



The countryside charity

Essex

President:  
*Lord Lieutenant of Essex*  
Chairman:  
*David Knight*  
Vice Chairman:  
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The Planning Inspectorate,  
Major Casework Team,  
Room 3J Kite Wing,  
Temple Quay House,  
2 The Square, Bristol,  
BS1 6PN

Dear Sirs

## **Section 62A Planning Application, S62A/22/0006, Berden Hall Farm, Ginns Road, Berden**

We are writing in connection with the above planning application and would be grateful if our comments could be taken into account when considering its determination. CPRE Essex is affiliated to the national CPRE organisation but is an independent charity whose purpose relates solely to the protection and enhancement of the countryside in Essex.

We are becoming increasingly concerned about the proliferation of planning applications for major utility scale solar plants in the countryside which is having a dramatic effect on the character of rural areas.

It is confirmed that we would wish to be represented at any hearing that takes place.

### **1.0 CUMULATIVE IMPACT**

1.1 Setting aside the developed area around Stansted Airport, Uttlesford is a rural District punctuated by small villages with an economy based largely on agriculture. It has recently seen more than its fair share of planning applications for large-scale solar developments almost exclusively on Best and Most Versatile agricultural land. Specifically, a total of 312.49 has. (approx. 772 acres) has been sacrificed to solar schemes in Uttlesford over the past few years, made up as follows:

Terriers Farm, Boyton End, Thaxted (UTT/19/1864/FUL) **52 has.**

Spriggs Farm, Thaxted Road, Lt. Sampford (UTT/12/5601/FUL) **29.96 has.**

Cole End Farm, Wimbish (UTT/21/0688/FUL) **54.92 has.**

Land east of School Lane, Felsted (UTT/22/0007/FUL) **114 has.**

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Tooley's Farm, Brookend Road, Stebbing (UTT/14/2739/FUL) **10.9 has.**

Draper's Farm, land east of Milch Hill, Great Leighs (UTT/13/0561/FUL) **15.56has**  
has.developed)

Hyde Farm, Lt. Bardfield (UTT/13/2207/FUL) **18.65 has.**

Land west of Hill Hall, Hawkspur Green, Little Bardfield (UTT/15/0676/FUL) **11.7 has.**

Chesterford Research Park (UTT/21/2846/FUL) **4.8 has.**

1.2 There are two further applications pending amounting to **85.9has.** (210 acres).

1.3 Whilst this represents a very significant loss of productive farmland the consequences for the landscape are even more severe. All of the developments consented were within wholly rural, gently undulating, landscapes, previously some of the most unspoilt in the county. They are crossed by footpaths and bridleways whose character has now been altered totally by enclosure with security fencing and with every movement monitored by security cameras. Vistas that have remained unaltered for centuries are now scarred by industrial compounds with so-called mitigation entirely ineffective as any form of compensation.

1.4 The reason for such a concentration of solar development within Uttlesford is simply the availability of two sub-stations (Thaxted and Stocking Pelham) which, at the time of the applications had capacity where developers could obtain cheap connections. This led to a frantic rush to develop sites as close to the sub-stations as possible. It is clear that there has been no strategic approach adopted by Uttlesford as planning authority and the pattern of development has been entirely developer-led. Decisions based on the cheapest grid connection are not the way that planning applications in relation to inappropriate development in the countryside should be determined. It is now virtually impossible to go for a long walk in Uttlesford without seeing enormous solar plants at some point. This is cumulative impact, something which is specifically highlighted in the Planning Practice Guidance as a factor that has to be taken into account. It doesn't matter that the schemes are not immediately adjacent. The effect of so much development within one rural District, even with some green areas in between has cumulatively altered the landscape and the character of the area.

## 2.0 LANDSCAPE AND HERITAGE SETTING

2.1 It is interesting to note that even in the applicants' own Landscape Visual Impact Assessment prepared by Sightline Landscape it is stated that the magnitude of change

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will be High and that the development will have a Moderate to Major Adverse Effect. Coming from the applicants' own consultants we believe this to be particularly significant.

2.2 It is noted that included within the application are areas of new planting and areas converted to grassland. These are, however, no more than token gestures. Any new hedge or woodland planting will take a minimum of 15 years before it has any impact at all on the appearance of the landscape and with increased dry spells from global warming quite possibly, considerably longer. Because of their configuration however they will always look to have been artificially created and their boundaries unnatural. It appears that they are intended to screen the development in relation to views to and from the setting of listed buildings. Given the extended period before maturity and the nature of what is proposed they will never act as any kind of barrier or enhancement and can only adversely change the setting of an historic settlement and historic structures.

2.3 It is important to note that there is protection for both landscape and heritage setting set down in national planning policy and Local Plan policy. Paragraph 174 of the NPPF dealing with the natural environment states clearly that planning decisions ***should contribute to and enhance the natural and local environment by...protecting and enhancing valued landscapes***. Policy S7 of the Local Plan then covers the protection of the countryside, limiting planning permissions to ***development that needs to take place there or is appropriate to a rural area***. It would be impossible to conceive of an industrial development such as this ever protecting or enhancing valued landscapes or being appropriate to a rural area. Similarly, given the range of alternatives for the provision of renewable energy there is no need for this development to be in the countryside. Local Plan policy GEN2 is also relevant. It requires that the design of the development ***is compatible with the scale, form, layout, appearance and materials of surrounding buildings***. It would be hard to imagine a more incongruous form of development than a solar plant which is totally at odds with the historic form of the village of Berden and its rural setting.

2.4 In terms of heritage setting, protection is provided not only by the Historic England guidance note but also paragraph 199 of the NPPF dealing with the significance of heritage assets. This latter is highly relevant in saying that ***'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*** On that basis it is largely irrelevant how heritage consultants might have classified the degree of harm; great weight should be given to the issue of harm to the setting of heritage assets irrespective of the degree to which they are affected. In terms of

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heritage importance, the impact is in respect of a Grade I listed building; a Grade II\* listed building; a scheduled Ancient Monument and several important groups of listed buildings representing a major part of the character of the village. We cannot see therefore that anything other than the greatest weight should be applied.

### **3.0 ECOLOGY AND WILDLIFE**

3.1 Promoters of solar schemes suggest that their development is good for biodiversity. Such a claim defies credibility. The majority of the site will be in permanent shadow for the duration of its existence. Rainwater will run-off along fixed channels depriving some areas and flooding others while some areas will inevitably be stripped of their top-soil. A small area of new meadow land is no compensation.

3.2 Similarly, the impact on wildlife will be dramatic. While low-level gates may provide access to the site for small mammals, deer, who currently roam freely around the area, will have their traditional transitory pathways blocked. At Spriggs Farm and Terriers Farm solar parks also in Uttlesford, there have been serious problems and photographs have appeared on local social media showing deer that have been strangled on the 'deer-proof' fencing and deer trapped inside the compound.

3.3 Solar schemes are arguably an even bigger problem for birds. Bird deaths are frequent as they mistake the panels for water but ground-nesting birds such as skylarks, plovers and lapwing are entirely deprived of their habitat.

### **4.0 LOSS OF PRODUCTIVE FARMLAND**

4.1 The Berden land is classified as Grade 2 and as such is Best and Most Versatile. At a time of heightened awareness of global food shortages, we cannot afford to sacrifice our best agricultural land to renewable energy schemes when there are very much better alternatives. Large scale solar plants are hugely inefficient compared to the alternatives of nuclear and off-shore wind. Recognising the long lead-in time for nuclear it is sensible to compare solar with off-shore wind as the obvious alternative. Due largely to the fact that we only have daylight in the UK for less than half the day the efficiency rating in terms of what is exported to the grid, of utility scale solar is only 11-15% compared to 50+% for off-shore wind. If opportunity cost is built into the calculation the value of the agricultural land for food production compared to the negligible value of the sea leads us to the obvious conclusion that the only land where development can be justified is land that is entirely unproductive or brown field. This is recognised in planning policy and government guidance but as Secretary of State, George Eustice

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said as recently as June this year at the Environmental Audit Committee meeting in parliament ***'planning authorities seem to have either forgotten or started to disregard that advice.*** He went on to say that that guidance ***“created a strong presumption against solar farms on Best and Most Versatile land, and that is classified in law as grade 3B or above,”***

4.2 The amount of agricultural land in the UK is in decline. There are currently 6 million has., the lowest since the Second World War. Land is being taken out of cultivation at a rate of 40,000has. per annum. We just cannot afford to lose more of this precious resource particularly when there are alternative options for renewable energy but no realistic alternatives for food production.

4.3 If this application is being considered as an application for a 'temporary' permission then this still equates to two generations who will be deprived of the food that could have been produced from the land. It is worth referring to the called-in appeal decision in the Badsell Road, Tonbridge case (APP/M2270/A/14/2226557) where the Secretary of State concluded that even 25 years could not be considered to be temporary.

## 5.0 SEQUENTIAL TESTING

5.1 A further ministerial statement is directly relevant to this application. Eddie Hughes MP, Ministry of Housing, Communities and Local Government said on 2<sup>nd</sup> June 2021 ***“Where high-quality agricultural land is involved, this would need to be justified by the most compelling evidence.”***

5.2 In order to justify the use of BMV land therefore it would be necessary for the applicants to carry out a full sequential test examining other options which do not use BMV land. The elements of such a test were discussed in the appeal decision relating to Valley Farm, Wherstead (APP/D3505/A/13/2204846) where the conclusion was that it was necessary to look well beyond the local authority boundary and to examine a full range of alternatives. The availability of a single grid connection point is not good enough reason to select the one pre-chosen option.

5.3 No sequential test or option appraisal has been presented with this application and the applicants have therefore failed to follow government guidance. They have also failed to comply with Local Plan policy where ENV5 specifically says that ***‘Development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites’***

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## 6.0 CONCLUSION

6.1 In conclusion we believe this development to be entirely inappropriate.

6.2 It is contrary in so many ways to both national policy and guidance and Local Plan policy.

6.3 It would have very serious consequences for so much that is good about the countryside. Landscapes would be altered out of all recognition. The setting of highly important heritage assets would be dramatically changed. Wildlife would be adversely affected and we would lose a large area of productive farmland reducing further our ability to produce the food that we need. No plan has been provided to suggest that this land would ever be returned to agricultural use and it is highly unlikely that it ever could be given the changes that will have taken place over the lifespan of the development.

Yours faithfully,

Richard Haynes (Trustee)

For and on behalf of

CPRE Essex

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