

*Berden Parish Council  
c/o Martin's Green  
Berden  
Bishop's Stortford  
CM23 1AF*

19 January 2022

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Dear Sir and Madam

**UTT/21/3356/FUL and 3/21/2781/FUL**

**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**

**Land Near Pelham Substation Maggots End Road Manuden**

With reference to above planning applications, we are writing to confirm our objection.

We have the following comments in this regard:

1. Heritage – With reference to our earlier letter to Uttlesford District Council at the EIA screening stage in March 2021, the site is very close to several listed buildings (in all directions) and the Crump and Battles Hall scheduled monuments.

Firstly, we refer to the heritage impact work carried out by the Stop Battles Solar Farm group (as set out in the report which will be submitted separately) and we endorse all the points raised in terms of material harm that will be caused.

Secondly, we refer to the objection by Historic England and their considered view that the applicant's Heritage Statement fails to properly have regard to planning guidance.

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.

2. Agriculture – We refer to the assessment work carried out by the Stop Battles Solar Farm group regarding the agricultural land classification report (again in the separate report to be submitted) and we endorse all the points raised in terms of loss of the best and most versatile agricultural land.

We further are concerned that any development works will see the valuable topsoil being ‘stripped’ and taken off-site (given its monetary value). This must be prevented even if the Council’s are minded to grant permission.

3. Sequential Test – Further to item 2 above, a sequential test for lower grade agricultural land should be carried out. We raised this point in previous correspondence with Uttlesford District Council.

The report commission by the Stop Battles Solar Farm group\* provides 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 further note the Lead Local Flood Authority have indicated a sequential test in relation to fluvial flood risk is required.

4. Sensitive Human Receptors – We refer to our initial comments in March 2021 regarding both the close proximity to several residential properties and the impact on the visual outlook and amenity of such residents.

This application site is not isolated; it is located directly adjacent to Brickhouse End, Battles Farm and other residential houses.

5. Landscape & Visual Impact – We refer to the review of landscape and visual effects work carried out by the Stop Battles Solar Farm group\* and we endorse all the points raised together with the following.

In March 2021, we flagged to Uttlesford the visual impact from several key points and views. The application has failed to address our initial comments and concerns. There is no reference to the applicant having agreed key viewpoints. We seem to have been ignored in this regard.

The application does not properly assess the residential visual amenity cumulative impact (reference paragraph 1.5) which is not acceptable given the close proximity to several residential properties (several of which are listed buildings).

The LVIA assumes new planting growth rates of 0.5 metres per annum (reference paragraph 1.4). The Parish Council have previously written to both Council’s with concerns at the wholly inadequate landscape screening to the existing battery storage units adjacent to the Pelham substation (reference permissions UTT/17/2075/FUL & UTT/16/2316/FUL).

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





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



Our letter to Uttlesford District Council dated 15<sup>th</sup> June 2021 confirmed the need for lessons learned from this nearby scheme.

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



We ask that both Council’s do not make the same mistakes.

As flagged in March 2021, 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).

6. Landscaping & Screening – As section 5 above, experience dictates that developer's assurances of mature planting, screening, and properly coloured/painted plant and containers (not white) were false promises.

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

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.

7. Ecology – We note that Place Services have requested further information on protected species and priority habitats (hedgerows).

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

8. Noise – We note with concern the Council's environmental officer recommends the noise mitigation is dealt with by a planning condition.

Again, our experience confirms that this will not work. The Statera battery scheme is audible to Berden and Stocking Pelham residents despite a detailed noise assessment confirming this would not be the case.

The proposed restriction of 25 db night and 31 dB day time are too onerous for this rural area and the close proximity to existing residential properties.

There is no time reference to day and night. That said, the battery storage will still operate at night when power is drawn down; how can there be a differentiation in operational noise at day or night?

The proposed condition states that should the noise level be exceeded, the plant should be switched off and not used again. Given this is powered by the sun, how does the Council see a way to turn a solar farm 'off'?

It is essential to agree the noise mitigation scheme fully at this planning stage, not left to planning conditions.

9. External Lighting – Again, the request to deal with this by way of planning condition is objected to.

Any external lighting will cause spill and glare. It is the glare that cannot be measured yet causes the most harm in the rural area with raised topography.

10. Glint & Glare Assessment – We have previously highlighted the need for a glint & glare assessment (which seems to have been ignored by the applicant). We note this has now been requested by MAG Stansted Airport and this should be confirmed and agreed before this application is determined.

11. Fire & Explosion Assessment – 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.

Lithium-ion batteries can fail by “thermal runaway” where overheating in a single faulty cell can propagate to neighbours with energy releases known as “battery fires”, although they require no oxygen to propagate. They are uncontrollable except by extravagant water cooling. They evolve toxic gases such as Hydrogen Fluoride and highly flammable gases including Hydrogen, Methane, Ethylene and Carbon Monoxide. These in turn may cause further explosions or fires upon ignition.

Any planning application should include an emergency plan approved by the local Fire and Rescue Services (both Hertfordshire and Essex given the location).

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

The outline strategy does not have regard to topography and contours and the natural passage of water to field boundaries.

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

We note the Lead Local Flood Authority have requested further information.

13. Consultation – We have previously written to Uttlesford District Council to express our disappointment and concern at the manner in which Low Carbon have conducted themselves regarding public consultations.

Low Carbon started a public consultation on 5 March 2021 with a closing date for feedback on 26 March 2021. We had geared up for the parish to respond in good time including our own response by the Parish Council.

We had carried out our own parish survey which confirmed that a majority of replies confirm an objection to the scheme. This firmly established the Parish Council’s position.

However, we received an email from Low Carbon on 23 March 2021 advising of the early closure of their public consultation exercise. This seems to have been timed to

coincide with our Parish Council discussion at the same time to review the outcome of our own parish survey.

This seems a divisive move by Low Carbon and the early closure of the public consultation exercise has not been well received.

The further public consultation event was carried out in July and August but Low Carbon had ignored our earlier comments and observations on failings of the Low Carbon feedback form.

The consultation exercise was more interested in non-material matters such as construction access and cable route than visual impact, agricultural land quality, ecology, flood, heritage etc.

14. Cumulative Impact – As previously highlighted to the Councils, we consider that this proposal needs to be considered in the wider context of the other renewable energy proposals around the Stocking Pelham National Grid substation (“Pelham substation”). An overall carefully constructed masterplan led approach is required together with Supplementary Planning Guidance in the absence of any meaningful Local Plan policies.

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

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

These are:

- (a) Battles Farm/Pelham Spring (Berden Parish) Uttlesford reference UTT/21/3356/FUL.
- (b) Land At Wickham Hall Estate East Herts reference 3/21/2601/FUL.
- (c) Land adjacent Pelham Substation (Berden Parish), screening opinion given reference UTT/21/2158/SCO, planning application awaited.

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

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

These 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 and not properly planned development boundaries with a need for proper structured screening, buffers and regard taken of views, visual impact, noise and fire control measures.

15. Archaeology – We note Place Services have requested both an aerial assessment and geophysical survey before a planning decision is made. We await sight of such a report. The Councils should not make a decision in advance of this.
16. Future Reinstatement – We remain concerned about the future ability to revert the land to agricultural use. We would hope the Councils apply a rigorous process and financial guarantee assessment to this matter.

Whilst the Parish Council does not oppose renewable energy initiatives, these need to be properly assessed and planned in the correct locations having regard to the heritage, agricultural loss, landscape and visual impact, sensitive human receptors and the above list. The cumulative impact around the Pelham substation needs to be properly planned and solar farms should follow well thought out boundaries, not a willing landowner's ownership line.

Yours faithfully



Laura Free  
Clerk to Berden Parish Council