

From: tonyasoutham [REDACTED]
Sent: 20 March 2023 16:42
To: Section 62A Applications <section62a@planninginspectorate.gov.uk>
Subject: Planning Application PINS Ref: S62A/2022/0011 Uttlesford District Council Ref: UTT/22/2624/PINS

Stocking Pelham Parish Council
Waterlilies
Berden Road
Stocking Pelham

Monday, 20 March 2023

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

By email: Section62a@planninginspectorate.gov.uk

**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 on behalf of the Stocking Pelham Parish Council (SPCC) and our residents. Our objections are in line with Berden Parish Council objections presented in their letter dated Sunday 19 March, so we do not reproduce the detail of that objection here. We summarise the main issues for Stocking Pelham residents.

1. Cumulative impact

This is the third current solar factory planning application affecting the Stocking Pelham parish with a fourth in pre-planning, together with three adjacent battery plant installations tied to these solar factories. The full list of proposals is as follows:

Pelham Substation; as built.

UTT/16/2316/FUL and UTT/17/2075/FUL – the Stateranearby 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.

Violet’s Lane, Furneux Pelham – pre-planning

UTT/22/2624/PINS - This Proposed Development current Application

This solar factory proposal was refused permission on 24 January 2022 by the Council; one battery scheme is now built, and the two further battery applications remain undetermined. These batteries and solar factories are in addition to the existing Pelham Substation, which covers several hectares of land. Together, these existing and proposed schemes would transform the landscape into an industrial one, and residents would no longer be able to “quietly enjoy” the rural landscape.

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.

Whilst the estimated 922 HGV trips are a shorter-term impact compared to the solar factory, there are many pinch points on the route. Combined with traffic for other planned solar factories and their batteries, construction traffic is of itself a factor requiring a joined-up plan.

The cumulative visual impact on Stocking Pelham and surrounding areas is a critical issue.

2. Noise

Noise should be considered as part of the cumulative impact of the scheme. Given the current unacceptable noise from the nearby Statera battery scheme and Pelham substation, both of which contribute to the “Pelham hum” heard by all Stocking Pelham residents on a less windy day, we are concerned about additional noise disturbance.

The noise assessment ignores previous comments and concerns that the background noise surveys are made higher and inflated by the noise from the existing 2018 Staterabattery plant.

The Statera battery scheme is audible to 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.

3. Sequential test for appropriateness

Failing a joined up plan, best practice, and the only way to show that this would potentially be the right place for an industrial development of this type, is for the developer to publish their workings in a sequential test on suitability.

For example, the Government’s agricultural land quality records confirm there are large areas of Grade 3 to the southwest and east of the site, all of which are within connection distance of the Pelham Substation. Whilst we are neither promoting nor suggesting these other areas, the Applicant has failed to consider the use of this alternative lower grade agricultural land. Indeed, we consider even grade 3 should not be used as this is still productive farmland.

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.

Whilst the Applicant will claim the main reason for locating the solar factory 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 factory directly to a substation. In fact, a large number of solar factories are connected to the grid by overhead power lines on pylons. For example, the approved solar factory 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 recent planning permission northeast of Bishop's Stortford (Uttlesford reference UTT/21/318/FUL) is some miles from the Pelham substation but is still promoted as viable.

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.

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 factories and not all or in close proximity to regional substations.

4. Uttlesford and East Hertfordshire have more than met the implications of government targets

To achieve government targets of 70GW by 2035, only 0.3% of UK land needs to be used for solar factories. Uttlesford already has more solar factories any other district in the county and neighbouring Hertfordshire districts. With a new solar factory recently approved by East Hertfordshire at Wickham Hall, both counties have contributed more than their fair share of Best and Most Versatile land.

The applicant has failed to show that this site is the most appropriate site. While the site may appear economical, 99.8% of the land in the UK is unused for solar factories. Once the full cost of removing BMV land from agricultural use is calculated, with the cumulative visual impacts on Berden and Stocking Pelham residents, it is clear that there can be many other places in the UK that can be used for this kind of industrial development.

5. Lack of Public Consultation

The Applicant has consistently failed to engage with the Parish Council or Stocking Pelham residents, has failed to listen and failed to put forward any acceptable proposed development.

6. Prior refusal not addressed

A similar planning application was made by the Applicant in November 2021 and this was refused by the Council on 24 January 2022. 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. These minor changes do little to change the cumulative impact of the development on Stocking Pelham and surrounding areas.

The applicant has failed to address the grounds for refusal of the original application and indeed our earlier objections.

7. Lack of assets to support decommissioning

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.

8. Failure to meet current national planning policy guidelines

The proposed development does not meet NPPF guidelines. The applicant has failed to show that the development must be placed on agricultural land. In fact, the applicant has failed to show in any way that this development is best placed in this area. There is no indication that the applicant has sought or considered previously developed and non-agricultural land.

9. Failure to meet future 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 policy will further protect Best and Most Versatile agricultural land for the production of food. Lower quality land should be preferred in the unlikely event development on pristine agricultural land is required.

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.

10. Wide impact on the countryside

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 in conflict with the surrounding sensitive landscape.

The Site and surrounding area topography is within a zone of visual influence and the change to the landscape from a solar factory 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 unacceptable.

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 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.

11. Inadequate mitigation

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.

No amount of hedge planting can mitigate this visual intrusion and blight on the natural landscape caused by a solar factory. 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.

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

12. Conflict with local Heritage sites & Archaeology

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

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 factory 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:

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 less than substantial harm to its significance. 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.

13. Lack of consideration for local ecology & protected species

We note that the County Council's Place Services have imposed a 'holding objection' dated 3rd 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.

14. Flood Risk & Surface Water Drainage

Solar factories 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 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.

15. Hearing

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

16. Site Visit

We would welcome the opportunity to accompany the Inspector on a site visit.

To conclude, we repeat the statement 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,

Stocking Pelham PC

Stocking Pelham Parish Council

Copy: [REDACTED] Esq. Development Control, Uttlesford District Council
planning@uttlesford.gov.uk; [REDACTED]