

From: Kirsty Cassie [REDACTED]
Sent: 24 February 2023 11:57
To: Section 62A Applications <section62a@planninginspectorate.gov.uk>
Subject: RE: S62A/22/0006 Land At Berden Hall Farm, Berden

Hi Leanne,

In response to point 5Site selection is initially driven by available grid connection. A solar scheme of this size needs to be located in a region where there is available capacity on the 132kV network or transmission network; has good irradiance; and can be connected and operational on a near dated time horizon. It is well known that grid availability is extremely constrained throughout the country and Pelham substation was the substation from which a sufficiently large grid connection was available to enable the applicant to contribute to the renewable energy capacity required to meet the government's net zero targets. This area of the country has good irradiance. Once Pelham substation had been settled on as a location, following a grid-capacity site selection process, the applicant considered if there were other areas of land within the vicinity of the substation on which a solar scheme of the size proposed could be sited. Alternative sites within the vicinity of Pelham substation are either too small to deliver the proposed capacity or are under consideration by other developers for solar and/or battery schemes. Accordingly, the decision to select and promote the application site was driven by those factors rather than the environmental considerations of these other sites, because the iterative site selection process did not reach the point of specifically considering the environmental factors as part of that decision. In other words, these other sites were never true alternatives because they either did not deliver the capacity required or they were not realistically available. This meant that there was no reason to consider the environmental dimension. For what it is worth, the other sites (if they had not been under consideration by other developers) in high level environmental terms, appear to be broadly similar to the application site.

I hope this covers everything now.

Many thanks,

Kirsty
Kirsty Cassie
Project Developer
[REDACTED]
[REDACTED]



Statera Energy Limited | 1st Floor | 145 Kensington Church Street | London | W8 7LP

From: Section 62A Applications <section62a@planninginspectorate.gov.uk>
Sent: 23 February 2023 15:08
To: Kirsty Cassie [REDACTED]
Cc: Section 62A Applications <section62a@planninginspectorate.gov.uk>
Subject: RE: S62A/22/0006 Land At Berden Hall Farm, Berden

Dear Kirsty

Thank you for your message.

In relation to point 5 and my later message*It is noted that 'alternatives' largely relating to scheme design is already mentioned in the ES. However, for the avoidance of any doubt the additional information being requested extends to any other sites being considered as alternatives by the applicant. For example if the applicant has not looked at other sites at all purely for grid connectivity reasons it needs to briefly state that - the response would then form part of the public record.*

This appears unanswered to date and is requested by the inspector. Please can the applicant provide a response.

Many thanks
Leanne

From: Kirsty Cassie [REDACTED]
Sent: 22 February 2023 16:45
To: Section 62A Applications <section62a@planninginspectorate.gov.uk>
Subject: RE: S62A/22/0006 Land At Berden Hall Farm, Berden

Hi Leanne,

Please see our responses in **green** below.

1. In relation to the ecology objections from the Council. The inspector is seeking that current objections are narrowed down as far as possible prior to the hearing through the submission of additional information. Can the applicant provide a full update of how it intends to resolve the current ecological objections and answer the queries made by the Council below in full. The applicant needs to clearly set out/address the licencing position and any known impediments to an application being successful in order for legal compliance. It is also necessary that any conditions sought to be relied upon by the applicant or Council for any matter are drafted and circulated between parties and the Inspector (as the Appointed Person).

Following comments from Place Services, Statera Energy (the applicant) submitted revised Skylark Mitigation Plans, providing an alternate field for the mitigation plots, this alternate plan has been reviewed and consequently approved by Place Services.

Cherryfield Ecology were instructed to submit a GNC DLL Enquiry Form. This application was submitted to NE on the 17/02/2023 (please see email attached).

The applicant was advised by its ecologists that construction activities can come within 30m of a Badger sett as long as it is timed for outside the December-April period when dependent cubs are below ground. Comments received by the Senior Ecological Consultant, Place Services at Essex County Council are noted and the applicant can confirm that construction work will not take place within 30m of the badger sett unless the necessary Natural England License is obtained. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

2. The inspector also notes that there is commentary from consultees and third parties on effects to the setting of listed buildings in the vicinity. Aerial photographs and some idea of the distances involved could be provided (or signposted in existing documentation submitted where applicable) in light of access restriction to inform the hearing. Such information would assist the hearing process and is therefore requested.

Aerial plans, photomontages, descriptions, and distances can be found in Appendix 5.2 Illustrative Material for Assessing the Effect of the Solar Farm on Heritage Assets.

3. There is also a potential s106 issue raised in relation to Historic England and securing off site works for heritage asset purposes. The applicant is requested to give full response on how it intends to deal with those matters. If a s106 is to be secured and tabled it would need to be done so in advance of the hearing.

Historic England's consultation response recommends a conservation management plan is put in place for the proposed interpretation of the heritage assets. The applicant is satisfied that a condition to secure such a plan would meet paragraph 55 of the NPPF (tests for planning conditions) in that such a plan would be:

- **Necessary**: the applicant needs to mitigate the impacts of the development on the heritage assets
- **Relevant to planning**: heritage impacts are relevant to planning.
- **Relevant to the development to be permitted**: the location of the assets in the vicinity of the development means the mitigation is relevant to that development.
- **Enforceable**: A suitably worded negative condition to secure the approval of a conservation management plan (in consultation with Historic England), and the installation of mitigation works prior to commencement of the development would ensure enforceability of the condition. Provided the condition wording (as well as any discharge letter) compelled the applicant to comply with any relevant ongoing/maintenance practice requirements within the management plan, then enforceability of the proposals during operation of the scheme would also be secured.
- **Precise**: the wording of the condition is a matter for the decision maker. However, a suitably worded negative condition to ensure approvals of plans and off-site works are standard in planning permissions and therefore precise wording should be easily achievable.
- **Reasonable in all other respects**: the applicant considers that a suitably worded condition would not contain any unreasonable elements.

The National Planning Practice Guidance states that a section 106 agreement should only be used "where it is not possible to address unacceptable impacts through a planning condition" Given that the relevant mitigation is capable of being secured via condition (see above), an S106 is not necessary and therefore would fail the test in regulation 122 of the CIL Regulations that planning obligations be "necessary". We note that Historic England's response suggests adequate funding is secured for interpretation of the heritage assets. The applicant does not consider that this merits an S106 given that:

- the funding needed for interpretation boards for the assets will be *de minimis* in the context of the wider development for a utility scale solar scheme;
- it is possible for a negatively worded planning condition to restrict commencement of development until an applicant has demonstrated available funding; and

- in any event, the applicant agreeing to install the relevant works prior to commencement of development (see “Enforceable” above) means the applicant will need to have put the funds to the mitigation before it can commence the wider scheme.
4. A statement to how any s106/condition applicable would meet the relevant legal tests.

See above

5. The applicant is requested to provide a short statement of how it has considered ‘alternatives’ in the development of the proposal, also to assist hearing proceedings.

The main driver for location the solar farm at this location is its proximity to the existing Pelham Substation (importantly the 132kV electrical network) and the high solar irradiance associated with the area. In addition, the Site is already afforded a high degree of visual enclosure with the opportunity of providing additional screening that can become effective within a short timeframe, minimising its impact on the wider landscape.

At a local level, Uttlesford District Council voted to declare a climate emergency in August 2019 and are currently in the process of preparing a climate change action plan that will set out realistic, measurable and deliverable targets that define how the Council will achieve net zero carbon by 2030. The action plan is currently anticipated to be adopted by April 2023.

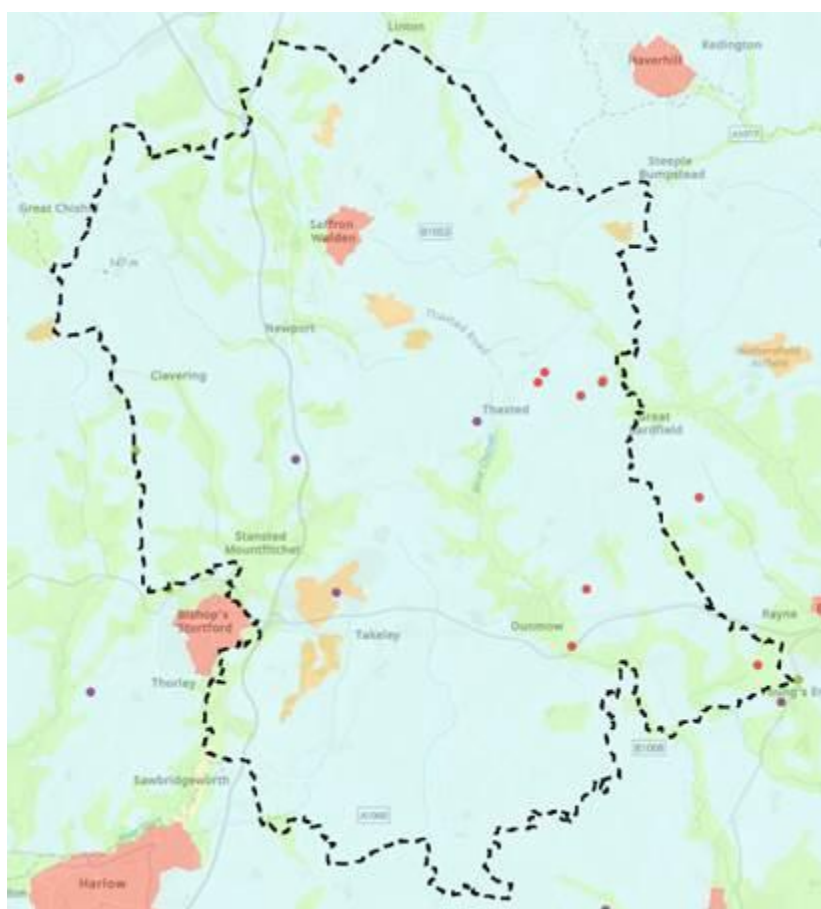
The proposed development would meet the annual equivalent electricity demands of approximately 15,200 homes or 26,000 electric cars, while also offsetting 47,000 metric tonnes of CO₂ (when compared to generation of electricity by non- renewable sources.

The National Infrastructure Commission recommends that in meeting these targets, the UK's energy mix needs to be made up of around 90% renewables. At page 18 of the report, it is recommended that across all scenarios, significant levels of solar, onshore wind and offshore wind will need to be deployed with between 129 – 237 GW (gigawatts) of renewable energy capacity in operation by 2050. To achieve this, the report recommends the following split:

- 56-121 GW of solar;
- 18-27 GW of onshore wind, and
- 54 – 86 GW of offshore wind

To achieve the above targets would require a significant increase in installed capacity across the UK, including over nine times the current installed capacity of solar technologies in the UK, which as of October 2020 is around 13.4GW according to the Department for Business, Energy & Industrial Strategy (BEIS). When considering the above figures and applying them to the number of local authorities across the UK, this would mean that there is an additional 107.6 GW of solar capacity required across the 382 local authorities across England, Scotland, Wales and Northern Ireland required to meet the NIC's upper figure for solar.

Typically, 1MW of solar will occupy 4 acres of land, using this calculation, we can deduce that if this scheme were to be consented there would be up to 355 acres of land within Uttlesford occupied by solar farms, this would account for 0.34% of farmland within the district. This proposal consists of 37% grade 2 and 63% grade 3a/3b which illustrates how the proposal has avoided BMV land as far as reasonably practical given the extensive BMV land across the District as evidenced by the data and plan below.



- Grade 1 - 0
- Grade 2 – 515.73028082 km² (80.4%)
- Grade 3 - 109.54553782 km² (17%)
- Grade 4 – 0.1195121 km² (0.01%)
- Non-Agricultural – 12.72772724 km² (1.9%)
- Urban – 3.1288002 (0.48%)

[2] [REDACTED]

We are also looking to provide responses to ECC Highways and Uttlesford and Hertfordshire EHOs. I have attached the scope of work being carried out in relation to the CTMP, we hope to be able to provide this additional information within the next 3 weeks. The Technical Noise Notes should be completed by the end of this week.

Many thanks,

Kirsty
Kirsty Cassie
Project Developer



Statera Energy Limited | 1st Floor | 145 Kensington Church Street | London | W8 7LP

From: Section 62A Applications <section62a@planninginspectorate.gov.uk>
Sent: 17 February 2023 10:18
To: Kirsty Cassie [REDACTED]
Cc: Section 62A Applications <section62a@planninginspectorate.gov.uk>
Subject: RE: S62A/22/0006 Land At Berden Hall Farm, Berden

Dear Kirsty

Following on from my email below and in particular point 5 and for clarity. It is noted that 'alternatives' largely relating to scheme design is already mentioned in the ES. However, for the avoidance of any doubt the additional information being requested extends to any other sites being considered as alternatives by the applicant. For example if the applicant has not looked at other sites at all purely for grid connectivity reasons it needs to briefly state that - the response would then form part of the public record.

Kind regards
Leanne

From: Section 62A Applications <section62a@planninginspectorate.gov.uk>
Sent: 16 February 2023 15:21
To: Kirsty Cassie [REDACTED]
Cc: Section 62A Applications <section62a@planninginspectorate.gov.uk>
Subject: S62A/22/0006 Land At Berden Hall Farm, Berden
Importance: High

Good afternoon Kirsty

I refer to the above application.

<https://www.gov.uk/guidance/section-62a-planning-application-s62a220006-berden-hall-farm-ginns-road-berden-additional-documents>

1. In relation to the ecology objections from the Council. The inspector is seeking that current objections are narrowed down as far as possible prior to the hearing through the submission of additional information. Can the applicant provide a full update of how it intends to resolve the current ecological objections and answer the queries made by the Council below in full. The applicant needs to clearly set out/address the licencing position and any known impediments to an application being successful in order for legal compliance. It is also necessary that any conditions sought to be relied upon by the applicant or Council for any matter are drafted and circulated between parties and the Inspector (as the Appointed Person).
2. The inspector also notes that there is commentary from consultees and third parties on effects to the setting of listed buildings in the vicinity. Aerial photographs and some idea of the distances involved could be provided (or signposted in existing documentation submitted where applicable) in light of access restriction to inform the hearing. Such information would assist the hearing process and is therefore requested.
3. There is also a potential s106 issue raised in relation to Historic England and securing off site works for heritage asset purposes. The applicant is requested to give full response on how it intends to deal with those matters. If a s106 is to be secured and tabled it would need to be done so in advance of the hearing.
4. A statement to how any s106/condition applicable would meet the relevant legal tests.
5. The applicant is requested to provide a short statement of how it has considered 'alternatives' in the development of the proposal, also to assist hearing proceedings.

I'm seeking all of the information indicated above is acknowledged and responses provided by the applicant by no later than 24 February.

Kind regards
Leanne

From: Ella Gibbs - Senior Ecological Consultant

Sent: 15 February 2023 15:27

To: Section 62A Applications <section62a@planninginspectorate.gov.uk>

Subject: RE: Land At Berden Hall Farm, Berden - UTT/22/2046/PINS - S62A/22/0006

Hi Leanne,

Has the countersigned IACPC document for the Great Crested Newt District Level Licence been submitted for this site yet?

Also, could it be confirmed what type of Badger sett is located on site and to be closed under a mitigation licence please? If it is a main sett we will need further information about proposed mitigation such as the provision of an alternative sett. Alternatively, measures to avoid impacts to the sett can be provided.

I will need the above information before I can lift my holding objection. I am happy to put this into a formal response if preferred.

Kind regards,

Ella Gibbs ACIEEM BSc (Hons)
Senior Ecological Consultant at Place Services

