



## UTTLESFORD DISTRICT COUNCIL

Council Offices, London Road, Saffron Walden, Essex CB11 4ER  
Telephone (01799) 510510  
Textphone Users 18001  
Email [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk) Website [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)

The Planning Inspectorate  
Room 3/J Kite Wing,  
Temple Quay House,  
2 The Square,  
Temple Quay,  
Bristol,  
BS1 6PN

5<sup>th</sup> September 2022

Your ref: S62A/22/0006

Our ref: UTT/22/2046/PINS

Please ask for Mr Laurence Ackrill on [REDACTED]  
email: [REDACTED]

Dear Major Casework Team,

**Regarding: Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 (as amended).**

Thank you for your letter of 4<sup>th</sup> August 2022 confirming that the Planning Inspectorate has received an application seeking planning permission for the development of a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping at the Berden Hall Farm, Ginns Road, Berden.

The Council has now had the opportunity to review all the documentation that was submitted by the Applicant in respect to the proposals and wishes to make representations in respect of this application, incorporating comments from internal/external non-statutory consultees and including observations in respect of the manner in which the application is to be determined.

The application was presented to Members of the Planning Committee on the 31<sup>st</sup> August 2022. In addition to the issues defined in the officers' Committee report, the main planning issues in respect of which the Council would like the Inspector to consider as part of their assessment of the proposals include:

**Loss of Best and Most Versatile (BMV) Agricultural Land**

Policy ENV5 of the Uttlesford Local Plan states that development of the best and most versatile agricultural land will only be permitted when options for accommodating development on previously developed sites or within existing development limits have been assessed. . Where development of agricultural land is required, developers should seek to use areas of poorer quality land except where other sustainability considerations suggest otherwise.

The applicant has failed to assess whether the proposed development could be accommodated elsewhere within the district, in a location which may prove to be more sustainable or upon land of a poorer quality of agricultural category, and the lack of justification for this and / or a sequential test in this regard is not outweighed by the public



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benefits of the proposal. The proposal would therefore be contrary to policy ENV5 of the Uttlesford Local Plan (2005).

The Council are concerned about the loss of the agricultural land as part of the development. The applicants' Agricultural Land Classification Report provides a breakdown of the grading of land within the site. 45.8 ha (72 percent) would be BMV, including 37% Grade 2 land, which would equate to around 17 ha. The remainder is classified as moderate quality agricultural land (Grade 3b).

The proposed solar farm would occupy land within the site for a temporary period of forty years, after which the land would return wholly to agricultural use, with grazing possible between and under the arrays while in situ. However, such justifications for the use of BMV for the lifetime of the development need to be more robustly evidenced as there is likely to be an effect on food production over the 40-year period, which in more meaningful terms itself exceeds a generation, of change.

The applicant suggests that during the operational stage of the development, the land will have time to assist in the soils to 'rest' thus enhancing the quality of land for future agricultural use following the decommissioning of the solar farm. However, putting aside land as fallow to recover fertility generally is for periods of between 1-5 years depending on the crops produced. This is a significantly shorter period than the potential length of operation of the solar farm. As such, the benefit of the development allowing the soil to 'rest' would bear little weight in support of the proposal.

### Landscape and visual effects, including recreational users of the public right of way network

Chapter 15 of the NPPF (2021) contains overarching policies for conserving and enhancing the natural environment. It indicates that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Paragraph 13 of Section 5 of the PPG acknowledges that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes.

Uttlesford Policy S7, in requiring the appearance of development "to protect or enhance 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", is broadly consistent with NPPF paragraphs 130 and 174b and should be given moderate weight.

Moreover, policy ENV15 of the Uttlesford Local Plan which states that small scale renewable energy development schemes to meet local needs will be supported providing it can be demonstrated that they do not adversely affect:

- i) The character of sensitive landscapes;
- ii) Nature conservation interests; or
- iii) Residential and recreational amenity.



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The supporting text for Policy ENV15 states that schemes should be sited close to settlements or groups of buildings in rural areas and close to the origin of the energy resource. Development will only be permitted in locations where the local road network is capable of handling any additional traffic generated by the proposal.

In this case, the proposals result in a significant large renewable energy scheme outside the aims and guidance of policy ENV15 which accepts smaller schemes subject to meeting certain criteria. Even when considering the presence of existing electrical infrastructure, the scale of the solar array, the proposal would result in an adverse visual impact causing harm to the landscape character and appearance of the area. The Council also requests that the Inspector takes into consideration the cumulation of the effects of such planning permissions granted in the area, where there are other permissions currently being sought under reference 3/22/0806/FUL (Stocking Pelham Battery Energy Storage System), as well as the existing Pelham Substation and Pelham Battery Storage facility.

Moreover, the proposed solar array would be visible to recreational users from a number of designated Public Rights of Way (PRoW) that both traverse and are parallel to the site. The Landscape and Visual Impact Assessment submitted by the applicant highlights that there are potentially moderate to major adverse effects on visual receptors from various viewpoint locations for users of PRoW 5/26, and 5/21, which are stated as being significant even after the installation of mitigation measures.

The Council considers that the proposal, due to the adverse effect upon the character and appearance of the area, particularly when viewed from the PRoW, would be contrary to policies S7, ENV15 and GEN2 of the Uttlesford Local Plan (2005).

The Council also welcomes the request from the Planning Inspectorate for an Environmental Impact Assessment to be submitted by the applicant.

### Consideration of Other Sites and Existing Solar Farm Permissions

As mentioned above, the Council is concerned about the lack of consideration for other sites within the district / the lack of justification and / or sequential test for the use of the proposed site.

The Council considers that the district of Uttlesford has already made a significant contribution to renewable energy in terms of permissions granted for solar farms, the cumulative effect of which should reduce the pressure to consent further solar farms on greenfield sites without robust justification.

A number of recent permissions involving solar farms have been granted at the following sites.

- UTT/21/0688/FUL - Land at Cole End Lane, WIMBISH
- S62A/22/0000004 (UTT/22/1474/PINS) - Land East of Parsonage Road, And South of Hall Road TAKELEY
- UTT/21/2846/FUL - Green Energy Hub, Chesterford Park, GREAT CHESTERFORD
- UTT/22/0007/FUL - Land East of School Lane, FELSTED



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### Impact on Heritage Assets and Archaeology

The site is near to a range of Listed Buildings, including Grade 1 (Church of St Nicholas), II\* (Berden Hall) and several Grade II. The Crump, a 'ringwork' south of Berden, is a Scheduled Ancient Monument and is also in close proximity to the application site.

The Council requests that the Inspector takes into consideration the impact the proposal would have on the setting of these heritage assets and to place importance upon the preservation of these assets, particularly the Scheduled Monument as this feature is of the highest designation and is of national significance.

### Noise & Traffic Issues

The Council are in receipt of Uttlesford District Council's Environmental Health Officer's comments in which a full copy is attached for the Inspector's information.

Nevertheless, concerns are raised in relation to the potential noise levels created by the development not giving due regard to already high levels of background noise created by the existing battery plant serving the Stocking Pelham Substation, and therefore the proposal has the potential to result in unacceptable levels of noise and disturbance to neighbouring residential occupiers in close proximity to the development site.

Concerns are also raised in relation to inaccurate information submitted as part of the applicant's Construction Traffic Management Plan, there being roads allocated for construction traffic that are not suitable for such. The Council requests that the Inspector scrutinise the accuracy of detail that is provided within that document.

### Consultation Documentation

The following documentation is provided as part of the Uttlesford District Council's consultation response in which should form part of the Inspectors assessment of the proposals.

- Officers Committee Report
- Minutes of the Planning Committee Meeting (31<sup>st</sup> August 2022)
- Uttlesford District Council's Environmental Health Officer
- Berden Parish Council Comments

### Suggested Conditions:

Following discussions by members of the Planning Committee on 31<sup>st</sup> August 2022, it was further advised by members that if the Inspector is mindful of granting consent for the works, that the additional following condition and S106 Heads of Terms also be imposed in addition to those provided within the officer's Committee report:

Condition:



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1. Prior to first use of the Battery Storage System, a Battery Safety Management Plan (BSMP), including their location in relation to fire access, shall be submitted to and approved in writing. The BSMP must prescribe measures to facilitate safety during the construction, operation and decommissioning of the battery storage system. The BSMP shall be implemented as approved.

REASON: To ensure safe operation of the battery storage system and avoid fire risks and pollution in accordance with Policy ENV12 and ENV15 of the Uttlesford Local Plan (adopted 2005).

### S106 Heads of Terms

1. 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.
2. The provision of a financial bond to ensure that the works can be carried out in full, including the proposed mitigation and remedial measures.

The Council also seeks confirmation from the Inspectorate that if any pre-commencement conditions are imposed, then the Council has the right to seek the appropriate application fees if the details of these conditions are submitted to the Council for discharging.

### Summary:

The concerns raised above are considered to outweigh the benefits of the proposed green energy provision in this location. The Council therefore RESOLVED to OBJECT to the proposed development.

Your Sincerely

Dean Hermitage MA Mgeog MRTPI  
**Director of Planning**