infrastructure Strategic Plan Objective: Heritage, Landscape and Townscape – to protect and enhance the City’s heritage, landscape and sense of place.</p>	<p>Fit into the surrounding landscape setting, referencing the local vernacular where appropriate. E.g. Attention to topography, the relationship between plateaus and river valleys, the context for heritage assets, views from PRoW, and gateway sites. e.g. Use of local design cues and local materials.</p>
<p>Habitat Provision and Connectivity</p> <p>Green Infrastructure Strategic Plan Objective: Biodiversity – to create a well-connected network of healthy ecosystems through protection, enhancement and where possible restoration.</p>	<p>Protect, enhance and create habitats, particularly where greater connectivity can be achieved. e.g protection of existing key structural features (trees and hedgerows), and provision of new habitats using principles of multifunctionality.</p> <p>e.g demonstrate habitat connectivity within the development and with surrounding biodiversity resources.</p>

Source: Chelmsford Green Infrastructure Strategic Plan

Chelmsford City Council Green Wedges and Green Corridors: Defining Chelmsford’s River Valleys. February 2017

1.6.19 Chelmsford City Council’s Green Wedges and Green Corridors report (Ref 22) was prepared as part of the evidence base for the Chelmsford Local Plan. It reviews the:

“extent of, and rationale for, the existing Green Wedges and to assess the potential extension of the Green Wedges along the valleys of the Rivers Chelmer, Can and Wid. The Green Wedges designation “is to maintain and protect the open character of the landscape of the river valleys, to provide physical links between the urban area of Chelmsford and the countryside beyond, to provide an important network of natural habitats and various formal and informal leisure and recreational uses.”

1.6.20 *“The River Valleys were divided into parcels for survey which recorded the function and appropriate boundaries of each parcel, describing their character and fitness for purpose in respect of various parameters including: land use, landscape features and quality, role in containing built edges, access and opportunities for new/additional land management.”*

1.6.21 23 parcels of land were identified.

1.6.22 The report sets out that:

“the principal features of the River Landscape Character Areas are identified as having a V-shaped or U-shaped landform which dissects the Boulder Clay/Chalky Till Plateau, several tributaries serving the main rivers, flat or undulating valley floors wooded and/or intimate character in places.”

1.6.23 The following table, copied from the report, summarises the River Valley’s key characteristics:

Table 1-2: River Valley Key Characteristics.

Key Characteristics

Upper Chelmer River Valley	Lower Chelmer River Valley	Can and Wid River Valley
Narrow valley, with a restricted valley floor.	Shallow valley.	Confluence of the relatively shallow U-shaped valleys of the Can and Wid rivers.
Small meandering river channel on the left side of the valley close to the rising ground of the valley side.	Predominantly arable farmland on the valley slopes.	Human-influenced/course of River Can as it flows into Chelmsford's urban area.
Dense riverside trees	The Lower Chelmer where it meets the River Blackwater has gentle valley sides.	Can river channel surrounded by designed parkland/amenity landscape (Admiral's Park).
Arable valley sides with a fairly open character.	Overall strong sense of place and tranquillity away from Maldon and the A12 and the railway line.	Sense of enclosure provided by diverse mature vegetation lining the Can (within the built area).
Small linear settlements occupy the upper valley sides or straggle down to a few bridging points.	Mixture of arable and pastoral fields on the valley floor.	Relatively open nature of the floodplain and slopes of the River Wid.
Historic watermills and Second World War pillboxes are distinctive features.	The Lower Chelmer where it meets the River Blackwater has a wide flat valley floor	Patchwork of riverside habitats, including pasture and arable fields, interspersed with riverside poplars and other patches of vegetation lining the Wid.
Mostly tranquil away from Great Dunmow, Chelmsford and the A120.	Extensive linear poplar and willow plantations are a distinctive feature in close proximity to the river.	River valleys overlooked by Chelmsford Urban Edge.

Source: Chelmsford City Council Green Wedges and Green Corridors

1.7 References

- Ref 1 Department of Energy and Climate Change (DECC), (2011) National Policy Statement for Energy (EN-1),
- Ref 2 Department of Energy and Climate Change (DECC), (2011) National Policy Statement for Renewable Energy Infrastructure (EN-3)
- Ref 3 DECC, (2011) National Policy Statement for Energy (EN-5)
- Ref 4 Department for Business, Energy and Industrial Strategy (2021) Draft Overarching National Policy Statement for Energy (EN1).
- Ref 5 Department for Business, Energy and Industrial Strategy (2021) Draft National Policy Statement for Renewable Energy Infrastructure (EN-3).
- Ref 6 Department for Business, Energy and Industrial Strategy (2021) Draft National Policy Statement for Electricity Networks Infrastructure (EN-5).
- Ref 7 Ministry of Housing, Communities and Local Government (MHCLG) (2021) National Planning Policy Framework.
- Ref 8 MHCLG (2019) Planning Practice Guidance Natural Environment.
- Ref 9 Natural England (2014) An Approach to Landscape Character Assessment.
- Ref 10 MHCLG (2019) Planning Practice Guidance Light Pollution.
- Ref 11 MHCLG (2015) Planning Practice Guidance Renewable and low carbon energy.
- Ref 12 The Planning (Listed Buildings and Conservation Areas) Act.
- Ref 13 The Town and Country Planning (Tree Preservation) (England) Regulations 2021.
- Ref 14 Department for Environment, Food and Rural Affairs (1997) The Hedgerow Regulations 1997.
- Ref 15 Chelmsford City Council (2020) Chelmsford Local Plan.
- Ref 16 Braintree District Council (2021) Local Plan Review.
- Ref 17 Braintree District Council (2011) Braintree District Council Local Development Framework: Core Strategy (adopted September 2011)
- Ref 18 Hatfield Peverel Neighbourhood Planning Group (2019) Hatfield Peverel Neighbourhood Plan (adopted December 2019)
- Ref 19 Essex Planning Officers Association (2018) The Essex Design Guide/
- Ref 20 Chelmsford City Council (2018) Local Plan Topic Papers.
- Ref 21 Chelmsford City Council (2018) Chelmsford Green Infrastructure Strategic Plan 2018 – 2036.
- Ref 22 Chelmsford City Council (2017) Chelmsford City Council Green Wedges and Green Corridors: Defining Chelmsford's River Valleys.
- Ref 23 Essex Green Infrastructure Strategy (2020)