

Tuesday 7th March 2023

Members of the Planning Committee
Uttlesford District Council
Council Offices
London Road
Saffron Walden
CB11 4ER

Dear Councillor

**Re: Planning Application UTT/22/2624/PINS Consultation on PINS Reference:
S62A/2022/0011 (the “Application”)
Construction and operation of a solar farm comprising ground mounted solar
photovoltaic(PV) arrays and battery storage together with associated development
including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV
cameras and Landscaping (the “Proposed Development”)
Land Near Pelham Substation Maggots End Road Manuden (the “Site”)
Low Carbon Solar Park 6 Limited (the “Applicant”)**

With regards to the 8th March 2023 Planning Committee, we are writing to confirm the Parish Council’s objection to the second planning application for a solar farm by Low Carbon. The earlier planning application was refused by your planning officers on 22nd January 2022 (reference UTT/21/3356/FUL).

Having reviewed in detail this second Application, we see little material difference from the earlier scheme and we ask the Planning Committee to endorse its officer’s 2022 decision to refuse by way of its consultation response to PINS.

You may be aware of the second solar farm proposal almost adjacent to the Application at Berden Hall Farm. Your Planning Committee wrote to PINS on 5th September 2022 with a number of concerns and we ask that you do the same for this Application. The matters and planning considerations are the same; loss of agricultural land, landscape and visual effects, cumulative impact with solar farm and battery storage units, heritage assets and archaeology, noise and traffic impact.

Uttlesford already has a multitude of solar farms consented and far more than any other district in the county and neighbouring Hertfordshire districts. The Council’s response to climate change has already been made and contributed to renewable energy ground mounted solar capacity of 162.90 MW which is sufficient to power almost 51,000 households.

Our concerns and objection are summarised as follows:

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.***

The Application confirms 81% of the Site is made up of NPPF defined “best and most versatile land” (grades 2 and 3a). Grade 3a is not subgrade.

The Government’s agricultural land quality records 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 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. Indeed, we consider even grade 3 should not be used as this is still productive farmland.

2. Landscape & Visual Impact

The Site is located within open countryside, and this is a wholly rural landscape with far reaching views.

Both Berden and Manuden villages have retained a well-preserved rural settlement character. The two villages are linked by a local road which is close to 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.

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 detail of the Application photomontages from viewpoints are lacking. These 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 Applicant's efforts to enhance the NPPF "valued landscape" takes the form of areas of new planting including trees and hedges. 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. There is no certainty of any management, and any planning condition provides no guarantee.

The panels are 3 metres in height, but are proposed to be sited on rising topography with slopes increasing in height to 12 – 14 metres extra from the key viewpoints.

We consider the landscape and visual impact has not been properly assessed and our earlier comments ignored.

There will be harm to the visual impact from residential properties, heritage assets and public rights of way.

The cumulative harm of this and the other solar farm proposals in the immediate area are ignored (as below).

3. Heritage & Archaeology

The site is very close to several listed buildings (in all directions) and the Crump and Battles Hall scheduled monuments.

We consider that there is clear harm 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 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.

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.

Historic England have identified a number of concerns which we share.

4. Loss of Best and Most Versatile Agricultural Land

Further to Section 1 above, paragraph 174(b) of the Framework states *"Planning policies and decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland"*.

Annex 2 of the Framework defines *"best and most versatile land"* as *land in grades 1, 2 and 3a of the Agricultural Land Classification*.

Local 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 Applicant's Agricultural Land Classification (ALC) demonstrates that the Site is a mix of Grade 2, Grade 3a and Grade 3b quality land and over 81% of the Site is best and most versatile land.

The Applicant has failed to carry out any sequential test to find alternative sites of lower grade agricultural land.

5. Cumulative Impact and Harm

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

These seven other nearby renewable energy schemes must be identified for cumulative assessment; these being:

Pelham Substation; as built.

UTT/16/2316/FUL and UTT/17/2075/FUL – the Statera nearby battery storage scheme adjacent to Pelham Substation; as built.

3/21/0969/FUL – The nearby Green's Farm, Stocking Pelham battery storage scheme; current application to East Herts.

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

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

S62A/22/0006 – Berden Hall Farm Solar Farm, current application.

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

The Application does not include a cumulative assessment of these schemes directly neighbouring and within close walking distance.

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

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

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 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. Noise

We are concerned at cumulative noise and the numerous complaints regarding current unacceptable noise from the nearby 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 base.

Please do not hesitate to contact us in this regard.

Yours faithfully,

Berden PC

Berden Parish Council

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