



The Planning Inspectorate

Environmental Services
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Ms Kirsty Cassie
Berden Solar Limited

Ref: S62A/2022/0006/Berden
Solar

Sent by email:

Date: 19 August 2022



Dear Ms Cassie

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 62A
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2017 (SI 571/2017 ('THE EIA REGULATIONS'))**

Applicant: Berden Solar Limited

Site Address: Berden Hall Farm, Ginns Road, Berden

We refer to the above application. The Secretary of State has considered the Application in accordance with Regulation 12 of the above Regulations.

The development proposed, namely development of a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping, falls within the description at 3(a) of Schedule 2 to the EIA Regulations. Having taken into account the criteria in Schedule 3 to the EIA Regulations, the Proposed Development would be likely to have significant effects on the environment for the following reasons:

The Proposed Development is visible to recreational users from a number of designated Public Rights of Way (PRoW). The Landscape and Visual Impact Assessment prepared in respect of the Proposed Development concludes that there are moderate to major adverse effects to visual receptors from viewpoint locations for users of PRoW 5/26, and 5/21, which are stated as being "significant". Adverse effects on the local landscape are also reported when considering the cumulation of effects with other existing and/or approved projects, namely the UTT/21/3356/FUL (Land Near Pelham Substation, Maggots End Road, Manuden), UTT/21/0688/FUL (Land At, Cole End Farm Lane, Wimbish) UTT/21/2846/FUL (Chesterford Park, Little Chesterford, Essex) and 3/22/0806/FUL (Stocking Pelham Battery Energy Storage System), as well as the existing Pelham Substation and Pelham Battery Storage facility.

On the basis of the information provided, the Secretary of State considers that the Proposed Development has the potential to give rise to significant landscape and visual effects.

The Secretary of State therefore notifies you by this letter that the submission of an Environmental Statement (ES) is required under regulation 12(3) of the EIA Regulations.

You are reminded that, under regulations 12(6) and 12(7) of the EIA Regulations, the Secretary of State shall be under no duty to deal with the application unless, within 3 weeks from the date of this notification, the Applicant writes to inform them that an ES will be provided (sent by email and marked for the attention of the Environmental Services Team). Please confirm whether you intend to submit an ES, and if you do, how long you anticipate this will take to prepare.

Under Regulation 2(1) of the EIA Regulations, an ES must contain the information specified in that Regulation. It is recommended that you refer to the EIA Regulations¹ and the online Planning Practice Guidance on EIA² in preparing the ES.

We would draw your attention to court cases which have stressed the need for all the relevant environmental information in an ES to be comprehensive and easily accessible, and to the requirements regarding the publishing and posting of site notices as directed in Regulation 20(1).

You will bear in mind that the Secretary of State's opinion on the likelihood of the development proposed having significant environmental effects is reached only for the purposes of the direction.

A copy of this letter is being sent to the relevant planning authority. Under Regulation 28(1) of the EIA Regulations, the relevant planning authority must take steps to secure that this screening direction is placed on the part of the Planning Register which relates to the application.

Yours sincerely

Richard Hunt

RICHARD HUNT
Operations Lead – Environmental Services
(Signed with the authority of the Secretary of State)

cc: Uttlesford District Council

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is:

<https://acp.planninginspectorate.gov.uk/>

¹ <https://www.legislation.gov.uk/uksi/2017/571/introduction/made>

² <https://www.gov.uk/guidance/environmental-impact-assessment>