

From: James Palmer [REDACTED] >
Sent: 04 September 2022 21:38
To: Section 62A Applications <section62a@planninginspectorate.gov.uk>
Cc: planning@uttlesford.gov.uk
Subject: Objections to Proposed Development Berden Hall Solar Farm, Section 62A Planning Application. s62A/22/0006 and UTT/22/2046/PINS

Dear Planning Inspectorate

My name is James Palmer and [REDACTED].

I have lived in Berden for 22 years with my wife and family. [REDACTED], close to the proposed development. I have sought to approach this based on the relevant legal and planning policy considerations, with some local facts as relevant evidence. [REDACTED]

I would like to attend the hearing on the application and to speak at it.

I am writing to set out why I believe the above application should be refused. I fully understand that planning decisions frequently do not turn just on the desires and preferences of local residents, but on a planning balance of competing interests. I understand that it is the role of relevant planning policies and guidance to guide and direct decisions on those competing factors, and ultimately it is the role of the Planning Inspector to reach a decision based on the law and facts as to whether an application complies with applicable policies and as to how the various competing interests should be balanced. Having considered the application in this context and looked at the key relevant planning policies and case law, I urge that this application be refused, and clearly so, on a number of specific grounds, but also when looked at in the round, after weighing the relevant competing policy interests in this context.

In this email, I seek to set out:

- first, and the bulk of this objection, some of the specific grounds and factors as to compliance with planning requirements and as to planning balance, and why those require refusal of the Application;
- second some comparisons and key differentiation from the facts of the very recent decision in relation to application Section 62A/22/0000004 at Stansted Airport, also for a solar farm in Uttlesford;
- third, some important comments on the substantive implications of this decision when looked at in the broader context of stated goals at every level of policy for net zero and solar on the one hand, and protection of prime farmland and of the character and amenity of rural areas, and intrinsic value of the countryside on the other.

In a nutshell, it seems to me that this is exactly the kind of development that should be refused, because the adverse impacts of it are significant and demonstrable, and in fact are exactly the kind of adverse impacts the NPPF taken as a whole, as well as other planning policy and statements at national and local level, seek to prevent. Indeed, I believe that, as set out below, the application should be refused unless National Policy effectively requires that UK solar capacity is to be built almost entirely over prime agricultural land, for the long term (and in practice likely irreversibly) eliminating beautiful rural landscapes in the south and east of England, fundamentally changing the character, attractiveness and amenity value of areas such as that proposed: that is clearly not the goal, or proposed effect of planning policy at either national or local level.

At the heart of this Application is an overly simplistic approach by the Applicant to the presumption of sustainable development under NPPF 11, and a broad disregard for other key priorities of NPPF and other relevant policies.

I have not been directly involved in the drafting of the objection submitted by the Protect the Pelhams (PTP) group, and I have not sought to replicate or reference here all of the points and arguments they make, but I am in agreement with them. My failure to address their more detailed points should not be taken as undermining those points, which I support. I have seen the expert evidence supporting the PTP conclusions and support those concerns.

Part A Planning Requirements and Balance

1. OUTSIDE CURRENT LOCAL AND NATIONAL PLANNING POLICY AND ANY FUTURE (NPPF COMPLIANT) FUTURE LOCAL PLAN

1.1. It is clear that the Development falls outside existing Uttlesford planning policy regarding use of prime agricultural land and protection of the rural character of the area. In particular the tests under ENV5 and S7 of Uttlesford clearly lead to the need to refuse the Application, for the reasons addressed below. However I accept that the old and still current Uttlesford plan is out of date. I also accept that current national policy requires a particular approach to assessing sustainable energy applications nationally and that you have a responsibility to consider the NPPF provisions in favour of development.

1.2 In considering the Application, it is also appropriate to have regard to the changes which will be appropriate to ensure the future Uttlesford plan complies with national requirements. But what should not occur is that the overall legitimate goals of Uttlesford's current plan should be largely ignored. It seems to me that is exactly what the Application seeks to do.

1.2. Others will have drawn your attention more comprehensively to planning factors in the current Local Plan, including in ENV5 and S7, and in NPPF. While it is true that the NPPF provides for a presumption in favour of sustainable development, that presumption is subject to various conditions and to the further provisions of the NPPF. It is fundamental that the exercise of powers where a presumption exists recognises that the presumption is rebuttable, on the facts and indeed that other presumptions may exist to the contrary outcome. I believe in this case it is clear that the sustainable development presumption is rebutted.

1.3. The Applicant cites NPPF but does not draw out key planning policy provisions against this development:

- Chapter 2 NPPF

- the three overarching objectives appear to have been largely ignored.

- a) "ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; ..."

- b) "to support strong, vibrant and healthy communities, and by fostering well-designed beautiful and safe places, with open spaces that reflect current and future needs and support communities' health, social and cultural well-being"

- c) "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”.

- Of course there is a benefit in moving to a low carbon economy in building more solar capacity, so the Development would have that one benefit. But every single solar application anywhere has that benefit, but it is not a sufficient benefit to outweigh other significant factors. Furthermore the Application fails on every other ground under the Overarching Objectives, as expanded on below.

- Chapter 2 para 9 references the importance of taking the local circumstances into account “to reflect the character, needs and opportunities of each area”.

- Chapter 2 para 12 references the continued priority, as the starting point for decision taking, of the existing local development plan, (which if applied clearly requires refusal of the application, as indicated). This is a sensible as it means the context of the current (old) Plan and more recent Supplements have to be recognised and Uttlesford and in particular this site should be recognised as part of an area of entirely rural and residential attractive character which there is a long history of seeking to protect through planning policy, subject to appropriate limited exceptions. It is important not to underestimate how important this site is to the rural character and amenity value of Berden for its residents and those passing through, as explained further below.

- Chapter 3 NPPF

- para 20 d) requires Plan provisions regarding green infrastructure and climate change mitigation and adaptation, but it also includes a balancing requirement for conservation and enhancement of the natural, built and historic environment, including landscapes. Given this policy applies to all national plans, including those in urban, suburban, brownfield or industrial areas as well as areas of far lower quality agricultural land, it is vital that due balance is given to these other factors in assessing the development. In looking at this, please consider whether it makes sense that Uttlesford, an area clearly requiring protection for its rural landscape and character and for use of prime farmland, should bear a disproportionate amount of all solar capacity? Uttlesford, as set out in the Protect the Pelhams submission, is already by far the largest provider of solar capacity relative to population and use compared to all other districts in a wide area (Essex and E Herts, and more widely). While Uttlesford regrettably is in special measures, that is not because of its approach to solar. I believe that the major district contribution to solar, even before new developments such as that just approved at Stansted Airport approved at PINS, demonstrates an appropriate approach by Uttlesford to ground solar already. Why should a district at the forefront of ground solar capacity be the test place for fundamental change to its rural and prime farming uses and character, with massive impact for local residents and large areas of countryside properly protected to date by planning policies?

Para 23 provides that plans should identify broad locations for development. It is nonsensical to think this area around Berden, of entirely rural character and considerable local amenity use, without any significant road access other than on narrow country roads, would be identified for major change in a revised local plan. It is clear it would not. It is far more likely that a new plan will look at small scale green developments, potentially at more efficient wind, and at residential and industrial sites for solar, or solar on poor quality agricultural land or land which cannot be used for agriculture. Any plan will recognise and credit Uttlesford’s existing approach in this regard.

- In Chapter 4, Paras 49 and 50 may be relevant if the Application may be approved . I understand that arguments that a development is premature are only applicable in limited circumstances. If there is any question that the balance is not clearly in favour of refusing the Application, it seems to

me this case falls into the terms of para 49. Though it talks about the fact an application is premature “seldom” justifies a decision against where a draft plan has yet to be submitted, this proposal is a fundamental and large part of a series of major applications or impending applications to turn Berden (and Stocking Pelham, which the development fills the gap between) into one of the largest areas of long term light industrial use by solar anywhere in the UK, certainly on prime agricultural land.

- That would be a fundamental and in practice irreversible decision which should not be taken by isolated considerations. Filling almost the entire gap between two villages to the south of the Berden/ Pelham Road, on a development of this size, is a huge decision justifying deferral if required, given the implications for significant rural communities. The local authority should be given more time to consider addressing this, if needs be, given the further provisions of paragraph 50. I note the Authority has recommended refusal, unlike for example its position on the recent Stansted Airport solar development.

- Chapter 5 NPPF is noteworthy as it is of course well known that many planning challenges with rural authority plans are with authorities not granting permissions or planning for sufficient housing given local needs. But the equivalent considerations for solar capacity are not relevant here, given the high level of solar already being generated and approved in Uttlesford. When looking at the planning balance and presumptions, this is worth keeping in mind (eg para 78-80 on rural housing). This Application has nothing whatsoever to do with local needs. Quite the contrary, yet in an area already doing more than its fair share for ground mounted solar.

- Chapter 6 para 83 requires plans to “recognise and address the specific locational requirements of different sectors”. That of course presumes agriculture will be prioritised in prime (best and most versatile/ BMV) agricultural areas. As set out in the Protect the Pelhams response, it is completely untrue and incorrect that solar capacity requires to be close to a grid sub-station. That response is demonstrably incorrect when one looks at solar use nationally and the relevant planning decisions and technical requirements. There may be marginal cost issues, but as the case law/ precedents cited by PTP demonstrate, that does not justify building solar capacity in the wrong places on other planning grounds, eg BMV land. If it does, all solar is going to be developed on agricultural land, including swathes which is BMV, not elsewhere. This would be contrary to the clearly intended goals of policy statements at every level.

- Chapter 8

- The Applicant suggests that this development benefits the local community, which is clearly completely incorrect (other than to the same extent as any other solar capacity built anywhere in the UK); the Grid and local distribution network connectivity means electricity is not like housing: it is overwhelmingly fungible, and does not have to be locally generated. This proposal is entirely negative for the community. The idea a footpath to Furneaux Pelham (for example, as suggested by the Applicant) is a community benefit is obviously false spin and is offensive to many in the community. The high fences shown in the plans effectively remove the whole site from its significant current amenity use: this site to the west of Berden is a major part of why people come to live in Berden. It is extensively used by residents, precisely because of the attractive setting, proximity to the two villages, its rural attractive character and the classic Essex views of gently undulating fields and trees (as well as of heritage assets, which come and go from views as one walks, a key part of the pleasure of the setting).

- This development would self evidently take two villages, largely screened from the more distant Grid substation and current battery storage, and make a major part of the surrounding landscape

light industrial and totally unattractive. That is a seismic change for residents like us who moved here for the rural amenity value, and regularly walk in and around the proposed site, particularly when no one would seriously suggest this as the location for major development change of use in a local authority Development Plan. It will inevitably have an irreversible and materially negative effect, at least for forty years and almost certainly forever on the community and area. Just because it is cheap for developers to put solar on a greenfield site like this, not because it is the goal of planning policy.

- Paras 92, 93, 98, 99, 100 are all relevant in this regard. On a specific point, the continuation of footpaths between or beside tunnel like fences with views to the horizon of solar panels is a total removal of amenity value. I comment below on the incorrect assertions that planting will address this.

- the materiality of adverse effect on this ground alone justifies refusal.

- Chapter 9 is cited by the Applicant in support of the application which is misleading as there is no transport benefit from this, only significant risk and safety and traffic blockage negatives for access for construction given the area is only served by minor country roads, all narrow in places (see below).

- Chapter 11 NPPF is also important. See paras 119 about “effective use of land”, “safeguarding and improving the environment”, in a context where there is already significant local ground mounted solar capacity provided, more has been approved and there is no proportionate unmet local need (unlike housing).

- para 120 is relevant:

a) in relation to benefits of rural land: this clearly materially reduces meaningful public access to a heavily used part of the countryside of great importance to Berden and Stocking Pelham residents and visitors. This may not have a habitat impact of such significance as to justify refusal on that ground alone. But it will be materially negative. The extent of footpaths to be secured off around the site means the deer, badgers, foxes and hares regularly seen there at different times of the year will not have anything like their current free access to this large rural site. I accept birds such as yellowhammers and skylarks may continue to have access to the site, but existing populations are high so there is nothing but habitat downside here. The idea that in an arable setting with minimal local sheep farming nearby (other than a very small number of small landscape enhancing “hobby” farms) and with high fences, that meaningful sheep use will occur is not credible and part of an inaccurate presentation by the Applicant of non-existent benefits.

b) the site already provides significant recreational, wildlife, natural environment enjoyment and agricultural uses. All will be lost or materially reduced.

c) substantial weight should be given to use of brownfield land. But this is not brownfield or even low quality agricultural land

d) use of under-utilised land is to be promoted. But the Applicant admits they have not even considered this or any other sites of any more suited kind (as required by ENV5 local plan) when it is supposed to be a pre-condition. In fact there is a very high proportion of Grade 2 land on this site, as well as Grade 3A. This is a fundamental factor against the application.

- Para 122 talks about the need, prior to updating a local authority development plan, for applications for alternative use to be supported if they involve a change of use, but critically that is only where they contribute to meeting an “unmet need for the area”. There is no unmet need for a solar farm in this area or indeed in Uttlesford, given its significant relative solar capacity already (see

the PTP submission), and other factors clearly outweigh any more generic arguments on national need for solar.

- paras 124 and 125 are relevant and important in seeking Plans which take account of local market conditions and viability (124 b); the desirability of maintaining an area's prevailing character and setting ... (124 c) ; and the importance of securing well designed, attractive and healthy places (124 d). Berden is just such a place and community. The proposed change of use is unquestionably a fundamental and deeply negative impact. Para 125 is interesting by analogy: there is no shortage of locations for solar: the issue is where they are all to be built and how planning can drive appropriate development of capacity while achieving its other goals. For decades rural land for agriculture has been seen as a use which can be given up for purposes such as housing, as housing needs are frequently found to be greater. For the first time since the Second World War we are faced with supply chain shortages threatening food security, which is why all formal and informal policy statements at a national level from politicians responsible for planning (eg Eric Pickles often quoted statement and other more recent ones) all direct limits on use of prime agricultural land for development, including green developments, and seek to value the countryside for its intrinsic beauty and value as well as for food security purposes.

- Chapter 12 supports well-designed and attractive development. I do not comment on the technical solar capability of this development, but on every other basis it is materially negative. This will be so visually unattractive in place of a heavily used and very visually attractive location that there is no Chapter 12 benefit, only significant detriment. Paragraph 130 a), b), c), d) and f) are all significantly negative and grounds for refusal. The site is part of sustaining the physical and mental health of a large part of the community, walking through it and appreciating its beauty. This is classic Essex countryside, with gentle undulation, views of St Nicholas' Church and Berden Hall and the Crump set among fields, rich with wildlife, from the paths on the site, among mature trees but not screened fully. That is part of the appeal of these views.

- Chapter 14 of course is relevant and cited by the Applicant. But Chapter 14 does not require all other criteria to be overridden in appropriate cases, such as this. Vitality, and highly relevant in this case, Uttlesford and Berden do not have unmet solar energy needs: Uttlesford's has over contributed on ground mounted solar compared to all other comparators in the region, I believe, much more widely indeed (per Ofgem data cited by PTP) . Uttlesford's lead is being taken advantage of by developers, perfectly legitimately seeking to apply, but I urge they are rejected. Otherwise the areas where solar development is appropriate will never be used: cheaper prime BMV agricultural land will instead be the dominant source of solar, contrary to all stated planning goals. We need developers to look at brownfield or lower quality sites or ones less impacting the communities and settings in which they are proposed. Developers will only do so when greenfield applications in settings like this are clearly rejected .

- I also note that Chapter 14 focusses on looking at sustainable development of solar for buildings, which most of the country is barely addressing. Easy applications on greenfield BMV land among rural communities undermine the planning goal of requiring solar as part of housing and industrial as well as brownfield etc development.

- I do not challenge at all the provisions of Para 158, which are quite right. Solar does provide a benefit to net zero. But it is appropriate to weigh that against the efficiency of the relevant green energy development (far lower than other sources) and the scale of negative impact caused to achieve that contribution.

- Under 158 b) it is quite clear the impacts cannot be made acceptable. This application on no basis meets the criteria in the NPPF or local planning statements for development. It is an entirely unsuitable location for the reasons given above and below.

- Chapter 15 is of course of fundamental relevance. See paras 174 a) protecting and enhancing valued landscapes; 174 b), “recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services- including the economic benefits of the best and most versatile agricultural land and of trees and woodland”.

Para 174 combined with 175 makes it clear why the site has never been designated by local plans for this kind of development, and why it will never be designated for this kind of development in future NPPF compliant plans.

While the proposal does not remove ancient trees or woodland, it does in practice remove a large part of the local community’s actively used amenity value to enjoy the old trees and hedges that are in place around the site, particularly to the south east. Few if any will want to walk among channels of fences and solar panels, exactly where they currently do so among fields and views across undulating fields.

185 b) requires plans to reflect the importance of preserving tranquil areas prized for their recreational and amenity value, in the context of overall impact on living conditions an the natural environment.

188 is relevant: mitigation will not work (eg hedges/ screening) given the impact on loss of BMV land, the loss of amenity and recreational value on such a vast scale, and the fundamental change of character of the region if allowed. As the various reports attached to the PTP submission show, screening will not be an effective or sufficient mitigation. The right course of action I request, is to refuse the change of use under this proposal.

- Chapter 16: as additional important factors, the factors set out in Chapter 16 NPPF are entirely and materially against the development. The heritage assessment by the Applicant is simply wrong. See the heritage report submitted by PTP and the objections of Historic England. Residents and walkers like me and my family enjoy rural views across fields to St Nicholas Church, Berden Hall (it’s old chimneys attractively visible at various stages through the trees) and the Crump. Indeed that is so from the widely used paths on and neighbouring the site as well as from the paths immediately to the north of the site, including the footpath running north from the development, the other side of the road, to Arnold’s Spring, but even more so given the rising ground to the north, from the heavily used footpaths running west from Arnold’s Spring towards Stocking Farm and from the main county boundary footpath running north/ south from the Stocking Pelham/ Berden Road up towards Pelham Gate. We walk these paths, as well as those on and around the site, regularly and no amount of screening will help hide the panels, fences, and other container sized industrial parts of the solar facility: even mature plantings will not, as is evident from all the footpaths around the site or nearby. It will become an industrial area.

The heritage factors are material additional support for the core bases of rejecting the Application.

1.4 Over and above the factors set out above, I draw your attention to the following:

- Loss of a huge part of what defines Berden’s appeal, setting and amenity value

- the proposed site, I argue strongly, is a substantial part of the most attractive setting of Berden: its position west of the village with open views across farmland and undulating classic attractive Essex countryside, including views of small woodlands, mature hedges and heritage assets, make it an area walkers and dog walkers gravitate towards. It is widely used. It is part of the views and environment which are at the core of Berden's attractive rural setting, character and amenity value. Changing that is fundamental, and substantially negative, not a minor inconvenience;

- BMV land is limited

- solar can be built in a vast array of locations, as planning policy clearly intends, including in industrial and residential contexts. Farmland and BMV farmland can only be found where it already exists. Farmland use is demonstrably in decline as is well known, creating widespread focus on the need for balance which respects BMV land and other planning values. As development plans are developed by authorities nationally and locally for solar and renewable energy, they will surely even more clearly focus on a transformation in such uses, allowing preservation of beautiful countryside (per planning goals), community habitat, setting and amenity value (per planning goals) .

- Uttlesford's excellent track record and capacity already in ground mounted solar generation.

- the high level of existing ground mounted solar generation capacity in Uttlesford (see Ofgem data in PTP's submission) must be an important relevant consideration. If each application is only looked at in isolation or in the context of Uttlesford, other districts will not improve. Such developments in Uttlesford must recognise how the relevant plan will apply in accordance with NPPF and other guidance: Uttlesford's is contributing significantly to solar. Others need to step up rather than Uttlesford transform its approach at the expense of other planning goals. Uttlesford should not become the country's solar car park and be the one place which has been supportive but now must be transformed contrary to other planning goals, including the overarching objectives. PTP set out clearly why as a matter of law availability of alternative sites is not just a matter for within Uttlesford. I suggest this is a matter of national commitment and choice, given the way electricity generated can be moved around, unlike housing. Yet most of the country is far behind Uttlesford and applications for solar are heavily skewed to agricultural land. That is not the intended policy and the paragraph 11 presumption is being used by developers to try to defeat a strategic policy balancing net zero goals and needs with other important planning goals (such as those I set out).
- The Authority did not oppose the new Stansted Airport solar development but are opposing this application. The Authority's record on ground mounted solar capacity is already excellent without this site needing to be developed,

- Permanence/ duration of change to light industrial use

- as indicated, I am hugely sceptical that the land will revert to farmland. I will be long dead if it does, so this is most or all of a lifetime away (at best) for at least the vast majority of adult residents . As PTP highlight, it should be treated as so long term a proposal that it is not temporary and should be assessed comparably with a permanent proposal (rural airfield use for housing suggests I am right to be sceptical about reversion).

- ENV5 and S7 Uttlesford clearly set up a starting position for refusal. This simply does not fall within the intended exceptions at local or National level.

- Construction access is terrible and dangerous

- access for construction is a major concern: Ginns Road (which cannot be accessed from the A120 as the Applicant claims) is narrow and winding and has various places where even cars have to slow or stop to let each other pass (eg, heading north, in Albury, along the Wash (leading to Furneaux Pelham), and at the junction in Furneaux Pelham, as well as in Stocking Pelham: blockages when large lorries go down it are frequent. This is a terrible location for large scale construction traffic. Alternate routes are all as bad or worse, eg through Berden Village or Little London or Brent Pelham etc. Given the multiple plans for similar developments nearby, this is completely unacceptable and reinforces the poor choice of location.

- Need to investigate locations causing less harm and Alternative Site Selection

- the Applicant has failed even to consider its duties in this regard. It admits this. That is clearly grounds for refusal on its own, and certainly given the scale and extent of clear harm. Again I won't repeat the points made and law set out by PTP in their submission but it is crystal clear here that that is not good enough. It is also clear that a reasonable search area depends on the context: it is certainly not limited to Uttlesford and I believe that if planning policy is to have any impact on protecting BMV land and sites of rural character and amenity value directly impacting entirely rural communities, it requires that sites with poorer land/ brownfield sites and industrial sites must be considered, even if in quite different districts. It would be a nonsense if districts of high BMV land had to surrender identical amounts of land to those districts which are not as important for such use. This is another reason the Authority's strong performance to date on solar, far ahead of others (see PTP), is so important. It is important that rules largely developed to ensure Authorities develop housing to meet local need are not applied identically for power generation: electricity is not in the same way a direct matter of local need given its delivery and distribution mechanisms : if local generation and use were a factor, Uttlesford is already excelling in solar ground mounted capacity approved or operating , as the Stansted decision at PINS reinforces and as shown in the Ofgem data for Essex and neighbouring N Herts and E Herts cited in the PTP submission.

- The quality of BMV land

The site has a high percentage of Grade 2 land and a very large percentage of Grade 3a. It should be very low in priority for this land to be used and the consequent loss weighed particularly highly and as significant.

- The scale of the development

- I believe the development should be rejected on multiple bases even if it had been proposed on a smaller scale: the policy issues are mostly the same: this is just the wrong location.

- but the scale of the proposal is vast and transformative to the neighbourhood. The applicant knows that another Megawatt of capacity would tip them into a process they were unlikely to succeed in, (I suggest) so they have gone for the largest site they can. Of course neighbouring farmers and further applications loom, if this succeeds, creating an even vaster change to a particularly attractive part of the Essex/ North East Herts border countryside. But the scale of this is breath taking, effectively filling in almost completely the southern side of the attractive views, recreational and amenity land and rural setting between Berden and Stocking Pelham.

- The only real reason for choosing the site is its proximity to the Pelham sub-station and the Applicant's parent company's existing battery storage facility and relationship with the landowner; in planning policy terms, none of these is a compelling reason

- this is pretty obviously the rationale for the site selection. But the Applicant misleads by inferring that as a planning or practical ground that the proximity is necessary or an important planning factor, outweighing the considerable harms identified. Solar farms are being developed in more appropriate locations much further from sub-stations (again see PTP)

- see also the PTP cited authorities on the lack of planning weight to be given to proximity of the site to a grid sub-station, given the absence of public (as opposed to private convenience) benefit from that circumstance. This is a fundamental point, as in substance there is no other credible basis for considering the site as distinct from an array of far more appropriate south facing sites.

- Screening

- screening will not help materially to mitigate the significant and adverse harms of the development to the landscape and setting impact or to the amenity, recreational and natural environment loss

- I have this weekend walked on the relevant footpaths (and the informal footpath which I can attest has had more than 20 years of active and regular unobstructed use by local residents, on the track which runs south from the Berden/ Stocking Pelham Road starting just across from the farm track access off that road leading to Berden Priory Farm: I do not expect the Inspector to presume that footpath exists, but I confirm it does and if the development is approved I reserve the right to apply for its use to be registered as a public footpath with suitable evidence)

- the undulating fields, as you walk south, first rising, then falling, then rising again, which are classic Essex views of gentle landscapes of different levels of field with trees and hedges, cannot be screened even by mature plantings. They also cannot be screened from the views from the higher placed footpaths off and around Arnold's Spring to the north or along the Essex/ Herts border north from the Berden/ Stocking Pelham: the level of undulation and flow of the gentle slopes are simply too great: that is a key part of what makes the site such a popular and beautiful spot. It is what makes this setting and the gentle views of the church, the Hall and the Crump, so special.

B COMPARISON WITH THE STANSTED AIRPORT SOLAR APPLICATION RECENTLY APPROVED

2.1. I make no comment on the rights or wrongs of approval at Stansted in August 2022 of ground solar capacity for the Airport. But the differences in context and situation with this proposal are stark

- there is a specific need for renewable energy at the airport
- the site is next to the airport on a far less distinctively rural setting. It is already bordered by other use
- the airport owned the site already as part of their wider airport ownership
- though some BMV land was involved, the average quality was much lower than at this proposed site: almost none was Grade 2 in that case whereas Grade 2 is the largest proportion in this case
- the site is far smaller, flatter and next to a main road with excellent screening and safer access for construction
- the development is far smaller and did not infill two entirely rural villages

- the heritage implications are far less significant
- the scale of impact on community amenity, rural character and setting and on community recreational use is of a quite different order.

2.2. Whether it was the best site I do not know, but it was clearly relatively a far more appropriate site in comparison to this proposed site, or the neighbouring sites the subject of applications or proposed applications for ground solar.

PART C : OVERALL CONTEXT AND RELEVANT CONSIDERATIONS

3.1 My key concluding points are to some extent to cut through the mass of detail of points raised by the Applicant, by me above and by others.

3.2 There is only one real reason the site has been chosen: that is its proximity to the Grid substation and the fact that the Applicant's parent company presumably negotiated an option or rights to the land from the landowner as part of or subsequent to its development of battery capacity in the SW corner of the site. But this reason is not a matter of public benefit and should not be allowed to dictate where a major change of use should occur to a vast area of entirely rural land and landscape.

3.3 Rather, the proposal envisages a fundamental shift to the character, setting, amenity and community value of a vast tract of attractive and well used land, integral to the community's enjoyment, positive use and of real and substantive value.

3.4 The relevant land is distinctively high quality, with a high proportion of Grade 2 as well as 3a BMV land.

3.5 I do not criticise the landowner or the developer for pursuing the opportunity: they are each legitimately exploring opportunities. But they are doing what other developers and landowners are widely exploring, which is using BMV and other agricultural land in beautiful rural settings of real significance to the neighbouring communities, as the major source of UK new solar development. Of course for farmers the return is far higher and for developers the costs of greenfield are incredibly low relative to the sites which policy in fact would like them to use. Developers are just not incentivised to explore other sites if they can easily obtain permission in these inappropriate greenfield settings such as the so called Berden Hall farm land.

3.6 The Applicant admits it has failed to consider other options. It must do so and not just in Uttlesford but more widely, looking seriously for more suitable permitted sites. That is a clear basis for refusal.

3.7 It is regrettable that Uttlesford's track record has resulted in (a) it not having an up to date plan, and (b) it being in Special Measures. But that should not result in an over application of the rebuttable presumption in favour of sustainable development: no new Authority Plan, I suggest, is going to consider allowing development of solar at such a site. It would defeat all the planning goals about valuing the countryside, its character and intrinsic beauty and rural contexts, as well as BMV land use. The local authority recommendation bears that out.

3.8 the Authority's record on ground solar is ahead of the whole of Essex and the neighbouring districts in Hertfordshire. If that counts for nothing, then the planning goals have gone mad and rural areas with solar supportive authorities will be set up to be the main sources of new solar capacity,

creating huge long term loss for communities, our rural landscape and the core value of the Essex countryside. These changes will not be reversed, let's be realistic. Therefore we are talking about a decision as to whether, in practice, this entirely rural, attractive location of deep value and use to its residents, community and visitors, should be arbitrarily taken to a new light industrial use, just because it is cheaper and easier for developers than finding appropriate sites.

D. CONCLUSION

In conclusion I urge the Inspector, while sticking firmly to his powers and this Application, not only to reject the Application but also to the extent possible to signal that massive change to rural communities in inappropriate locations for ground solar development will not be allowed, however many applications are made, but that Planning Balance must pay appropriate weight to the suitability of locations in the light not only of the value of solar but also of those factors which value BMV farmland and value rural settings, community amenity and the intrinsic character and beauty of the countryside and our heritage.

It seems to me obvious (and I spend my career advising businessmen on investment decisions) that the weight of applications for solar will continue to be in unsuitable locations such as this one, until such time as developers realise they have to find better and more suited locations.

Efficiency in solar technology, it is well known, has improved dramatically (removing the need for subsidy). Since the decision on ending solar subsidies, energy costs have spiralled far higher and look set to stay far higher than they were, even if at some stage in the medium and longer term they decline. The economics for developers have fundamentally changed (making profitable solar development far easier) and they need to be encouraged to focus on enhancing solar productivity so that solar capacity is indeed rolled out, along with much greater use of other more efficient and reliable renewable sources, and that this occurs in locations and to an extent which recognises the value of the countryside, of rural communities and their amenity use and enjoyment of the countryside and the value of prime agricultural land, so these are left for future generations.

The tension which has been created between net zero goals and protection of the countryside is in large part a false tension. Saying no in this case will help send that important message, reducing the time wasted in making and addressing applications which should not succeed.

I will simply note that the three over arching objectives in fact signal, as do policy statements from Government the importance of not letting one agenda, even with some inherent real benefits for the country's net zero transition, override all else. The sustainable development presumption is rebuttable. Please rebut it. The case against is clear, compelling and evidence based.

Thank you for considering these comments.

Yours sincerely

James Palmer

