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Monday 5th September 2022

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Dear Sir/Madam

**Re: Planning Application PINS Reference: S62A/22/0006 (the “Application”)
Uttlesford District Council (the “Council”) Reference UTT/22/2046/PINS
Development of a ground mounted solar farm with a generation capacity of up to
49.99MW, together with associated infrastructure and landscaping (the
“Proposed Development”)
Land At Berden Hall Farm, Ginns Road/Pelham Road, Berden (the “Site”)
Berden Solar Limited (the “Applicant”)**

With regards to the above section 62a planning application, we are both writing to set out our joint objection as neighbouring parish councils to both sides of this proposed development.

This is the second solar farm application within Berden parish together with three adjacent battery plant installations tied to these solar farms. The first solar farm was refused permission in February; one battery scheme is now built and the two remaining applications are undetermined.

We mention this from the outset as the cumulative impact on our small villages is a critical issue to us.

This letter of objection is intended to convey a joint objection and the urgent request for a collaborative approach to such developments in terms of cumulative impact, sequential test for site selection on suitability (not ownership) and well-designed visual and landscape screening that otherwise will be overlooked and ignored.

Given the several past, current, and proposed planning applications for electricity generation and storage around the national grid station at Stocking Pelham, we have previously written joint letters of objection to both East Herts, Uttlesford and our respective MPs.

Given the proliferation of these solar and battery projects around the existing national grid station, there is a clear need for a joined-up planning strategy dealing with both Council’s districts and an overall masterplan led approach to the whole area which takes proper account of visual impact, landscape screening, access and loss of agricultural land. Development should be masterplan led, not follow a landowner’s constrained boundary line.

We do not object to government policy for the delivery of low-carbon and renewable energy. However, we ask that this is done in an appropriate, masterplan led and properly selected and screened manner.

We are writing to object to this proposed development based on the following comments and concerns:

1. Council's Consultation – We note the letter dated 5th August 2022 sent by the Council to residents inviting representations on this application incorrectly refers to “Dewes Green Road” as the application address, not Ginns Road as stated on the planning application form.

This is also the case for the address shown on the Council's online planning register.

This has caused considerable confusion with residents, several of whom are not responding to the consultation as Dewes Green Road is located to the north and in a more remote part of Berden parish.

In fact reference by the applicant to Ginns Road is also misleading. The Essex County Council highways gazetteer references the road directly to the north of the application site as Pelham Road. The Hertfordshire County Council highways gazetteer references the road beyond the application to the west in Stocking Pelham as Ginns Road where this is within Hertfordshire (but not abutting the application site).

The Council have both incorrectly and misleadingly referenced the application address as Dewes Green Road. This is a clear administrative error and both the Applicant and the Council are misleading residents on the location of the Proposed Development.

2. Environmental Statement – We note from the PINS letter dated 19th August 2022 that an Environmental Statement has been requested from the applicant.

This has regard to the “significant” moderate to major adverse effects to visual receptors and adverse effects on the local landscape when considering the cumulation of effects with other existing and/or approved projects.

We welcome the Inspector's view of this matter. We had previously confirmed the same view to the Council, reference our letter dated 27th July 2021 (reference Enclosure 1).

We make specific reference to this letter sent 12 months ago as the Applicant has not addressed in any way the various comments and concerns raised.

Given the need for the Applicant to prepare and submit an Environmental Statement, we question whether a re-consultation exercise will be required and indeed this can then correct the address misrepresentation as item 1 above.

3. Applicant – Whilst the Council incorrectly refers to the Applicant as Berden Solar Farm Limited, we assume from the PINS letter this is Berden Solar Limited. We note from Companies House, the Applicant has only filed dormant accounts and has not traded. This has a balance sheet of £1 as at 31 March 2021 last accounts filed.

The Applicant is listed as 75% plus owned by Statera Energy Limited who were responsible for the development of the adjacent battery installation in 2018.

We further reference below Statera Energy Limited's appalling performance at landscaping, noise attenuation and false promises together with a substandard public consultation event.

Furthermore, the decommissioning responsibility and reinstatement liability as set out below must be closely reviewed given the 'off the shelf' company set up for this purpose.

4. National Planning Policy – With reference to the National Planning Policy Framework (“NPPF”) any planning decisions on solar farm development are to have regard to:

Paragraph 158 which establishes that planning applications for renewable and low carbon development should only be approved if the impacts of the Proposed Development are (or can be made) acceptable;

Paragraph 174 which states that: “Planning policies and decisions should contribute to and enhance the natural and local environment by: ... 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”;

Paragraph 175 of the NPPF which 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.”

Footnote 58 to the Paragraph 175 further states: “Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”.

Whilst the Planning Practice Guidance on Renewables and Low Carbon Energy (‘PPG’) was withdrawn in March 2014, this had provided for the following:

Paragraph 170 which firstly encourages the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value. Secondly, where a proposal involves greenfield land the proposal must allow for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

The Government’s Guidance Note “Planning for Renewable and Low Carbon Energy” dated 18th June 2015 states:

“The National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, but this

does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them.”

“The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes.”

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

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- 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 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.”

5. Ministerial Statement - A written ministerial statement by Eric Pickles on solar energy dated 25 March 2015 states that:

“Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land. Protecting the global environment is not an excuse to trash the local environment.”

“The National Planning Policy Framework includes strong protections for the natural and historic environment and is quite clear that local councils when

considering development proposals should take into account the economic and other benefits of the best and most versatile agricultural land. Yet, some local communities have genuine concerns that when it comes to solar farms insufficient weight has been given to these protections and the benefits of high quality agricultural land. As the solar strategy noted, public acceptability for solar energy is being eroded by the public response to large-scale solar farms which have sometimes been sited insensitively.”

“We are encouraged by the impact the guidance is having but do appreciate the continuing concerns, not least those raised in this House, about the unjustified use of high quality agricultural land. In light of these concerns we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence.”

6. Local Plan – Having had a series of draft new Local Plans declared unsound, the Uttlesford District Local Plan remains the version adopted 2005 and typically has little provision for renewable energy given its age. This is now over 16 years old and pre-dates both the original NPPF (2012) and the latest version (2021).

The Council is currently preparing a new Local Plan which will include a specific policy on solar farm development. The Council expect publication of the Regulation 19 “Submission Draft” Local Plan for consultation in November and December 2023 and adoption March 2025.

As such, any new policies will not be applicable to this Application.

However, the adopted Local Plan does contain the following policies that are still relevant:

- Policy S7 (Countryside) - The Site is located outside the development limits of Berden and is therefore located within the Countryside where Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- Policy ENV2 (Development affecting Listed Buildings) – The requires that development affecting a listed building should be in keeping with its scale, character, and surroundings, adding that development proposals that adversely affect the setting and alterations that impair the special characteristics of a listed building will not be permitted.
- Policy ENV4 (Ancient Monuments) – This ensures the protection of Ancient Monuments and Sites of Archaeological Importance, whether they are scheduled or not. Development will not be permitted until satisfactory provision has been made for a programme of archaeological investigation and recording prior to commencement of the development.
- Policy ENV5 (Protection of Agricultural Land) - Development of the best and most versatile agricultural land will only be permitted where opportunities have

been assessed for accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.

- Policy E4 (Farm Diversification) – This allows for alternative uses of agricultural land provided the development includes proposals for landscape and nature conservation enhancement, the development would not result in a significant increase in noise levels or other adverse impacts beyond the holding, the continued viability and function of the agricultural holding would not be harmed, and that the development would not place unacceptable pressures on the surrounding rural road network.
- Policy GEN2 (Design) This applies a general requirement that development safeguards important environmental features in its setting. This requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties.
- Policy GEN1 (Access) – This relates to safe access and states that development will only be permitted where a) Access to the main road network must be capable of carrying the traffic generated by the development safely and c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.

In May 2021, the Council published its draft Solar Farm Development Supplementary Planning Document Consultation Document (draft SPD). The draft SPD contains local guidance on preparing and submitting proposals for solar farms. However, this merely refers to the policy approach in the NPPF and local planning policies.

7. Agricultural Land Quality – As above, Paragraph 174 of the NPPF provides for the protection of soils and recognising the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land.

Annex 2 of the NPPF defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification”.

Local Plan Policy ENV5 states that where agricultural land is required, developers should seek to use areas of poorer quality except where other sustainable considerations suggest otherwise.

The Application confirms 72% of the Site is made up of NPPF defined “best and most versatile land” (grades 2 and 3a). Grade 3a is not subgrade.

The report by the Applicant does not include all of the Site so it is not known if this 72% is a minimum. The soil survey only includes 63.4 hectares of the Site and the remaining 8.18 hectares is not graded which seems to be a divisive move.

Paragraph 175 refers to the hierarchy of sites and allocating land with the least environmental or amenity value. Footnote 58 to Paragraph 175 is clear: “Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”.

As below, the Applicant has made no effort to undertake a sequential test of lower agricultural grade land in the area. The Application is geared to the Site because of its single ownership, a willing landowner, and the opportunity for increased profit due to the low cost of connection to the Stocking Pelham National Grid substation (“Pelham Substation”) (see point 9).

The Government’s agricultural land quality records (reference Enclosure 2) confirm there are large areas of Grade 3 to the south west and east, all of which are within connection distance of the Pelham Substation.

We are concerned that any development works will see the valuable topsoil being ‘stripped’ and taken off-site (given its monetary value). This has been seen on similar solar farm developments. This must be prevented.

8. Agriculture – Policy E4 allows for alternative uses of agricultural land provided development would not result in adverse impacts on the continued viability and function of the agricultural holding.

The Site comprises a massive area of the landowner’s currently viable arable farming operation (71.58 hectares, 177 acres). There is no evidence presented or statement made as to whether the landowner will be able to continue farming a much small farm holding.

The Government Guidance Note states that where a solar farm proposal involves greenfield land the proposal should allow for continued agricultural use where applicable.

Typically promoters of solar farms refer to sheep farming, beekeeping or wildflower meadows. There is no definitive proposal for any viable and valid continued agricultural use of the Site. The Applicant refers to “sheep grazing within the solar farm if appropriate/practical” but there is no commitment or justification for this.

9. Sequential Test – Paragraph 175 of the NPPF makes it very clear that there is a hierarchy in allocating land with the least environmental or amenity value together with using areas of poorer quality agricultural land instead of those of a higher quality. This overarching principle is further reinforced in the Government’s Guidance Note and the Ministerial Statement. Even the 2005 Local Plan Policy ENV5 requires areas of poorer quality to be used.

Against this clear policy background, the Applicant has made no effort to consider or appraise other sites by way of a sequential test. This is well established as the Applicant rather surprisingly given the policy requirement stated in the questions document after a public exhibition: “Question: What other locations did you consider? Answer: None!

The Applicant is of the view that as this is not Green Belt land there is no need for any sequential test. This is clearly not the case.

Whilst the Applicant will claim the main reason for locating the solar farm at this location is its proximity to the existing Pelham Substation, it is misleading to suggest that there is a requirement to connect a solar farm directly to a substation. In fact, a large number of solar farms are connected to the grid by overhead power lines on

pylons. For example, the approved solar farm at Cole End, Wimbish (Uttlesford planning reference UTT/21/0688/FUL) confirms in the application: “The point of connection to the local distribution network will be via an existing OH cable route that runs to the south west of the southern site parcel”.

The proximity to the Pelham Substation is not an essential requirement. Uttlesford has a considerable number of solar farm developments and these do not critically need to be located next to a regional substation.

The current planning application north east of Bishop’s Stortford (Uttlesford reference UTT/21/318/FUL) is some miles from the Pelham substation but is still being promoted as viable.

The Council is currently considering another solar farm application on land at Cutlers Green near Thaxted (reference UTT_21_1833_FUL). The planning statement confirms: “the project is proposed to connect to the local network (UK Power Networks) via underground cables into the grid at the 132/33kV Substation, east of Thaxted, which is approximately 4km from the site”.

A sequential test must be carried out by the Applicant for a number of key issues including lower grade agricultural land, less visual impact, less damage to the setting of heritage assets etc. The Application cannot be properly considered without this. The obligation is on the Applicant to show that alternative options, on previously-developed land, or land of lesser quality, for example, are not available. The Site is mainly best and most versatile land and this gives substantial weight against the Proposed Development unless a full and comprehensive sequential test has been carried out.

We have raised this point in previous correspondence with the Council over several occasions.

There are compelling reasons and planning precedent for a sequential test to demonstrate proposals which have the potential to cause environmental damage should be approached on a “worst first” or “sequential” basis, having regard to the availability of alternative sites. We refer to the appeal decision at Valley Farm, Wherstead in this regard (PINS ref: 2204846 dated 2 June 2014).

Appeal evidence is clear that any sequential test search area should be substantial and not confined to a single administrative area. The Site is on the border of Uttlesford and East Hertfordshire and is in close proximity to North Hertfordshire. All three districts have a number of solar farms and not all or in close proximity to regional substations.

10. Landscape & Visual Impact - The Site is located outside the development limits of Berden within open countryside and is therefore located within the Countryside where Local Plan Policy S7 applies.

As above, this specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

The Landscape Character of Uttlesford District Assessment identifies the Site at a local level as falling within the 'Berden and Farnham Chalk Upland' landscape character area. The character assessment stipulates that this area is an extremely varied with the open wide vistas on the higher ground contrasting with the more intimate feel of the steep slopes.

From a wider perspective, the Site is located within the South Suffolk and North Essex Clayland (National Character Area 86), as identified by Natural England. The assessment describes this as: "It is an ancient landscape of wooded arable countryside with a distinct sense of enclosure. The overall character is of a gently undulating, chalky boulder clay plateau, the undulations being caused by the numerous smallscale river valleys that dissect the plateau. There is a complex network of old species-rich hedgerows, ancient woods and parklands, meadows with streams and rivers that flow eastwards. Traditional irregular field patterns are still discernible over much of the area, despite field enlargements in the second half of the 20th century."

The Proposed Development will have a negative impact on the rural environment, particularly more so in this recognised undulating landscapes. The scheme is neither well-planned nor well-screened and is in conflict with the surrounding sensitive landscape.

The Site and surrounding area topography is within a zone of visual influence and the fundamental change to the landscape from a solar farm will be fundamental. These conflicts arise from the intrinsic scale of the Proposed Development and the sensitivity of the Site, particularly in relation to its openness, its representativeness of the character type, and its relationship to footpaths (both permissive and ProWs). It is impossible to see how the current scheme, or a revised version of similar scale, could ever be made acceptable in landscape and visual terms

The Proposed Development will have a serious infilling effect of the positive landscape and countryside gap between Stocking Pelham and Berden almost completely.

The visual impact is both close (the numerous footpaths and local views) and distant as the Site can be seen from Clavering and Rickling. These key long views can be confirmed to the Inspector at a site meeting.

The landscape and visual effects clearly conflict with the planning policy at both national and local level and in that context are deemed to be unacceptable.

This is very apparent given the Applicant constructed a battery storage scheme in 2018 on the land directly adjacent to the Site. Whilst this was promised to be within a green agricultural style barn with mature landscape planting, the sad reality is bleak white battery units with bare minimum whip planting. This is a very visible blight from numerous directions and some distance from the Site.

The Applicant LVIA dated August 2016 for the neighbouring battery units promised a photomontage of green units with 7 metre high landscaping within a few years as follows:



The reality, four years after construction, is far from this carefully screened and hidden “promise”.



Our letter to the Council dated 15th June 2021 confirmed the need for lessons learned from this nearby scheme (reference Enclosure 3).

We ask that the Inspector does not make the same mistakes the Council previously has made.

This makes it abundantly clear the skyline of the Site and its undulating slopes are extremely visually sensitive to any potential further new development, with open views along across and to the wider countryside. The area is sensitive to change comprising small patches of woodland, open skyline, overall sense of tranquillity and a sense of historic integrity and continuity. All of these attributes are evident within and adjacent to the Site and are key elements of a highly sensitive landscape.

As the photo below demonstrates, 4 years later the planting amounts to a few sparse hedge plants of heights less than 40 cm.



The Proposed Development would be located across a series of agricultural fields with gently sloping gradients. The fields within the Site are delineated and divided by existing hedgerows. The majority of the site is on sloping land which falls away down towards Berden village and the key heritage assets as highlighted below.

The Proposal Development will lead to a substantial negative change in the character and appearance of the landscape, which will greatly reduce the quality of the landscape and loss of agricultural character.

Whilst Local Plan Policy ENV15 generally accepts renewable energy schemes of a small scale, this is a substantial proposal of 71.58 hectares (177 acres), not small scale and in this case, the proposals result in a significant large renewable energy scheme outside the aims and guidance of policy ENV15 which only accepts smaller scheme subject to meeting certain criteria.

The Applicant's has provided a Landscape and Visual Impact Assessment (LVIA) which, for the reasons below, neither properly not adequately addresses the impact of the Proposed Development.

This is a large scale development affecting a very visible area of high quality local landscape character.

The NPPF requires the intrinsic character and beauty of the countryside to be recognised when assessing development proposals. The Site is situated within an area of very attractive open countryside. The proposed solar panels and associated infrastructure, including the access track and security fencing would be new elements within the landscape. The long rows of panels and ancillary buildings would comprise a rather utilitarian form of development that would contrast awkwardly with the unspoilt open qualities of the Site.

For its duration, the Proposed Development (40 years) would markedly alter the character of the Site and be seen from the public realm and wider distance views. The solar arrays would disrupt the harmonious pattern of open fields and would appear as a discordant element amongst the patchwork of green and yellow coloured fields.

The proposal would detract from the pleasing rural scene and erode the qualities of the 'lower rolling farmed and settled undulating slopes'. As the solar panels are 3m high, it will not be possible to mitigate the effects of this development.

The area is popular with locals and visitors using the number of both PROW and permissive footpaths both within and around the Site. Even small-scale changes will be apparent to those who spend their time enjoying / relaxing in this attractive rural area.

The proposal would result in significant adverse visual impacts as highlighted by the Inspector's letter dated 18th August 2022 and the correctly made request for an Environmental Statement.

The adverse effect upon the character and appearance of the area weighs significantly against an approval.

The Applicant has suggested the Proposed Development would result in some adverse landscape and visual effects but the significant effects would be confined to a relatively small area of countryside which is already significantly influenced by "electrical infrastructure". This being the very visible white battery units as referred to above and the Pelan Substation.

Firstly, it has mainly been the Applicant's own 2018 battery storage scheme that has caused visual blight that the Applicant is now using as an excuse for further significant adverse effects on the landscape. This is an absurd proposition to make.

We have previously written to the Council on the 'lessons learned' from that scheme (reference Enclosure 3 letter dated 15th June 2021). We ask the Inspector to review this and appreciate the need to understand the 'lessons learned'.

It is the Statera battery units that are the main visual blight because Statera have not provided the confirmed green (not white) plant and failed to provide green palisade fencing, 4 metre acoustic fencing and proper landscaping.

Secondly, the Pelham Substation itself is screened by woodland on two sides and has limited views and visual impact. It is the Statera battery units that are the current blight. Whilst pylons and the Pelham substation could be perceived to be intrusive, their influence on character is only seen at relatively close range.

This electricity infrastructure is not visible in 33% of the 15 assessment views contain in the Applicant's LVIA.

11. Landscaping, Planting & Screening – As above, recent experience dictates that the Applicant's assurances of mature planting, screening, and properly coloured/painted plant and battery containers (not white) were false promises. Should planning permission be granted we are concerned that (based on previous experience of the

battery unit scheme) the Applicant will seek to vary plans, reduce planting and undertake no maintenance or care as we have seen for the past 4 years.

To the extent that the visual impacts of the Proposed Development are capable of being mitigated (which we question given the undulating and visible nature of a large portion of the site) it is for the Inspector to properly scrutinise and assess such matters and to obtain guarantees and enforce these.

In the event planning permission is given (to which we strongly object), such matters must not be left to be discharged by way of planning conditions. These matters must be included in the detailed design now.

We consider the proposals do not offer the maximum level of mitigation that could be realised through the design. The proposed landscaping and screening is poorly lacking. The colour of visible plant and materials needs to be matched to the background to blend in visually (and not white colour). If this mitigation cannot be achieved, the extent of development should be reduced or removed.

The proposed 2.4 acres of new community woodland is referenced to a list of trees ranging in height from 45 to 150 cm height. There is no detail on numbers or any maintenance and doubtless there will be spartan planting that will wither and die in the hot and dry summer months that are now common. This has been seen by the Applicant's battery scheme. The community woodland is criticised by the County Council's Place Services as not being appropriate given that the Site historically has been open agrarian land.

This woodland is critical to screening those houses that directly overlook the Site yet will take 40 years to grow to any suitable height to offer protection just as the permission lapses.

The planting proposals refer to 7.3 acres of species rich meadow with wildflowers. The landowner has provided this early by planting in February 2022 as a means to demonstrate the benefit to biodiversity and screening.

The photographs shown at Enclosure 5 were taken 20th May 2022 and 22nd August 2022 and show that such intentions and 'benefits' are short lived for a number of weeks, not months and certainly not 40 years.

No amount of landscape planting or screening will mitigate to any degree the industrialised view created by these solar arrays.

12. Heritage & Archaeology – Firstly, the Site is named "Berden Hall Farm" and this was historically part of the Berden Hall ownership which is a Grade II* building directly to the east of the Site within the village. The Site is overlooked and seen from the upstairs windows of Berden Hall. The Built Heritage Advice from Essex County Council recognises the historic connection between the two. This gives context to the setting of listed buildings.

The County Council goes on to express concern that the Proposed Development will result in a more industrial character contrary to the prevailing rural character of the Site and this would cause harm to the setting of both the Grade I listed Church of St Nicholas and Berden Hall, which shares a historic connection to the Site (reference letter dated 11th August 2022).

Secondly, the Site is overlooked by the Crump scheduled monument to the east which is a Medieval moated ringwork site. We wrote to the Council on 14th April 2022 (reference Enclosure 4) to highlight the further Medieval remains linked to the Crump at the Rookery to the south east of the Site (and within an area proposed for solar arrays). We asked the Council to ensure full archaeology geophysical surveys and trial trenching before any planning application is submitted. This request has been ignored by the Applicant and we are now faced with the Historic Environment Advisor of Essex County Council requesting trial trenching via a planning condition.

This is post grant of any planning permission and will not prevent solar arrays being built over the Rookery and damaging this valuable heritage asset which may even warrant being a Scheduled Monument given its association to the Crump.

Given the Site is very close to the Grade 1 St Nicholas Church and previously part of Grade II* Berden Hall and overlooked by the Crump scheduled monument, material harm will be caused to the significance of heritage assets and this leads to a presumption against development. There is clear intervisibility between several of the designated heritage assets and we are concerned that the proposed solar farm would result in an industrialising effect, contrary to the rural landscape setting of several designated heritage assets. The scheme will result in an adverse impact to their rural setting and character.

The planning legislation (Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990) confirms that the Inspector “shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

We consider that there is clear harm to the significance of heritage assets and this is fully set out in the objection made by Protect the Pelhams.

13. Ecology & Protected Species – We note that the County Council’s Place Services have imposed a ‘holding objection’ dated 2nd September 2022 and requested further information on protected species. This mainly refers to no provision of open habitats to replace the Skylark nesting habitat that will be lost.

We are concerned about the impact on wildlife including the protected species.

The Biodiversity Net Gain Assessments submitted does not justify the baseline existing habitat assessment. This must be reassessed and agreed before any planning decision can be made.

14. Noise – Given the current unacceptable noise from the existing Statera battery scheme, we are concerned at ongoing noise disturbance.

The noise assessment confirms the solar inverters and transformer will have a maximum operational sound power level (SWL) of 91 dBA LW (reference section 4.3).

The noise assessment has regard to existing background noise levels which were recorded and the assessment concludes the noise from this development is less than the existing background level.

However, this ignores the Parish Council's previous comments and concerns that the background noise surveys are made higher and inflated by the noise from the existing 2018 Statera battery plant.

Whilst the extra noise from the Proposed Development may well be less than current background, this does not deal with the fact the current background is too high.

We have previously highlighted to the Council the error made in 2017 by the planning officers regarding the grant of the Statera battery scheme variation planning permission which regrettably omitted any noise mitigation and imposed no noise planning condition (reference UTT/17/2075/FUL).

The original grant of planning permission (reference UTT/16/2316/FUL) had highlighted adverse noise consequences and had required a substantial 4 metres acoustic screen.

Due to the error in the new variation permission, there is no noise mitigation in place at all. There are historic letters sent to the Council in this regard (reference Enclosure 3).

The consequence of this is that the Applicant's noise consultant has recorded an inflated high background base noise level because of the noise from the unmitigated and unscreened existing battery plant which the Council itself approved and then accepted a variation to remove all noise mitigation (seemingly in error).

We raised this background noise matter with the Council by email dated 14th February 2022 (reference Enclosure 6) and asked that this is highlighted now to Statera requesting their noise consultants take this unacceptable baseline position into account. This has not been done and we are faced with more unmitigated noise. This email trail also highlights the ongoing complaints to the Council regarding noise from the Statera battery units. The Environmental Health Officers at both East Herts and Uttlesford are aware of the ongoing complaints and are monitoring the situation. Complaints increase during the summer months when windows are open at night.

The Statera battery scheme is audible to Berden and Stocking Pelham residents despite a detailed noise assessment confirming this would not be the case.

In the event planning permission is given (to which we strongly object), it is essential to agree the noise mitigation scheme fully at this planning stage, not left to planning conditions.

Local Plan Policy E4 (Farm Diversification) allows for alternative uses of agricultural land provided the development would not result in a significant increase in noise levels or other adverse impacts beyond the holding. This is not the case.

15. External Lighting – Any external lighting will cause spill and glare. It is the glare that cannot be measured yet which causes the most harm in the rural area with raised topography.
16. Fire & Explosion Joint Assessment – Whilst not a battery scheme, this solar farm will be linked to the adjacent Statera batteries and two other current planning applications for adjacent battery schemes.

There are numerous articles and research into fires and explosions from lithium-ion battery technology in large scale storage systems and the risk to public health and safety.

This Proposed Development must have a cumulative emergency plan to deal with a joint explosion, fire or risk event This needs to be approved by the local Fire and Rescue Services (both Hertfordshire and Essex given the location).

17. Flood Risk & Surface Water Drainage – Whilst the flood risk assessment and drainage strategy are noted, we remain concerned at the impact of the panel, plant, containers and hard surfacing on the natural drainage and increase in surface water run-off.

Section 6.10 confirms the Site drains to the culverted drain running through Berden. This is correct.

However, the existing run-off from the Site to this watercourse often causes local flooding along the Street and this collects and floods the road at the junction of the Street-Pelham Road and Chapel Hill. This is referenced in section 6.14 but this is an annual if not more frequent flooding event.

The FRA confirms at section 7.4 that solar farms actually improve surface water drainage over arable or livestock grazing fields because the full vegetation cover beneath the solar panels is maintained. The planting plan refers to grass with sheep grazing and this is highlighted in the FRA at section 7.

Any grant of permission by the Inspector should ensure this area of the Site is properly maintained for the 40 years to deal with this surface water flow attenuation and erosion is not allowed to form.

The drainage strategy does not seem to adequately provide for any restricted discharge to greenfield rates and does not provide any attenuation storage at the right level to properly work and function.

The Applicant has not carried out any infiltration testing of soil.

The FRA seems to not adequately deal with drainage or any attenuation. The existing Site causes existing flooding in Berden which can only worsen.

18. Consultation – The Applicant carried out a public consultation event in Berden Village Hall on 21st March 2022.

Firstly invitations were only sent a fraction of houses in both parishes. This was highlighted to Statara after the event who apologised and said this was not their intention.

Secondly, the consultation was very poor in terms of inviting feedback and comments on key issues. There was no ability at the event to complete forms and to easily provide written feedback.

Section 5 of the Applicant's planning statement sets out the Statement of Community Engagement but provides no detail at all of feedback, support, objection, comments etc.

19. Cumulative Impact – We consider that this proposal needs to be considered in the wider context of the other renewable energy proposals around the Pelham Substation. An overall carefully constructed masterplan led approach is required together with Supplementary Planning Guidance in the absence of any meaningful Local Plan policies.

Three solar farms and two further battery schemes are proposed within a small radius of Pelham substation. There is also an emerging fourth solar farm.

These three key solar farms should not be dealt with in a fragmented way with scant regard for overall masterplanning with boundaries merely following landowner's ownership lines with poorly planned development boundaries. Any solar farm needs properly structured screening, buffers and regard taken of views, visual impact, noise and fire control measures. A comprehensive review is needed.

These solar farms are:

- (a) Battles Farm/Pelham Spring (Berden Parish) Uttlesford reference UTT/21/3356/FUL. Refused by the Council in February 2022
- (b) Land At Wickham Hall Estate East Herts reference 3/21/2601/FUL -.Current planning application.
- (c) this Proposed Development

The battery schemes are:

- (d) Land Off Pelham Road Berden Uttlesford reference UTT/22/1203/FUL; current planning application.
- (e) Land At Greens Farm East End Stocking Pelham East Herts reference 3/21/0969/FUL current planning application.
- (f) the Statera constructed scheme adjacent to the Site.

The fourth emerging proposal is land between Stocking Pelham church and Violets Lane in Furneux Pelham.

It is an essential key issue in determining the suitability of any such development proposals to undertake a sequential test. This is needed firstly to question whether the use of agricultural land is necessary and whether other lower grade agricultural, suitable brownfield land or non-agricultural land is available within a reasonable search area.

20. Future Reinstatement – We remain concerned about the future ability to revert the land to agricultural use. We would hope the Inspector applies a rigorous process and financial guarantee assessment to this matter should consent be granted (to which we strongly object).

Given the Applicant has a balance sheet of £1, the future reinstatement in 40 years must be tied to the land ownership by way of a Section 106 agreement. The landowner and the Applicant must be obligated to jointly reinstate in 40 years.

It is unlikely a bond will be ineffective and unavailable for such a 40 year term. Both the Applicant and the landowner must be obligated via a Section 106 agreement on the Site requiring the reinstatement. Both parties could contribute to a reserve fund on an annual basis to guarantee the cost of reinstatement.

21. Construction Traffic Management Plan – The traffic route shows a direct access from the A120 new bypass through Albury to Stocking Pelham. This route does not exist and is fictional.

The traffic plan is incorrect and all construction traffic will be routed through Little Hadham, Albury and Stocking Pelham by wholly unsuitable roads (single width in places).

The photographs shown in Enclosure 7 are Ginns Road between Stocking Pelham and Patmore Heath; a wholly unacceptable road for HGV traffic.

22. Hearing – As set out in our email of 30th August 2022, we ask for the opportunity to make a presentation to the Inspector at any future hearing or other meeting to consider this proposal.
23. Site Visit – We would welcome the opportunity to accompany the Inspector on a site visit.

To conclude, we repeat the statement referred to above by Eric Pickles: “Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land. Protecting the global environment is not an excuse to trash the local environment.”

The Applicant’s Proposed Development is the wrong development in the wrong location and will result in the loss of BMV agricultural land and trash the local countryside environment.

We note at the time of writing, the Conservative Party have just voted Liz Truss as leader and the Prime Minister. Liz Truss is on record in August 2022 as part of the hustings debates that 'What we shouldn't be doing is putting solar panels on productive agricultural land'. We expect a policy change or ministerial statement in the coming weeks.

Yours faithfully,

Berden Parish Council

Stocking Pelham Parish Council

Enc.

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