

By email only : section62a@planninginspectorate.gov.uk

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

1 September 2022

Dear Sir/Madam,

Re. Section 62A Planning Application
S62A/22/0006 Berden Hall Farm, Ginns Road, Berden

I am writing to **object** to the proposed development.

The reasons for my objection is that the proposal is contrary to Uttlesford District Council's Local Planning Policies and that it also fails to accord with the relevant provisions of the 2021 National Planning Policy Framework ("NPPF") and the associated guidance.

Landscape and Visual effects

Uttlesford Policy S7 requires (among other things) that development should only allowed where its appearance protects or enhances the particular character of the countryside within which it is set, or if there are special reasons why such development needs to be in that location.

It seems to me that this policy is consistent with paragraph 174 of the NPPF (Conserving and enhancing the natural environment) which provides that planning ... decisions should contribute to and enhance the natural and local environment by:b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

The proposed development is to be located between two small villages. Berden (which is in the Uttlesford District) and Stocking Pelham which is in East Herfordshire. The impact of a solar farm of the scale proposed (177 acres) will be of such magnitude that it will totally alter the nature of the local environment. Not only will the effect be to industrialise a green field site, it will also "in fill" the current gap between the two villages such that their rural setting will be entirely altered.

I also wish to bring to your attention the fact that an application for a solar farm of similar size was rejected by Uttlesford District Council in January of this year. The location of the development proposed by Statera and the earlier (rejected development) at “Pelham Spring” are shown below:



One of the grounds for refusal of the “Pelham Spring” proposal was as follows:

“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 proposal 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”.

Given the proximity of the two sites and similarity of the landscape, it seems to me that the reasons for rejecting Pelham Spring are equally applicable to the solar farm development now at Berden Hall Farm.

Unnecessary use of BMV Land

The second part of paragraph 174 (b) makes reference to the benefits of the best and most versatile agricultural land. Paragraph 175 continues that: “Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework ⁵⁸”.

Footnote 58 states that “Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”.

I am also aware of separate Planning Practice Guidance Note (“PPG”) which provides guidance in relation to planning practice for “Renewable and low carbon energy” (<https://www.gov.uk/guidance/renewable-and-low-carbon-energy>). Paragraph 13 of the PPG focuses on “particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms”. The section includes the following requirements:

“where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013 and written ministerial statement on solar energy: protecting the local and global environment made on 25 March 2015”.

The written ministerial statement made on 25 March 2015 specifies that “ any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence”.

The applicants have submitted an ALC study which shows that the 72% (or 45.8ha) of the site comprises Grade 2 and Grade 3a land. In fact, it appears that the ALC exercise conducted by the applicant focuses on only 63.4 (156.6 acres) of land and that a parcel of land to the South West of the site has been omitted. Nevertheless, the vast majority of the land at the Site is Best and Most Versatile (BMV) land.

I understand that the applicants held an exhibition in Berden Village Hall in March 2022 and that following this event they posted on the project website a list of “FAQ” and answers. One of the questions posed (and answers provided) was as follows:

Question: “*What other locations did you consider?*”

Answer: “None. *Statera Energy has selected this site on its merits alone and believes it is a good site to promote.*”

There is therefore no evidence to demonstrate that other sites of lower quality land have been considered (and no evidence that airports or landfill sites have been assessed). As

there is no evidence at all, it cannot logically amount to “the most compelling evidence” required to justify the use of BMV land.

Harm to Heritage Assets

Uttlesford’s Policy ENV2 states that “Development affecting Listed Buildings Development affecting a listed building should be in keeping with its scale, character and surroundings. development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building will not be permitted.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the “Act” states that “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

Lastly Paragraph 199 of the NPPF (2021) states 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 (and 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’

The site chosen by Statera for its solar farm is in close proximity to the Church of St Nicholas (a Grade 1 Listed building), Berden Hall (which is Grade 2* Listed) and the Crump (the site of Scheduled Monument). My own research (which explored the 1839 Tithe apportionment map) confirms that the proposed site and Berden Hall were in common ownership and there is therefore a clear historical connection between the land and the Hall.

Whilst I am not a heritage expert, it seems to me that the construction of an industrial development in such close proximity to these important heritage assets is bound to be harmful. Given the importance of the assets in question, it would seem logical that any should give rise to a strong presumption against the grant of planning permission. I also note that a second reason given by Uttlesford District Council for the refusal of permission in relation to “Pelham Spring Solar Farm” was that:

“There are several heritage assets in close proximity of the site including a number of grade two listed buildings and 2 ancient monuments. The existing site positively contributes to the identified heritage assets setting and significance through being open land with views through to the wider agrarian landscape which preserves their sense of tranquillity. The setting of the heritage assets will inevitably be affected by the proposals which would result in an industrialising effect, contrary to the verdant and rural landscape setting and would result in an erosion of the rural character of the designated heritage assets. The proposals would thereby result in 'less than substantial' through change in their setting”.*

* one of those ancient monuments being The Crump.

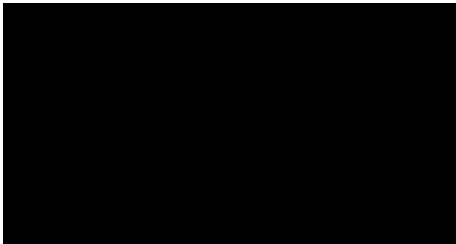
“Having regard to the guidance in paragraph 202 of the National Planning Policy Framework, the Local Planning Authority has considered the public benefits associated with the development but concludes that these would not outweigh the harm caused to the significance and setting of the designated heritage asset. The proposals are thereby contrary to policy ENV2 and ENV4 of the Adopted Local Plan and the National Planning Policy Framework.”

Attendance at the Hearing

Finally, I note the requirement that “in the event that a hearing is scheduled, and you would wish to speak at the hearing, you must make this request at the time you submit your written representations”.

I therefore confirm that I do wish to speak any hearing called for the purposes of considering the proposal to build Berden Solar Farm.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Claire Russell