

**From:** James Palmer [REDACTED]  
**Sent:** 19 March 2023 23:59  
**To:** Section 62A Applications <section62a@planninginspectorate.gov.uk>  
**Subject:** Solar Farm, Land East of Pelham Substation, Maggots End Road, Manuden ref 62A/2022/0011

Dear Inspector and team

I am writing to object to the above referenced revised application. My wife and I live in Berden (our address is in the attached email below) and walk on local footpaths including through the site in question. We have lived here for 23 years.

I attach below the text of my email of objection to the original application to Uttlesford at this site, which should be treated as part of this objection, as the points made still stand equally with the revised application.

As you will be aware, our rural area with significant BMV agricultural land is being submerged in multiple applications for solar developments, solely because of proximity to the Grid sub-station, despite it being clearly an inappropriate location under relevant planning policies at local level and under the National Planning Policy Framework (the Framework).

As the Protect the Pelhams submission and others point out, the proximity to the Grid substation is not a relevant planning factor, it is merely an economic factor for the applicant, enhancing their returns. I address the ramifications of this point further below.

We urge that a clear message is needed to reject these multiple and repeated inappropriate applications, (of course sticking within your statutory powers) or residents face the unreasonable burden, with unequal resources, of poor decisions being taken simply because developers in denial of the planning requirements seek to wear down local resident objections over time. That outcome would clearly not be consistent with the requirements of local planning requirements or of the Framework. The extent of local community impact and concern is demonstrated by the very large level of opposition and objection.

In each case applicants, including the applicant in relation to this application, seek to:

1. Completely fail to explore alternative locations, or only superficially consider alternative applications neighbouring the site in question, which is self defeating, as comparison with other equally inappropriate sites is a misleading and wholly unacceptable comparison; I comment below on the Applicant's deeply flawed Alternative Sites Assessment, which was clearly destined from the outset to reach the conclusion that no other site could be chosen. It purports to consider other sites but sets voluntary or economic conditions which rules them all out: why should applications be for 50 hectare sites if 10 hectare sites can be more readily found in appropriate locations? . If the approach taken is a valid basis for Alternative Site Assessment, such assessments will be irrelevant to planning outcomes, which is clearly not the case as a matter of law or policy EN5 of Uttlesford;
2. ignore the planning weight required to be given against the use of prime agricultural land; the applicant assumes a 50 hectare greenfield site is the only viable site. This is clearly not correct. That

assumption is designed to force use of greenfield BMV land in inappropriate locations, but their assumption that as a result their application should be permitted (and presumed so by the rebuttable presumption for sustainable development) is clearly wrong;

3. ignore local planning goals in relation to preservation of the rural character of the location and community impact;

4. ignore the same goals under the Framework in relation to national planning rules and guidance; I comment further on this below;

5. ignore the planning weight required to be given to the community impact of the proposed use;

6. ignore the impact on historic buildings, woods, views and landscapes, typical of the Essex and East Herts countryside, such as this site;

7. incorrectly presume that because an inappropriate site delivers even better economic returns for them, that only those wholly rural greenfield sites can be considered. This is a fundamental mis-positioning which sits behind the constant incorrect and misleading assertions in applications, such as this, that solar projects can only go ahead on BMV agricultural land in rural community locations on BMV land, such as the site proposed here; but planning guidance and law require otherwise; please do not let the applicant incorrectly position the choices such that planning policy is in fact ignored;

8. as part of the point made at 7 above, they seek (for perfectly understandable commercial reasons), to keep applying in inappropriate rural locations as if at some stage their applications will succeed. They create a false sense that planning balance requires a compromise in relation to a site, when the site is in fact just inappropriate. It is vital to avoid this assumption, and to reject any application of this kind in this location, however revised, otherwise every application will ultimately succeed and every inappropriate location mysteriously becomes ultimately acceptable; that is wholly inconsistent with local and National planning requirements. This revised, marginally reduced, application, falls squarely in that category. It is, to put it bluntly, just pushing on at an inappropriate site in the hope (I hasten to add, one that I accept the applicant is legally entitled to pursue, but I urge the Inspector to reject) that by tinkering with a fundamentally inappropriate application it will somehow become appropriate;

9. ignore the significant solar capacity already provided or now subject to approved consent (eg the recent application approved at a far more appropriate site by Stansted Airport) in Uttlesford. Indeed, notwithstanding Uttlesford's role and character as an area at core made up of BMV farmland (as the Applicant acknowledges in its Alternative Sites Assessment) needed for farming, and of attractive rural communities benefiting from and actively using the natural landscape as a core part of their community, Uttlesford is already far ahead of other districts in Essex, Herts and neighbouring counties. This area should not be the country's solar park simply because of volume of applications, when we are mostly an unsuitable area for solar farms, already doing more than its fair share.

9. The road access to the site is terrible. The development would require large volumes of lorries to go down narrow country roads which, by every access route, in places are not wide enough for two cars, let alone two lorries, to pass.

These and other points are made in other submissions of objection, including the Protect the Pelhams submission, which I support and reference for more detail on the above points. I have not sought to repeat all their points.

## A. The Alternative Sites Assessment

The Applicant suggests (1.4 of their Alternative Sites document) that this assessment is not required by national or local planning application requirement for such an assessment. That is misleading: it is established law that this application can be turned down solely for inadequate alternative site assessment, as you will be well aware. ENV5 effectively requires it as does any decision where planning balance comes in to play.

The Applicant has patently not conducted an adequate assessment. From the outset it assumes applications must be for a 50 hectare site ( see Chapter 4, para 4.3 Table 1) to deliver 40 MW. But that is entirely a requirement imposed by the Applicant. In this location it flies in the face of all other planning requirements beyond the low carbon goal.

In addition they specify that the site must be within 4 km of the substation. This seems to make a mockery of all other planning factors, as of course the area is entirely beautiful countryside with communities benefitting from and actively using and enjoying the landscape. They have created assumptions to set up a test they pass, rather than start with Planning Policy and the law which require a far wider consideration of alternative sites, far beyond the whole of Uttlesford, let alone just beyond proximity to this site. The whole exercise rapidly dismisses alternatives on what are in reality economic grounds.

But economic grounds are misleading: the pricing of energy is fundamentally different (dramatically more profitable) now from two years ago, let alone ten years ago. Of course they would prefer to develop here, in the wrong place, and will not explore other more appropriate sites, because they think they will get approval here. If they are rejected, there will still be numerous applications on more appropriate locations: this is not the only location for UK solar capacity. Rejecting applications at sites like this is necessary to trigger applications where they should be made (see the Stansted solar approval) and to force Solar with the slightly greater cost (but huge profitability potential) involved, on to brownfield, main road and roofing sites.

If that is not the case, this location was destined to be a major solar park, irrespective of its core attributes and irrespective of its character and better land uses (for agriculture), once the Grid substation was built. But that is not correct, or consistent with the law or planning policy. Again the applicant has imposed its own self defining and self limiting conditions which justify the only site they have really considered. They decided to rule out the sites they in fact should have considered, far beyond Uttlesford (see eg para 5.14 of the Alternative Sites Assessment and 5.30). As I have already pointed out, Uttlesford is already a model district for solar capacity without this and the other Applications near Pelham substation.

The template of tests they applied in Table 1 Chapter 4 are their tests, not the correct planning factors in this case, so no weight should in my view be given to the assessment. On the contrary, the Applicant has in fact ruled out considering appropriate sites, and set conditions which justify only this site or other BMV land, or considered large brownfield sites it knows will go to housing. The exercise was in fact carried out with hindsight after the Applicant had already identified this site, paid the landowner (presumably) to have the right to develop it, and committed themselves here. It is a hindsight test to justify a decision long ago taken. That is not a satisfactory approach and is on its own, as Protect the Pelhams and others point out, grounds for rejection.

Again, the Applicant has chosen a location which is not appropriate and seeks to justify it by only comparing with other equally inappropriate sites. Of course all bad planning applications would

succeed if that was the basis on which they were considered! Alternative site assessment cannot be limited to Uttlesford, or other similar greenfield sites, or every application in Uttlesford's will succeed (in particular if land value for brownfield will be higher as it can be used for housing) , as all will be on BMV land.

#### B. Inconsistency with local plan and the Framework.

Others have cited the planning factors and specific provisions of the Local Plan and Framework. Again I do not list them all. We understand the need for planning balance. But planning balance is not about all repeated applications at a site eventually succeeding when minor adjustments result in a sense of compromise, if it is the wrong site and clearly not consistent with (a) the Local Plan (which it obviously is not, hence regard to the Framework, given age of the Local Plan) and (b) any revised Local Plan updated to accord with the Framework.

It is, when one steps back, obvious that no lawful updated Local Plan will countenance solar farms at this location, on BMV land in a beautiful and well used natural environment representing the core of Uttlesford's attractive landscape.

This application is in stark contrast to the recently approved application in Uttlesford for a solar farm next to Stansted Airport, directly supplying the Airport. That application did include some BMV land but was next to the airport and a main road and not right in the middle of the countryside and core to large rural communities. The applicant's Alternative Sites paper makes the point that planning policy does not require BMV never to be used. I agree. But it is misleading then to suggest, as they do, that this application is therefore fine. It is not. That is to disregard, as the applicant does, the core priorities of the Local Plan and the Framework.

There are no mitigating factors to justify choosing this site, in the face of the flagrant contradiction with the core statements of the Local Plan and the Framework (see below for the latter) , beyond the proximity of the Grid substation connection, which is solely a matter of cost reduction and therefore the size of profit the applicant and landowner between them will make, rightly not a planning factor. If all applications are to be determined on that basis, almost all solar is going to be built on BMV land in the South East of England, in areas of community value and which are parts of important natural landscapes. But that is exactly what every relevant planning policy clearly signals should not occur.

Until Applications like this are robustly and regularly rejected, there is no incentive for developers to truly explore (as opposed to hindsight desk top exercises) brownfield sites, or shed roofs, or solar commitments in relation to new build. Applications will continue to be dominated by focus on the wrong locations, in greenfield sites of BMV land, logically from developer perspectives, as economics alone will decide location, not planning policy.

Please note in particular in the Framework the overarching objectives, framing all other National planning policy in Chapter 2 paragraph 8. I set these out as they show clearly why this application is fundamentally flawed:

"8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

(a) an economic objective- to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support

growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

(b) a social objective- to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

(c) an environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution and mitigating and adapting to climate change, including moving to a low carbon economy."

Paragraph 9 then recognises that these should be applied through the local plan. It also recognises each point does not apply to every decision, but does say plans and decisions "... should take local circumstances into account, to reflect the character, needs and opportunities of each area".

I set this out in full for balance and recognise of course the Applicant would (I imagine) invoke the low carbon economy goal as trumping everything in planning balance. But that is patently not the correct read. Rather:

- "Land of the right types ... in the right places... ",
- "...fostering well designed, beautiful and safe spaces..." , that "... support communities health, social and cultural well-being";
- "... protect and enhance our natural... environment..." and
- "...making effective use of land, improving biodiversity..."

tell a different story. Using BMV land, which clearly is needed for farming, in an area of natural beauty, remote from industrialised parts of the area, widely used by and important to the communities, harms our community irreversibly. There is no community benefit but the community cost will be huge.

Planning policy shows this is the wrong place. Please note I understand Uttlesford is in special measures because of decisions on housing, not because of its position on solar capacity, where it has performed superbly as a district, way ahead of everywhere else far beyond Herts and Essex (see Protect the Pelhams' submission for data). Uttlesford have recommended against this Application. Please support the Policy they currently have and that they inevitably will include in any revised plan, consistent with the Framework and national policy, and reject the application.

Finally I give notice that I would like to speak at the hearing on this application.

Please reject this inappropriate Application, contrary to policies and trying to use land clearly required for more appropriate uses.

Yours sincerely

James Palmer

Annexure. My objection of December 2021 to Uttlesford, forming part of this objection. [please redact my email address and home address below as well as above before publication on your site. Thank you]

**From:** James Palmer [REDACTED] >  
**Date:** 3 December 2021 at 21:03:31 GMT  
**To:** [planning@uttlesford.gov.uk](mailto:planning@uttlesford.gov.uk)  
**Cc:** [planning@eastherts.gov.uk](mailto:planning@eastherts.gov.uk)  
**Subject:** **Objection to Pelham Spring Solar Farm - application numbers UTT/21/3356/FUL and 3/21/2781/FUL (East Herts)**

Dear Uttlesford planning team.

I am writing to add my objections to the application to construct a solar energy plant at Pelham Spring, Pelham Substation, Maggots End Road Manuden CM23

We live at [REDACTED]. I know the site and sometimes walk through the proposed site. I regularly walk in the surrounding area.

The reasons for our objections, as already explained to the developers, are:

1. It is not consistent with the existing plan for the area. This is a fundamental point, and means the presumption should be against development. It is not a neutral point for Uttlesford. That is because the proposal inherently will involve removing from agricultural use high quality agricultural land and replacing it with land used for non agricultural use. This is against both existing Uttlesford policy and also against the key statements made by government about not developing solar farms on prime agricultural land. The proposal is before us simply because it is cheap to do it in this very rural area, notwithstanding the social value of that rural use and environment (and of course farmers understandably want to sell land for the higher returns from such developments).
2. If a different approach is taken from that under the current plan, and such development is allowed, solar facilities will invariably all be developed on rural land, in particular in rural areas of natural beauty and amenity, because they are easier and cheaper. But that will lead to precisely the outcome the Government has committed in its solar policy statements to avoiding. Indeed rural areas like Uttlesford will bear a disproportionate share of the needed renewable energy generation, letting urban, suburban or light industrial areas off the hook from far less socially damaging schemes (eg on the roofs of large retail and industrial buildings or beside main roads and motorways).
3. Equally fundamentally, Uttlesford has not yet changed its existing plan and policy on development to adopt a plan for such solar facilities. To approve this development (or other similar facilities) now, will pre-empt a considered policy. It therefore runs a huge risk of allowing development that is contrary to the inevitable revised plan and planning policy, which is likely to recognise a proportionate responsibility on us in Uttlesford to have a share of green energy generation (which I support).
4. Following on from the above points, just because this developer is first in the queue to seek

permission, because they have found a farmer who has identified the opportunity (which I do not criticise), is economically rational for them, but an extraordinarily arbitrary and unacceptable basis for changing the whole approach to planning on prime agricultural land, in a rural and beautiful environment like Uttlesford.

5. If this is approved, you will be swamped with applications turning our rural area of agricultural focus and rural beauty into a light industrial landscape. We cannot have that, as Government has acknowledged. Councillors are most unlikely to continue as councillors in such a context!

6. I agree that we need more renewable energy. That is a key social priority. Uttlesford will likely need to permit some such development, on a considered and controlled basis, proportionate to other areas of the country (which must not get away without bearing their fair share just because our beautiful landscape is cheaper). Losing prime agricultural land would be a crazy way of getting to net zero. I do not seek to delay that development of green energy beyond the short term, to address these concerns. I urge Uttlesford Council to treat the development of such a plan as a major priority. Please revisit the speed of your normal processes to do so far more quickly, so we can recognise the renewable energy priority for the whole country (not just Uttlesford). Then we can address renewable energy needs but on a principled and considered basis which local residents have been consulted on, whether all their views are accepted or not. Until we have that, decisions will only be based on arbitrary factors, in a context with no idea as to what is right, which is what is proposed today.

7. As a specific point, I note that the idea the land will be restored to agricultural land at the end of the development's life is frankly ridiculous: I am confident in expecting that no one at Uttlesford Council or the developers can give an example of where such land allowed to be developed away from agricultural use reverted to agricultural land (think of all the rural airfields now housing developments). It is a myth. This is a decision about the permanent use of the site (and all the other farms subject to the multiple solar facility development proposals which are being taken forward). Let us please be honest about that. We know once panels expire they will be renewed, or worse, replaced by non agricultural development, in an area patently bottom of the list for other non-agricultural uses.

I conclude by coming back to the single key legal point: building on such prime agricultural land, in an important part of our natural rural landscape, under the current local authority plan, is a clear breach of that plan and therefore of policy, and must be rejected. If we have an accelerated Uttlesford plan for proportionate and controlled solar development, I will not object to all such schemes under the new plan, as I am forced to do today.

Such radical change to the character of the region and its development approach should not occur on an arbitrary basis which in a year or two's time will likely be seen to be disastrous but irreversible.

Thank you for considering my comments.

Yours sincerely

James Palmer