

*Berden Parish Council
Martin's Green
Berden
Bishop's Stortford
CM23 1AE*

parishclerk@berden.org.uk

Nigel Brown
Development Control
Uttlesford District Council
Council Offices
London Road
Saffron Walden
CB11 4ER

15th June 2021

Dear Sirs

**Re: Planning Permissions UTT/17/2075/FUL & UTT/16/2316/FUL
Battery Storage Facility, Pelham Substation, Park Green Lane, Berden**

We are writing with regards to the above planning permissions by way of an opportunity to review 'lessons learnt' as we are aware of further proposed battery storage facility around the Pelham substation (and possibly elsewhere) together with the contentious solar farm within our Parish.

Whilst hindsight is a 'wonderful thing', we thought that this is an opportune moment to refresh on the previous errors and matters that were either overlooked or ignored in the grant of the above planning permissions.

The Parish Council always look to work proactively with the District Council in all matters and we did flag key issues and considerations in both the early and later planning stages which would have mitigated the negative effects and impact of the development.

We are now over 4 years after the Berden battery storage facility was built and we attach current photos taken this week which highlight the unacceptable visual impact and blight on the landscape. The bright white battery units can be seen from miles around. The promised green coloured units and mature height planting after 5 years as promised by the photo montage submitted with the 2016 application can only be described as a work of fiction.

The residents of Stocking Pelham are more affected by the noise with houses close to the battery units. The initial planning permission required a 4 metre high acoustic barrier and discharge of a noise planning condition. Sadly, the grant of the variation permission omitted to include any noise condition or indeed any noise control and we are left with no noise attenuation no planning control and a constant 'hum' of noise affecting residents.

Similarly, the variation permission removed any materials planning condition and the previously approved green battery units were replaced with white with no planning control.

The 'improved' landscaping scheme granted planning included a 1.2 metre bund to the most visible eastern elevation. As the photo below demonstrates this has not been provided and 4 years later the planting amounts to a few sparse hedge plants of heights less than 40 cm.



We met with Nigel Brown on 9th January 2017 to discuss our concerns over other planning oversights.

Without going over previous matters, we attach a copy of our letter to the Chief Executive sent in 2018 which flagged these same concerns.

We are not asking the District Council to investigate any planning breaches or conditions; the unfortunate grant of the variation permission has deleted the original controls over noise, materials and landscaping.

What we are asking is for a proactive approach with our Parish Council (and indeed other Parish Councils) over such matters given the surge in renewable energy proposals. Given the absence of any up to date Local Plan policy control, the careful consideration of planning applications and pre-app discussions is now of paramount importance.

Yours faithfully,

Laura Free
Clerk to Berden Parish Council

Enc.

cc. Gordon Glenday [REDACTED]
Cllr Janice Loughlin [REDACTED]
Furneux Pelham Parish Council info@furneuxpelham.org.uk
Manuden Parish Council parishclerk@manuden.org.uk
Stocking Pelham Parish Council clerk@stockingpelhampc.org.uk

















Letter to Chief Executive of Uttlesford Council

Pelham Substation Battery Installation

Dear

We are writing to you to express our dissatisfaction with the whole planning process for this installation as outlined below. There have been two major issues with regard to planning approval for this installation, that of landscaping and noise, and although the two are linked (particularly with regard to fencing) we will attempt to set out our concerns separately.

The original application, UTT/16/16/2316/FUL, made in August 2016, provoke a significant amount of controversy, not least with our neighbours in Stocking Pelham, where residents are closest. The main concern that they had was regarding potential noise, dealt with later. Berden Parish Council provided an even handed and comprehensive response to the submission which included the following:

“The Parish Council remain concerned of the visual impact of the development given the prominence of the site.....The Parish Council does not wish to object to this application but request that grant of any planning permission includes suitably worded planning conditions dealing with landscape and visual impact, construction methodology and noise.”

Landscaping

An amended scheme UTT/17/2075/FUL was submitted in July 2017. Our concerns were set out in a letter, dated 25th August 2017, that is attached. The key points were:

- There was an increase in height of the units in the installation to 5.9 metres which raised concerns with regard to Policy GEN2
- No landscaping plan had been included as a condition of the original submission despite our request for this. A landscaping plan was now included however we requested that this be revised to include more soil bunding and mature planting. **This was ignored in the conditions attached to the approval.**
- Work had started on the installation without several conditions of the original application, required before work started, having been met. **No action was taken on this.**

There then followed two Non-Material amendments:

- UTT/18/1407/NMA | Non Material Amendment to UTT/17/2075/FUL - Change security fence from palisade to mesh fence. Changes to planting plan. This is shown as being refused but there are no documents with this record.
- UTT/18/2665/NMA | Non Material Amendment to UTT/17/2075/FUL - Changes to compound security fence and planting plan. This was approved.

In the first instance we are unhappy about these being acceptance as Non-Material Amendments, as they affected the keys issues i.e. noise and landscaping that ours and Stocking Pelham’s Councils had been concerned about. Further, although there is no obligation on their part due to the route this change used, Planning made no contact with us

despite our concerns about landscaping having been expressed throughout this whole process.

Furthermore, when the original planning permission was granted this included and made reference to a 2.5 metre green metal palisade fence which screened the scheme. The applicant then installed a different fine mesh fence which has reduced screening function. We wrote to Uttlesford to highlight this incorrect fencing. At the same time, the applicant sought to revise the fence from palisade to mesh fencing which Uttlesford then approved. However, Uttlesford did not notify the Parish Council despite us having a few weeks earlier sought to complain about this.

The landscaping issues were addressed in UTT/18/2665/NMA with the inclusion of a 1.2m high bund on the north and west perimeter. The northern perimeter bund is present and overplanted, **but there is no bund on the eastern side.** Our Council is currently in correspondence with Mr Nigel Brown regarding this as the applicants have not complied with the landscaping as set out in their amended application UTT/17/2075/FUL.

There can be no doubt however that due to height of this installation (increased during the planning process), that all the units are painted white (in the middle of the countryside), and that there has been no real significant effort at landscaping (either from the applicant or from planning), that this is an eyesore. The attached photograph taken from Berden refers. **It can also be seen 4 miles away at Rickling.**

Noise

The original grant of planning permission included a condition requiring noise mitigation and the supporting planning documents referred to a 4metre high acoustic fence for this purpose. (Incidentally, the records for UTT/16/2316/FUL do not appear to contain the final decision notice.)

There was an application for the discharge of the Noise Condition with which our Council took issue through a letter dated 11th May 2017. This application was subsequently withdrawn in November 2017 and never approved.

At the same time the amended scheme, UTT/17/2075/FUL, was submitted. The response to this application from the Environmental health officer recommended:

“Partial discharge of condition. The condition requires full implementation of the noise mitigation scheme before use commences”.

There was also a follow up regarding noise modelling to the application and the response concludes:

“Further to my query, clarification was obtained and a new model was run as per the emails from Patrick Hoyle at RPS dated 21st September 2017. This resulted in levels around 1dB lower than the previously agreed scheme as set out in the aforementioned emails. Again, these modelled results are achieved via the use of a 4m high acoustic barrier which needs to be built to ensure the project is viable.

Condition 3 also requires full implementation of the scheme before use commences.”

UTT/17/2075/FUL was approved but failed to include any noise planning condition. We do not understand why this was omitted and an explanation is required. **As such, we are left without any noise barrier and no means of enforcing noise mitigation.**

A Final Comment

Our Council recognises that this installation is in the context of the Pelham Substation and is strategically important and throughout this, and other planning matters have endeavoured to adopt a pragmatic and constructive approach. Prior to the Battery Installation application, and after some previous issues when we were unhappy with the way in which applications had been handled, Mr. Brown came to a Parish Council Meeting which minuted:

“A very useful discussion ensued, particularly with regard to historical cases where it was felt the parish council’s comments had not been fully considered. The council was pleased to note that the Planning Department now realises that Berden does not object to applications just on principle, but when we do comment we have considered the application, and its implications, carefully.”

Unfortunately, things do not seem to have changed in this regard.

Yours Sincerely

