

Stocking Pelham Parish Council

Berden Parish Council

Tuesday 14th February 2023

Inquiries and Major Casework Team
The Planning Inspectorate
3j Kite Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Section62a@planninginspectorate.gov.uk

Dear Sir/Madam

**Re: Planning Application PINS Reference: S62A/22/0006 (the “Application”)
Uttlesford District Council (the “Council”) Reference UTT/22/2046/PINS
Development of a ground mounted solar farm with a generation capacity of up to
49.99MW, together with associated infrastructure and landscaping (the
“Proposed Development”)
Land At Berden Hall Farm, Ginns Road/Pelham Road, Berden (the “Site”)
Berden Solar Limited (the “Applicant”)**

We refer to your letter dated 9th January 2023 advising of the Applicant’s further submissions including the Environmental Statement and responses to your letters relating to the above section 62a planning application.

We are writing, as joint Parish Councils, with further comments and further objections in addition to our original objection letter dated 5th September 2022 and further letter dated 11th November 2022.

Whilst the Applicant’s submitted Environmental Statement seeks to deal with impact on both the landscape and heritage assets (given our original objection highlighted these fundamental concerns), not only does it fail to address these concerns it also fails to address the multitude of further adverse impacts and planning concerns as raised by ourselves, third parties and statutory consultees.

We note the Environmental Statement is marked as a draft submission and we question whether the Applicant will be addressing the multitude of further issues and points as raised by the Parish Council, consultees, third parties and objectors in a further version.

This letter should be read alongside these earlier objection letters (not instead of).

1. Proposed Reforms to National Planning Policy

The Government’s Department for Levelling Up, Housing, and Communities is currently consulting on how new national planning policy is developed to support wider objectives.

The current consultation (until 2nd March 2023) includes a proposed approach to updating to the National Planning Policy Framework (“NPPF”). Whilst the proposed approach is for more onshore wind energy production, Chapter 7 (Protecting the environment and tackling climate change) of the consultation document deals with the food production value of farmland and paragraphs 10 – 11 headed “Recognising the food production value of farmland” states:

10. *The government’s food strategy highlights that the UK maintains a high degree of food security. The strategy sets out an aim to broadly maintain domestic production at current levels to build the UK’s resilience to future crisis and shocks. 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. To emphasise the important role that our best performing farms have on food security, alongside imperatives such as energy security, we are seeking initial views on increasing the consideration given to the highest value farmland used for food production in the Framework for both plans and decision making.*
11. *The Framework currently expects that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile agricultural land. Best and Most Versatile land is defined as grades 1-3a in the Agricultural Land Classification. To build on this, we propose a change to the current Framework footnote 58 by adding detail on the consideration that should be given to the relative value of agricultural land for food production, where significant development of higher quality agricultural land is demonstrated to be necessary, compared to areas of poorer quality land. This should not prevent the achievement of government’s objectives in relation to nature recovery and creation of ecosystem services to enable and offset development elsewhere.*

Alongside this consultation, the proposed changes to the text of NPPF have been published including a change in the footnote at paragraph 178 (where plans should ... allocate land with the least environmental or amenity value, where consistent with other policies in this Framework) which now says (new text highlighted in bold):

*67 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. **The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.***

As set out in our earlier objection, the Application confirms 72% of the Site is made up of NPPF defined “best and most versatile land” (grades 2 and 3a). Grade 3a is not subgrade.

The report by the Applicant does not include all of the Site so it is not known if this 72% is a minimum. The soil survey only includes 63.4 hectares of the Site and the remaining 8.18 hectares is not graded which seems to be a divisive move.

The Government’s agricultural land quality records (reference Enclosure 1) confirms the Site is Grade 2 “Very Good”. Given the Site is in private ownership, we have not

had any opportunity to survey and test the soil ourselves. The Site has and remains currently farmed for arable crops.

As such, the emerging Government NPPF revisions seek to protect higher quality food producing land (which the Site is) and areas of poorer quality land should be considered first.

As per our original objection, the Applicant has made no effort to undertake a sequential test of lower agricultural grade land in the area. The Application is geared to the Site because of its single ownership, a willing landowner, and the opportunity for increased profit due to the low cost of connection to the Stocking Pelham National Grid substation (“Pelham Substation”).

The Government’s agricultural land quality records (reference Enclosure 1) confirm there are large areas of Grade 3 to the southwest and east, all of which are within connection distance of the Pelham Substation. Whilst we are neither promoting nor suggesting these other areas, the point is the Applicant has failed to carry out a proper sequential test of alternative and lower grade agricultural land. This is further highlighted in section 7 below.

2. Failings of the Environmental Statement Scope

As a general statement, the Applicant’s scope for the Environmental Statement seeks to deal with only visual impact from public rights of way that pass through the Proposed Development (reference the Applicant’s letter 2nd September 2022).

Whilst such views are important, the Environmental Statement should (and fails to) deal with wider views of the Site from the surrounding area (of which the views are considerable) and the views and impact on heritage assets.

The Applicant has sought to minimise this visual impact assessment by only studying views from PROWs within the Site. Views from private ownerships, heritage assets, roads and the wider area must be properly assessed. The Applicant has failed in this regard.

Against this background, in July 2022 the landowner of the Site submitted an application to the County Council to divert Berden Footpaths 2, 16, 22, 23, 24 and 26 together with Clavering Footpath 59 as a means to limit PROW views of the Proposed Development.

3. Landscape & Visual Impact

Our original objection refers to the Site as located within open countryside, and this is a wholly rural landscape with far reaching views from the north and east.

Both Berden and Stocking Pelham villages have retained a well-preserved rural settlement character, both located on the border of their respective Counties. The two villages are linked by a local road which has clear and extensive views into the Site. The view from this road of the Proposed Development is one of many fundamental visual impact issues when considering the relative remoteness and historic character of both villages.

This is both a remote and historic location on the County border which is typified by its arable pedigree and is set within a farming landscape that has remained largely unchanged for decades and, in part, for centuries.

We reference the view of the Proposed Development from this road as a prime example of how no amount of hedge planting can mitigate this visual intrusion and blight on the natural landscape caused by a solar farm. This is a 40 year life scheme yet proposed hedge planting and screening will take 15+ years to provide any effective mitigation.

This landscape both around and towards the Site is highly valued and has a very special intrinsic character and beauty. The Environmental Statement both ignores and fails to address the requirements of paragraph 170 of the NPPF. The clear NPPF intention is to protect and enhance valued landscapes and to recognise the intrinsic character and beauty of the countryside including the economic and other benefits of the best and most versatile agricultural land.

The Environmental Statement relies on limited and selective viewpoints. These viewpoints exclude some PROW views despite the Applicant regarding these as the main visual harm impact. Even the detail of the photomontages from these viewpoints are lacking. The Applicant's efforts to enhance the NPPF "valued landscape" takes the form of areas of new planting including trees, hedges and a 'community woodland'. As above, these will take many years to become established and do little to screen, mask or compensate for the urban blight caused by the solar panels.

The Applicant provides neither detail nor substance of any landscape maintenance. As per our original objection, the Applicant is an off-the-shelf new company with a balance sheet of £1. There is no certainty of any management, and any planning condition provides no guarantee.

Regarding the 2.7-hectare wildflower meadow, the landowner has provided this in the 2022 summer months. As per the photos shown at Enclosure 2, for 3 months this provided a pleasant area of yellow and lilac flowers but soon became a brown mess and is now a mass of weeds. Even with a 40 year fully funded maintenance plan, at no point has or will this provide any visual screening or real community benefit.

A community woodland should be part of a planned urban extension to a town, not compensation for a small rural village. Both villages are surrounded by historic woodlands, this makes a mockery of the heritage of this area.

As per our original objection, the Applicant has demonstrated by previous performance of the appalling mitigation that landscape planting provides (reference the neighbouring 2018 battery scheme by the Applicant).

The photomontages contained with the Environmental Statement do nothing to inspire any confidence in the Applicant's ability to screen the Proposed Development. In fact, these photomontages cannot properly demonstrate how the impact of the Proposed Development can be properly mitigated.

The 2018 battery hedge screening clearly demonstrates how, 5 years later, it is wholly ineffective. The photomontages can easily be shown as being misleading and ineffective by just looking at the neighbouring battery units. Such new planting provides barely any effective screening even after 7-10 years particularly with the poor level of maintenance that is typical.

4. Heritage & Archaeology

The Applicant, in preparing the Environmental Statement, faces a tough challenge to assess and mitigate adverse impact on the key heritage assets of (a) Grade I listed Church of St Nicholas, (b) Grade II* listed Berden Hall (which overlooks the Site and the Site can be seen from the upstairs windows) and (c) the overlooking Crump scheduled monument to the east which is a Medieval moated ringwork site. There are also various listed buildings and the further Medieval remains at the Rookery to the south east of the Site.

The Applicant seems to approach this difficult task by reducing the critical importance of these heritage assets and then not fully assessing the impact that the Proposed Development will have. The Environmental Statement fails in both regards. The heritage assessment selects limited viewpoints and ignores other key views and settings.

The Environmental Statement concludes the following impact on key heritage assets:

- (a) St. Nicholas church harm would be ‘neutral’.
- (b) Berden Hall is also assessed as ‘neutral’.
- (c) The Crump harm to the setting is dismissed on the basis that it is ‘small scale’ and reversible’.

These very conclusions undermine the credibility of the Environmental Statement and make a mockery of the evaluation process.

The Crump overlooks the Site; its historic purpose as a moated Anglo Saxon fortification was to protect and defend the surrounding area including the Site. Ringworks defended aristocratic or manorial settlements, including the Site. These are rare nationally with only 200 recorded examples and less than 60 with baileys. As such, and as one of a limited number and very restricted range of Anglo-Saxon and Norman fortifications, ringworks are of particular significance for our understanding of the period.

The industrialised change in character of the Site from the Proposed Development will have a very significant impact on the Crump, the church and Berden Hall.

Historic England’s letter dated 18th January 2023 makes clear reference to “*high evidential value in this asset*” and “*this scheduled monument in the rural, agricultural landscape is a rare survival. The setting of the scheduled monument contributes to its significance, and the monument draws a considerable amount of significance from how it is experienced in the landscape*”.

Historic England’s reference to archaeological remains and important information relating to the occupation and development of the Site was previously raised by our letter dated 14th April 2022 (copy attached at Enclosure 3) concerning the Rookery which was linked to the Crump. This has not been properly addressed by the Applicant.

The Environmental Statement proposes screening as mitigation for the impact (and presumably harm) on these heritage assets. Historic England's advice is clear in this regard: *'As screening can only mitigate negative impacts, rather than removing impacts or providing enhancement, it ought never to be regarded as a substitute for well-designed developments...'*

The impact of the Proposed Development on the setting of these heritage assets will be both significant and dramatic. The existing agricultural and historic village setting will be lost.

5. Cumulative Impact and Harm

The Applicant applies great weight to the existing visual intrusion of the overhead electric pylons and the existing Pelham Substation. It is not good planning to assess something as poor and then use this as weight to add something worse.

From a heritage perspective, Historic England's guidance is very clear with regard to cumulative harm; *'where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies, consideration still needs to be given to whether additional change will further detract from ...the significance of the asset'*.

From a landscape view, we can already see from the Applicant's neighbouring battery scheme that the unmitigated white battery units are a greater and severe eyesore against the blended grey backdrop of the Pelham Substation.

The Applicant's argument has no strength or weight.

The Applicant has still failed to properly consider the cumulative impact of this Proposed Development with other similar renewable energy schemes.

The Environmental Statement refers to five other renewable energy schemes identified for cumulative assessment; these being:

UTT/21/0688/FUL – Cole End Lane, Wimbish; permission granted;

S62A/22/0004 (UTT/22/1474/PINS) - Land East of Parsonage Road, and South of Hall Road, Takeley; permission granted;

UTT/21/2846/FUL – Green Energy Hub, Chesterford Park, Great Chesterford; permission granted;

UTT/22/0007/FUL – Land East of School Lane, Felsted; permission granted;
and

3/22/0806/FUL – Stocking Pelham Battery Energy Storage System, current application.

For reasons unknown to us, the following have not been raised and included in the cumulative assessment:

Pelham Substation; as built.

UTT/16/2316/FUL and UTT/17/2075/FUL – the Applicant’s neighbouring battery storage scheme; as built.

3/21/0969/FUL – The neighbouring Green’s Farm, Stocking Pelham battery storage scheme; current application.

3/21/0806/FUL – The neighbouring Crabbs Green, Stocking Pelham battery storage scheme; current application.

3/21/2601/FUL – Wickham Hall, Farnham 35 MW solar farm; permission granted.

S62A/2022/0011 – Pelham Spring Solar Farm, current application.

Why has the Applicant included a cumulative assessment of schemes several miles away, yet ignored those directly neighbouring and within close walking distance? There are three battery storage schemes with built or proposed directly adjacent to the Site, plus the Pelham Substation plus a current application for another solar farm.

The Applicant has consistently failed to consider the potential cumulative effects of these actual, approved and proposed renewable energy schemes, many of which are neighbouring or within close proximity.

6. Transport & Highways

Further to our second objection letter dated 11th November 2022, the Environmental Statement contains a revised Construction Traffic Management Plan (“CTMP”) but this fails to address our issues and concerns raised.

The CTMP fails to properly address how construction is possible given the abundance of PROWs crossing the Site. No detail is given as to how the Proposed Development can be built without risking health & safety to the public. This is a fundamental issue and cannot and should not be left to planning conditions.

There is no highway safety assessment or construction safety assessment for any aspect of highways access or construction affecting highway and PROW matters.

Given its rural location, the Site can only be accessed by small roads which pass through small villages (Berden, Manuden, Clavering and Stocking Pelham etc.). These roads are often very narrow in places (4 metre width) and insufficient to allow HGVs to pass cars, pedestrians and cyclists.

The Environmental Statement does not include any Transport Statement which is concerning. The Applicant references total HGV trips but then applies a monthly average which is incorrect. A proper calculation is required with assessments of avoiding school times and peak periods. Even the total HGV trips seems unrealistically low.

7. Alternative Sites & Sequential Test

Our original objection set out the planning policy basis in NPPF for a hierarchy in allocating land with the least environmental or amenity value together with using areas of poorer quality agricultural land instead of those of a higher quality.

This is further reinforced in the Government's Guidance Note and the Ministerial Statement and as above the consultation draft revised NPPF. Even the 2005 Local Plan Policy ENV5 requires areas of poorer quality to be used.

To repeat the original objection, against this clear "schoolchild" policy background, the Applicant has still made no effort to consider or appraise other sites by way of an alternative site and sequential test.

The Applicant correctly references within the Environmental Statement to EIA Regulations requirements but then provides no evidence of consideration of any other sites.

The Applicant has been very consistent in this approach; in the Applicant's questions document issued after a public exhibition: "Question: What other locations did you consider? Answer: None!".

The Applicant simply references the reason for the Site's selection as its proximity to the Pelham Substation. Yet we know this is purely a financial reason for a reduced length high voltage cable connection, not planning led.

The Applicant refers to "*high solar irradiance associated with the area*". We cannot see any evidence or case to justify why these fields on this specific part of the Hertfordshire-Essex border receives more sunlight than elsewhere in both counties. Indeed, the Site slopes down to the north with less winter sun than other better orientated areas.

Similarly, the Applicant's comments on the Site being visually enclosed with effective screening within a short timeframe are fictions. The only enclosure the Site has is from key heritage assets and historic built villages.

The proximity to the Pelham Substation is not an essential requirement. Uttlesford has a considerable number of solar farm developments and these do not critically need to be located next to a regional substation. The solar farm on land at Cutlers Green near Thaxted (reference UTT_21_1833_FUL) will have underground cables into the grid approximately 4km from the site.

8. Biodiversity Net Gain ("BNG")

The Applicant's assessment shows a failure to meet the Trading Rules Standard and the explanations given are flawed. As such this is not acceptable.

The Site is current actively farmed arable fields with existing substantial hedged margins and an existing wildflower meadow (as above, already provided not proposed).

9. Ecology & Protected Species – The failure to properly provide open habitats for lost Skylark nesting is concerning.

In the Applicant's original submission, the presence of skylarks on the Site was suggested to be dealt with by nesting between the solar arrays. Fortunately, the new ecologist has correctly indicated that Skylarks may forage between solar arrays, but they nest in open fields.

The Applicant's skylark mitigation strategy is lacking in detail and enforceability for adequate offsite replacement. This needs to properly allow for existing nesting areas to be retained and not developed.

The Applicant has failed to properly deal with distances from the existing skylark territories and also the fact that the proposed mitigation sites are home to a successful family of Red Kites which will prey on small birds including Skylarks.

The offsite relocation requires small squares of arable land to not be seeded and crop sprayed with herbicide. These plots are outside the Site planning application red line and we query how this skylark mitigation strategy can be enforced.

The same landowner regularly ploughs over the footpath PROW crossing the alternative Field 1 and doubtless will pay scant regard to skylark plots in future years (40 of them). This further reduces arable production at a time when the Government is protecting quality food producing land.

We note Place Service's concerns about Great Crested Newts and badgers. Presumably the Applicant will carry out seasonal surveys in May and before this Application is determined.

10. Flood Risk & Surface Water Drainage – The Environmental Statement still fails to properly understand the existing flooding in the centre of Berden and the degree of field run-off which will greatly worsen without proper attenuation.

The FRA seems to not adequately deal with drainage or any attenuation. The existing Site causes existing flooding in Berden which can only worsen.

11. Noise

We share the concerns of both the East Herts and Uttlesford environmental health officers on cumulative noise and the objection confirmed by the notice dated 1st and 3rd February 2023 respectively. East Herts have received numerous complaints regarding current unacceptable noise from the Applicant's existing battery scheme and there are two further current planning application for two more battery storage schemes direct next to this.

The Proposed Development further adds solar inverters and transformers adding noise + noise + noise to that existing.

As our previous objection, the Applicant's noise assessment is flawed as it has regard to existing background noise levels which are inflated by the Applicants existing battery scheme which has no noise mitigation.

We have previously highlighted to the Council the planning error made in 2017 (reference Enclosure 4).

12. Future Reinstatement – The Applicant has still failed to provide any detail or guarantee about the future ability to revert the land to agricultural use. We still object based on concerns of failure to provide a proper mechanism for this.

The Applicant has a balance sheet of £1 and presumably will assign any option to lease the Site either after planning or after construction. The Applicant offers no obligation for the landowner to be liable and responsible for the future reinstatement

in 40 years. Both the landowner and the Applicant are jointly liable for this visual blight.

For completeness and ease of reference, we enclose our original objection letter dated 5th September 2022 and further letter dated 11th November 2022 (Enclosures 5 and 6 respectively).

Please do not hesitate to contact us in this regard.

Yours faithfully,



Berden Parish Council



Stocking Pelham Parish Council

Enc.

Copy: L. Ackrill Esq.



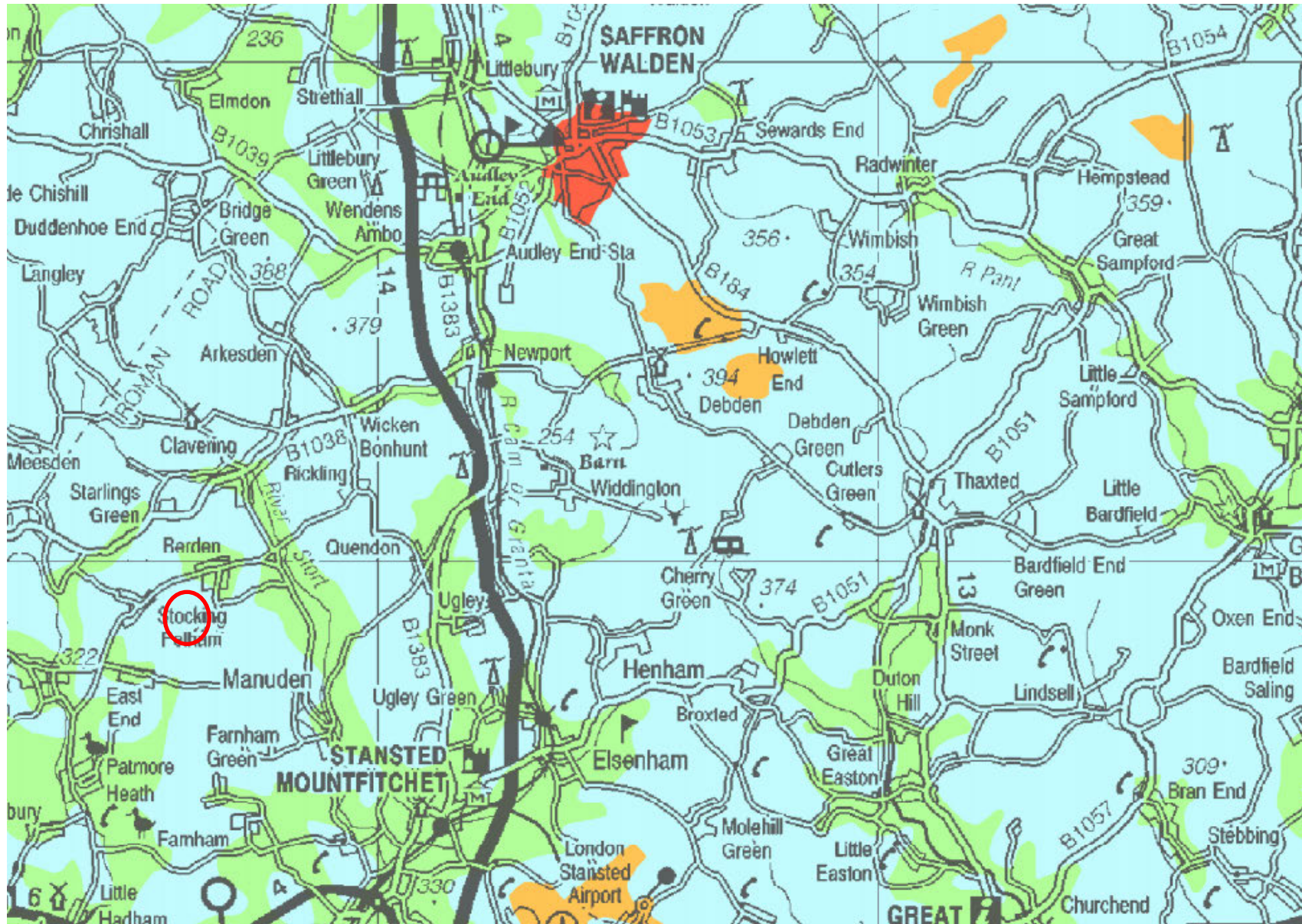
Enclosure 1

Planning Application PINS Reference: S62A/22/0006

Development of a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping

Land At Berden Hall Farm, Ginns Road/Pelham Road, Berden

Berden Solar Limited



Grade	Description
1	Excellent
2	Very Good
3	Good to Moderate
4	Poor
5	Very Poor

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Photographs of the Species Rich Meadow 20th May 2022



Photographs of the Species Rich Meadow 22nd August 2022



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Land At Berden Hall Farm, Ginns Road/Pelham Road, Berden

Berden Solar Limited

Berden Parish Council

14 April 2022

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

By email: [REDACTED]
[REDACTED]

Dear Sir

**Statera Energy - Proposed Solar Energy Scheme (EIA Screening Ref. UTT/21/2158/SCO)
Land Adj. Pelham Substation Park Green Lane Berden**

We refer to above awaited planning application and, having regard to the above screening opinion, we are writing to highlight the archaeology and heritage position and to ensure that the local planning authority are aware and ensure that full geophysical surveys and trial trenching is carried out before any planning application is submitted.

As part of the screening opinion, Essex County Council Place Services have highlighted the significant archaeological remains within the solar panel areas and this includes the Rookery, the 12th-13th century raised earthwork with banked ditch. This was last trenched in 1954 and the proximity and relationship to the neighbouring Crump Schedule monument is important.

Place Services have recommended an initial desk-based assessment and then ground evaluation.

Historic England similarly note the potential adverse impacts on these non-designated heritage assets and ask the District Council to get involved.

When this was queried with Statera at the recent public consultation event, Statera were unaware of the Rookery and indeed the Crump Scheduled Monument and Grade 1 and Grade II Listed Buildings.

We attach details of the Rookery and its location is shown on the attached plan (the red circle).

In addition, crop marks and surface finds have also indicated a second possible location within the proposed Statera site.

Are the District Council involved with Statera's heritage advisors in this regard?

Based on the above, we would request that the District Council ensure full archaeology geophysical surveys and trial trenching are undertaken **before** any planning application is submitted.

We look forward to hearing from you.

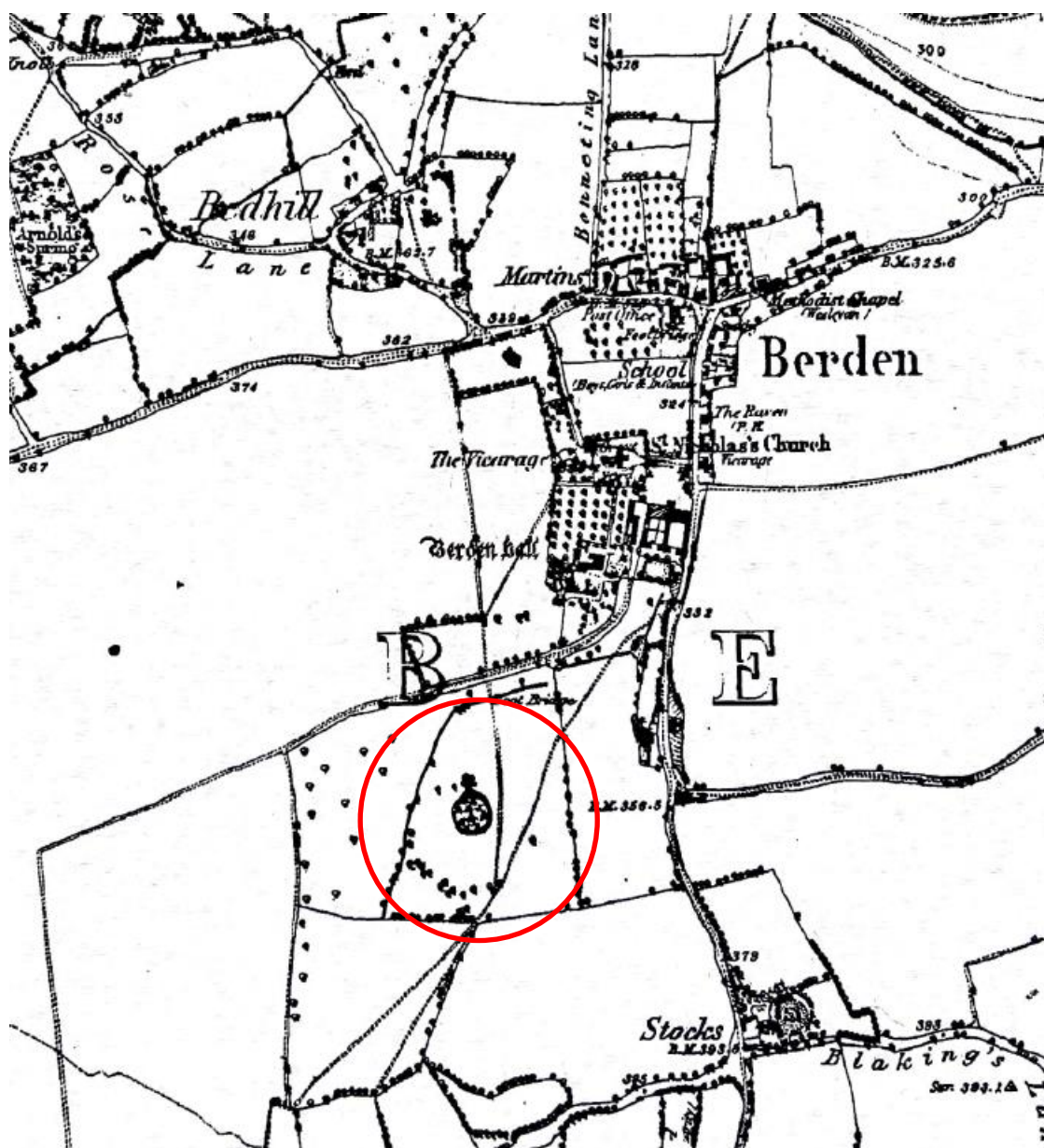
Yours faithfully

Berden PC

Laura Free
Clerk to Berden Parish Council

cc Cllr Janice Loughlin

Enc.



THE ROOKERY: A RINGWORK AT BERDEN, ESSEX.

By GROUT-CAPTAIN G. M. KNOCKER.

The parish of Berden lies about 7 miles due north of Bishop's Stortford. There is a fine Elizabethan Manor House and within a mile of this were two ringworks (Fig. 1).

One of these, known as 'The Crump', consists of a circular enclosure, surrounded by a moat containing water, with an overall diameter of about 180 feet. The owner has done a little digging in the middle and found mortared flints, some 12th century cooking-pots, an iron spear head without a socket, the handle going up the inside of the blade, some wavy-edged horse-shoes and 'fiddle-key' nails, and two or three fragments of bronze strips stamped into figures-of-eight.¹

These finds are as yet unpublished. The second ringwork, known locally as 'The Rookery' on account of the copse which once covered it, lay in a field just south of Berden Hall, on the farm of Mr. A. Watson. The map shows a pond immediately north of the ring but this has since been drained. The present writer was instructed by the Chief Inspector of Ancient Monuments, Ministry of Works, to carry out a rescue excavation to endeavour to discover the nature and date of the earthwork before it was ploughed out. This was carried out between 10th and 25th May, 1954.

The earthwork consisted of a banked ditch surrounding a flat central area (Fig. 2). The overall diameter to the outer edge of the ditch was an average of 180 feet, the central area having a diameter of about 72 feet. Spoil from the ditch had been piled up to form a bank along its inner edge. This bank stood 8 feet above the ditch bottom but the ditch was originally about 2 feet 6 inches deeper. There was no sign of an entry in the bank nor a causeway over the ditch. The central area was some 18 inches higher than the land outside, indicating that some of the ditch spoil was spread over the interior space.

¹ A similar strip was found in the outer bank, at Framlingham Camp, Suffolk (G. M. Knocker, 'Excavations at Framlingham Camp', 1954, Proc. Suffolk Inst. of Arch., vol. xviii, Part 2 (1950), p. 80 and fig. 11.) In this paper Berden is referred to in error as being in Hertfordshire.

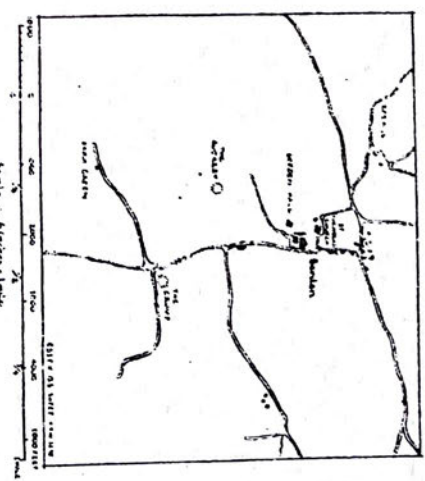
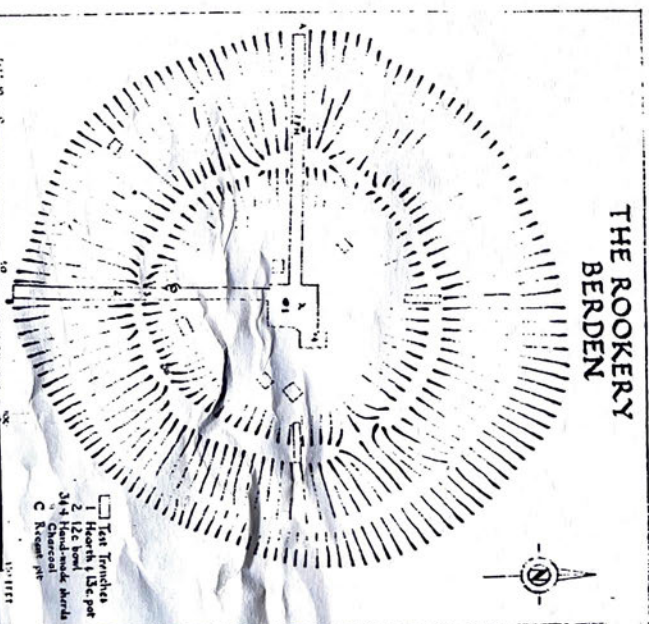


FIG. 1.

THE ROOKERY BERDEN



- Test trenches
- 1 Heavily used post
- 2 122 hole
- 344 Chancel arch
- C Roman pit

Test trenches 4 feet wide were dug along the southern and western radii. The central area was opened up and a series of test holes were dug inside the bank. The latter was examined on the north and east sides by short trenches cut across its crest. The results were not revealing.

Natural subsoil consisted of blue clay with chalk, above which was a foot to eighteen inches of light brown clay, capped with a foot of topsoil. As is usual in such cases, it was difficult to say precisely when undisturbed soil had been reached or where the original turf line lay below the bank. Faint indications in the southern trench seemed to show that this lay about a foot to eighteen inches below present ground level in the centre.

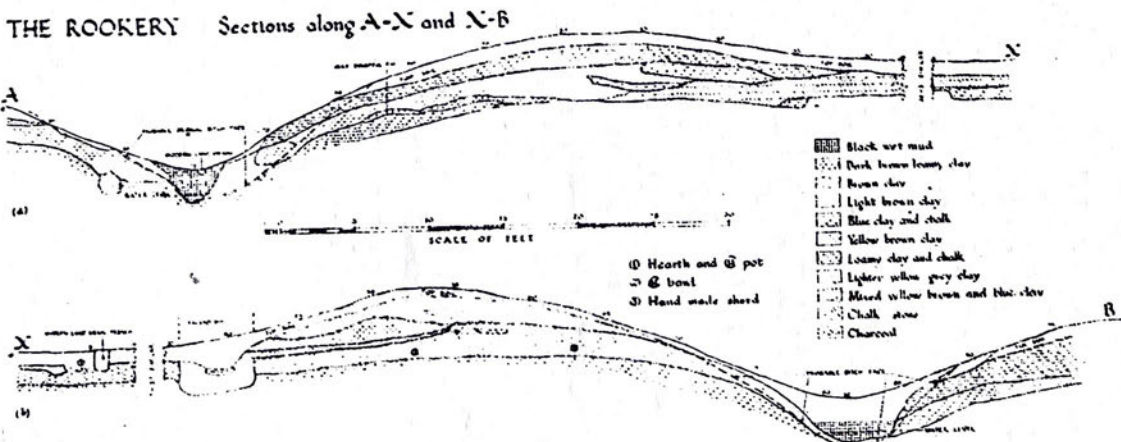
Central Area (Figs. 2-3).

Five feet south of the estimated centre was a small hearth of blackish-grey, clayey loam with burnt clay, measuring 2 feet 6 inches by 18 inches, at a depth of 18 inches, just below topsoil and scooped out of the blue and brown subsoil (Fig. 3b). On it lay the inverted remains of a cooking-pot, made of harsh, buff-brown, gritty ware with a sagging base. The heavily moulded rim with slight internal beading is characteristic of the 13th century¹ (Fig. 4.1). Associated with the pot were the base sherds of another vessel of thicker ware, less harsh than the cooking-pot and redder in colour, also of this date. Thirteen feet north-east of the hearth a fragment of coarse, buff-brown pottery, apparently hand-made, was found just below topsoil.

The remainder of the central area revealed nothing of interest. There were no stonework, post-holes or other signs of occupation.

The Bank (Fig. 3a. and b).

The bank was sectioned in two places down to natural blue clay with chalk. Its composition in general showed the confused stratification to be expected when the spoil from a ditch is thrown up haphazard. In the southern trench (Fig. 3b) the old turf line appeared to show as a line of blue clay below the inner half of the bank, about 18 inches above natural. South of the crest, the rim sherd of a 12th century bowl in reddish-brown gritty ware, was found in brown clay, 6 inches above natural² (Fig. 4.2). (2 on Figs. 2 and 3b.) A single sherd of reddish ware, flecked with flint, $\frac{3}{8}$ inch thick, bearing horizontal girth lines and apparently hand-made, was found just north of the crest, 6 inches above natural and 9 inches below the presumed old turf line. (3 on Figs. 2 and 3b.) It was probably part of a



¹ *Catalogue of a southern English cooking-pot from Bungay Castle, Suffolk, Proc. Suffolk Inst. of Arch.*, vol. xiii, p. 285.

roofing tile. A few flecks of charcoal were found below the crest at a depth of about 1 foot 9 inches.

Charcoal flecks were also found west of the crest and just above natural in the western trench which otherwise revealed nothing of interest (Fig. 3a).

A careful search was made for post-holes both on the crest of the bank and on the outer scarp, but with the very doubtful possibility at

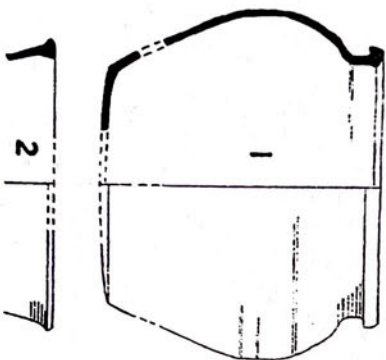


FIG. 4.

62 feet west in the western trench, where natural blue clay showed a shallow depression, no indications were found.

The Ditch (Fig. 3a and b).

The ditch proved to have been originally 2 feet 6 inches deep, giving an original depth of between 5 and 6 feet below the presumed original ground level. Its centre was filled with some 2 feet of wet, black, loamy silt. Water level was reached 6 inches above the original ditch bottom. Nothing of interest was recovered.

The nature of the earthwork.

The finds, already described, from the adjacent Crump suggest that the latter was a Norman ring motte and it seemed reasonable to suppose that the Rookery, which looked very similar, was another example. Nothing however was found to strengthen this supposition. The apparent absence of any traces of stonework, post-holes, occupation

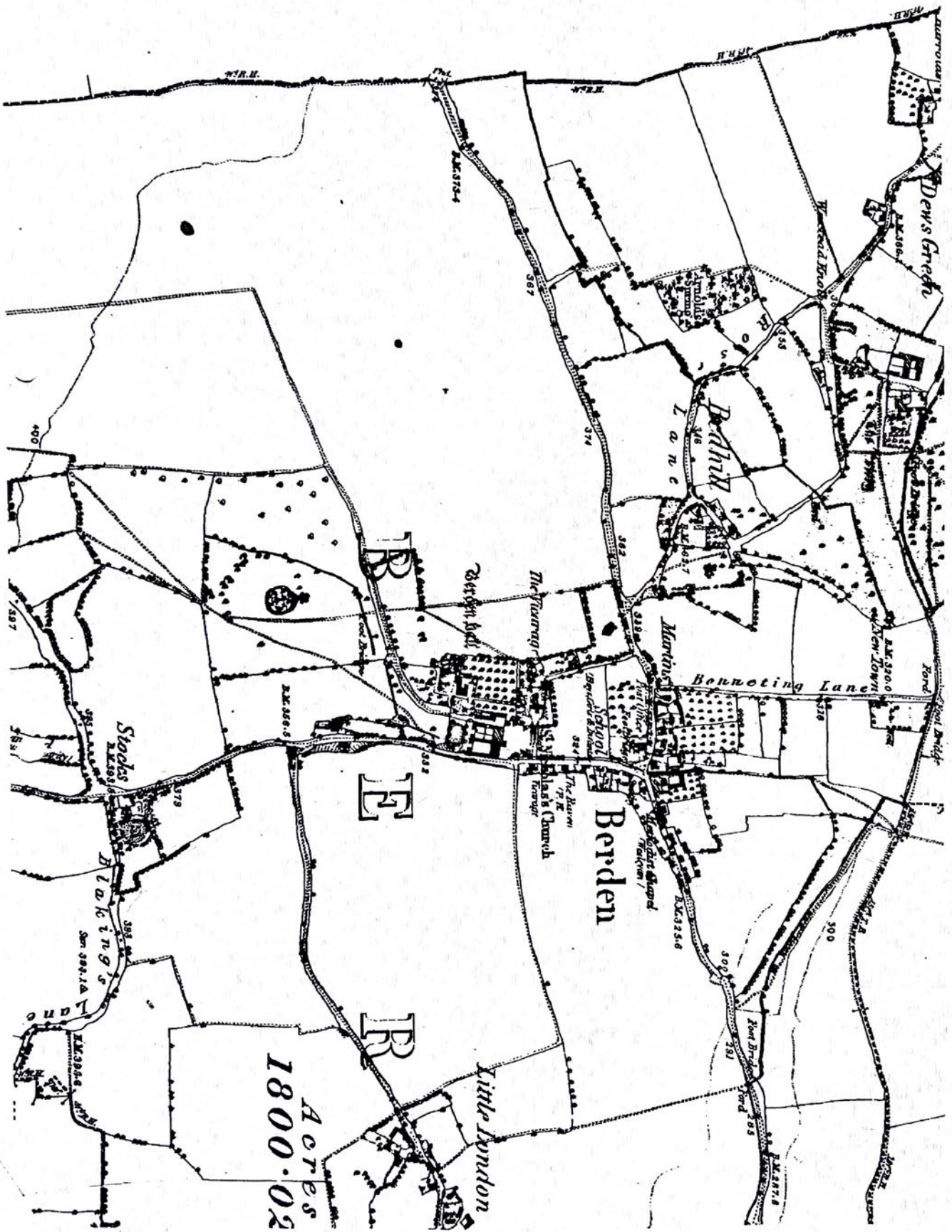
level, other than the small central hearth, or means of entry through the bank, made it hard to believe that the place was ever either a regular dwelling site or a cattle enclosure. On the other hand the almost certainly hand-made sherd found near the centre gave some evidence of ancient occupation.

The central hearth with associated cooking-pot indicated light occupation in the 13th century, and the rim sherd of a medieval bowl found near the base of the southern bank suggests a 12th century date for the construction of the earthwork.

From later times, the only known record is contained in a conveying map of 1602 in which the earthwork is shown, somewhat sketchily, as a rectangle.

The earthwork has now been destroyed.

1881



1800.02
Acres

Title London

Berden

Benning Lane

Dew's Green

Staples

E

R



Planning Application PINS Reference: S62A/22/0006

Development of a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping

Land At Berden Hall Farm, Ginns Road/Pelham Road, Berden

Berden Solar Limited

Berden Parish Council

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

By email: [REDACTED]

15th June 2021

Dear Sirs

**Re: Planning Permissions UTT/17/2075/FUL & UTT/16/2316/FUL
Battery Storage Facility, Pelham Substation, Park Green Lane, Berden**

We are writing with regards to the above planning permissions by way of an opportunity to review 'lessons learnt' as we are aware of further proposed battery storage facility around the Pelham substation (and possibly elsewhere) together with the contentious solar farm within our Parish.

Whilst hindsight is a 'wonderful thing', we thought that this is an opportune moment to refresh on the previous errors and matters that were either overlooked or ignored in the grant of the above planning permissions.

The Parish Council always look to work proactively with the District Council in all matters and we did flag key issues and considerations in both the early and later planning stages which would have mitigated the negative effects and impact of the development.

We are now over 4 years after the Berden battery storage facility was built and we attach current photos taken this week which highlight the unacceptable visual impact and blight on the landscape. The bright white battery units can be seen from miles around. The promised green coloured units and mature height planting after 5 years as promised by the photo montage submitted with the 2016 application can only be described as a work of fiction.

The residents of Stocking Pelham are more affected by the noise with houses close to the battery units. The initial planning permission required a 4 metre high acoustic barrier and discharge of a noise planning condition. Sadly, the grant of the variation permission omitted to include any noise condition or indeed any noise control and we are left with no noise attenuation no planning control and a constant 'hum' of noise affecting residents.

Similarly, the variation permission removed any materials planning condition and the previously approved green battery units were replaced with white with no planning control.

The 'improved' landscaping scheme granted planning included a 1.2 metre bund to the most visible eastern elevation. As the photo below demonstrates this has not been provided and 4 years later the planting amounts to a few sparse hedge plants of heights less than 40 cm.



We met with Nigel Brown on 9th January 2017 to discuss our concerns over other planning oversights.

Without going over previous matters, we attach a copy of our letter to the Chief Executive sent in 2018 which flagged these same concerns.

We are not asking the District Council to investigate any planning breaches or conditions; the unfortunate grant of the variation permission has deleted the original controls over noise, materials and landscaping.

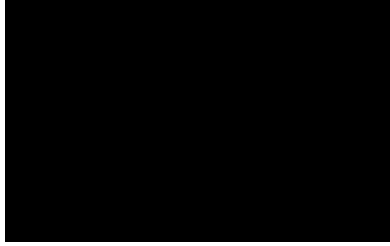
What we are asking is for a proactive approach with our Parish Council (and indeed other Parish Councils) over such matters given the surge in renewable energy proposals. Given the absence of any up to date Local Plan policy control, the careful consideration of planning applications and pre-app discussions is now of paramount importance.

Yours faithfully,

Laura Free
Clerk to Berden Parish Council

Enc.

cc. Gordon Glenday
Cllr Janice Loughlin
Furneux Pelham Parish Council
Manuden Parish Council
Stocking Pelham Parish Council



















Letter to Chief Executive of Uttlesford Council

Pelham Substation Battery Installation

Dear

We are writing to you to express our dissatisfaction with the whole planning process for this installation as outlined below. There have been two major issues with regard to planning approval for this installation, that of landscaping and noise, and although the two are linked (particularly with regard to fencing) we will attempt to set out our concerns separately.

The original application, UTT/16/16/2316/FUL, made in August 2016, provoke a significant amount of controversy, not least with our neighbours in Stocking Pelham, where residents are closest. The main concern that they had was regarding potential noise, dealt with later. Berden Parish Council provided an even handed and comprehensive response to the submission which included the following:

“The Parish Council remain concerned of the visual impact of the development given the prominence of the site.....The Parish Council does not wish to object to this application but request that grant of any planning permission includes suitably worded planning conditions dealing with landscape and visual impact, construction methodology and noise.”

Landscaping

An amended scheme UTT/17/2075/FUL was submitted in July 2017. Our concerns were set out in a letter, dated 25th August 2017, that is attached. The key points were:

- There was an increase in height of the units in the installation to 5.9 metres which raised concerns with regard to Policy GEN2
- No landscaping plan had been included as a condition of the original submission despite our request for this. A landscaping plan was now included however we requested that this be revised to include more soil bunding and mature planting. **This was ignored in the conditions attached to the approval.**
- Work had started on the installation without several conditions of the original application, required before work started, having been met. **No action was taken on this.**

There then followed two Non-Material amendments:

- UTT/18/1407/NMA | Non Material Amendment to UTT/17/2075/FUL - Change security fence from palisade to mesh fence. Changes to planting plan. This is shown as being refused but there are no documents with this record.
- UTT/18/2665/NMA | Non Material Amendment to UTT/17/2075/FUL - Changes to compound security fence and planting plan. This was approved.

In the first instance we are unhappy about these being acceptance as Non-Material Amendments, as they affected the keys issues i.e. noise and landscaping that ours and Stocking Pelham’s Councils had been concerned about. Further, although there is no obligation on their part due to the route this change used, Planning made no contact with us

despite our concerns about landscaping having been expressed throughout this whole process.

Furthermore, when the original planning permission was granted this included and made reference to a 2.5 metre green metal palisade fence which screened the scheme. The applicant then installed a different fine mesh fence which has reduced screening function. We wrote to Uttlesford to highlight this incorrect fencing. At the same time, the applicant sought to revise the fence from palisade to mesh fencing which Uttlesford then approved. However, Uttlesford did not notify the Parish Council despite us having a few weeks earlier sought to complain about this.

The landscaping issues were addressed in UTT/18/2665/NMA with the inclusion of a 1.2m high bund on the north and west perimeter. The northern perimeter bund is present and overplanted, **but there is no bund on the eastern side.** Our Council is currently in correspondence with Mr Nigel Brown regarding this as the applicants have not complied with the landscaping as set out in their amended application UTT/17/2075/FUL.

There can be no doubt however that due to height of this installation (increased during the planning process), that all the units are painted white (in the middle of the countryside), and that there has been no real significant effort at landscaping (either from the applicant or from planning), that this is an eyesore. The attached photograph taken from Berden refers. **It can also be seen 4 miles away at Rickling.**

Noise

The original grant of planning permission included a condition requiring noise mitigation and the supporting planning documents referred to a 4metre high acoustic fence for this purpose. (Incidentally, the records for UTT/16/2316/FUL do not appear to contain the final decision notice.)

There was an application for the discharge of the Noise Condition with which our Council took issue through a letter dated 11th May 2017. This application was subsequently withdrawn in November 2017 and never approved.

At the same time the amended scheme, UTT/17/2075/FUL, was submitted. The response to this application from the Environmental health officer recommended:

“Partial discharge of condition. The condition requires full implementation of the noise mitigation scheme before use commences”.

There was also a follow up regarding noise modelling to the application and the response concludes:

“Further to my query, clarification was obtained and a new model was run as per the emails from Patrick Hoyle at RPS dated 21st September 2017. This resulted in levels around 1dB lower than the previously agreed scheme as set out in the aforementioned emails. Again, these modelled results are achieved via the use of a 4m high acoustic barrier which needs to be built to ensure the project is viable.

Condition 3 also requires full implementation of the scheme before use commences.”

UTT/17/2075/FUL was approved but failed to include any noise planning condition. We do not understand why this was omitted and an explanation is required. **As such, we are left without any noise barrier and no means of enforcing noise mitigation.**

A Final Comment

Our Council recognises that this installation is in the context of the Pelham Substation and is strategically important and throughout this, and other planning matters have endeavoured to adopt a pragmatic and constructive approach. Prior to the Battery Installation application, and after some previous issues when we were unhappy with the way in which applications had been handled, Mr. Brown came to a Parish Council Meeting which minuted:

“A very useful discussion ensued, particularly with regard to historical cases where it was felt the parish council’s comments had not been fully considered. The council was pleased to note that the Planning Department now realises that Berden does not object to applications just on principle, but when we do comment we have considered the application, and its implications, carefully.”

Unfortunately, things do not seem to have changed in this regard.

Yours Sincerely



Planning Application PINS Reference: S62A/22/0006

Development of a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping

Land At Berden Hall Farm, Ginns Road/Pelham Road, Berden

Berden Solar Limited

Stocking Pelham Parish Council

Berden Parish Council

Monday 5th September 2022

Inquiries and Major Casework Team
The Planning Inspectorate
3j Kite Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Section62a@planninginspectorate.gov.uk

Dear Sir/Madam

**Re: Planning Application PINS Reference: S62A/22/0006 (the “Application”)
Uttlesford District Council (the “Council”) Reference UTT/22/2046/PINS
Development of a ground mounted solar farm with a generation capacity of up to
49.99MW, together with associated infrastructure and landscaping (the
“Proposed Development”)
Land At Berden Hall Farm, Ginns Road/Pelham Road, Berden (the “Site”)
Berden Solar Limited (the “Applicant”)**

With regards to the above section 62a planning application, we are both writing to set out our joint objection as neighbouring parish councils to both sides of this proposed development.

This is the second solar farm application within Berden parish together with three adjacent battery plant installations tied to these solar farms. The first solar farm was refused permission in February; one battery scheme is now built and the two remaining applications are undetermined.

We mention this from the outset as the cumulative impact on our small villages is a critical issue to us.

This letter of objection is intended to convey a joint objection and the urgent request for a collaborative approach to such developments in terms of cumulative impact, sequential test for site selection on suitability (not ownership) and well-designed visual and landscape screening that otherwise will be overlooked and ignored.

Given the several past, current, and proposed planning applications for electricity generation and storage around the national grid station at Stocking Pelham, we have previously written joint letters of objection to both East Herts, Uttlesford and our respective MPs.

Given the proliferation of these solar and battery projects around the existing national grid station, there is a clear need for a joined-up planning strategy dealing with both Council’s districts and an overall masterplan led approach to the whole area which takes proper account of visual impact, landscape screening, access and loss of agricultural land. Development should be masterplan led, not follow a landowner’s constrained boundary line.

We do not object to government policy for the delivery of low-carbon and renewable energy. However, we ask that this is done in an appropriate, masterplan led and properly selected and screened manner.

We are writing to object to this proposed development based on the following comments and concerns:

1. Council's Consultation – We note the letter dated 5th August 2022 sent by the Council to residents inviting representations on this application incorrectly refers to “Dewes Green Road” as the application address, not Ginns Road as stated on the planning application form.

This is also the case for the address shown on the Council's online planning register.

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

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

The Council have both incorrectly and misleadingly referenced the application address as Dewes Green Road. This is a clear administrative error and both the Applicant and the Council are misleading residents on the location of the Proposed Development.

2. Environmental Statement – We note from the PINS letter dated 19th August 2022 that an Environmental Statement has been requested from the applicant.

This has regard to the “significant” moderate to major adverse effects to visual receptors and adverse effects on the local landscape when considering the cumulation of effects with other existing and/or approved projects.

We welcome the Inspector's view of this matter. We had previously confirmed the same view to the Council, reference our letter dated 27th July 2021 (reference Enclosure 1).

We make specific reference to this letter sent 12 months ago as the Applicant has not addressed in any way the various comments and concerns raised.

Given the need for the Applicant to prepare and submit an Environmental Statement, we question whether a re-consultation exercise will be required and indeed this can then correct the address misrepresentation as item 1 above.

3. Applicant – Whilst the Council incorrectly refers to the Applicant as Berden Solar Farm Limited, we assume from the PINS letter this is Berden Solar Limited. We note from Companies House, the Applicant has only filed dormant accounts and has not traded. This has a balance sheet of £1 as at 31 March 2021 last accounts filed.

The Applicant is listed as 75% plus owned by Statera Energy Limited who were responsible for the development of the adjacent battery installation in 2018.

We further reference below Statera Energy Limited's appalling performance at landscaping, noise attenuation and false promises together with a substandard public consultation event.

Furthermore, the decommissioning responsibility and reinstatement liability as set out below must be closely reviewed given the 'off the shelf' company set up for this purpose.

4. National Planning Policy – With reference to the National Planning Policy Framework (“NPPF”) any planning decisions on solar farm development are to have regard to:

Paragraph 158 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 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; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.”

Footnote 58 to the Paragraph 175 further states: “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”.

Whilst the Planning Practice Guidance on Renewables and Low Carbon Energy (‘PPG’) was withdrawn in March 2014, this had provided for the following:

Paragraph 170 which firstly encourages 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. Secondly, where a proposal involves greenfield land the proposal must allow for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

The Government’s Guidance Note “Planning for Renewable and Low Carbon Energy” dated 18th June 2015 states:

“The National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, but this

does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them.”

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

“Particular factors a local planning authority will need to consider include:

- 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;
- 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.
- 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;
- the proposal’s visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;
- the need for, and impact of, security measures such as lights and fencing;
- 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;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.”

“The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines.”

5. Ministerial Statement - A written ministerial statement by Eric Pickles on solar energy dated 25 March 2015 states that:

“Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land. Protecting the global environment is not an excuse to trash the local environment.”

“The National Planning Policy Framework includes strong protections for the natural and historic environment and is quite clear that local councils when

considering development proposals should take into account the economic and other benefits of the best and most versatile agricultural land. Yet, some local communities have genuine concerns that when it comes to solar farms insufficient weight has been given to these protections and the benefits of high quality agricultural land. As the solar strategy noted, public acceptability for solar energy is being eroded by the public response to large-scale solar farms which have sometimes been sited insensitively.”

“We are encouraged by the impact the guidance is having but do appreciate the continuing concerns, not least those raised in this House, about the unjustified use of high quality agricultural land. 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 the most compelling evidence.”

6. Local Plan – Having had a series of draft new Local Plans declared unsound, the Uttlesford District Local Plan remains the version adopted 2005 and typically has little provision for renewable energy given its age. This is now over 16 years old and pre-dates both the original NPPF (2012) and the latest version (2021).

The Council is currently preparing a new Local Plan which will include a specific policy on solar farm development. The Council expect publication of the Regulation 19 “Submission Draft” Local Plan for consultation in November and December 2023 and adoption March 2025.

As such, any new policies will not be applicable to this Application.

However, the adopted Local Plan does contain the following policies that are still relevant:

- Policy S7 (Countryside) - The Site is located outside the development limits of Berden and is therefore located within the Countryside where Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- Policy ENV2 (Development affecting Listed Buildings) – The requires that development affecting a listed building should be in keeping with its scale, character, and surroundings, adding that development proposals that adversely affect the setting and alterations that impair the special characteristics of a listed building will not be permitted.
- Policy ENV4 (Ancient Monuments) – This ensures the protection of Ancient Monuments and Sites of Archaeological Importance, whether they are scheduled or not. Development will not be permitted until satisfactory provision has been made for a programme of archaeological investigation and recording prior to commencement of the development.
- Policy ENV5 (Protection of Agricultural Land) - 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 use areas of poorer quality except where other sustainability considerations suggest otherwise.

- Policy E4 (Farm Diversification) – This allows for alternative uses of agricultural land provided the development includes proposals for landscape and nature conservation enhancement, the development would not result in a significant increase in noise levels or other adverse impacts beyond the holding, the continued viability and function of the agricultural holding would not be harmed, and that the development would not place unacceptable pressures on the surrounding rural road network.
- Policy GEN2 (Design) This applies a general requirement that development safeguards important environmental features in its setting. This requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties.
- Policy GEN1 (Access) – This relates to safe access and states that development will only be permitted where a) Access to the main road network must be capable of carrying the traffic generated by the development safely and c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.

In May 2021, the Council published its draft Solar Farm Development Supplementary Planning Document Consultation Document (draft SPD). The draft SPD contains local guidance on preparing and submitting proposals for solar farms. However, this merely refers to the policy approach in the NPPF and local planning policies.

7. Agricultural Land Quality – As above, Paragraph 174 of the NPPF provides for the protection of soils and recognising the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land.

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

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

The Application confirms 72% of the Site is made up of NPPF defined “best and most versatile land” (grades 2 and 3a). Grade 3a is not subgrade.

The report by the Applicant does not include all of the Site so it is not known if this 72% is a minimum. The soil survey only includes 63.4 hectares of the Site and the remaining 8.18 hectares is not graded which seems to be a divisive move.

Paragraph 175 refers to the hierarchy of sites and allocating land with the least environmental or amenity value. Footnote 58 to Paragraph 175 is clear: “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”.

As below, the Applicant has made no effort to undertake a sequential test of lower agricultural grade land in the area. The Application is geared to the Site because of its single ownership, a willing landowner, and the opportunity for increased profit due to the low cost of connection to the Stocking Pelham National Grid substation (“Pelham Substation”) (see point 9).

The Government’s agricultural land quality records (reference Enclosure 2) confirm there are large areas of Grade 3 to the south west and east, all of which are within connection distance of the Pelham Substation.

We are concerned that any development works will see the valuable topsoil being ‘stripped’ and taken off-site (given its monetary value). This has been seen on similar solar farm developments. This must be prevented.

8. Agriculture – Policy E4 allows for alternative uses of agricultural land provided development would not result in adverse impacts on the continued viability and function of the agricultural holding.

The Site comprises a massive area of the landowner’s currently viable arable farming operation (71.58 hectares, 177 acres). There is no evidence presented or statement made as to whether the landowner will be able to continue farming a much small farm holding.

The Government Guidance Note states that where a solar farm proposal involves greenfield land the proposal should allow for continued agricultural use where applicable.

Typically promoters of solar farms refer to sheep farming, beekeeping or wildflower meadows. There is no definitive proposal for any viable and valid continued agricultural use of the Site. The Applicant refers to “sheep grazing within the solar farm if appropriate/practical” but there is no commitment or justification for this.

9. Sequential Test – Paragraph 175 of the NPPF makes it very clear that there is a hierarchy in allocating land with the least environmental or amenity value together with using areas of poorer quality agricultural land instead of those of a higher quality. This overarching principle is further reinforced in the Government’s Guidance Note and the Ministerial Statement. Even the 2005 Local Plan Policy ENV5 requires areas of poorer quality to be used.

Against this clear policy background, the Applicant has made no effort to consider or appraise other sites by way of a sequential test. This is well established as the Applicant rather surprisingly given the policy requirement stated in the questions document after a public exhibition: “Question: What other locations did you consider? Answer: None!

The Applicant is of the view that as this is not Green Belt land there is no need for any sequential test. This is clearly not the case.

Whilst the Applicant will claim the main reason for locating 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 by overhead power lines on

pylons. For example, the approved solar farm at Cole End, Wimbish (Uttlesford planning reference UTT/21/0688/FUL) confirms in the application: “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”.

The proximity to the Pelham Substation is not an essential requirement. Uttlesford has a considerable number of solar farm developments and these do not critically need to be located next to a regional substation.

The current planning application north east of Bishop’s Stortford (Uttlesford reference UTT/21/318/FUL) is some miles from the Pelham substation but is still being promoted as viable.

The Council is currently considering another solar farm application on land at Cutlers Green near Thaxted (reference UTT_21_1833_FUL). The planning statement confirms: “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”.

A sequential test must be carried out by the Applicant for a number of key issues including lower grade agricultural land, less visual impact, less damage to the setting of heritage assets etc. The Application cannot be properly considered without this. The obligation is on the Applicant to show that alternative options, on previously-developed land, or land of lesser quality, for example, are not available. The Site is mainly best and most versatile land and this gives substantial weight against the Proposed Development unless a full and comprehensive sequential test has been carried out.

We have raised this point in previous correspondence with the Council over several occasions.

There are compelling reasons and planning precedent for a sequential test to demonstrate 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. We refer to the appeal decision at Valley Farm, Wherstead in this regard (PINS ref: 2204846 dated 2 June 2014).

Appeal evidence is clear that any sequential test search area should be substantial and not confined to a single administrative area. The Site is on the border of Uttlesford and East Hertfordshire and is in close proximity to North Hertfordshire. All three districts have a number of solar farms and not all or in close proximity to regional substations.

10. Landscape & Visual Impact - The Site is located outside the development limits of Berden within open countryside and is therefore located within the Countryside where Local Plan Policy S7 applies.

As above, this specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

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

The Landscape Character of Uttlesford District Assessment identifies the Site at a local level as falling within the 'Berden and Farnham Chalk Upland' landscape character area. The character assessment stipulates that this area is an extremely varied with the open wide vistas on the higher ground contrasting with the more intimate feel of the steep slopes.

From a wider perspective, the Site is located within the South Suffolk and North Essex Clayland (National Character Area 86), as identified by Natural England. The assessment describes this as: "It is an ancient landscape of wooded arable countryside with a distinct sense of enclosure. The overall character is of a gently undulating, chalky boulder clay plateau, the undulations being caused by the numerous smallscale river valleys that dissect the plateau. There is a complex network of old species-rich hedgerows, ancient woods and parklands, meadows with streams and rivers that flow eastwards. Traditional irregular field patterns are still discernible over much of the area, despite field enlargements in the second half of the 20th century."

The Proposed Development will have a negative impact on the rural environment, particularly more so in this recognised undulating landscapes. The scheme is neither well-planned nor well-screened and is in conflict with the surrounding sensitive landscape.

The Site and surrounding area topography is within a zone of visual influence and the fundamental change to the landscape from a solar farm will be fundamental. These conflicts arise from the intrinsic scale of the Proposed Development and the sensitivity of the Site, particularly in relation to its openness, its representativeness of the character type, and its relationship to footpaths (both permissive and ProWs). It is impossible to see how the current scheme, or a revised version of similar scale, could ever be made acceptable in landscape and visual terms

The Proposed Development will have a serious infilling effect of the positive landscape and countryside gap between Stocking Pelham and Berden almost completely.

The visual impact is both close (the numerous footpaths and local views) and distant as the Site can be seen from Clavering and Rickling. These key long views can be confirmed to the Inspector at a site meeting.

The landscape and visual effects clearly conflict with the planning policy at both national and local level and in that context are deemed to be unacceptable.

This is very apparent given the Applicant constructed a battery storage scheme in 2018 on the land directly adjacent to the Site. Whilst this was promised to be within a green agricultural style barn with mature landscape planting, the sad reality is bleak white battery units with bare minimum whip planting. This is a very visible blight from numerous directions and some distance from the Site.

The Applicant LVIA dated August 2016 for the neighbouring battery units promised a photomontage of green units with 7 metre high landscaping within a few years as follows:



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



Our letter to the Council dated 15th June 2021 confirmed the need for lessons learned from this nearby scheme (reference Enclosure 3).

We ask that the Inspector does not make the same mistakes the Council previously has made.

This makes it abundantly clear the skyline of the Site and its undulating slopes are extremely visually sensitive to any potential further new development, with open views along across and to the wider countryside. The area is sensitive to change comprising small patches of woodland, open skyline, overall sense of tranquillity and a sense of historic integrity and continuity. All of these attributes are evident within and adjacent to the Site and are key elements of a highly sensitive landscape.

As the photo below demonstrates, 4 years later the planting amounts to a few sparse hedge plants of heights less than 40 cm.



The Proposed Development would be located across a series of agricultural fields with gently sloping gradients. The fields within the Site are delineated and divided by existing hedgerows. The majority of the site is on sloping land which falls away down towards Berden village and the key heritage assets as highlighted below.

The Proposal Development will lead to a substantial negative change in the character and appearance of the landscape, which will greatly reduce the quality of the landscape and loss of agricultural character.

Whilst Local Plan Policy ENV15 generally accepts renewable energy schemes of a small scale, this is a substantial proposal of 71.58 hectares (177 acres), not small scale and in this case, the proposals result in a significant large renewable energy scheme outside the aims and guidance of policy ENV15 which only accepts smaller scheme subject to meeting certain criteria.

The Applicant's has provided a Landscape and Visual Impact Assessment (LVIA) which, for the reasons below, neither properly not adequately addresses the impact of the Proposed Development.

This is a large scale development affecting a very visible area of high quality local landscape character.

The NPPF requires the intrinsic character and beauty of the countryside to be recognised when assessing development proposals. The Site is situated within an area of very attractive open countryside. The proposed solar panels and associated infrastructure, including the access track and security fencing would be new elements within the landscape. The long rows of panels and ancillary buildings would comprise a rather utilitarian form of development that would contrast awkwardly with the unspoilt open qualities of the Site.

For its duration, the Proposed Development (40 years) would markedly alter the character of the Site and be seen from the public realm and wider distance views. The solar arrays would disrupt the harmonious pattern of open fields and would appear as a discordant element amongst the patchwork of green and yellow coloured fields.

The proposal would detract from the pleasing rural scene and erode the qualities of the 'lower rolling farmed and settled undulating slopes'. As the solar panels are 3m high, it will not be possible to mitigate the effects of this development.

The area is popular with locals and visitors using the number of both PROW and permissive footpaths both within and around the Site. Even small-scale changes will be apparent to those who spend their time enjoying / relaxing in this attractive rural area.

The proposal would result in significant adverse visual impacts as highlighted by the Inspector's letter dated 18th August 2022 and the correctly made request for an Environmental Statement.

The adverse effect upon the character and appearance of the area weighs significantly against an approval.

The Applicant has suggested the Proposed Development would result in some adverse landscape and visual effects but the significant effects would be confined to a relatively small area of countryside which is already significantly influenced by "electrical infrastructure". This being the very visible white battery units as referred to above and the Pelan Substation.

Firstly, it has mainly been the Applicant's own 2018 battery storage scheme that has caused visual blight that the Applicant is now using as an excuse for further significant adverse effects on the landscape. This is an absurd proposition to make.

We have previously written to the Council on the 'lessons learned' from that scheme (reference Enclosure 3 letter dated 15th June 2021). We ask the Inspector to review this and appreciate the need to understand the 'lessons learned'.

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

Secondly, the Pelham Substation itself is screened by woodland on two sides and has limited views and visual impact. It is the Statera battery units that are the current blight. Whilst pylons and the Pelham substation could be perceived to be intrusive, their influence on character is only seen at relatively close range.

This electricity infrastructure is not visible in 33% of the 15 assessment views contain in the Applicant's LVIA.

11. Landscaping, Planting & Screening – As above, recent experience dictates that the Applicant's assurances of mature planting, screening, and properly coloured/painted plant and battery containers (not white) were false promises. Should planning permission be granted we are concerned that (based on previous experience of the

battery unit scheme) the Applicant will seek to vary plans, reduce planting and undertake no maintenance or care as we have seen for the past 4 years.

To the extent that the visual impacts of the Proposed Development are capable of being mitigated (which we question given the undulating and visible nature of a large portion of the site) it is for the Inspector to properly scrutinise and assess such matters and to obtain guarantees and enforce these.

In the event planning permission is given (to which we strongly object), such matters must not be left to be discharged by way of planning conditions. These matters must be included in the detailed design now.

We consider the proposals do not offer the maximum level of mitigation that could be realised through the design. The proposed landscaping and screening is poorly lacking. The colour of visible plant and materials needs to be matched to the background to blend in visually (and not white colour). If this mitigation cannot be achieved, the extent of development should be reduced or removed.

The proposed 2.4 acres of new community woodland is referenced to a list of trees ranging in height from 45 to 150 cm height. There is no detail on numbers or any maintenance and doubtless there will be spartan planting that will wither and die in the hot and dry summer months that are now common. This has been seen by the Applicant's battery scheme. The community woodland is criticised by the County Council's Place Services as not being appropriate given that the Site historically has been open agrarian land.

This woodland is critical to screening those houses that directly overlook the Site yet will take 40 years to grow to any suitable height to offer protection just as the permission lapses.

The planting proposals refer to 7.3 acres of species rich meadow with wildflowers. The landowner has provided this early by planting in February 2022 as a means to demonstrate the benefit to biodiversity and screening.

The photographs shown at Enclosure 5 were taken 20th May 2022 and 22nd August 2022 and show that such intentions and 'benefits' are short lived for a number of weeks, not months and certainly not 40 years.

No amount of landscape planting or screening will mitigate to any degree the industrialised view created by these solar arrays.

12. Heritage & Archaeology – Firstly, the Site is named "Berden Hall Farm" and this was historically part of the Berden Hall ownership which is a Grade II* building directly to the east of the Site within the village. The Site is overlooked and seen from the upstairs windows of Berden Hall. The Built Heritage Advice from Essex County Council recognises the historic connection between the two. This gives context to the setting of listed buildings.

The County Council goes on to express concern that the Proposed Development will result in a more industrial character contrary to the prevailing rural character of the Site and this would cause harm to the setting of both the Grade I listed Church of St Nicholas and Berden Hall, which shares a historic connection to the Site (reference letter dated 11th August 2022).

Secondly, the Site is overlooked by the Crump scheduled monument to the east which is a Medieval moated ringwork site. We wrote to the Council on 14th April 2022 (reference Enclosure 4) to highlight the further Medieval remains linked to the Crump at the Rookery to the south east of the Site (and within an area proposed for solar arrays). We asked the Council to ensure full archaeology geophysical surveys and trial trenching before any planning application is submitted. This request has been ignored by the Applicant and we are now faced with the Historic Environment Advisor of Essex County Council requesting trial trenching via a planning condition.

This is post grant of any planning permission and will not prevent solar arrays being built over the Rookery and damaging this valuable heritage asset which may even warrant being a Scheduled Monument given its association to the Crump.

Given the Site is very close to the Grade 1 St Nicholas Church and previously part of Grade II* Berden Hall and overlooked by the Crump scheduled monument, material harm will be caused to the significance of heritage assets and this leads to a presumption against development. There is clear intervisibility between several of the designated heritage assets and we are concerned that the proposed solar farm would result in an industrialising effect, contrary to the rural landscape setting of several designated heritage assets. The scheme will result in an adverse impact to their rural setting and character.

The planning legislation (Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990) confirms that the Inspector “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”.

We consider that there is clear harm to the significance of heritage assets and this is fully set out in the objection made by Protect the Pelhams.

13. Ecology & Protected Species – We note that the County Council’s Place Services have imposed a ‘holding objection’ dated 2nd September 2022 and requested further information on protected species. This mainly refers to no provision of open habitats to replace the Skylark nesting habitat that will be lost.

We are concerned about the impact on wildlife including the protected species.

The Biodiversity Net Gain Assessments submitted does not justify the baseline existing habitat assessment. This must be reassessed and agreed before any planning decision can be made.

14. Noise – Given the current unacceptable noise from the existing Statera battery scheme, we are concerned at ongoing noise disturbance.

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

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

However, this ignores the Parish Council's previous comments and concerns that the background noise surveys are made higher and inflated by the noise from the existing 2018 Statera battery plant.

Whilst the extra noise from the Proposed Development may well be less than current background, this does not deal with the fact the current background is too high.

We have previously highlighted to the Council the error made in 2017 by the planning officers regarding the grant of the Statera battery scheme variation planning permission which regrettably omitted any noise mitigation and imposed no noise planning condition (reference UTT/17/2075/FUL).

The original grant of planning permission (reference UTT/16/2316/FUL) had highlighted adverse noise consequences and had required a substantial 4 metres acoustic screen.

Due to the error in the new variation permission, there is no noise mitigation in place at all. There are historic letters sent to the Council in this regard (reference Enclosure 3).

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

We raised this background noise matter with the Council by email dated 14th February 2022 (reference Enclosure 6) and asked that this is highlighted now to Statera requesting their noise consultants take this unacceptable baseline position into account. This has not been done and we are faced with more unmitigated noise. This email trail also highlights the ongoing complaints to the Council regarding noise from the Statera battery units. The Environmental Health Officers at both East Herts and Uttlesford are aware of the ongoing complaints and are monitoring the situation. Complaints increase during the summer months when windows are open at night.

The Statera battery scheme is audible to Berden and Stocking Pelham residents despite a detailed noise assessment confirming this would not be the case.

In the event planning permission is given (to which we strongly object), it is essential to agree the noise mitigation scheme fully at this planning stage, not left to planning conditions.

Local Plan Policy E4 (Farm Diversification) allows for alternative uses of agricultural land provided the development would not result in a significant increase in noise levels or other adverse impacts beyond the holding. This is not the case.

15. External Lighting – Any external lighting will cause spill and glare. It is the glare that cannot be measured yet which causes the most harm in the rural area with raised topography.
16. Fire & Explosion Joint Assessment – Whilst not a battery scheme, this solar farm will be linked to the adjacent Statera batteries and two other current planning applications for adjacent battery schemes.

There are numerous articles and research into fires and explosions from lithium-ion battery technology in large scale storage systems and the risk to public health and safety.

This Proposed Development must have a cumulative emergency plan to deal with a joint explosion, fire or risk event This needs to be approved by the local Fire and Rescue Services (both Hertfordshire and Essex given the location).

17. Flood Risk & Surface Water Drainage – Whilst the flood risk assessment and drainage strategy are noted, we remain concerned at the impact of the panel, plant, containers and hard surfacing on the natural drainage and increase in surface water run-off.

Section 6.10 confirms the Site drains to the culverted drain running through Berden. This is correct.

However, the existing run-off from the Site to this watercourse often causes local flooding along the Street and this collects and floods the road at the junction of the Street-Pelham Road and Chapel Hill. This is referenced in section 6.14 but this is an annual if not more frequent flooding event.

The FRA confirms at section 7.4 that solar farms actually improve surface water drainage over arable or livestock grazing fields because the full vegetation cover beneath the solar panels is maintained. The planting plan refers to grass with sheep grazing and this is highlighted in the FRA at section 7.

Any grant of permission by the Inspector should ensure this area of the Site is properly maintained for the 40 years to deal with this surface water flow attenuation and erosion is not allowed to form.

The drainage strategy does not seem to adequately provide for any restricted discharge to greenfield rates and does not provide any attenuation storage at the right level to properly work and function.

The Applicant has not carried out any infiltration testing of soil.

The FRA seems to not adequately deal with drainage or any attenuation. The existing Site causes existing flooding in Berden which can only worsen.

18. Consultation – The Applicant carried out a public consultation event in Berden Village Hall on 21st March 2022.

Firstly invitations were only sent a fraction of houses in both parishes. This was highlighted to Statera after the event who apologised and said this was not their intention.

Secondly, the consultation was very poor in terms of inviting feedback and comments on key issues. There was no ability at the event to complete forms and to easily provide written feedback.

Section 5 of the Applicant's planning statement sets out the Statement of Community Engagement but provides no detail at all of feedback, support, objection, comments etc.

19. Cumulative Impact – We consider that this proposal needs to be considered in the wider context of the other renewable energy proposals around the Pelham Substation. An overall carefully constructed masterplan led approach is required together with Supplementary Planning Guidance in the absence of any meaningful Local Plan policies.

Three solar farms and two further battery schemes are proposed within a small radius of Pelham substation. There is also an emerging fourth solar farm.

These three key solar farms should not be dealt with in a fragmented way with scant regard for overall masterplanning with boundaries merely following landowner's ownership lines with poorly planned development boundaries. Any solar farm needs properly structured screening, buffers and regard taken of views, visual impact, noise and fire control measures. A comprehensive review is needed.

These solar farms are:

- (a) Battles Farm/Pelham Spring (Berden Parish) Uttlesford reference UTT/21/3356/FUL. Refused by the Council in February 2022
- (b) Land At Wickham Hall Estate East Herts reference 3/21/2601/FUL -.Current planning application.
- (c) this Proposed Development

The battery schemes are:

- (d) Land Off Pelham Road Berden Uttlesford reference UTT/22/1203/FUL; current planning application.
- (e) Land At Greens Farm East End Stocking Pelham East Herts reference 3/21/0969/FUL current planning application.
- (f) the Statera constructed scheme adjacent to the Site.

The fourth emerging proposal is land between Stocking Pelham church and Violets Lane in Furneux Pelham.

It is an essential key issue in determining the suitability of any such development proposals to undertake a sequential test. This is needed firstly to question whether the use of agricultural land is necessary and whether other lower grade agricultural, suitable brownfield land or non-agricultural land is available within a reasonable search area.

20. Future Reinstatement – We remain concerned about the future ability to revert the land to agricultural use. We would hope the Inspector applies a rigorous process and financial guarantee assessment to this matter should consent be granted (to which we strongly object).

Given the Applicant has a balance sheet of £1, the future reinstatement in 40 years must be tied to the land ownership by way of a Section 106 agreement. The landowner and the Applicant must be obligated to jointly reinstate in 40 years.

It is unlikely a bond will be ineffective and unavailable for such a 40 year term. Both the Applicant and the landowner must be obligated via a Section 106 agreement on the Site requiring the reinstatement. Both parties could contribute to a reserve fund on an annual basis to guarantee the cost of reinstatement.

21. Construction Traffic Management Plan – The traffic route shows a direct access from the A120 new bypass through Albury to Stocking Pelham. This route does not exist and is fictional.

The traffic plan is incorrect and all construction traffic will be routed through Little Hadham, Albury and Stocking Pelham by wholly unsuitable roads (single width in places).

The photographs shown in Enclosure 7 are Ginns Road between Stocking Pelham and Patmore Heath; a wholly unacceptable road for HGV traffic.

22. Hearing – As set out in our email of 30th August 2022, we ask for the opportunity to make a presentation to the Inspector at any future hearing or other meeting to consider this proposal.
23. Site Visit – We would welcome the opportunity to accompany the Inspector on a site visit.

To conclude, we repeat the statement referred to above by Eric Pickles: “Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land. Protecting the global environment is not an excuse to trash the local environment.”

The Applicant’s Proposed Development is the wrong development in the wrong location and will result in the loss of BMV agricultural land and trash the local countryside environment.

We note at the time of writing, the Conservative Party have just voted Liz Truss as leader and the Prime Minister. Liz Truss is on record in August 2022 as part of the hustings debates that 'What we shouldn't be doing is putting solar panels on productive agricultural land'. We expect a policy change or ministerial statement in the coming weeks.

Yours faithfully,

Berden PC

Berden Parish Council

Stocking Pelham PC

Stocking Pelham Parish Council

Enc.

Copy: L. Ackrill Esq.
Development Control
Uttlesford District Council
Council Offices
London Road
Saffron Walden
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Planning Application PINS Reference: S62A/22/0006

Development of a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping

Land At Berden Hall Farm, Ginns Road/Pelham Road, Berden

Berden Solar Limited

Manuden Parish Council

Stocking Pelham Parish Council

Berden Parish Council

Friday, 11 November 2022

Inquiries and Major Casework Team
The Planning Inspectorate
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2 The Square
Bristol
BS1 6PN

Section62a@planninginspectorate.gov.uk

Dear Sir/Madam

**Re: Planning Application PINS Reference: S62A/22/0006 (the “Application”)
Uttlesford District Council (the “Council”) Reference UTT/22/2046/PINS
Development of a ground mounted solar farm with a generation capacity of up to
49.99MW, together with associated infrastructure and landscaping (the
“Proposed Development”)
Land At Berden Hall Farm, Ginns Road/Pelham Road, Berden (the “Site”)
Berden Solar Limited (the “Applicant”)**

With regards to the above section 62a planning application, we refer to our original objection letter dated 5th September 2022 and the updated Construction Traffic Management Plan (“CTMP”) and associated plans as further submitted by the Applicant in October 2022.

We have the following comments regarding the revised CTMP, whilst maintaining our objection to the scheme in principle, despite the applicant’s latest submission:

1. We note the traffic route has been updated from the original fictional route from the A120 at Albury which does not exist. However, the revised route and revised access point remains a concern given the primary schools affected by passing HGV traffic.
2. The Google street view photos shown within the CTMP do not show several pinch points and traffic concerns. These are shown overleaf and show several incidences of narrow roads where cars cannot pass each other let alone cars and HGVs. This includes the front of Manuden Primary School.
3. The CTMP confirms working hours and refers to a general statement that ‘where possible’ deliveries and collections will be restricted to the hours of 09.30 – 16.00 weekdays. This ‘where possible’ is wholly unacceptable as is the 16.00 time which will see HGVs passing Manuden Primary School at collection time. For resident’s amenity and safety during school start/finish times, deliveries must be absolutely restricted 09.30 – 14.30. 20 HGV lorries are referred to arriving and departing per day viz. 40 lorry movements.

4. The CTMP proposes a widening of the existing farm access from Pelham Road (incorrectly labelled Ginns Road) which will then be retained as a future maintenance access point. This is objected to as it is an increased 'urbanisation' of Pelham Road. This existing agricultural access is narrow and a typical farm access seen on the local rural roads. The proposed widened access will be similar to an industrial estate entrance which is wholly inappropriate in this rural setting. Any widened construction access should be removed on completion of the works.
5. The CTMP refers to topsoil being stripped from the access roads. As per our original objection letter, we request that all topsoil is retained on site for future reinstatement after the permission expires.
6. The CTMP refers to the construction site as not having any impact on other users and all PROWs remaining open and accessible. It is unclear how the CTMP will deal with use of the numerous PROWs that cross the site in a proper and safe manner.
7. The proposed site access drawing shows the existing ditch to be culverted under the new access. Presumably this will require an updated flood risk assessment and the approval of the local lead flood authority and/or Environment Agency.
8. The proposed site access drawing shows the visibility splay to the east (towards Berden) only barely achieves a 138 metre distance. This is a 60 mph speed road and there is insufficient visibility at this location. This is a serious safety hazard. This also conflicts with the screening planting proposed.

Notwithstanding the above comments (and as noted above), our previous objection to the scheme still applies.

Please do not hesitate to contact us in this regard.

Yours faithfully,

Berden PC

Berden Parish Council

Stocking Pelham PC

Stocking Pelham Parish Council

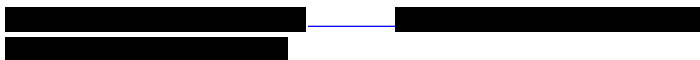
Manuden PC

Manuden Parish Council

Enc.

Copy: L. Ackrill Esq.
Uttlesford District Council

Sophie Currey
Essex Highways



1. Narrow road at junction Farnham Road and Hazel End Road, Farnham, CM23 1HB



2. Resident's parked cars at the Street, Manuden, CM23 1DE



3. Manuden Primary School, The Street, Manuden, CM23 1DE



4. The Street, Manuden, CM23 1DQ



5. Resident's parked cars at the Street, Manuden, CM23 1DJ



6. Road pinchpoint, the Street, Manuden, CM23 1DT



7. Narrow road, Chapel Hill, Berden, CM23 1AE

