

My name is Rosie Somers and I am speaking on behalf of Stocking Pelham Parish Council.

You have highlighted the importance of considering the impact of the proposed development on both the landscape and heritage assets close by. I will deal with these in turn.

The Parish Council considers the effects of the Proposed Development have been significantly underestimated in the LVIA submitted by the Applicant.

As you know Paragraph 174 of the NPPF requires that Planning decisions should contribute to - and enhance - the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Uttlesford Policy S7 also requires that development should only be allowed where its appearance protects or enhances the particular character of the countryside within which it is set.

There are number of appeal decisions confirming that Uttlesford Policy S7 continues to apply, and that it should be relied upon in relation to inappropriate development as proposed by the Applicant and **afforded significant weight**. These include:

- the January 2020 appeal relating to Ellan Vannin, Sibleys Lane, Thaxted¹,
- the 2020 Appeal relating to Land opposite Monk Street Farmhouse, Monk Street, Thaxted²; and
- the very recent (9 August 2022) decision in relation to a proposed development at Warish Hall, Takeley³.

It will be clear to you when you visit the site that the visual impact of the development will be enormous - both at close range - from the numerous footpaths and local views - and from a distance - the Site can be seen from the villages of Clavering and Rickling.

The site would be transformed from farmland into a large-scale energy installation. Solar panels would cover an area seven times larger than the existing substation resulting in a significant loss of arable land cover, which is one of the key characteristics of the area.

The Parish Council has been working with a local residents group, Protect the Pelhams, who commissioned a report from Peter Radmall, a consultant landscape planner experienced in LVIAs, including renewable energy projects. He was asked to comment upon the adequacy of the LVIA submitted. The Parish Council supports Mr Radmall's conclusions.

The Proposed Development would have the effect of infilling the landscape and countryside gap between Stocking Pelham and Berden almost completely which Mr Radmall concludes to be at least **moderate adverse**, and potentially **moderate to major adverse** given the cumulative increase in the influence of energy infrastructure.

¹ PINS Ref: 3241109 Ellan Vannin, Sibleys Lane, Thaxted CM6 2NU

² PINS Ref: 3233508 Land opposite Monk Street Farmhouse, Thaxted

³ Appeal Ref: 3291524 Land at Warish Hall Farm, Smiths Green, Takeley

The Uttlesford Landscape Character Assessment concludes that the area is of “**moderate to high**” sensitivity to change overall and identifies a number of attributes of the Berden and Farnham Chalk Upland as being sensitive to change. Mr Radmall comments that attributes such as openness, tranquillity and historic integrity (as evidenced through factors such as field pattern and views of the church) are intrinsically of high sensitivity. When you visit the site you will see all these attributes are evident within the site or its immediate vicinity.

Whilst the Parish Council accepts pylons may be considered intrusive when close to the site, the remaining landscape characteristics are overwhelmingly positive. Mr Radmall comments that the character of the local area remains that of attractive countryside, in which historic land-use and settlement patterns are legible, supporting a high level of tranquillity and visual amenity.

There are a number of Public rights of Way which run across or adjacent to the site. These include

- Footpath 26 running from Ginns Road to the top of site
- Footpath 27 running parallel to Footpath 26 then following the substation access road
- Footpath 21 running through the middle of site (West to East).

The visual impacts of the Proposed Development will be particularly apparent from footpaths within the site. The footpaths will become corridors around 10 metres wide, from which the panels and associated infrastructure would initially be highly visible. As the hedgerows become established, these corridors will become enclosed leading to screening not only views of the solar scheme, but also views to the surrounding countryside (including views of the church currently gained from Footpath 21).

The Applicant has selected 15 view points and provided some photos and photomontages illustrating the anticipated visual impact of the solar development. However, the choice of viewpoints is highly selective. Given the significant impact on footpath users, the Parish Council is extremely concerned that a number of footpath views have been omitted. For example, the only view provided from Footpath 21 looks west, and does not take account of the huge impact on views looking east towards the church.

In its Environmental Statement, the Applicant says that it has considered the predicted levels of visual effect before and after mitigation. It contends that the proposed mitigating planting will typically reduce major effects to “**moderate**” in winter and “**minor adverse**” in summer. However, the Applicant acknowledges that planting hedgerows is insufficient to mitigate the visual impact of its Proposed Development from all views. This is unsurprising given the open nature of the site and the fact that it slopes. The Parish Council is particularly concerned that the view from Footpath 26 as it heads north from Ginns Road is still assessed **even** by the Applicant as “**moderate adverse**” in summer, despite mitigating planting.

The Parish Council also has significant concerns about the effectiveness of the mitigation proposed by the Applicant. The poor quality and lack of maintenance of the “mitigation planting” at the site of the Battery Energy Storage Scheme (BESS) constructed by **the very same** Applicant calls into question the Applicant’s commitment to the delivery of hedge

planting to provide effective mitigation. It is now over 4 years since the Berden BESS was built and the visual impact remains unacceptable. The bright white battery units can be seen from miles around. The promised green coloured units, 4 metre high acoustic fence and 3 metre wide belt of mature height planting after 5 years as promised in the 2017 application can only be described as a work of fiction. You will also be able to clearly see these containers on your site visit.

The landscape and visual effects therefore conflict with both local and national planning policies and are therefore unacceptable. These conflicts arise from the intrinsic scale of the development and the sensitivity of the site, particularly in relation to its openness, its representativeness of the character type, and its relationship to the many footpaths crossing the site. As Mr Radmall concludes, it is difficult to see how the current scheme, or a revised version of similar scale, could be made acceptable in landscape and visual terms.

The Parish Council is also concerned by the impacts of the proposed development on a number of **heritage assets** close to the site. .

Uttlesford's Local Plan policy ENV2 requires that development affecting a listed building should be in keeping with its scale, character and surroundings and notes that development proposals adversely affecting the setting of a listed building will not be permitted.

Paragraph 199 of the NPPF also sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm, to its significance.

Paragraph 13 of the PPG on renewable and low carbon energy adds that:

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;

You will be aware that there are a number of important heritage assets close to the boundary of the site. These include:

- The Church of St Nicholas – a Grade 1 Listed Building
- Berden Hall - a Grade 2* Listed Building and
- The Scheduled Monument at the Crump

When you visit the site you will see the long views of the church across the whole site, from its western boundary and from the footpaths which cross the site. The proposed panels, fencing and planting will sever these views of the Church.

Long-distance views into and across the Proposed site are possible from the upper floors of Berden Hall and from the site to the Hall as you will see when you visit the site.

Protect the Pelhams has obtained a report from Dr Richard Hoggett – a respected Heritage Consultant which has been shared with the Parish Council and we support Dr Hoggett’s findings which include the following:

- The applicant’s conclusion of a ‘neutral’ heritage impact on the church is **untenable**. The Proposed Development would result in ‘less than substantial’ harm to the Grade I-listed church due to changes to its setting and the severance of the long views from the west, and consider that this harm lies towards the middle of the scale.
- Rather than a ‘neutral’ impact, the Proposed Development would result in **‘less than substantial’** harm to the Grade II*- listed Berden Hall, due to changes to its setting and the severance of the views to and from the west. This harm lies towards the lower end of the scale.

As you have noted, English Heritage have also identified **less than substantial harm** arising from the impact of the scheme on the setting of a Scheduled Monument at The Crump.

Historic England have also raised concerns that the cumulative impact of the other proposed solar scheme at Maggots End and the current development would also result in harm to The Crump Scheduled Monument.

The importance of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 has already been flagged. You will also be aware of the important Court of Appeal judgement in relation to the Barnwell Manor Wind Energy Ltd⁴, where Lord Justice Sullivan concluded that:

“in enacting section 66(1) Parliament intended that the desirability of preserving the settings of listed buildings ... should be given “considerable importance and weight” when the decision-maker carries out the balancing exercise”.

Whilst I understand that weight will be given to the potential benefits of the proposed scheme, I am aware of a number of Appeal decisions which conclude that the benefits of a proposed solar scheme can be outweighed by the harm to the setting of heritage assets. These include the appeal in relation to Land at Woodhall Farm, Wichenford, Worcestershire⁵ where the Inspector concluded that:

“According to the Framework where a Proposed Development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use. Although the production of a substantial amount of electricity and the limited life of the development would constitute public benefits I do not consider these outweigh the harm I have identified to the heritage assets.”

⁴ [2014] EWCA Civ 137, Para. 24

⁵ PINS Ref: 3142020 dated 23 February 2017 – Provided in **Appendix 2**

Stocking Pelham Parish Council therefore urges you to refuse permission for this development on the grounds of potential harm to the heritage assets adjacent to the site, together with the negative landscape and visual impact, all of which outweigh the potential benefits of the proposed development. The applicant has failed to show that this scheme is best placed in open countryside between two villages: there are many more suitable places for solar panels elsewhere.