

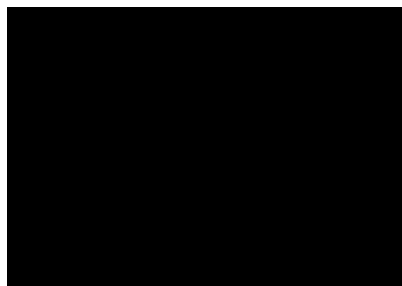


# **Objection to development at Berden Hall Farm**

PINS Reference:

S62A/22/0006

1 September 2022



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## A OVERVIEW

1. An application has been submitted by a dormant subsidiary of Statera – Berden Solar Limited (the “Applicant”) to the Planning Inspectorate (ref S62A/22/0006) for permission to construct a 49.99 MW solar farm and associated infrastructure on 177 acres of agricultural land (the “Proposed Development”). The site (the “Site”) is located at land to the West of Berden and to the East of Stocking Pelham in East Hertfordshire and in close proximity to Grade 1 listed St Nicholas Church, Grade 2\* listed Berden Hall and the site of a Scheduled Monument at the Crump.
2. This representation is submitted by “Protect the Pelhams” (an action group set up by local residents opposed to the industrialisation of the countryside) to object to the Proposed Development.
3. As the numerous appeal decisions referred to in this document demonstrate, any decision to approve a solar farm requires careful balancing of a range of planning considerations including the impact on protected heritage assets and impact on the character and the impact appearance of the landscape. Applicants are also required to produce **the most compelling evidence** to demonstrate that (among other things) there are no suitable sites of lower agricultural quality within the wider area. Whilst many of the appeal decisions referred to below recognise that considerable weight should be given to the benefits of renewable energy schemes, those benefits are **frequently outweighed** by other considerations of the sort which are relevant to the Proposed Development.
4. Although the Applicant stresses the “temporary” nature of the Proposed Development, 40 years is a considerable period of time – a fact which has been recognised by the Secretary of State in at least two appeal decisions, including the appeal in relation to Badsell Road, Five Oak Green, Tonbridge, Kent<sup>1</sup>:

*“The Secretary of State takes the view that 25 years is a considerable period of time and the reversibility of the proposal is **not a matter he has taken into account** in his consideration of whether the scheme should go ahead”*

5. Overall, the Proposed Development is not appropriate on the Site and does not accord with relevant local and national planning policy and guidance. It is clear that the proposal has not been justified by the **most compelling evidence**. As such, the **APPLICATION SHOULD BE REFUSED** on one or more of the grounds summarised below and detailed more fully in this statement.
6. Should additional information be submitted by the Applicant, we request the opportunity to review and provide further comment.
7. **We also ask the three representatives of Protect the Pelhams should be given the opportunity to speak at any hearing that is convened for the purpose of considering the application.** We further request that **all three the consultants** who have prepared reports which accompany this document (Peter Radmall, Dr Richard Hoggett and Bruce Bamber) **should be allowed to speak at any hearing.**

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<sup>1</sup> PINS reference:2226557 dated 30 November 2015 – Provided in **Appendix 2**

## **A1: Summary of grounds for refusal**

### **Ground 1: Unnecessary use of BMV Land**

8. As explained in **Section C** below no evidence has been submitted to demonstrate the need to use best and most versatile agricultural land at this location and the Proposed Development should therefore be refused for the following reason:

*The Proposed Development is unacceptable due to its location on Best and Most Versatile agricultural land. The Applicant has not demonstrated that (i) the proposed use of agricultural land is necessary and (ii) that poorer quality land has been used in preference to higher quality land. The proposal is therefore contrary to the provisions of the National Planning Policy Framework, Policy ENV5 of the Uttlesford Local Plan, Planning Practice Guidance and Government Guidance contained within the Ministerial Statement of March 2015.*

### **Ground 2: Unacceptable impact on the appearance and character of the locality**

9. **Section D** demonstrates that permission should also be refused due to the impact on the appearance and character of the locality by reason of the size, scale, incongruous appearance, and inappropriate nature of the proposals. As is explained in the LVIA which accompanies this document (see **Appendix 8**), the effects of the Proposed Development have been significantly underestimated by the Applicant.
10. The landscape and visual effects conflict with a series of policy tests at the Local Plan and NPPF levels, and in that context are deemed to be 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 PRoWs. 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.
11. .The Proposed Development should also be refused for the following reason:

*The Proposed Development would be harmful to the appearance and character of the locality by reason of the size, scale, incongruous appearance, and inappropriate nature of the proposals; particularly with regards to the disproportionately detrimental effects upon landscape, residential amenity and experience of users of the local footpath network. As such, the proposal is contrary to the requirements of Policy S7, Policy ENV15 and Policy GEN2 of the Uttlesford Local Plan and paragraph 130 of the National Planning Policy Framework.*

### Ground 3: Harm to the significance of heritage assets

12. **Section E** considers the impacts of the Proposed Development on a number of heritage assets which are located in close proximity to the site. These include:

- A Scheduled Monument known as ‘The Crump’ (National Heritage List for England Entry No. 1009308);
- The Church of St Nicholas – Grade I (National Heritage List for England Entry No. 1170264);
- Berden Hall – Grade II\* (National Heritage List for England Entry No. 1112468);
- Granary north-east of Berden Hall – Grade II (National Heritage List for England Entry No. 1306141); and
- The Crump and Former Barn – Grade II (National Heritage List for England Entry No. 1112471).

13. A report prepared by Dr Richard Hoggett is attached to this document as **Appendix 9**. Dr Hoggett concludes that the dramatic change of landscape character which would be brought about by the Proposed Development, from the current (and historical) agricultural character to a landscape of industrialised energy production on a very large scale, would have a much greater impact than is stated by the Applicant. The Proposed development (if permitted) will give rise to a number of less than substantial impacts on toward the middle end of the scale on each of The Crump (Scheduled Monument) and the Church of St Nicholas (Grade 1 Listed Building).

14. Dr Hoggett notes that Scheduled Monuments and Grade I and Grade II\* listed buildings, are among the highest categories of designation and are of national significance. As such, under paragraph 202 of the NPPF, the harm to these heritage assets needs to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Under paragraph 197 of the NPPF, 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. Likewise, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and subsequent legal judgements indicate that this harm should be given ‘considerable importance and weight’ when the decision-maker carries out the balancing exercise.

15. The Proposed Development should also be refused for the following reason:

*The Proposed Development would cause harm to the significance of heritage assets which is not clearly outweighed by the benefits of the proposal. As such, the proposal is contrary to the requirements of Policy ENV2 of the Uttlesford Local Plan, paragraphs 199 and 200 of the National Planning Policy Framework and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

## Other issues

### Section F

16. In section F we flag a number of concerns regarding the Applicant's proposed approach to dealing with construction traffic, noting that the Site is in located on a small country lane which can only be accessed via other equally unsuitable roads. The report of Bruce Bamber (at Appendix 10) also flags some material shortcomings of the Applicant's Construction Management Traffic Plan.
17. Lastly, we highlight the failings of the Applicant's approach to "community consultation" and note that overwhelming response from local residents is that the Site is the wrong location for a solar "farm".
18. The Planning Inspector should therefore have regard to the speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013 in which the Minister makes the following comments:

*"But not at any cost... not in any place... not if it rides roughshod over the views of local communities. As we take solar to the next level, we must be thoughtful, sensitive to public opinion, and mindful of the wider environmental and visual impacts."*



## B PLANNING POLICY FOR SOLAR DEVELOPMENTS

19. Uttlesford District Council is currently preparing a new Local Plan which will include a specific policy on solar farm development. The Council's Local Development Scheme<sup>2</sup> anticipates:

- publication of the Regulation 19 "Submission Draft" Local Plan for consultation in November and December 2023;
- submission of the final draft of the plan, plus comments received from the Regulation 19 consultation, to the Planning Inspectorate for examination in May 2024; and
- adoption of the plan in March 2025.

20. In the interim, national planning policy and guidelines apply to all planning applications for solar farms together with those local plan policies which remain consistent with national planning policy.

21. The new Local Plan (and any decisions on solar farm development taken pending the implementation of the new Local Plan) will need to be cognisant of:

- Paragraph 158 of the of the National Planning Policy Framework ('NPPF') which establishes that planning applications for renewable and low carbon development should only be approved if the impacts of the Proposed Development are (or can be made) acceptable;
- Paragraph 174 of the National Planning Policy Framework ('NPPF') which states that:

*"Planning policies and 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";*

- Paragraph 175 of the NPPF which states:

*"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 <sup>58</sup>".*

*Footnote 58 – "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".*

22. Whilst we do not wish to repeat all of the relevant local and national planning policies, Uttlesford District Council's Guidance on applications for solar farms<sup>3</sup> states the Local Planning Authority will have regard to the requirements summarised in Planning Practice

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<sup>2</sup> <https://www.uttlesford.gov.uk/article/4969/Local-Plan-timetable>

<sup>3</sup> <https://www.uttlesford.gov.uk/article/7282/Solar-farms>

23. The particular factors which need to be considered are assessed in the table below:

POLICY CONSIDERATIONS	ASSESSMENT
<p><b>PPG Para 170:</b> Encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value.</p>	<p>With a site area of 177 acres the proposal clearly constitutes a large scale solar farm on agricultural land and is not located on land which has been previously developed.</p>
<p><b>PPG Para 170:</b> 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.</p>	<p>As outlined in <b>Section C</b> of this statement, the Development Proposal has not been justified by the most compelling evidence that the use of agricultural land in this location is (i) necessary and (ii) that poorer quality land has been used in preference. This should weigh substantially against the proposal.</p>
<p>A <b>written ministerial statement</b> on solar energy: protecting the local and global environment made on 25 March 2015 in which the Minister states that:   <b>“any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence”</b></p>	<p>As outlined in <b>Section C</b> of this statement, The Development Proposal has not been justified by the most compelling evidence that the use of agricultural land in this location is (i) necessary and that (ii) that poorer quality land has been used in preference. This should weigh substantially against the proposal</p>

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<sup>4</sup> [Paragraph: 013 Reference ID: 5-013-20150327](#)

POLICY CONSIDERATIONS	ASSESSMENT
<p><b>PPG Para 170:</b></p> <p>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.</p>	<p>As outlined in <b>Section D</b> below, the Proposed Development will negatively impact the setting of nearby heritage assets and this should be a reason for refusal.</p>
<p><b>PPG Para 170:</b></p> <p>The potential to mitigate landscape and visual impacts through, for example, screening with native hedges.</p>	<p>The proposed mitigation planting will not be sufficient to mitigate the significant landscape and visual impact as detailed in <b>Section E</b>.</p>
<p><b>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 in which the Minister makes the following comments:</b></p> <p>“But not at any cost... not in any place... not if it rides roughshod over the views of local communities.</p> <p>As we take solar to the next level, we must be thoughtful, sensitive to public opinion, and mindful of the wider environmental and visual impacts.”</p>	<p>As noted in <b>Section F</b> of this statement, there is significant local opposition to the Proposed Development.</p>

POLICY CONSIDERATIONS	ASSESSMENT
<p><b>PPG Para 170:</b></p> <p>That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.</p>	<p>The Proposed Development includes 10 containerised inverter units (the size of standard shipping containers) and a substation which will require built foundations. These are therefore permanent structures.</p> <p>As noted above, there are several decisions confirming that the “temporary” nature of a solar farm should be given no weight. These decisions include a more recent Secretary of State decision in relation to a proposed solar farm, where it was determined that the proposed 30 years is a considerable period of time and the reversibility of the proposal should be given <b>no material weight</b> as the harmful effect would prevail for too long<sup>5</sup>. The Proposed Development at Berden Hall would be for even longer as the Applicant has requested 40 years.</p>
<p><b>PPG Para 170:</b></p> <p>The proposal’s visual impact, the effect on landscape of glint and glare (see <u>guidance on landscape assessment</u>) and on neighbouring uses and aircraft safety.</p>	<p>As outlined in <b>Section E</b>, the visual and landscape impact of the Proposed Development should be a reason for refusal.</p>
<p><b>PPG Para 170:</b></p> <p>The need for, and impact of, security measures such as lights and fencing.</p>	<p>The Proposed Development includes perimeter fencing and pole-mounted CCTV which contribute to the landscape and visual impact.</p>
<p><b>PPG Para 170:</b></p> <p>The energy generating potential, which can vary for a number of reasons including, latitude and aspect.</p>	<p>The solar farm will have a peak generating capacity of 49.9MW and the need is discussed in <b>Section C</b>.</p>

24. When assessing the Proposed Development with the relevant considerations outlined above, it is evident there are several key issues which significantly weigh against the scheme. The use of best & most versatile agricultural land, the impact on heritage assets and the landscape & visual impact are explored in further detail in the following sections of these representations.

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<sup>5</sup> Limolands Farm, Vaggs Lane, Lymington – PINS reference 3006387

## C SITE SELECTION, NEED AND USE OF BEST & MOST VERSATILE AGRICULTURAL LAND

25. The Proposed Development will be situated on 71.58 hectares (177 acres) of agricultural land. However, the Agricultural Land Classification exercise conducted by the Applicant focuses on only 63.4 (156.6 acres) of land. It is evident that a parcel of land to the South West of the site has been omitted. The conclusions of the Agricultural Land Classification report are therefore unsafe.
26. Nevertheless, according to the Agricultural Land Classification report Grades 2 & 3a make up 72% of the site or 45.8ha and Grade 3b land makes up 28% of the site or 17.7ha. It follows that the vast **majority of the land at the Site is Best and Most Versatile (BMV) land.**

### C1: Material considerations for use of best and most versatile land

27. The proposed use of greenfield land and particularly BMV agricultural land, needs to be shown to be **necessary** and that poorer quality land has been used in preference to higher quality land. These requirements are set out in the following documents:

Policy Document	Relevant text
<p><b>National Planning Policy Framework (“NPPF”)</b></p>	<p><i>Paragraph 174 of the NPPF states that:</i></p> <p><i>Planning policies and 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 <b><u>the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland*</u></b>;</i></p> <p><i>Paragraph 175 of the NPPF states that:</i></p> <p><i>“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”<sup>58</sup>.</i></p> <p><i>Footnote 58 notes that “Where significant development of <b><u>agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality*</u></b>”.</i></p>

Material considerations for use of best and most versatile land	
Policy Document	Relevant text
<p><b>Planning Practice Guidance (Renewable and low carbon energy) (“PPG”)</b></p>	<p><i>Paragraph 13 of the notes that “particular factors a local planning authority will need to consider include:</i></p> <p><i>encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;</i></p> <p><i>where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land <b><u>has been shown to be necessary and poorer quality land has been used in preference to higher quality land;</u></b> and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays”*.</i></p>
<p>Written Ministerial Statement made on 25 March 2015 – The material weight that this issue carries remains unchanged as is evident from the letter received from the Secretary of State in August 2021 (see <b>Appendix 4</b>).</p>	<p><i>“In light of these concerns we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by <b><u>the most compelling evidence</u></b>”<sup>6*</sup></i></p>
<p>Uttlesford Local Plan Policy ENV5 ‘Protection of Agricultural Land’</p>	<p><i>“Development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required, developers should seek to <b><u>use areas of poorer quality except where other sustainability considerations suggest otherwise</u></b>”*</i></p>

<sup>6</sup> <https://questions-statements.parliament.uk/written-statements/detail/2015-03-25/HCWS488>

<b>Material considerations for use of best and most versatile land</b>	
<b>Policy Document</b>	<b>Relevant text</b>
Guide to assessing development proposals on agricultural land – Natural England (updated 05/02/21) <sup>7</sup>	<i>“Developers and local planning authorities (LPAs) should refer to the following government policies and legislation when considering development proposals that affect agricultural land and soils. They aim to protect:... the best and most versatile (BMV) agricultural land from significant, inappropriate or unsustainable development proposals”</i>
A Green Future: Our 25 Year Plan to Improve the Environment – HM Government (2018)	<i>“New development will happen in the right places, delivering maximum economic benefit while taking into account the need to avoid environmental damage. We will protect ancient woodlands and grasslands, high flood risk areas and <b><u>our best agricultural land</u></b>”*</i>
Government Food Strategy published on 13 June 2022	<p>The Food Strategy, highlights the importance of productive agricultural land and notes that</p> <p><i>there is a need for a combination of “intensification, land sharing and land sparing to deliver government objectives and feed a growing population”.</i></p> <p><i>“We have some of the best performing farms in the world, with 57% of agricultural output coming from just 33% of the farmed land area. It follows from this that it is possible to <b><u>target land-use change at the least productive land</u></b>, to increase the environmental benefit from farming and to increase yields with minimal impact on food production”.</i></p>

*\*(our emphasis applied)*

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<sup>7</sup> <https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land>

## C2: Requirement for an Alternative Site Selection Process (and the Valley Farm Appeal)

28. Whilst neither the NPPF or PPG provide guidance on methodology, the Written Ministerial Statement of 2015 is clear that **the most compelling evidence is needed**. This typically takes the form of a Sequential Test, and an appeal decision at Valley Farm, Wherstead<sup>8</sup> is considered to provide the most comprehensive guidance on the approach to site selection. The approach discussed in the Valley Farm appeal reflects the general principle of planning law that proposals which have the potential to cause environmental damage should be approached on a “worst first” or “sequential” basis, having regard to the availability of alternative sites. This principle is explained in the case of Trusthouse Forte Hotels Ltd v. Secretary of State (1986) 53 P & CR 293 at 299 per Simon Brown J:

*“Where... there are clear planning objections to development upon a particular site then it may well be relevant and indeed necessary to consider whether there is a more appropriate alternative site elsewhere. This is particularly so when the development is bound to have significant adverse effects and where the major argument advanced in support of the application is that the need for the development outweighs the planning disadvantages inherent in it”.*

29. The Valley Farm appeal establishes that the key aspects of a Sequential test in the context of solar developments are as follows:

- The first question to ask is whether the use of agricultural land is necessary. This exercise should demonstrate that no suitable brownfield land or non-agricultural land is available within a reasonable search area.
- Whilst the plan area may in some circumstances be an appropriate search area, there is no policy guidance which advocates restricting searches to within a local authority’s administrative area.
- There is no need to site renewable energy development in a particular local authority in order to meet a local green energy quota.
- There is no Government guidance on what is a reasonable search area and each case should be considered on its own facts taking account of planning and operational constraints.
- Industrial areas (within the district), including distribution and warehousing buildings, and former airfields should be considered.
- Although the Agricultural Land Classification may need to be treated with some caution, it is a good starting point and a basis from which to carry out further investigation.
- The sequential test must be proportionate. However, simply surveying one site (the appeal site) is wholly inadequate.

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<sup>8</sup> PINS ref: 2204846 dated 2 June 2014 – Provided at **Appendix 1**



- A cursory desk top study of four areas of Grade 3 land in the district within a reasonable distance of 33kV overhead lines is insufficient.
- Proper investigation (including auger testing) is needed to better understand the quality of the land identified in a desktop study.

30. It is therefore submitted that the requirements of the NPPF, PPG and Written Ministerial Statement cannot be satisfied unless a sequential assessment is undertaken.

31. The very recent (June 2022) appeal regarding a proposed solar farm on land north of The Street, Cawston, Norfolk<sup>9</sup> also confirms both the importance of conducting an adequate site selection exercise and the importance of ensuring that BMV land remains available for food production.

**C3: The use of agricultural land must be shown to be necessary (i.e. there is no possibility of development on a brownfield site)**

32. There is a very high bar for using BMV land. This conclusion is supported by the following comments of the Inspector in the appeal in relation to the site at Bunkers Hill, Fraddam, Cornwall<sup>10</sup>:

*“It seems to me that if any proposal for a solar farm involving the best and most versatile agricultural land needs to be justified by the most compelling evidence, then there is an onus on the developer to show that alternative options, on previously-developed land, or land of lesser quality, for example, are not available”.*

33. In the appeals relating to Land North of Dales Manor Business Park, West Way, Sawston, Cambridgeshire<sup>11</sup>, the Secretary of State and PINS Inspector were not persuaded that there is the most compelling evidence that BMV land should be used. The use of BMV land (in this case 52 acres of agricultural land classified as Grade 3a) weighed significantly against the proposals.

**C4: A search must be undertaken within a wide area of the proposed site (including in adjoining administrative areas)**

34. The following Appeal cases all provide support for the arguments that (i) the search area should be substantial and (ii) the search should not be confined to a single administrative area. This is particularly relevant in this case given that Site sits on the border of Uttlesford and East Hertfordshire and is in close proximity to North Hertfordshire:

- As noted above, the appeal at Valley Farm, Wherstead, Ipswich, Suffolk<sup>12</sup> confirms there is no policy guidance which advocates restricting alternative site searches to within a local authority’s administrative area;

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9 PINS ref 3278065 dated 7 June 2022 - Provided at **Appendix 1**

10 PINS ref: 3140774 dated 6 July 2017 - Provided at **Appendix 1**

11 PINS refs: 3012014 & 3013863 dated 15 June 2016 - Provided at **Appendix 1**

12 PINS ref: 2204846 - Provided at **Appendix 1**

- In relation to Land at Park Farm, Claverdon, Warwickshire<sup>13</sup>, the applicants undertook a search of sites within the administrative areas of both Stratford-on-Avon District Council and Warwick District Council;
- In the appeal to the Secretary of State in relation to land at Tawdside Far, 32 Deans Lane, Latham, Ormskirk, Lancashire<sup>14</sup> the search area was the wider Lancashire / North West England region. However, it was concluded that insufficient information was provided to assess if alternative, non-agricultural sites were suitable for a development;
- In the appeal relating to Land at Walnut Cottages, Oil Mill Lane, Clyst St Mary<sup>15</sup>, the alternative sites study focused on sites within within a **30 mile search area**, which the Planning Inspector considered to be “a substantial geographical area” and “not an unreasonably constrained starting point”.

**C5: A substantial number of sites must be considered and discounted before selecting the proposed site**

35. The appeal in relation to Land off Cold Harbour Lane, Bobbing, Sittingbourne<sup>16</sup> indicates that a large number of alternative sites must be considered in order to justify the selection of a site on BMV land. In this case the Sequential Analysis Study submitted with the appeal demonstrates that **40 possible alternative** sites were reviewed (including one airfield) within the administrative areas of both Swale Borough Council and neighbouring Medway Council;

**C6: The review of alternative sites must demonstrate that no site has been found with a lower percentage of BMV land**

36. A number of appeals show that the developers are required to demonstrate that they have chosen **the poorest quality land within the search area**:

- In an appeal at Barn Farm, Stanford on Soar<sup>17</sup> the Inspector commented that **even if all the identified alternative sites were assumed to be 100% Grade 3a land, they would still consist poorer agricultural land than the appeal site** which was 34% Grade 2 land and 66% Grade 3a land.
- In an appeal to the Secretary of State in relation to Havering Grove Farm, 552a Rayleigh Road, Hutton, Essex, CM13 1SH<sup>18</sup>, the Secretary of State concluded that **compelling evidence had NOT been produced to demonstrate that there are no suitable poorer quality (grade 3b) sites in the study area** that could accommodate the development (In this case the appeal site comprised 43 acres of agricultural land comprising 85% Grade 3a land and 15% Grade 3b land);

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<sup>13</sup> PINS ref: 3029788 dated 20 April 2016 - Provided at **Appendix 1**

<sup>14</sup> PINS ref: 3011997 dated 21 January 2016 - Provided at **Appendix 1**

<sup>15</sup> PINS ref: 3007994 dated 24 July 2015 – Provided at **Appendix 1**

<sup>16</sup> PINS ref: 3017938 dated 07 December 2015 – Provided at **Appendix 1**

<sup>17</sup> PINS ref: 3005788 dated 20 April 2016 – Provided at **Appendix 1**

<sup>18</sup> PINS ref: 3134301 dated 23 May 2016 – Provided at **Appendix 1**

- An appeal which the Secretary of State called in relating to Land South of Three Houses Lane, Codicote, Hertfordshire, SG4 8SU<sup>19</sup> related to an Appeal site comprised 21 acres of agricultural land which consisted of 45.2% grade 3a and 54.8% grade 3b land. The Secretary of State agreed with the Planning Inspector that the likely loss of productivity from using best and most versatile agricultural land weighed significantly against the proposal.

37. Lastly, the Applicant has attempted to argue that because there is a high proportion of Grade 2 Land in Uttlesford “the normal rules” regarding the use of BMV land do not apply. This is clearly incorrect - as is illustrated by the Appeal in relation to Land south of Braintree Road, Felsted<sup>20</sup>, in which the Inspector commented as follows:

*“I therefore conclude that in light of both the absence of an assessment of land of poorer quality and the scale and quantum of development proposed representing a significant development of agricultural land, the proposal fails to comply with Policy ENV5 of the ULP and Paragraph 112 of the Framework.....”.*

#### **C6: The Applicant’s approach to site selection is unacceptable**

38. In light of National Planning Policy and Guidance (referred to above), Uttlesford’s Policy ENV5, the Written Ministerial Statement and appeal decisions which discuss this matter, it is clear that the Applicant has not produced the most compelling evidence that the use of agricultural land in this location is necessary and that poorer quality land has been used in preference. It follows that the selection of the Site has not been justified.

39. It is submitted that “the most compelling evidence” required to justify the use of agricultural land in this instance would comprise a study of a reasonable search area of Uttlesford District, East Hertfordshire District, Epping Forest District and North Hertfordshire District.

40. The Applicant has not considered industrial areas and former/existing airfields as outlined in the Valley Farm appeal above. There has also been no consideration of the use of landfill sites or former quarries.

41. Even if it demonstrated that the use of agricultural land is necessary, **any site with a higher proportion of Grade 3b site would be preferable**. There is no need to find a site which is classed as grade 4 ALC. A limited desktop review shows that there are significant areas of Grade 3 land in close proximity to the Site (see ALC map at **Appendix 5**). **The possibility that this land has a higher proportion of Grade 3b land must be considered.**

42. In fact, it is abundantly clear that **NO ALTERNATIVES SITES HAVE BEEN CONSIDERED BY THE APPLICANT**. This is not conjecture. Following the exhibition which took place at Berden Village Hall in March 2022, the Applicant published an FAQ document (attached as **Appendix 6**). This document contains the following text:

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<sup>19</sup> PINS ref: 3131943 dated 31 October 2016 - Provided at **Appendix 1**

<sup>20</sup> PINS Ref: 3156864 dated 11 July 2017 – Provided at **Appendix 3**

**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.”**

43. Whilst it may be true that the main driver for location the solar farm at this location is “its proximity to the existing Pelham Substation”, it is misleading to suggest that there is a requirement to connect a solar farm directly to a substation. In fact, a large number of solar farms are connected to the grid via the high voltage overhead cable network. By way of example, another (30 MW) solar farm recently approved by Uttlesford District Council (on Grade 3b Land near Cole End in Saffron Walden) is connected directly into the overhead network. The Planning Statement<sup>21</sup> which accompanies this application notes that:

*“The point of connection to the local distribution network will be via an existing OH cable route that runs to the south west of the southern site parcel”.*

44. There is also no barrier (either technical or economic) to making a connection from a site which is some distance from a substation. Uttlesford District Council is currently considering another application to construct a 40MW solar farm on land at Cutlers Green near Thaxted. The Planning Statement<sup>22</sup> which accompanies this application notes that:

*“the project is proposed to connect to the local network (UK Power Networks) via underground cables into the grid at the 132/33kV Substation, east of Thaxted, which is approximately 4km from the site”.*

45. The applicants assertion that choice of sites for solar is hugely constrained is also overstated. Having been granted permission (by Uttlesford District Council in October 2017) to construct a Battery Energy Storage facility on land adjacent to Stocking Pelham substation it appears that (at the same time or shortly thereafter) the Applicant entered into an arrangement with the same landowner to facilitate the Proposed Development. A search of UK Power Networks Embedded Capacity Register<sup>23</sup> reveals that the application to connect the Proposed Site was accepted for connection in March 2019 (and must, therefore, have been made in 2018). However, in the four years that have since passed, the network has been substantially reinforced such that previous capacity constraints no longer exist. There is now significant capacity<sup>24</sup> along the whole of the UK Power Networks overhead network running from Stocking Pelham Substation West to Wymondley in Hertfordshire, East to Bramford and South to Bishops Stortford.

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<sup>21</sup> [https://publicaccess.uttlesford.gov.uk/online-applications/files/05E52EA08CA7A018A90DF4AABDC54E4A/pdf/UTT\\_21\\_0688\\_FUL-PLANNING\\_STATEMENT-3571280.pdf](https://publicaccess.uttlesford.gov.uk/online-applications/files/05E52EA08CA7A018A90DF4AABDC54E4A/pdf/UTT_21_0688_FUL-PLANNING_STATEMENT-3571280.pdf)

<sup>22</sup> [https://publicaccess.uttlesford.gov.uk/online-applications/files/706655E1D47139B9CC113248C6408817/pdf/UTT\\_21\\_1833\\_FUL-DESIGN\\_AND\\_ACCESS\\_STATEMENT-3633840.pdf](https://publicaccess.uttlesford.gov.uk/online-applications/files/706655E1D47139B9CC113248C6408817/pdf/UTT_21_1833_FUL-DESIGN_AND_ACCESS_STATEMENT-3633840.pdf)

<sup>23</sup> <https://www.ukpowernetworks.co.uk/electricity/distribution-energy-resources/the-embedded-capacity-register>

<sup>24</sup> [https://dgmapp.ukpowernetworks.co.uk/site/?q=dgmapping\\_ext\\_open](https://dgmapp.ukpowernetworks.co.uk/site/?q=dgmapping_ext_open)

46. It is also important to note that the availability of a grid connection is not a matter which carries weight from a planning perspective. This is clear from the decision relating to two appeals regarding a proposed solar “farm” on Land North of Dales Manor Business Sawston<sup>25</sup> where the Secretary of State agreed with the comments of the Planning Inspector to the effect that:

*“A connection to the national grid is an essential site requirement and the availability of a connection in a part of the network with capacity to accept the output is of assistance to the appellant but it does not bring a public benefit and adds no weight to the planning case for the proposals”.*

47. There is therefore no technical barrier to constructing a solar “farm” at any number of locations within a reasonable distance of Stocking Pelham Substation or, indeed, within a reasonable distance of the high voltage cable network which runs to the East, West and South of Stocking Pelham substation.

48. Lastly, whilst the Applicant comments that *“the grass sward will allow sheep grazing within the solar farm if appropriate/practical”* there is no commitment to ensure that the agricultural use of the site will continue. In any event, previous Secretary of State decisions consider that the use of BMV land for sheep grazing must be seen in the context of other, potentially more productive, uses and has been afforded very little weight as a benefit<sup>26</sup>.

#### **C7: The Benefits of the Proposed Development should be given limited weight**

49. It is accepted that, paragraph 158 of the NPPF establishes that when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy. However, the benefits of the Proposed Development at this rural location require further consideration.

50. The Applicant states that:

*“The Proposed Development would meet the annual equivalent electricity demands of approximately 15,200 homes”*

51. The benefits claimed by the Applicant in relation to the Proposed Development are overstated and do not stand up to scrutiny. The stated generation capacity “peak capacity” and is not a reflection of the actual amount of electricity which it will generate. Self-evidently, solar panels only generate power during daylight hours and at certain times of the year. The Government records the efficiency of sources of renewable energy and publishes the relevant data<sup>27</sup>. The percentage of the time during which a renewable source is actually producing energy is referred to as its “load factor”. The illustration below (which uses government data) demonstrates that a **large scale solar development** of the sort proposed by the Applicant is the **least efficient form of renewable energy** (at

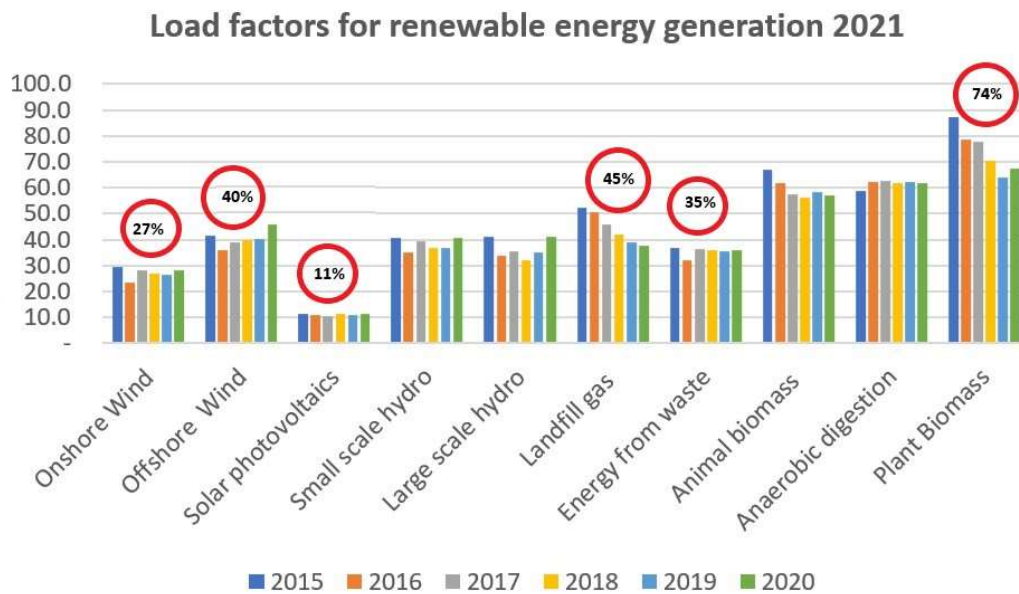
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<sup>25</sup> PINS Ref 3012014 & 3013863 dated 15 June 2016 – Provided in **Appendix 1**

<sup>26</sup> Limolands Farm, Vaggs Lane, Lymington – PINS ref: 3006387 dated 30 March 2016 - Provided at **Appendix 2**

<sup>27</sup> [6.5 Load factors for renewable electricity generation - GOV.UK](#) dated 29 July 2021

only 11%). The most efficient form of energy is renewable energy from plants (74%). The Site would be much better used for the production of crops which could then be used to generate electricity via a biomass process. The inefficiency of solar energy explains why the Government commits in its 2022 Energy Security Strategy<sup>28</sup> to generate 50GW of offshore wind by 2030. This is stated to be more than enough to power every home in the UK.



52. The electricity regulator Ofgem publishes annual data which records average household consumption. In its 2019 publication<sup>29</sup> Ofgem states that average household electricity consumption in the East England is 3,198 Kw per annum. The Applicant’s calculations in relation to the Proposed Development assume that average household consumption is around 3,200 Kw per annum. For the sake of consistency, and to aid analysis, it has therefore been assumed that average annual domestic electricity consumption is 3,200 kw per annum and that 1MW of installed solar capacity is capable of generating sufficient power to meet the needs of 304 homes.

53. The data below (and detailed in **Appendix 7**) demonstrates that:

- Uttlesford already has **more ground mounted solar capacity** installed or approved for installation **than any other Local Authority in Essex**;
- The adjacent counties of East Herts (5MW peak of capacity) and North Herts (15.3 MW peak of capacity) **lag significantly behind Uttlesford** in terms of solar capacity.

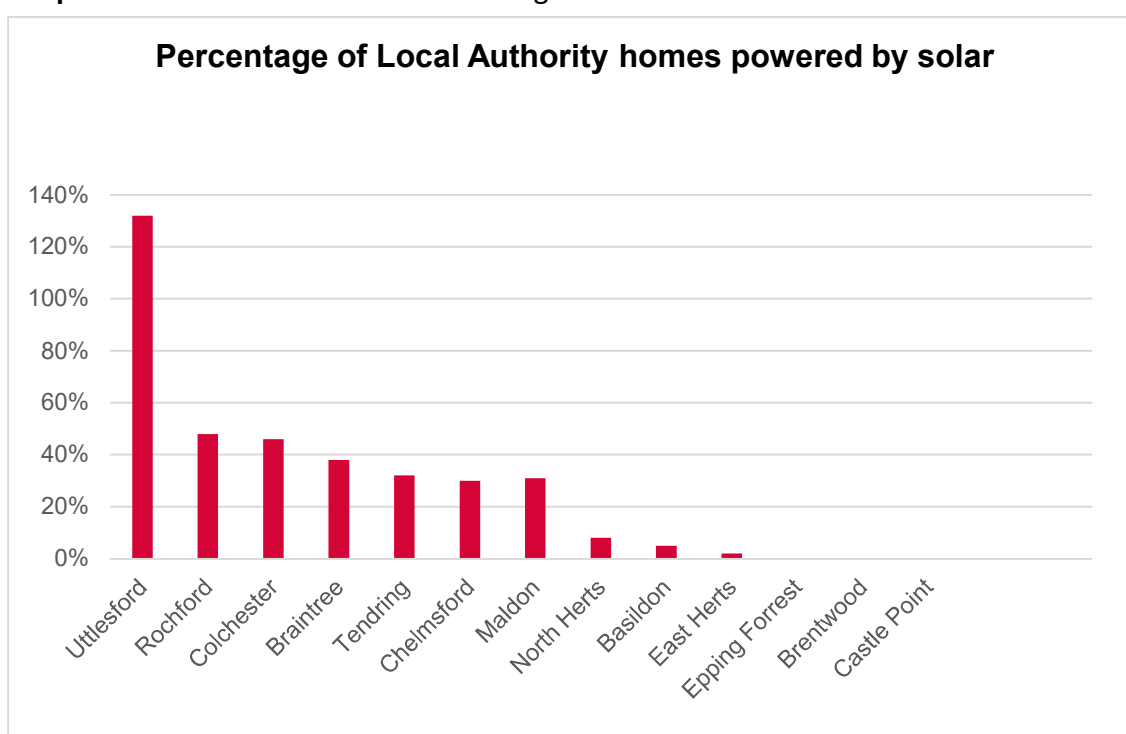
<sup>28</sup><https://www.gov.uk/government/news/major-acceleration-of-homegrown-power-in-britains-plan-for-greater-energy-independence>

<sup>29</sup> <https://www.ofgem.gov.uk/publications/decision-typical-domestic-consumption-values-2020>

Solar generation data by Local Authority as at 29 August 2022						
Local Authority	Ranking (most solar generation capacity)	Population (2019 ONS)	Households (per FOI request 2021)	Ground mounted Solar Capacity approved or operational (MW peak)	Number of households served @3,200 per Kw pa	% of households served by current solar capacity
Uttlesford	1	91,300	38,669	162.90	50,906.25	132%
Colchester	2	194,700	84,572	124.70	38,968.75	46%
Braintree	3	152,600	66,459	82.57	25,803.13	38%
Chelmsford	4	178,400	77,239	74.80	23,375	30%
Tendring	5	146,600	72,945	73.70	23,031.25	32%
Rochford	6	87,400	37,078	57.49	17,965.63	48%
Maldon	7	64,900	29,313	30	9,375	31%
North Herts	8	133,600	58,368	15.3	4,781.25	8.0%
Basildon	9	187,200	79,425	12	3,750	5%
East Herts	10	149,700	64,790	5	1562.5	2%
Epping Forrest	11=	131,700	56,935	NIL	NIL	NIL
Brentwood	11=	77,000	33,500*	NIL	NIL	NIL
Castle Point	11=	90,400	40,000*	NIL	NIL	NIL
Harlow	11=	87,100	38,000*	NIL	NIL	NIL

\* estimated based on 2019 data

54. There is therefore sufficient solar energy generation capacity either installed or approved for installation to **power ALL homes in Uttlesford AND there is sufficient capacity to provide for a 32% increase** in housing in the Uttlesford area.



55. In considering the weight to be given to the benefit of the Proposed Development at this location Uttlesford should therefore take into account that it has the strongest track record in Essex in terms of solar generation capacity, as well as significantly more than the two nearby authorities of East Hertfordshire District Council and North Hertfordshire District Council. Indeed, yet another 40MW solar farm application (at Cutlers Green) is currently with Uttlesford for consideration with an Officer's recommendation to approve<sup>30</sup>. If permission is granted for this development, the ground mounted solar generation capacity in Uttlesford will **exceed 200MW peak** – which will be **sufficient capacity to provide for a 64% increase** in housing in the Uttlesford area. Given that Uttlesford's current aspiration is to build 13,000 new homes<sup>31</sup> by 2040, it is anticipated that Uttlesford will soon have enough solar generated capacity to power a further 11,700 homes in addition to those planned. Note that these figures do not take into account the solar development recently proposed by Manchester Airport group on land adjacent to Stansted Airport (which has recently been approved by PINS). These figures also assume that there is no solar on newly developed houses (which would be contrary to current government policy as set out in the Energy Security Strategy referred to earlier).

56. For the reasons set out above, lower weight should therefore be afforded to the benefits in the overall planning balance.

#### **C8: Conclusions re the use of site selection, need and use of best & most versatile agricultural land**

57. For the reasons set out above, the Proposed Development should be refused on the following grounds:

*The Proposed Development is unacceptable due to its location on Best and Most Versatile agricultural land. It has not been demonstrated that there are no suitable sites of lower agricultural quality within the wider area. The proposal is therefore contrary to National Planning Policy Framework, Policy ENV5 of the Uttlesford Local Plan, Planning Practice Guidance and Government Guidance contained within the Ministerial Statement of March 2015.*

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<sup>30</sup> [https://publicaccess.uttlesford.gov.uk/online-applications/files/29C9ACD3B95FA0879ED1E2550366C986/pdf/UTT\\_21\\_1833\\_FUL-COMMITTEE\\_REPORT-3862491.pdf](https://publicaccess.uttlesford.gov.uk/online-applications/files/29C9ACD3B95FA0879ED1E2550366C986/pdf/UTT_21_1833_FUL-COMMITTEE_REPORT-3862491.pdf)

<sup>31</sup> <https://www.uttlesford.gov.uk/article/7268/Local-Plan-Council-receives-many-more-sites-than-required-in-Call-for-Sites>



## D LANDSCAPE AND VISUAL IMPACT

58. We believe the effects of the Proposed Development have been significantly underestimated in the Landscape and Visual Impact Assessment ('LVIA') submitted by the Applicant.

### D1: Planning considerations including Uttlesford Policy S7

59. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that a determination made under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

60. Uttlesford Policy S7 requires (inter alia) that development should only be 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.

61. There are a number of appeal decisions which demonstrate that Uttlesford Policy S7 continues to apply and that it should be relied upon in relation to inappropriate development of the sort proposed by the Applicant and afforded significant weight.

62. In the January 2020 appeal relating to Ellan Vannin, Sibleys Lane, Thaxted<sup>32</sup>, the Inspector noted that:

*“Policy S7 of the LP is only partially consistent with the Framework as it is more restrictive in that it seeks to protect the countryside for its own sake. However, Policy S7 goes on to say that development will not be allowed unless it would protect or enhance the particular character of the countryside. In this respect the Policy is consistent with paragraph 170 (b) of the National Planning Policy Framework (‘the Framework’) which seeks to recognise the intrinsic character and beauty of the countryside. Therefore, I consider it should be afforded significant weight when considering development proposals in the countryside”.*

63. This approach is consistent with the 2020 Appeal relating to Land opposite Monk Street Farmhouse, Monk Street, Thaxted<sup>33</sup> in which the Inspector commented that:

*“Policy S7 of the LP sets out that the countryside will be protected for its own sake unless special reasons apply. Whilst this is not a requirement contained within the Framework, Policy S7 also states that development will not be allowed unless its appearance would protect or enhance the particular character of the countryside. In this respect the Policy is consistent with paragraph 170 (b) of the Framework which seeks to recognise the intrinsic character and beauty of the countryside. I therefore consider Policy S7 should be afforded significant weight when considering matters of character and appearance in the countryside”.*

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<sup>32</sup> PINS Ref: 3241109 Ellan Vannin, Sibleys Lane, Thaxted CM6 2NU – Provided at **Appendix 3**

<sup>33</sup> PINS Ref: 3233508 Land opposite Monk Street Farmhouse, Thaxted – Provided at **Appendix 3**

64. Lastly, the very recent (9 August 2022) decision in relation to a proposed development at Warish Hall, Takeley<sup>34</sup> reemphasised the importance of Local Plan Policy S7 when considering issues relevant to the character and appearance of the countryside. In this case, the Inspector noted that:

*“In my judgement, the development would introduce an urban form of development that would not be sympathetic to the local character and landscape setting, and notwithstanding the mitigating design measures to create green infrastructure and character areas of varying layouts and densities, in the context of Policy S7 and what I heard, I consider that no special reasons have been demonstrated as to why the development, in the form proposed, needs to be there.*

*“...I consider that the proposal would have a significant adverse effect on local landscape character. It would change the intrinsic rural character of the area by introducing built development into a rural setting ..... This would be apparent from the Protected Lane and PROWs ..... resulting in a significantly adverse visual impact in conflict with LP Policy S7 and NPPF paragraphs 130 and 174b”*

65. Of even greater relevance is the fact that another proposed solar “farm” (Pelham Spring<sup>35</sup>) of similar size to be located to the South of Berden (only a few hundred metres from the Site) was **REJECTED** by Uttlesford District Council in January 2022 on the grounds (inter alia) that:

*“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”.*

66. There are also many appeal decisions which conclude that the effect on the character and appearance of the countryside justifies refusing the application. These include appeals to the Secretary of State in relation to Butteriss Farm, Edgcumbe, Penryn<sup>36</sup> and land at New Fen Dike, Sutton St James, Spalding, Lincolnshire<sup>37</sup> in which the Secretary of State agreed that:

*“the proposal would lead to a significant alteration to the inherent character of the landscape. He further agrees that visual screening of the development through hedging would foreshorten views and create a sense of enclosure which would also*

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<sup>34</sup> Appeal Ref: 3291524 Land at Warish Hall Farm, Smiths Green, Takeley – Provided at **Appendix 3**

<sup>35</sup> Planning Reference: UTT/21/3356/FUL See: [https://publicaccess.uttlesford.gov.uk/online-applications/files/63B0A6CAA84581C8292DFE32DBE2FC/pdf/UTT\\_21\\_3356\\_FUL-RFULZ\\_-\\_REFUSAL\\_FUL-3774874.pdf](https://publicaccess.uttlesford.gov.uk/online-applications/files/63B0A6CAA84581C8292DFE32DBE2FC/pdf/UTT_21_3356_FUL-RFULZ_-_REFUSAL_FUL-3774874.pdf)

<sup>36</sup> PINS ref: 2229290 dated 28 January 2016 – Provided at **Appendix 2**

<sup>37</sup> PINS ref: 3138266 dated 28 January 2016 – Provided at **Appendix 2**

*have a significant adverse effect on the open landscape character (IR74). For the reasons given at IR76 the Secretary of State agrees that the loss of openness would detract from the quality of views from locations including Smiths Farm\* the road network, the Bad Gate bridleway and from south of the site”.*

*(\*an UNLISTED building)*

## **D2: Summary of landscape and visual effects**

67. Protect the Pelhams has commissioned Peter Radmall (a consultant landscape planner experienced in landscape and visual impact assessment including renewable energy projects) to undertake an assessment of the visual impacts of the Proposed Development and to comment upon the adequacy of the LVIA submitted by the Applicant. Mr Radmall’s report is attached as **Appendix 8** and his key observations are summarised below:

- The landscape and visual effects conflict with a series of policy tests at the Local Plan and NPPF levels, and in that context are deemed to be 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 ProWs. 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 Uttlesford Landscape Character Assessment identifies a number of attributes of the Berden and Farnham Chalk Upland as sensitive to change, being (i) small patches of woodland; (ii) the open nature of the skyline (iii) the overall sense of tranquillity; and (vi) a sense of historic integrity and continuity, resulting from [inter alia] the widely dispersed settlement pattern. All of these attributes are evident within the site or its immediate vicinity. The Uttlesford Landscape Character Assessment concludes that the area is of “moderate to high” sensitivity to change overall;
- 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;
- Energy infrastructure represents only one of the six identified characteristics, the remainder of which are overwhelmingly positive and continue to predominate. The character of the local area remains that of attractive countryside, in which historic land-use and settlement patterns are legible, and which supports a high level of tranquillity and visual amenity. Without the energy infrastructure, the landscape would be considered highly attractive;
- The infilling effect of the solar “farm” would substantially reduce the perceived influence of the positive landscape characteristics highlighted above. It would also reduce the width of the countryside gap between Stocking Pelham and Berden by c75%-90%;
- The visual impacts of the Proposed Development will be most apparent in close-range views, particularly from the ProWs within the site (which would become corridors of open land c10m wide, from which the panels and associated infrastructure would

initially be highly visible). As the hedgerows and associated planting become established, these corridors will become enclosed, screening not only views of the solar “farm”, but also views to the surrounding countryside (including views of St. Nicholas Church currently gained from footpath 5/21);

- Views from some ProWs have been omitted – for example, from footpaths 5/22 and 5/23 where they cross the site. The only view from footpath 5/21 provided by the Applicant looks westwards, and does not take account of the impact on views towards the church. Only three (20%) of the views relate to locations within the site, where the impact of the development would be most apparent;
- The Proposed Development would have a sequential effect on the amenity of people using the ProWs across the site, many of whom are likely to be local residents, and for whom these routes would, at Year 1, lose much of their attractiveness;
- The LVIA submitted by the Applicant has not taken account of the overall perceptual impact on the amenity of the ProWs, the effects on which would remain adverse even where views may be screened;
- Whilst pylons and sub-station structures are perceived to be intrusive, their influence on character is only determinative where the sub-station or pylons are seen at relatively close range, or where the converging transmission lines result in a proliferation of pylons across the horizon. Energy infrastructure is not visible in 33% of the 15 assessment views.
- The effect on the immediate locality (i.e. the countryside gap between Berden and Stocking Pelham) is considered to be at least moderate adverse, and potentially moderate to major adverse in relation to the loss of separation between the villages and the cumulative increase in the influence of energy infrastructure.
- The site would to all intents and purposes be transformed from a parcel of farmland into a large-scale energy installation – by way of comparison, the area covered by solar panels would be seven times larger than the existing substation. In addition, arable land cover, which would be lost from most of the site, is one of the key characteristics of the area.

### **D3: Conclusions re visual impact**

68. The LVIA is not considered to be a fair representation of the effects of the Proposed Development and should not be relied upon to determine this application.

69. The Proposed Development should therefore be refused for the following reason:

*The Proposed Development would be harmful to the appearance and character of the locality by reason of the size, scale, incongruous appearance, and inappropriate nature of the proposals; particularly with regards to the disproportionately detrimental effects upon landscape, residential amenity and the experienced of users of the local footpath network. As such, the proposal is contrary to the requirements of Policy S7, Policy ENV15 and Policy GEN2 of the Uttlesford Local Plan and paragraph 130 of the National Planning Policy Framework.*

## E HERITAGE IMPACTS

70. Protect the Pelhams has commissioned an independent report from a respected Heritage Consultant (Dr Richard Hoggett). Dr Hoggett's Report is attached to this document as **Appendix 9**. The key points arising from Dr Hoggett's Report are summarised below.

### E1: Legislation, Planning Guidance and Precedent

71. 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".

72. In the 2014 Court of Appeal judgement in relation to the Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage, National Trust and SSCLG<sup>38</sup>, Lord Justice Sullivan held that:

*"in enacting section 66(1) Parliament intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise".*

73. The comments of Her Honour Judge Belcher in the case of R. (oao James Hall and Company Limited) v City of Bradford Metropolitan District Council and Co-Operative Group Limited<sup>39</sup> are useful for the purposes of considering the harm to the heritage assets in this instance. Firstly, the Judge held that there are only three gradations of harm in heritage terms:

*"34. In my judgment the three categories of harm recognised in the NPPF are clear. There is substantial harm, less than substantial harm and no harm. There are no other grades or categories of harm, and it is inevitable that each of the categories of substantial harm, and less than substantial harm will cover a broad range of harm ..."*

74. Secondly, the Judge went on to say that even limited or negligible harm was enough to fall within the bracket of 'less than substantial harm':

*"34.... It will be a matter of planning judgement as to the point at which a particular degree of harm moves from substantial to less than substantial, but it is equally the case that there will be a number of types of harm that will fall into less than substantial, including harm which might otherwise be described as very much less than substantial. There is no intermediate bracket at the bottom end of the less than substantial category of harm for something which is limited, or even negligible, but nevertheless has a harmful impact. The fact that the harm may be limited or negligible*

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<sup>38</sup> [2014] EWCA Civ 137, Para. 24

<sup>39</sup> [2019] EWHC 2899 (Admin)

*will plainly go to the weight to be given to it as recognised in Paragraph 193 NPPF. However, in my judgment, minimal harm must fall to be considered within the category of less than substantial harm.”*

75. There a number of Appeal decisions relating to solar “farms” which consider the approach to the balancing exercise that must be undertaken to determine whether the suggested benefits of the proposed solar scheme are outweighed by likely harm to the setting of heritage assets. These include, by way of example, the appeal in relation Land at Woodhall Farm, Wichenford, Worcestershire<sup>40</sup> where the Inspector made the following comments:

*“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.”*

*“On balance I conclude that the Proposed Development would fail to preserve the setting of heritage assets, contrary to ....the guidance given within the Framework and NPPG which seeks to conserve heritage assets in a manner appropriate to their significance”.*

*“I am required by s66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of the listed buildings. The courts have held that in this context ‘preserving’ means doing no harm. Where, as in this case, a degree of harm has been found, that harm must be given considerable importance and weight in the overall balancing exercise”.*

76. It should also be noted a further ground for the rejection of the proposed “Pelham Spring” solar “farm” (referred to at paragraph 65 above) was on the basis of the impact of the proposed development on the adjacent heritage assets. Those assets include both the Crump (Scheduled Monument) and The Crump (Grade 2 Listed Building) which are relevant to this application and are considered further below. The “Pelham Spring” decision notes:

*“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”.*

---

<sup>40</sup> PINS Ref: 3142020 dated 23 February 2017 – Provided in **Appendix 2**

*“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.”*

**E2: The Crump (Scheduled Monument) – ‘less than substantial harm’ towards the middle of the scale.**

77. In relation to the likely impact of the Proposed Development upon the significance of this Scheduled Monument (being a medieval ringwork) Dr Hoggett concludes that:

- As a Scheduled Monument, this feature is of the highest designation and is of national significance. Under paragraph 199 of the NPPF (2021) ‘great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be)’ and, under paragraph 202 of the NPPF (2021), ‘this harm should be weighed against the public benefits of the proposal;
- The Applicant understates the likely impact of the Proposed Development on this Scheduled Monument;
- The Proposed Development would result in a significant change in the landscape character of a large tract of the land surrounding the Scheduled Monument;
- the surrounding agricultural landscape makes a ‘strong contribution’ to the significance of the Scheduled Monument. Accordingly, the dramatic change of landscape character which would be brought about by the Proposed Development, from the current (and historical) agricultural character to a landscape of industrialised energy production on a very large scale, would have a much greater impact than is stated by the Applicant;
- Rather than being a ‘small area of countryside’, the Proposed Development area encompasses much of the agricultural land to the west of the monument;
- While the development of the site is technically ‘temporary’ and ‘reversible’, the application is for an operational period of up to 40 years, which means that the impacts of the scheme will be experienced for at least two generations;
- There are significant questions surrounding the true reversibility of the scheme and there is nothing to indicate that the lifespan of the scheme will not be extended at a later date;
- The Proposed Development will change the character of the setting of the Scheduled Monument which will in turn result in a detrimental impact upon the significance of the monument.
- Overall, whilst, in planning terms, there will be ‘less than substantial harm’, this harm this lies towards the middle of the scale.

**E3: Church of St Nicholas (Grade 1 Listed Building) – less than substantial harm towards the middle of the scale**

78. In relation to the likely impact of the Proposed Development upon the significance of the Church of St Nicholas Dr Hoggett concludes that:

- As a Grade I-listed building, the church is of the highest designation and is of national significance. Under paragraph 199 of the NPPF (2021) ‘great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be)’ and, under paragraph 202 of the NPPF (2021), ‘this harm should be weighed against the public benefits of the proposal’
- Long views of the church can be obtained across the entirety of the Proposed Development area, from both its western boundary and from the Public Right of Way which crosses the site.
- As is stated by the Applicant, the proposed planting, fencing and the height of the panels themselves will have the effect of severing the views of the Church referred to above, reducing the ability to experience the church and therefore having a detrimental impact upon its setting;
- The change of landscape character from an open agricultural landscape to an industrialised landscape will also have a detrimental effect upon the setting of the church.
- The applicant’s conclusion of a ‘neutral’ heritage impact 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.

**E4: Berden Hall (Grade 2\* Listed Building) and the Granary (Grade 2 Listed Building) – less than substantial’ harm towards the lower end of the scale**

79. In relation to the likely impact of the Proposed Development upon the significance of Berden Hall and the Granary Dr Hoggett concludes that:

- As a Grade II\*- listed building, Berden Hall is of the second-highest designation and is of national significance. Under paragraph 199 of the NPPF (2021) ‘great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be)’ and, under paragraph 202 of the NPPF (2021), ‘this harm should be weighed against the public benefits of the proposal’
- While there are limited views between the Hall and the site at ground level, it is clear from photographs taken from the upper floors of the Hall that clear, long-distance views into and across the Proposed Development site are possible, particularly during the winter months. Reverse views from the site to the Hall are equally achievable.
- These views, in conjunction with the historical connections between the Hall and its former parkland, mean that the change in landscape character from an agricultural to an industrialised landscape will have a greater impact upon the setting of the Hall than stated by the applicant, and, indeed, will be visible from it.



- The assertion that the existing open character of the landscape will remain unchanged is misleading, given that the Proposed Development will introduce new planting, copses, deer fences and multiple rows of solar panels to a landscape which is currently wide and open
- 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.
- The assessment of a neutral impact upon the Granary is incorrect.

**E5: The Crump (Grade 2 Listed Building) - less than substantial' harm towards the lower end of the scale**

80. In relation to the likely impact of the Proposed Development upon the significance of The Crump Dr Hoggett concludes that:

- As a Grade II-listed building, The Crump is of the most numerous tier of designation and is of regional significance. Under paragraph 199 of the NPPF (2021) 'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)' and, under paragraph 202 of the NPPF (2021), 'this harm should be weighed against the public benefits of the proposal'
- The long, low, thatched roof of The Crump is visible in long-range views across and from within the Proposed Development area;
- The building can clearly be read as an agricultural building within an agricultural setting, irrespective of any proven historical associations between the farmhouse and the surrounding landscape.
- As a consequence, the agricultural land which surrounds The Crump, of which the Proposed Development site forms a large part, should be considered to make a much greater contribution to the setting and significance of the building than the Applicant allows.
- The Proposed Development of the solar farm would result in 'less than substantial' harm to the significance of the Grade II-listed The Crump, caused 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.
- The Applicant's conclusion that the Proposed Development will result in the retention of the existing openness of the site and its verdant character are also somewhat at odds with the significant industrialisation and fencing-off of the existing agricultural landscape which will occur under the submitted proposals.

**E6: The Rookery (former ringwork being considered for protection as a Scheduled Monument)**

81. In relation to the likely impact of the Proposed Development on the former ringwork known as The Rookery, which lies within the eastern boundary of the Proposed Development area, Dr Hoggett concludes that:

- This is clearly a important archaeological site and is probably similar in date and origin to the nearby Scheduled ringwork known as The Crump.
- The submitted Heritage Statement indicates that the proposed treatment of the area in which the ringwork lies is an area of ‘New Woodland Planting’. The ground disturbance caused by new planting of this kind and the subsequent disturbance caused by the spread of roots are both particularly detrimental to the preservation of archaeological deposits, and the proposed planting in this location shows a disregard for best practice for archaeological preservation and conservation on the part of the Applicant.
- The ringwork is currently being considered by Historic England as a possible candidate for designation as a Scheduled Monument, but a decision on this will not be made before the current consultation deadline of 5th September 2022. Given that the outcome of this decision process has the potential to affect substantially the presumption against development would appear, be very difficult indeed to rebut.

**E7: Conclusions re Heritage considerations**

82. The Proposed Development should therefore be refused for the following reason:

*The Proposed Development Proposed Development would cause harm to the significance of heritage assets which is not clearly outweighed by the benefits of the proposal. As such, the proposal is contrary to the requirements of Policy ENV2 of the Uttlesford Local Plan, paragraphs 199 and 200 of the National Planning Policy Framework and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

## F OTHER CONSIDERATIONS

### F1: Concerns regarding the proposed transport route

83. Protect the Pelhams has commissioned an independent report from an experienced Transport Consultant (Bruce Bamber) who was asked to consider the Applicant's proposals in relation to transport and highways matters. Mr Bamber's Report is attached to this document as **Appendix 10**. The key points arising from Bamber's Report are summarised below:

- The EIA Screening process failed to acknowledge that Albury Road and Ginns Road are highly sensitive to increases in HGV movements. The EIA screening process itself is therefore flawed, and as a consequence, there has been no assessment of the sensitivity of the proposed access route or the magnitude of transport environmental impact. In the absence of assessment any necessary mitigation has not been forthcoming;
- The EIA screening process has also failed to acknowledge the fact that the proposals directly impact on a number of public rights of way. There has therefore been no work undertaken to demonstrate how the construction works can progress without putting members of the public at risk;
- No Transport Statement, has been prepared. This, and the errors and omissions in the Access Technical Note and Construction Traffic Management Plan ("CTMP") have contributed towards a failure to undertake proper transport and transport environmental impact assessment.
- The CTMP wrongly assumes that it is possible to access Albury Road directly from the Little Hadham Bypass. This is a fundamental error that is indicative of the cursory nature of the transport supporting work.
- There has been no justification of the assumed level of HGV trip generation during construction. It appears that the assumption that has been adopted is likely to significantly underestimate HGV trip generation.
- The CTMP is lacking in a number of areas in addition to the absence of trip generation calculations. Details of the construction compound are either missing or contradictory, details of provision for pedestrians, both on site and using public rights of way is missing and there is no assessment made of the capability of the access route to accommodate construction traffic without unacceptable transport impacts. The CTMP itself is unattributed and undated, calling into question the professional qualifications of the author(s).
- There has been no attempt to consider the potential cumulative impact of the Proposed development despite UDC drawing attention to similar developments in the area and a number of other planning applications for energy related development in close proximity to the proposed site.
- Overall, it is impossible to judge whether the proposed development is acceptable in transport and highways terms owing to the failure to provide critical information and an absence of necessary assessments of highways impact.

## **F2: Response to comments made by Hertfordshire County Council regarding construction traffic**

84. Protect the Pelhams notes that a submission has been made by Adrian McHale of Hertfordshire County Council regarding the Applicant's proposed transport route. Mr McHale notes that:

- the roads from Albury through Stocking Pelham to Berden are completely unsuitable for a large number of HGVs per day during the main construction phase; and
- these are narrow, twisting, country lanes, often single-track, with crumbling verges and in many places the surfaces are extremely poor.

85. Whilst we agree with the comments made above, we are concerned that Mr McHale also suggests that:

*"Google maps suggests its quicker and easier for vehicles to go through Berden or Stansted Mountfichard [sp] to the A120 and M11. From examination of Google Streetview these routes appear to be wider and hence are far more appropriate than Ginns Road".*

86. We note that this "alternative route" has not been proposed by the Applicant. However, we wish to flag that the roads through Berden are equally unsuitable for construction vehicles. In particular:

- HGVs entering Berden via Chapel Hill (past the village hall) would have to navigate a pinch point at Forge Cottage next to the tiny village green. This is already an accident spot such that residents have recently instituted the use of community speed checks here as traffic tends to descend from Ginns Road above the speed limit of 30 mph and risks colliding with traffic turning right onto the extremely narrow foot of Chapel Hill from The Street. This road is narrow for some distance.
- Alternatively, the lane through the hamlet of Little London is a single-track road with only two unmetalled passing places between Little London and Berden. This land is c. 10 feet 6 inches wide for most of its length (approx. 1 mile between Berden and the Manuden road), though only 9 feet 6 inches in some places. There are many twists, several pinch points where residential buildings abut the road, no paving anywhere, and two blind summits.
- Any construction traffic coming through Berden would have an adverse impact on many, perhaps, most residents, since The Street is the main thoroughfare and many properties front it and the majority lie close to the road.
- The Manuden route is a narrow, twisting road with sharp bends and a primary school with associated parking problems and exactly the same applies to the Rickling route which would also involve a long single track route to Berden. The passing places along this road are in extremely poor repair and in some cases dangerous, particularly in wet weather when the depth of the pot holes is not obvious to drivers.

87. In summary, **there is no suitable, safe route to the proposed construction site, either from Hertfordshire or from Essex.**

### **F3: Inadequate consultation with residents and local rejection of the Proposed Development**

88. Best practice guidance regarding community consultation is published by BRE<sup>41</sup>. BRE note that the most widely-used method of informing communities about proposed projects are public information drop-in events or exhibitions. BRE also note that:

*“These should provide an informal and nonconfrontational environment for sharing views and a platform for a genuine two-way dialogue. As well as conveying information, it is equally important is that developers use these events to listen”.*

89. The only consultation with local residents took the form of an “exhibition” held for a single afternoon in March. There was no attempt to gather feedback from residents and the representatives of the Applicants were disinterested in local views. The most likely explanation for this disinterest was that the vast majority of attendees expressed the view that the Proposed Development should not go ahead.

90. Of greater concern is the fact that the **majority** of residents who will be affected by the Proposed Development (if it proceeds) were **not invited** to the exhibition. A review of the mailing list used by the Applicant demonstrates that only 71 properties in Stocking and Berden were contacted (of which 22 were in Stocking Pelham and just 49 were in Berden). Stocking Pelham has approximately 70 properties and Berden has very close to 200.

91. BRE also note in the best practice document that:

*Positive community engagement is complementary to the planning process, but is nevertheless also a distinct set of activities in its own right. It is the process of entering into a genuine dialogue, not a box ticking exercise. Developers should recognise that if there are genuine, evidence based concerns regarding the impacts of a site or project then they should consider not going ahead with that particular site as proposed.*

92. Statera claim that they have made changes in response to feedback from residents. This is patently incorrect. The overwhelming feedback from residents and from the Local Parish Councils is that the development should not go ahead.

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<sup>41</sup> [https://www.bre.co.uk/filelibrary/pdf/Brochures/BRE-NSC\\_Good-Practice-Guide.pdf](https://www.bre.co.uk/filelibrary/pdf/Brochures/BRE-NSC_Good-Practice-Guide.pdf)

## **Appendices 1 -3**

**See separate documents**

## Appendix 4

### Letter from the Secretary of State (Robert Jenrick) to Oliver Heald dated 16 August 2021



Rt Hon Sir Oliver Heald QC MP  
House of Commons  
London  
SW1A 0AA

Rt Hon Robert Jenrick MP  
Secretary of State for Housing, Communities and Local  
Government

Ministry of Housing, Communities and Local  
Government  
Fry Building  
2 Marsham Street  
London  
SW1P 4DF

  
[www.gov.uk/mhclg](http://www.gov.uk/mhclg)

Our Ref:11804589

16<sup>th</sup>  
August 2021

*Dear Oliver,*

Thank you for your email of 5 July on behalf of your constituents, regarding recent planning applications for solar farms in your constituency. I appreciate how important this matter is to your constituents and I am grateful to you for contacting this department on their behalf.

I hope that you will understand that for reasons of propriety I am unable to comment upon specific planning proposals. Local Authorities are required to make decisions in accordance with the Local Plan, unless material considerations indicate otherwise. Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and must take into account national planning policy in the National Planning Policy Framework. I hope that it will be helpful if I set out below the policy in this area.

The National Planning Policy Framework expects local authorities to protect and enhance valued landscapes and sites of biodiversity and recognise the character and beauty of the countryside and the benefits of the best and most versatile farmland in their policies and decisions. We believe that local authorities are best placed to assess the visual and other impacts of any building or structure proposed; it is right that they decide where necessary development should go, and where restraint is essential, having regard to national as well as local planning policy.

For instance, a number of proposals for solar farms in the countryside have been rejected as causing visual harm, harm to amenity or harm to openness. On the one hand, the Framework expects the planning system to support transition to a low carbon future to renewable and low carbon energy generation. Paragraph 151 adds that development planning should consider identifying suitable areas for renewable and low carbon energy sources and infrastructure. At the same time, local authorities should protect all that we value in landscapes and natural capital, as indicated above.

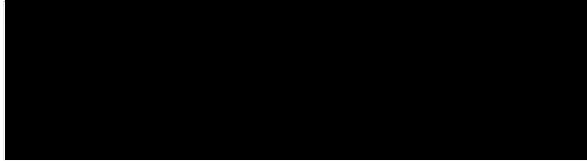
Similarly, with regard to onshore windfarm proposals, the Government has been clear that the need for renewable energy does not automatically override environmental protections and the planning concerns of any local communities affected. The Framework indicates that planning permission for new wind energy projects, except for their repowering, should be granted only if the site is in an area identified as suitable for wind energy development in a local or neighbourhood plan and if, following consultation, it can be demonstrated that the planning impacts identified by the community are fully addressed and the proposal has its backing.

I would like to reassure your constituents that we place great importance upon our agriculture and food production, and this is reflected in the National Planning Policy Framework. The Framework requires local planning authorities to take into account all the benefits of the best and most versatile agricultural land. Where significant development of agricultural land is shown to be necessary,

## Appendix 4 continued

planning authorities should seek to use poorer quality land in preference to that of a higher quality. They should also consider the needs of the food production industry and any barriers to investment that planning can resolve. The Framework states that, to promote a strong rural economy, local and neighbourhood plans should promote the development and diversification of agricultural and other land-based rural businesses. Moreover, local planning authorities are asked to encourage re-use of brownfield land provided that it is not of high environmental value, to recognise the character and beauty of the countryside, and to maintain the strong protections in place for Green Belt and other designated countryside.

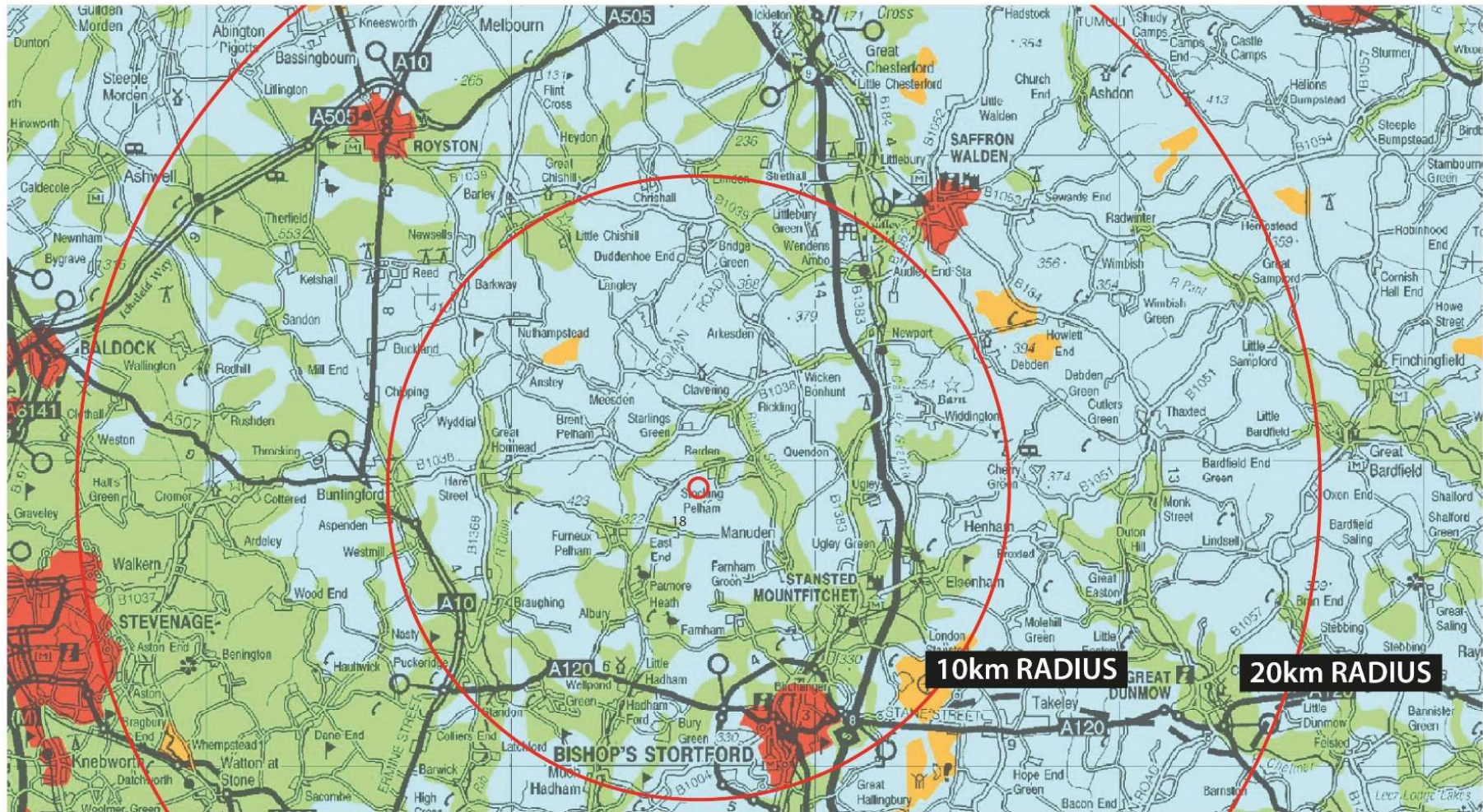
I trust this information is of help to you and your constituents. Thank you for writing in on this important matter.



**RT HON ROBERT JENRICK MP**



**Appendix 5: Extract from the Agricultural Land Classification Map for the Eastern Region**



**Grade 2 Land shown in blue. Grade 3 Land shown in Green**

## Appendix 6

### Extract from FAQ document published by Statera



#### **Pelham Solar – FAQs**

**Following the public exhibiton held at Berden Village Hall on Monday 21 March and a number of emails with various questions, we have produced a Frequently Asked Questions document which seeks to address any points raised.**

**How can we trust Statera to deliver appropriate landscaping given the inadequate planting around the battery installation?** A specialist landscape architect has been appointed to design the landscaping for this project and a dedicated site management team will be appointed to manage the landscaping when the site is operational. The Local Planning Authority will ensure compliance with any associated landscaping condition.

**Where would the crops produced on this land now come from if the solar development were to be built?** 72% of the site is grade 2 and 3a best and most versatile land. The remaining 28% of the site is 3b and poorer quality land. However, of this BMV area, certain areas will be fallow on a rotation basis. The land is not suitable for high value crops and has principally been used for cereal production. The land will contribute to the UKs energy generation and energy security. Its loss from food production will be balanced against this energy benefit. The Government is balancing multiple demands on farmland food, energy, and environmental schemes (see - Farming is Changing, DEFRA June 2021).

**During construction which route would be used for the vehicles to gain access to the site, how many vehicle movements would there be and for what length of time? What size will the vehicles be?** The current proposal is for the vehicles to travel west on the A120 up to Little Hadham, and through Clapgate and Patmore Heath on Albury Road. It is then proposed that the vehicles will turn onto Ginns Road and travel through Stocking Pelham before arriving at the site access point just before the entrance to Berden. The types of vehicles used in the construction traffic will include 15.4 metre artics, 10m tipper trucks, 10m rigid trucks, 12m rigid trucks and a front end JCB. On average there will be approximately 16 two-way movements per day.

**What happens at the end of the scheme's operational life?** It is a common misconception that once the life cycle of a solar farm comes to end, that the land becomes "brownfield". If planning permission is granted, it is temporary, usually between 25 and 40 years. The metal poles supporting the panels are driven into the ground, but the topsoil is not removed during construction or operation of the development. Once the planning permission term has lapsed, the land reverts to its original use, in this case agricultural. There is no obligation on the Local Authority to consider the land as previously developed.

**How many solar developments have Statera Energy built to date and where are these sites situated?** Statera has not developed any solar projects to date. However, the founders of the company and members of the project construction team have had extensive experience of developing and building solar projects in the UK since 2011.

**What steps are you planning that will assure people that battery storage plants erected by your company will be safe and well screened from view?** This application is for a solar development and not a battery storage facility. It is proposed that the solar development will be screened with hedging and trees.

**Statera Energy has already built a battery storage facility at Pelham substation. Why has this facility not been adequately screened?** The trees planted around the perimeter of the Pelham battery storage facility did not take and grow as expected having undertaken various maintenance visits. A solution to this is being considered internally at Statera.

**Which company supplies solar panels to Statera Energy and what precautions have been taken to ensure there are no human rights issues in their production?** Statera acknowledges the imperfect and complex nature of the global supply chain. The supplier of solar panels for this project will be determined at the procurement phase and is therefore yet to be decided.

**Appendix 6 (cont'd)**  
**Extract from FAQ document published by Statera**



**What other locations did you consider?** None. Statera Energy has selected this site on its merits alone and believes it is a good site to promote. There are no sites in the local area which are classed as grade 4 ALC or brownfield which would be commercially viable to promote that make use of the grid connection available.

**Why have you chosen this location?** The high irradiance levels in the area combined with the site's close proximity to the Pelham substation makes it suitable for a solar development. We think the site is well screened and its impact is lessened by the presence of the existing National Grid substation and overhead power lines.

**How are the solar panels recycled at the end of their life?** The industrial process by which solar panels are recycled differs depending on whether the panels are silicon-based or thin-film based. In both cases, the parts are separated, and components are re-used where possible.

**How efficient is solar power?** Generally, solar farms operate at a capacity factor in the range of 10-25%.

**How many acres of solar panels would be required to produce the same output of electricity per annum as one offshore wind turbine?** Offshore wind is a great solution which operates very effectively. A significant land take for solar is undoubtedly needed to match an offshore wind turbine. However, a system built primarily on renewable energy sources needs to incorporate a range of different technologies so that it is not overly dependent on a single intermittent resource (e.g. wind, solar or hydro). In this case, it is not always windy, and when the wind doesn't blow, the system needs other technologies like solar to fill the gap. In September-2021 for example, wind generation was at historically low levels. It was solar energy (as well as, amongst other sources, fossil fuel plant such as coal and gas that prevented the UK from experiencing service disruption (i.e. blackouts).

**Farmers in the countryside protect their land, crops and livestock with well-tended mixed hedging. Why is it necessary to protect solar panels with high security fencing and CCTV cameras? (The farmland growing crops and livestock is likely to be of greater value than with solar panels)** It is standard industry practice to install fencing and CCTV cameras around a solar farm. This helps to ensure the owner and operator of the scheme can monitor the site to protect the value of the equipment, ensure no damage is being done by larger mammals and the site is operating in a safe manner. Without this infrastructure the project will not be financeable and/or insurable.

**Who will be making the profit from the electricity generated?** The development of energy assets is a commercial endeavour and therefore several parties including Statera, its investors, contractors and energy suppliers should make money from developing the solar farm. Government and the UK relies entirely on the private sector to develop and operate generation assets.

**When will it be built?** If consent was given the aim would be to build the scheme out the following year (i.e. Spring/summer 2023) this might slip to 2024. Winter construction would be avoided, if possible, but this is all subject to change.

**How long will it take to build the site?** A scheme of this size would typically take 4-6 months for summer construction and 6-9 months to build out in the winter.

**Will it affect walkers access?** No, if planning is granted legal public rights of way will not be moved or closed during construction or operation. Following feedback at the 21 March 2022 exhibition, we are also investigating the possibility of proposing additional public access routes as part of the proposals.

**Will the project be noisy?** No, there is a small noise from the inverters, but this is not expected to be a notable impact.

**Appendix 7**  
**Details of solar generation capacity by local authority (Essex and adjacent Hertfordshire District Councils)**

Planning Authority	Site Name	Address	Post Code	Installed Capacity (MWelec)	Total
Basildon Borough Council	Outwood Farm (Phase 1)	Land At Outwood Farm Road Billericay, Essex		5.00	
Basildon Borough Council	Outwood Farm (Phase 2)	Land At Outwood Farm Road Billericay, Essex		7.00	
					<b>12.00</b>
Braintree District Council	Highfields Farm (Braintree)	Highfields Lane, Messing Colchester	CO5 9BJ	2.80	
Braintree District Council	Gosfield Airfield	Gosfield Airfield, Land At Southey Green Sible, Hedingham, Essex	CO9 3	12.60	
Braintree District Council	Kentishes Solar Farm	Kentishes Farm, Kentish Farm Road, Stisted, Braintree	CM77 8BX	5.00	
Braintree District Council	Cressing Solar Farm (Phase 1)	Land South Of Sheepcote Wood B, Witham Road, Cressing, Braintree, Essex	CM77 8NZ	5.00	
Braintree District Council	Four Elms Solar Array	Factory R/o Four Elms, Bardfield Road, Bardfield, Braintree	CM7 5EJ	0.17	
Braintree District Council	Pentlow Hill	Land East Of, Pentlow Street, Pentlow, Sudbury, Suffolk	CO10 7JJ	22.00	
Braintree District Council	Periwinkle Hall - Solar farm & Battery storage	E/O Periwinkle Hall, Links Road, Perry Green, Bradwell, Braintree	CM77 8ES	35.00	
					<b>82.57</b>
Brentwood Borough Council	Park Farm, Herongate Solar Photovoltaic PV Farm	Park Farm, Dunton Road, Brentwood	CM13 3SG	49.90	
					<b>49.90</b>
Chelmsford City Council	Hill Farm Solar Park & Battery Storage	Land West Of Hill Farm Pan Lane East Hanningfield Chelmsford	CM3 8BJ	41.80	
Chelmsford City Council	St Cleres Hall Pit Solar Array	Land East And West Of St Cleres Hall Pit Main Road Danbury Chelmsford	CM3	25.00	
Chelmsford City Council	Canon Barns Road Solar Park	E/O A130, S/O Canon Barns Road, East Hanningfield	CM3 8BD	8.00	
					<b>74.80</b>

Planning Authority	Site Name	Address	Post Code	Installed Capacity (MWelec)	Total
Colchester Borough Council	Highfields Farm (Colchester)	Highfields Lane, Messing, Colchester	CO5 9BJ	12.20	
Colchester Borough Council	Langenhoe Solar Farm	Langenhoe Hall, Langenhoe, Colchester		21.30	
Colchester Borough Council	Bluegates Solar Park	Blue Gates Farm Colchester Main Road Alresford	CO7 8DE	10.50	
Colchester Borough Council	Birch Airfield	ch Airfield, Blind Lane, Colchester	CO5 9XE	5.60	
Colchester Borough Council	Boxted Airfield	Langham, Colchester	CO4 5NW	18.80	
Colchester Borough Council	Land Adjacent Claypits Farm (b) (Birch Estate)	Land Adjacent Claypits Farm, Maldon Road, Birch, Colchester, Essex	CO2 0NU	2.30	
Colchester Borough Council	Land Adjacent Claypits Farm (a)	Land Adjacent Claypits Farm, Maldon Road, Birch, Colchester, Essex	CO2 0NU	5.00	
Colchester Borough Council	Layer Farm - Solar Farm	Land west of Layer de la Haye	CO2 7QJ	49.00	
					<b>124.70</b>
East Hertfordshire District Council	Mill Farm (resubmission)	Mill Farm, Mentley Lane, Great Munden, Ware, Hertfordshire, East of England	SG11 1JR	5.00	
					<b>5.00</b>
Maldon District Council	Wick Farm (Burnham on Crouch)	E/O Burnham Wick Farm, Wick Road, Burnham on Crouch, Essex, CM0 8FA		5.00	
Maldon District Council	Maldon Wycke Solar Farm	Hall Farm Land At, Hazeleigh Hall Lane, Hazeleigh, Maldon	CM9 6GT	25.00	
					<b>30.00</b>

Planning Authority	Site Name	Address	Post Code	Installed Capacity (MWelec)	Total
North Hertfordshire District Council	Hatch Penn Farm PV	Hatchpen Farm, Reed, Royston	SG8 8AZ	1.00	15.30
North Hertfordshire District Council	Wisbridge Farm	High Street, Reed, Royston	SG8 8AH	9.30	
North Hertfordshire District Council	Ld At Lawrence End Park &, Dane Street	Land At Lawrence End Park &, Dane Street, To The E Of Birch Spring, Luton, Bedfordshire	LU2 8PE	5.00	
Rochford District Council	Fambridge Road/Canewdon Road	Land North East of Fambridge Road, Ulverston Road, Rochford	SS4 3LD	5.00	57.49
Rochford District Council	London Southend Airport (resubmission)	London Southend Airport, Southend Airport, Southend-On-Sea	SS2 6YF	2.50	
Rochford District Council	South Fambridge Hall - Solar farm & Battery storage	South Fambridge Hall, Fambridge Road, South Fambridge, Rochford	SS4 3LS	49.99	
Tendring District Council	Wix Lodge	Wix Lodge Colchester Road Wix Manningtree Essex CO11 2RP		18.70	73.70
Tendring District Council	Chisbon Solar Farm (Frowick Lane)	Land North of Frowick Lane St Osyth Essex CO16 8HJ	CO16 8HJ	13.00	
Tendring District Council	Barn Farm - resubmission	Land at Barn Farm Wix Road Bradfield Manningtree Essex CO11 2SP		4.20	
Tendring District Council	Green Farm (resubmission)	Green Farm, Oakley Road, Wix	CO11 2SE	5.00	
Tendring District Council	Chancery Farm (Ardleigh)	Chancery Farm, Park Road, Ardleigh, Colchester	CO7 7SS	11.90	
Tendring District Council	Jaywick Water Recycling Centre	Jaywick Water Recycling Centre, Clacton-on-Sea	CO15 2NY	0.90	
Tendring District Council	Primrose Hall Solar Farm	S/O Primrose Hall	CO12 5NB	20.00	

Planning Authority	Site Name	Address	Post Code	Installed Capacity (MWelec)	Total
Uttlesford District Council	Drapers Farm Solar Park	E/O Milch Hill Lane, Great Leighs, Chelmsford, Essex, CM3 1QF		6.00	
Uttlesford District Council	Hyde Farm	Hydes Solar Farm Little Bardfield Braintree Essex		10.80	
Uttlesford District Council	Tooleys Farm	Site At Tooleys Farm, Brookend Road, Stebbing, Dunmow, Essex	CM6 3AA	5.30	
Uttlesford District Council	Land west of Hawkspur Green (Hill Hall Solar)	Land west of Hill Hall, Hawkspur Green, Little Sampford Road, Little Bardfield	CM7 4SH	4.90	
Uttlesford District Council	Spriggs Farm	Land At Spriggs Farm Little Sampford		12.00	
Uttlesford District Council	Cole End - Solar Farm	Land At Cole End Farm Lane Wimbish Essex	CB10 2LJ	30.00	
Uttlesford District Council	Felsted School Road - Solar Photovoltaic Farm & Battery storage	E/O School Road And Main Road, Felsted School Road, Felsted, Dunmow	CM6	49.90	
Uttlesford District Council	Terriers Farm	Land At Terriers Farm, Boyton End, Thaxted, Dunmow, Essex	CM6 2RD	44.00	
					<b>162.90</b>

## **Appendices 8 – 10**

**See Separate Documents**