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Sunday, 19 March 2023

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Dear Sir/Madam

**Re: Planning Application PINS Reference: S62A/2022/0011 (the “Application”)  
Uttlesford District Council (the “Council”) Reference UTT/22/2624/PINS  
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 East of Pelham substation, Maggots End, Manuden (the “Site”)  
Low Carbon Solar Park 6 Limited (the “Applicant”)**

With regards to the above section 62a planning application, we are writing to set out our objection to this proposed development.

This is the second current solar farm planning application within Berden parish together with three adjacent battery plant installations tied to these solar farms. This same solar farm proposal was refused permission on 24 January 2022 by the Council; one battery scheme is now built and the two remaining battery applications remain undetermined.

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

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.

This letter of objection is an urgent request for a collaborative planning approach and joint consideration of all such proposals. The cumulative visual impact, need for a sequential test for site selection on agricultural land quality and sourcing enclosed or hidden fields (which are planned around well-designed visual and landscape screening and not land ownerships) is paramount and currently ignored.

Given the several past, current, and proposed planning applications for electricity generation and storage around the National Grid station at Stocking Pelham (“Pelham Substation”), 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 Pelham Substation, 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, construction 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. 2021 Public Consultation – The Applicant has shown very poor performance in the past two years in consulting with the surrounding villages and this stems from initial engagement in March 2021.

We attach (reference Enclosure 1) a copy of our letter dated 26<sup>th</sup> March 2021 to the Applicant based on the early closure of the initial public consultation exercise due to the overwhelming volume of objections.

Enclosure 2 is a further letter to the Applicant dated 9<sup>th</sup> August 2021.

The Applicant has consistently failed to engage, failed to listen and failed to put forward any acceptable proposed development.

This 2021 letter sets out a list of fundamental concerns and basis for objection which the Applicant has still not addressed.

2. 2022 Refusal – A similar planning application was made by the Applicant in November 2021 and this was refused by the Council on 24<sup>th</sup> January 2022 based on the following key grounds:
  - 2.1 The proposals by reason of its sitting, size and scale would have a harmful impact upon the rural character and appearance of the area.
  - 2.2 The proposals would result in 'less than substantial' to nearby heritage assets through change in their setting. Furthermore, a lack of information was submitted in the supporting heritage statement and thereby the impact of the proposals could not be accurately assessed as part of this application.
  - 2.3 The application had not provided appropriate consideration of the impact of the development such as a geophysical assessment and photographic evidence of the area to assess the historic environment.
  - 2.4 The proposed works by reason of the poor layout and position of solar panels in and around the towers and below the high voltage overhead electricity lines would not enable appropriate access & maintenance of national important infrastructure and may result in harm to safety.
  - 2.5 Insufficient information has been submitted in support of the application to demonstrate that there would not be an unacceptable impact to protected and priority species and their habitats.
  - 2.6 Insufficient information has been provided in support of the proposals to demonstrate that the proposed highway works scheme is acceptable in terms of highway safety, efficiency and accessibility and that the proposed works are indeed deliverable.
  - 2.7 Due to a lack of information submitted in support of the proposals to demonstrate its acceptance in respect to drainage and flooding, both the flooding authority and the

Council are unable to accurately assess the potential impact that the proposals may have to flooding upon the site itself or elsewhere.

- 2.8 A lack of any Section 196 planning agreement to secure the decommissioning of the solar farm following its 40 year operation.
3. Design Changes from 2022 Refusal - The Application is a resubmission of the 2022 refused scheme and the Applicant has made revisions to attempt to address the above reasons of refusal. The main revision includes the removal of two areas (development zones) from the eastern site parcel and to the north to try to reduce and mitigate the harm on both the character and openness of the countryside and the surrounding heritage assets.

We consider the Application has failed to address the grounds for refusal and indeed our earlier 2021 objection. This is as set out in our objection letter dated 19<sup>th</sup> January 2022 (Enclosure 3).

4. Environmental Statement – We note the Secretary of State’s Inspector has requested an Environmental Statement is required.

This has regard to the potential significant visual effects and significant cumulative effects including those on the local landscape.

We welcome the Inspector’s view of this matter.

We had previously confirmed our view to the Council and concerns of proximity to houses and heritage assets, reference our letter dated 9<sup>th</sup> March 2021 (reference Enclosure 4). The photos and plans showing the Brickhouse End houses should be of assistance.

We further query the consideration and assessment of cumulative effects below.

5. Applicant – The Applicant is listed as Low Carbon Solar Park 6 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 December 2021 last accounts filed.

The Applicant is listed as under the control of Low Carbon Group Limited and MassMutual Holding LLC.

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.

6. National Planning Policy (Current) – With reference to the National Planning Policy Framework (“NPPF”) any planning decisions on solar farm development must 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 18<sup>th</sup> 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.”

7. National Planning Policy (Draft) – 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 consultation (which closed 2<sup>nd</sup> 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.

8. 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.”

9. 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) – This 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.

10. Agricultural Land Quality – The above sections reference the planning policy on loss of agricultural land.

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. This states that development of the best and most versatile agricultural land will only be permitted when options for accommodating development on previously developed sites or within existing development limits have been assessed.

Similarly, Paragraph 175 of the NPPF states that Local Plans should allocate land with the least environmental or amenity value, where consistent with other policies of the NPPF. Footnote 58 states that 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 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. This is the majority of the Site. Obviously we cannot check this assessment ourselves as we have no access to the Site for surveys.

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 below).

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.

11. 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.

The Applicant failed to carry out any sequential site selection as part of the original (2021) application despite our request in the consultation exercise. The Applicant has still failed to carry out any sequential test to find alternative sites of lower grade agricultural land.

The Applicant has now tried to justify the Site's selection two years later and this retrospective process is wholly inadequate. In the submitted Alternative Site Selection document the Applicant assesses limited criteria and this is not a full selection process that is typically used. This fails to assess whether the Proposed Development could be accommodated elsewhere within the wider area, in a better location with less heritage, less visual and less agricultural land impacts.

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 recent planning permission north east of Bishop's Stortford (Uttlesford reference UTT/21/318/FUL) is some miles from the Pelham substation but is still promoted as viable.



The Council has recently refused 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 proper sequential test must be carried out by the Applicant for the full and proper 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 81% 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 and with the Applicant as the public consultation stage.

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.

12. 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. 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.

13. 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.

The roads to the south and north of the Site are rural in character; these are quiet single track lanes used for the local houses but also for recreation walking and cycling in the area. Maggots End Road and Brick House End are high sensitivity lanes.

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 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.

Policy GEN2 states that development will not be permitted unless:

- a) It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;
- b) It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate;.....
- h) It minimises the environmental impact on neighbouring properties by appropriate mitigation measures;

None of these are achieved by the Application.

A core principle of the NPPF is to recognise the intrinsic 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 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.

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, 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 Landscape and Visual Impact Assessment (LVIA) neither properly nor 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 LVIA considers a number of viewpoints to review the visual impacts of the Proposed Development. Whether or not these have been agreed with the Inspector is unclear, however these do not include views of several PROWs including the footpaths coming from the nearby residential homes. There is no clear viewpoint from to the east and this should also consider the effects of the construction access and the effect that this will have.

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.

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.

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 proposal would result in significant adverse visual impacts as highlighted by the Inspector's letter dated 18<sup>th</sup> 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's LVIA does not fairly consider the effects of the Proposed Development. The 40 years timescale is considerable. The development would not conserve the key characteristics of the landscape including its openness, historic pastures, open arable slopes and the reinstatement of hedgerows should not be taken as reinforcing historic landscape patterns when these patterns will not be discernible due to the introduction of the development itself.

The proposed mitigation would not be effective and local topography would increase effects on the local landscape.

Overall, the adverse landscape and visual effects of the Proposed Development will be contrary to the Overarching National Policy Statement for Energy (EN-1), NPPF and Local Plan Policy and goes against any benefits of the scheme.

14. Landscaping, Planting & Screening – Recent experience from the nearby battery storage units dictates that the Applicant's assurances of mature planting, screening, and properly coloured/painted plant and containers (not white) are unlikely to be delivered. 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 on the Statera battery units.

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.

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.

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.

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.

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

15. Heritage & Archaeology – The Site is very close to several listed buildings (in all directions) and the Crump and Battles Hall scheduled monuments.

The NPPF defines significance as ‘the value of a heritage asset to this and future generations because of its heritage interest’. Such interest may be ‘archaeological, architectural, artistic or historic’.

The ‘setting of a heritage asset’ is defined as ‘The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.’

Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraphs 201 and 202 address the balancing of harm against public benefits. If a balancing exercise is necessary (i.e. if there is any harm to the asset), considerable weight should be applied to the statutory duty where it arises. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (as per Paragraph 201).

Paragraph 202 emphasises that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal, including securing its optimum viable use.

Local Plan Policy ENV2 seeks to protect the historical significance, preserve and enhance the setting of heritages assets that include both conservation areas and listed buildings.

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, in particular:

*Historic England ... consider the application does not meet the requirements of the NPPF, in particular paragraph numbers 189, 194 and 195.*

*We [Historic England] have concerns in relation to the impact of the scheme on the historic environment and consider it would result in less than substantial harm to the scheduled 'The Crump: a ringwork 600m south of Berden'*

*There is also potential for less than substantial harm to the scheduled 'Moated site at Battles Manor'. We have concerns that the scheme would result in the erosion of the rural character of the scheduled 'Moated site at Battles Manor', to the south. We note Context Baseline Viewpoint 10B ... indicates that the edge of the solar modules would be visible over the brow of the hill, although it is stated in Section 6.23 of the Heritage Statement, 'there is no clear intervisibility between the land within the site and the moated site'. No photomontage has been submitted for this.*

*We are also concerned about the potential cumulative impact of the proposed solar farm to the north-west, known as Solar Farm near Stocking Pelham scheme (Application ref. S62A/22/0006).*

These concerns are consistent with the grounds for refusal in relation to the 2021 application.

Uttlesford's Local Plan policy ENV2 requires that development affecting a listed building should be in keeping with its scale, character and surroundings and notes that development proposals that adversely affect the setting of a listed building will not be permitted.

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".

Paragraph 199 of the NPPF also set out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

We consider that there is clear harm to the significance of heritage assets. In particular:

- The proposals will have an impact upon the setting of Battles Hall Scheduled Monument, resulting in less than substantial harm to its significance. The applicant understates the degree of harm.
- The proposals will have an impact upon the setting of The Crump Scheduled Monument, resulting in less than substantial harm to its significance. The applicant states no harm, with which Historic England also disagree.
- The proposals will have an impact upon the setting of the Grade II listed Battles Hall, Grade II listed Dovecote and Grade II listed Cartlodge, resulting in less than substantial harm to their significance. The applicant understates the degree of harm.
- The proposals will have an impact upon the setting of the Grade II listed Brick House, resulting in significance middle of the 'less than substantial' scale.. The applicant states no harm.

- The proposals will have an impact upon the setting of the Grade II listed Rose Garth, resulting in less than substantial harm to its significance. The applicant states no harm.
- The geophysical survey and previous archaeological discoveries indicate that the archaeological potential of the site is high. We would echo the requests from Place Services and Historic England that a programme of archaeological trial trenching needs to be undertaken **before** it is possible to determine the application. We raised this in 2021 and no action has been taken by the Applicant showing a disregard for this matter.

In particular, the Applicant concludes that the Proposed Development will have no impact on the significance of Brick House (paras 6.74-75). This is based on the mistaken belief that there is no historical association between Brick House and its surrounding landscape. We strongly disagree with this conclusion. As is clearly demonstrated by the 1732 map, there is a very strong historical relationship between Brick House and much of the Proposed Development site. We conclude the Proposed Development will result in the middle of ‘less than substantial harm’ to the significance of the building resulting from the fundamental change of landscape character of its historical and present agricultural setting.

16. Ecology & Protected Species – Local Plan Policy GEN2 applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

Development should lead to net biodiversity gain of at least 10% as mandated by the new Environment Act 2021.

We note that the County Council’s Place Services have imposed a ‘holding objection’ dated 3<sup>rd</sup> March 2023 and requested further information on protected species.

We await sight of this further information. There seems to be a lack of suitable evidence.

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.

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

The noise assessment 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.

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.

18. 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.

19. 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).

20. Flood Risk & Surface Water Drainage – Solar farms have the potential to interrupt overland flow routes, reduce the amount of rainfall absorbed into the ground and increase the rate and volume of surface water runoff.

The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

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.

If there is 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 FRA seems to not adequately deal with drainage or any attenuation.

The Essex Local Lead Flood Authority issued a holding objection on the 2021 application and we await sight of their response to this latest Application. Their concerns were not addressed at that time due to the 2022 refusal.

21. 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 and the substation itself. An overall carefully constructed masterplan led approach is required together with Supplementary Planning Guidance in the absence of any meaningful Local Plan policies.

We note the Inspector considers that the visual effects due to the change of use from agriculture to solar infrastructure and the scale of such development are likely to be significant. The Inspector also has confirmed that there is also potential for adverse effects when considering the cumulation of effects with other existing and/or approved projects. These are listed and include land at Cole End Farm Lane, Wimbish and Chesterford Park, Little Chesterford.

Three solar farms and two further battery schemes are proposed within a very small radius of Pelham substation, indeed almost neighbouring each other. 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 are:

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.

This Proposed Development current Application.

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.

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.

22. 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.

23. Construction Traffic Management Plan – Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must not compromise road safety and to take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than the car.

The Construction Traffic Management Plan (CTMP) proposes a vehicular access to the Site during the construction phase via an existing agricultural/farm access from Manuden Road to the east of the Site. The access currently serves farmland and agricultural buildings. The

applicant submits that this access point will be upgraded with improved visibility splays to serve construction vehicles.

Whilst the CTMP outlines several main considerations (numbers, types and routing of construction traffic), it lacks the level of detail which is required to establish if the proposed route is acceptable. The stated total number of 922 HGV trips (including 762 articulated lorries) is considerable.

Hertfordshire County Council (“HCC”) have expressed concerns and requested the applicant needs to undertake a more detailed route assessment to establish its suitability. HCC cites examples where the B1038 narrows to single width on approach to Hare Street from the east, and there is concern that the footway here will be mounted to the detriment of pedestrians. The proposed route also suggests tracking through Buntingford town centre, which is not appropriate.

Indeed the cumulative construct traffic impact of the two solar farms and two further battery stations needs to be considered.

There are several Public Rights Of Way (“PROW”) through or surrounding the Site and these must remain usable, retain their recreational amenity and character, and be retained. It is not clear how these remain accessible by the general public during construction and through the operational stage of the development to ensure the continued safe passage of the public on the definitive right of way.

24. Hearing – We ask for the opportunity to make a presentation to the Inspector at any future hearing or other meeting to consider this proposal.
25. 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.

Yours faithfully,

*Berden PC*

Berden Parish Council

Enc.

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