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Kirsty Cassie
Berden Solar Limited

Your Ref:

Our Ref: S62A/22/0006

Via email
[REDACTED]

Attachments: None.

Date: 7 September 2022

Dear Kirsty

**Town and Country Planning Act 1990 (Section 62A Applications)
Development of a ground mounted solar farm with a generation capacity of
up to 49.99MW, together with associated infrastructure and landscaping
At
Berden Hall Farm, Ginns Road, Berden**

The appointed person has reviewed the planning application and the representations received as of 5 September 2022, the end of the formal consultation period.

These can be viewed here <https://www.gov.uk/guidance/section-62a-planning-application-s62a220006-berden-hall-farm-ginns-road-berden>. Those not currently published will be by 12 September 2022.

The appointed person (M Shrigley, Inspector) has made the following comments:

1. Town and Country Planning (Environmental Impact Assessment) Regulations 2017 – a Direction has been issued by the Environmental Services Team at the Planning Inspectorate stating that an Environmental Statement (ES) is required for the proposal. Please confirm the date when the ES will be formally submitted?

For the avoidance of any doubt. The revised statutory 16 week determination period would begin from the date of the receipt of the ES information.

2. Ecology – Essex County Council's Ecological consultation response highlights there is insufficient information available on priority species in the area having regard to farm birds – particularly Skylark's, but also to other species. They note that any mitigation and compensation measures should be secured via a suitable legal agreement and that priority habitats are part of the Local Wildlife (LoWS) Site Park Green/ Pelham Centre Meadow within 50m of the application site.

How do you intend to ensure:-

i) The impact to any priority species or other species referred to in the consultation responses can be/is properly assessed by the application made? Is further survey work to be advanced by the applicant?

- ii) Details of any related ecological mitigation proposals can be formally assessed and secured where it is deemed necessary?
- iii) Any implications to relevant European sites are factored (for example the key features and conservation objectives of such sites)?

It is noted that any Biodiversity Net Gain statement would also need to reflect the most up to date position arising from any additional survey information not already accounted.

3. Heritage – Historic England have expressed concerns in relation to the impact of the scheme on the historic environment in terms of harm to a Scheduled Monument (The Crump: a ringwork 600m south of Berden). In addition, they also advise there would be harm to a non-designated heritage asset of potentially equivalent significance as a scheduled monument in the area (the archaeological remains of a ringwork within the proposed development area). They also comment there is potential for harm to other designated assets in the locality. Furthermore, a response by Essex County Council's Built Heritage advisor(s) give additional detailed advice on heritage impacts.

How do you intend to ensure:-

- i) the impact on all of the heritage assets referred to by Historic England and Essex County Council's Built Heritage comments is identified in the application documentation, responded to, and can be formally assessed?
- ii) any mitigation proposal to deal with any harm, is clarified for its suitability, and can be reliably secured?
- iii) any public benefits are able to be considered against any harm(s) identified?

4. Planning obligation/ planning condition matters –

Uttlesford Council has formally objected to the proposal. However, without prejudice to their position they also comment in the event of any approval, that a planning obligation should be required for the following:

- The submission of a Landscape Management / Maintenance Plan to be implemented throughout the lifetime of the development, including the requirements for evergreen hedging to be used to screen the development and for a minimum hedging whip of 100cm.
- The provision of a financial bond to ensure that the works can be carried out in full including the proposed mitigation and remedial measures.

- i) How does the applicant intend to address the above matters and by what formal mechanisms?
- ii) In addition, clarification of the heads of terms and details necessary for any decommissioning proposals by the applicant should be made clear.

For expediency. It is noted that any draft heads of terms and/or any planning condition wording applicable seeking to deal with the above issues should to be clarified in full at an early stage in line with the statutory timeframe triggered.

Please be aware that these are interim comments and the appointed person has yet to fully consider the application. Alerting you to this matter at this early stage allows you to respond and consider issues that have raised to seek to resolve them.

Please confirm by 9 September 2022 whether and how you wish to seek to address the above and the likely timescales for the submission of any additional information.

If you do intend to submit additional information, we suggest the timing of submission is such so that we may consult on both it, and the Environmental Statement, concurrently.

When new information is taken into account the Planning Inspectorate is required to carry out additional notification and new information. We will likely seek to undertake this concurrently with any additional consultation in respect of the Environmental Statement.

Given the above the provisional hearing date of 27 September 2022 has been postponed. We will advise on a new hearing date when a revised timetable for handling the application has been established.

A copy of this letter, and your response, will be published with the application documents and copied to the Council.

Yours sincerely,

Leanne Palmer

Inquiries and Major Casework