

30th August 2022

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

By email: planning@uttlesford.gov.uk


Dear Sir

**Re: Planning Application Reference: UTT/22/2046/PINS
Consultation on S62A/22/0006 - Development of a ground mounted solar farm
with a generation capacity of up to 49.99MW, together with associated
infrastructure and landscaping.
Land At Berden Hall Farm, Pelham Road, Berden**

With regards to the planning officer's report to committee 31st August 2022, we are writing to highlight the following comments and concerns:

1. Residents' Consultation by Uttlesford District Council – We note the letter dated 5th August 2022 sent by the Council to residents inviting representations, the officer's report and the Council's planning website incorrectly refers to Dewes Green Road as the application address, not Ginns Road as stated on the planning application form.

This has caused considerable confusion with residents, several of whom are not responding to the consultation as Dewes Green Road is located to the north and in a more remote part of Berden parish.

In fact reference by the applicant to Ginns Road is also misleading. The Essex County Council highways gazetteer references the road directly to the north of the application site as Pelham Road. The Hertfordshire County Council highways gazetteer references the road beyond the application as Ginns Road where this is within Hertfordshire (but not abutting the application site).

The Council have both incorrectly and misleadingly referenced the application address as Dewes Green Road. This is a clear administrative error and we suggest the Council correct this error and re-consult of the planning application given the misrepresentation. The applicant should be asked to refer to the address as both Pelham Road and Ginns Road to again correct this error.

2. Para 3.8 New Woodland Planting – The report refers to 1 hectare of new woodland planting. Given this application is for a 40 year life, this woodland screening should be just starting to get established by the 40th year when the solar panels are removed.

3. Para 7.1 Statutory Consultees – The Parish Council are surprised and concerned that the Council’s planning officers are writing their planning report and opinion without reference or regard to the full statutory consultees comments. Also, not all of the public objections and representations sent direct to PINS are shown on the Council’s website and presumably not read by the Council’s planning officers.

Such comments and representations are of fundamental importance to the planning officer’s judgement of this planning application.

4. Para 10.1 Representations – As item 1 above, the Council have advertised the application address in error.
5. Para 13.3.6 Policy S7 – The Council planning officer refers to Policy S7 as only being partially compatible with the current NPPF, as it has a more protective rather than positive approach towards development in rural areas.

The report fails to reference the core principle of the NPPF to recognise the intrinsic value and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes such this area.

The Council planning officer’s report for the refusal of the nearby Low Carbon planning application UTT/21/3356 dated 24th January 2022 considers the same policy and same NPPF policies and concluded:

The proposal would introduce a sizeable new development to an area of open countryside and would result in an unnatural extension of built form in the locality. The proposals by reason of its sitting, size and scale would have a harmful impact upon the rural character and appearance of the area.

The proposals would significantly harm the intrinsic character and beauty of the countryside resulting in landscape and visual effects from a number of publicly accessible viewpoints and failing to perform the environmental role of sustainability, contrary to policy S7 of the Adopted Local Plan and the National Planning Policy Framework

This refusal was for a scheme that was less visible from Berden and the surrounding countryside than the current planning application. If the Council recommends the grant of permission to PINS this is wholly inconsistent with its previous decision and refusal of the Low Carbon scheme.

6. Para 13.3.7 Landscape and Visual Effects – The Council planning officer’s appraisal seems to be limited to a simple paragraph: “the proposed development would result in some adverse landscape and visual effects. The significant effects would be confined to a relatively small area of countryside which is already significantly influenced by electrical infrastructure”.

Yet it has been the Council’s recent decision making that has resulted in the significant influence from electrical infrastructure. We are referring the visual blight from the Statera 2017 battery storage facility we have previously written to the Council on the ‘lessons learned’ from that scheme.

It seems the Council planning officer is now ignoring such ‘lessons learned’ despite a previous assurance from Nigel Brown directly to this Parish Council.

This concept by the Council that its own planning errors in 2016-17 (which have led to significant detrimental visual effect on the countryside) means this solar proposal is now deemed acceptable is ridiculous.

It is the Statera battery units that are the main visual blight because Statera have not provided the confirmed green (not white) plant and failed to provide green palisade fencing, 4 metre acoustic fencing and proper landscaping.

The Pelham substation itself is screened by woodland on two sides and has limited views and visual impact. It is the Statera battery units that are the current blight.

Statera’s LVIA dated August 2016 for the battery units promised a photomontage of green units within an agricultural style barn and 7 metre high landscaping within a few years as follows:



The reality, four years after construction, is far from this carefully screened and hidden “promise”.



The Council’s paragraph 13.3.7 states “Once mitigation is effective the impact to the majority of receptors would be either Negligible or Minor”. Yet we now from real experience the mitigation is not effective. In any event, the screening of a small

battery plant is an entirely different issue to being able to satisfactorily screen 171 acres of solar installation.

7. Para 13.3.11 Landscape Planning Conditions – As above, experience dictates the use of planning conditions does not ensure that a robust soft-landscaping scheme would off-set the visual impact of the proposed development. The Council planning officer is incorrect in making this statement to the Planning Committee.
8. Para 13.3.14 Agricultural Land Classification – The Council planning officer is incorrect in its statement “the majority classification of agricultural land of the application site is classed as subgrade 3a/b”.

Paragraph 174(b) of the Framework states “Planning policies and decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”.

Annex 2 of the NPPF defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification”.

Local Policy ENV5 states that where agricultural land is required, developers should seek to use areas of poorer quality except where other sustainable considerations suggest otherwise.

The officer’s report incorrectly refers the majority classification being as a subgrade. In fact, 72% of the application site is made up of NPPF defined “best and most versatile land” (grades 2 and 3a). Grade 3a is not subgrade.

This needs to be corrected or the Planning Committee are being misled.

9. Paras 13.3.15 & 13.8.4 Noise – The Council planning officer states: “the development would not result in a significant increase in noise levels”.

The noise assessment confirms the solar inverters and transformer will have a maximum operational sound power level (SWL) of 91 dBA LW (reference section 4.3).

The assessment has regard to existing background noise levels which were recorded and the assessment concludes the noise from this development is less than the existing.

However, the Council planning officer is ignoring the Parish Council’s previous comments and concerns that the background noise surveys are made higher by the noise from the existing 2017 Statera battery plant.

Berden Parish Council have previously highlighted to Uttlesford the error made by the planning officers in the issue of the variation planning permission which regrettably omitted any noise mitigation and no noise planning condition. The original grant of planning permission had highlighted adverse noise consequences and had required a substantial acoustic screen. There is no noise mitigation in place at all.

There are historic letters set to the Council in this regard.

The consequence of this is that the noise consultant has recorded a high background base noise level because of the noise from the unmitigated and unscreened existing battery plant which the Council itself approved and then accepted a variation to remove all noise mitigation (seemingly in error).

The Parish Council raised this background noise matter with the Council by email dated 14th February 2022 and asked that this is highlighted now to Statera and their noise consultants take this unacceptable baseline position into account. This has not been done.

The Council planning officer must highlight to the Planning Committee this error by the Council.

10. Para 13.3.19 Landscape – We note this report to Planning Committee is written without any advice or assessment by the Council’s own Landscape Officer.

The landscape impact is a fundament and key component of this application’s consideration. To report to the Planning Committee without this advice is misleading to say the least.

11. Para 13.5.3 Construction Traffic Management Plan – The traffic route shows a direct access from the A120 new bypass through Albury to Stocking Pelham. This route does not exist. The traffic plan is incorrect and the Planning Committee need to be made aware the construction traffic will be routed through Little Hadham, Albury and Stocking Pelham by wholly unsuitable roads (single width in places).

12. Para 13.7.8 Heritage – The Council planning officer considers the level of harm to heritage assets would be ‘less than substantial’ and towards the lower end of the scale of ‘less than substantial’.

Yet the same Council with the same heritage assets and an identical proposal by Low Carbon nearby (UTT/21/3356 dated 24th January 2022) decided, having regard to the guidance in paragraph 202 of the NPPF the public benefits associated with the development would not outweigh the harm caused to the significance and setting of the designated heritage asset. The Low Carbon proposals were deemed contrary to policy ENV2 and ENV4 of the Adopted Local Plan and the NPPF.

The Council planning officer’s approach is incongruous and without reason.

This proposal is directly next to Berden Hall, St Nicholas Church and in direct line of sight of the Crump. The damage to heritage assets is far greater.

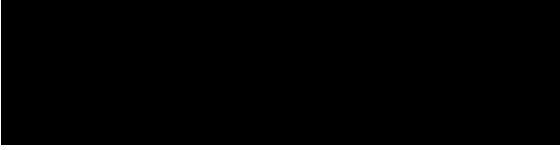
Based on the above, we consider the report to Planning Committee is flawed and incongruous with the Council’s approach and decision on the Low Carbon planning application. This requires an update note to Committee.

The Parish Council have raised a number of concerns previously regarding noise in particular that has been completely ignored.

We further consider the Council need to re-consult with neighbours based on the correct address as this is misleading neighbours in the parish.

We acknowledge the Council have to submit a response to PINS by 5th September 2022.
However, this report contains errors and conflicting advice which the Planning Committee
must be made aware of.

Yours faithfully,



Laura Free
Clerk to Berden Parish Council