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1st. March 2023

Dear Sirs,

Application ref.: S62A/2022/0011 Land East of Pelham substation, Maggots End Manuden

I am writing on behalf of CPREssex. Although affiliated to national CPRE, CPREssex is a separate charity in its own right whose charitable purpose relates specifically to the preservation and enhancement of the Essex countryside. We are becoming increasingly concerned over the impact of utility scale solar farms in various parts of the county but in particular on the Essex/Hertfordshire border where the ready availability of cheap grid connections at sub-stations at Thaxted and at Stocking Pelham has led to a proliferation of planning applications. These developments are having an immensely damaging impact on local landscape character. Our principal concerns relate to:

- Cumulative Impact
- Landscape harm and harm to heritage setting
- Ecology and Wildlife
- The loss of Productive Farmland
- The lack of any proper Alternative Sites Assessment.

It is our intention in this consultation response to set out our objections to this development based on the harm caused within these general categories.

1. LEGAL ISSUE

First it is necessary however, to refer to a fundamental point about the basis of this application which we believe, renders it unlawful. The point relates simply to the applicants' attempt to present this application by way of the 'Rochdale envelope' principle. Their application is for **full** planning permission but on the basis that all detail including specifications, massing, access, and the location of the different elements of the scheme within the site could be dealt with at a later date. This approach was established in two cases involving a business park development in Rochdale (*R. v Rochdale MBC ex parte Milne (No. 1) and R. v Rochdale MBC ex parte Tew [1999] and R. v Rochdale MBC ex parte Milne (No. 2) [2000]*). What is required in using this approach is that the applicants first identify what might be the 'worst case scenario' and anything

different at a future date can only be better than what was initially proposed. This is what the applicants here say they have done but it will be appreciated that it is impossible to define a 'worst case scenario' in the context of a development covering several hundred acres. Any assessment would be entirely subjective and what is 'worst case' for one neighbour could be best case for another.

The other critical point is that the original Rochdale cases related to outline applications. Here you are having to consider a full application. It would be completely nonsensical to grant detailed permission on a Rochdale envelope basis where none of the detail is actually known for certain. Not only is it impossible to determine a full application on this basis but it is quite unreasonable to expect that a consultation exercise can be carried out when both statutory consultees, and local communities, are presented with such vagueness. The whole basis upon which the environmental evidence has been produced could change if ultimately, key features of the development are moved or altered. The positioning of inverters and batteries and indeed, their specification, is critical for neighbouring properties in terms of noise and safety. There can be no certainty, for example, as to the risks associated with fire and thermal runaway. The risks associated with toxic gases will depend on the type of plant used. The positioning of cabins and their secure compounds could also, very significantly affect the level of harm to important landscapes and the setting of heritage assets. Areas and the type of new planting might subsequently be amended leading to altered views.

Either this is a full application in which case, much more certainty and much more detail is required, or it is nothing more than an outline application.

2. CUMULATIVE EFFECT

Perhaps the greatest concern in relation to this application is the issue of cumulative harm. I have attached as an appendix a list of recent planning applications for solar schemes in Uttlesford. It will be appreciated that Uttlesford is a small district both in terms of land area and population density. It is noted for the quality of its landscapes which, because of high grade soils, are agriculturally based, and its outstanding heritage features. The scale of planning applications for industrial-scale electricity generating complexes covering hundreds of acres is bringing about a dramatic change in the character of the District. Views of the countryside and the setting of important heritage assets are being altered dramatically and beyond the point where no amount of 'mitigation' can compensate for the harm caused. What makes matters worse however, is the fact that these applications are concentrated around key sub-stations which are themselves situated in some of the most sensitive parts of the District. The sub-stations act as a honey-pot for developers who are keen to locate as close as possible in order to reduce connection costs, and huge schemes are becoming co-located as a result. This is very much the case here. It will be appreciated that it is a requirement of any environmental statement to consider not just the application site in isolation but the wider context in terms of cumulative effect from the 'whole project'. It is quite clear that there is, in this instance, an objective to bring about a greater 'whole project' – a power station concentrated around the Pelham sub-station. This 'greater scheme' is made up of a number of different applications/permissions but taken together they constitute a single entity centred on this one sub-station. I should say, at this point, that it has been established in appeal decisions (Sawston Solar Park (APP/W0530/W/15/3012014 and

APP/WO530/W/15/3013863) that the availability of a grid connection is not a material consideration for the purposes of determining a planning application and as a result the applicants cannot use this as an argument in support of their scheme. What is important to my organization though, and no doubt to the local community, is the effect of having several vast schemes in such close proximity. The landscape will be dominated by glass and metal with views impeded by security fencing and the effective enclosure of Public Rights of Way. The applicants' consultants have referred to cumulative effect in their assessment and either 'scoped' it out or played down the impact. The fact is however that even if there is, in places, a lack of inter-visibility the accumulation of harm is still very real. Our experience of the countryside is kinetic in that we move through it. If at every turn, our view is of more fields covered in solar panels and electrical plant the character of the countryside has been detrimentally altered and our experience of it ruined. Permission has just been granted by East Herts District Council for a solar energy plant covering 59 has, once again of Best and Most Versatile farmland at Wickham Hall which is just to the south of the current application site. At the same time an application (S62A/22/0006) is currently under consideration by PINS for 64 has. at Berden Hall Farm, a site which actually adjoins the Maggots End site. This and the Wickham Hall scheme which is just outside the Uttlesford administration boundary are on top of the other Uttlesford schemes outlined in the appendix to this consultation response.

3. LANDSCAPE AND ECOLOGICAL IMPACT

3.1 The nature of the Harm

Even setting aside the harm caused by the adjacency or near adjacency of other huge solar farms, the impact of the proposed Pelham Spring development on this genuinely rural landscape would be dramatic. Maggots End and Berden and Manuden villages are remarkably well-preserved rural settlements whose relative remoteness has ensured that they have retained much of their traditional character. Historic features are set within an agrarian landscape that has remained largely unchanged for decades and, in part, for centuries. It is now proposed that for the next 40 years some 78 has. of Best and Most Versatile agricultural land contained within outstanding countryside should be turned into an industrial wasteland. No amount of hedge planting or reinforcement could mitigate this loss to the natural environment. Seemingly never-ending uninterrupted rows of glass panels punctuated only by industrial storage buildings would have a truly dramatic effect on this important local landscape.

A Landscape Visual Impact Assessment has been prepared by Pegasus Group in support of the developer's proposals. This inevitably does its best to down-play the effects of the scheme. It emphasises the fact that two fields have been removed from the application in response to views expressed by Uttlesford planning officers and their landscape and Conservation advisers. The reality though is that this will barely have any effect at all on the amount of destruction that will be brought to the area. The consultants also build up the effect of their proposed mitigation measures and the role they will have in lessening the impact of 78 has. of glass and metal in an otherwise green landscape. What Uttlesford officers in fact said in the pre-application discussions was "*The proposed mitigation measures will to some extent reduce the wider impact as new planting becomes established and matures over the lifespan of the development.*" Of course, the planting of a single tree would 'to some extent' reduce the impact of the development but when it is considered that that lifespan referred to is 40 years, a minor reduction in visual effect for two generations is of negligible consequence. This is industrial development on a massive scale and the scale of destruction would be equally massive. One particular statement by the consultants defies credibility and calls into question their impartiality and professionalism: '*The prevailing ground levels and indeed the perception of the landform would continue as currently experienced*'. How can the perception of 78 has. of previously green fields remain unchanged when covered with uninterrupted rows of glass panels interspersed only by industrial containers.

Pegasus go on to rely heavily on existing vegetation to screen the development, occasionally to be reinforced they suggest, with a bit of new planting. They do point out however, that the existing vegetation has no measure of protection in the form of TPOs. On that basis there can be no reliance on this vegetation remaining in place to screen the development for 40 years. There is nothing to stop its removal and it might in any case, simply die. Renewal would take a minimum of 15 years for hedgerows to become effective and trees at least 25-35 years.

In fact, some of the existing vegetation on and around the site, far from screening the development would be significantly harmed by it. The setting and context of Battles Wood and Park Green, over 30 hectares of Ancient Woodland in total, would be wholly and irreversibly altered with no scope for any form of mitigation.

The consultants have provided photographs and photomontages to offer an indication of the impact from selected viewpoints. These distant images however can give no proper indication of the harm that the development would cause. The reality is that we experience landscape views, not from a static position but walking through them. Our perception is constantly changing and, in this case, wherever we are, our perception will be of an industrial landscape. The most telling thing that we can take from the LVIA report is just how many 'High' sensitivities and 'major' effects the consultants have recorded in their assessment of the various viewpoints. If the applicant's consultants identify a high level of sensitivity and major harm then we can probably conclude that there is a problem!

Specifically with regard to Public Rights of Way, the experience of receptors would be dramatically altered. The open aspect character with wide extended views over undulating countryside would become a series of enclosed tunnels bounded on either side by security fencing with intrusive CCTV cameras at regular intervals.

Perhaps it is the concluding view expressed by the applicant's consultants however, that most defies credibility – that the effect of the change would be 'minor beneficial'. How sterilising 78 has. of highly productive farmland for 40 years and subjecting it to permanent shading could be in any way beneficial is beyond belief.

An Ecology statement has then been prepared by Clarkson and Woods. This concludes that the site is of '*relatively little ecological importance*'. Yet, the consultants go on to record the fact that during site visits six 'red-listed' bird species were observed and seven 'amber-listed' with 41 species recorded in all and 17 breeding territories. Specific species included skylarks, yellow wagtail, yellowhammer, song thrush and linnet, all birds that require open uninterrupted sightlines to protect against predators and whose ground nesting habitat would be rendered unusable and indeed highly dangerous, by the new plant and equipment placed upon it.

3.2 Town Planning

In order to understand the policy context against which this application will be judged it is necessary to consider both national and local plan policy to the extent that they relate to rural landscapes. Both, in fact, provide strong protection for the natural environment.

Section 15 of the NPPF is titled 'Conserving and Enhancing the Natural Environment'. para 174 makes it clear that planning policies and decisions should contribute to: ***a) protecting and enhancing valued landscapes and b) recognising the intrinsic character and beauty of the countryside.*** It is clear that the landscape in the vicinity of the site is highly valued and has a very special intrinsic character and beauty. The appraisal submitted by the applicants acknowledges the implications of Section 15 of the NPPF but the scheme proposed ignores them entirely. The reality is that the applicants' proposals completely disregard the requirements of para 174 of the NPPF.

In considering any planning application section 38(6) of the Planning and Compensation Act 2004 indicates that the starting point is the policies of the Development Plan, in this case the Uttlesford Local Plan. In the context of Local Plan policy, the site lies within open countryside to which Policy S7 applies. Policy S7 states that *‘development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it has been set or is appropriate.* The applicants’ proposals do not comply with policy S7 as they neither protect nor enhance the character of the local countryside. Similarly, a large-scale industrial facility can in no way be described as appropriate to a genuinely rural landscape.

Policy ENV9 acts as a further constraint on development in the countryside: *‘Development proposals likely to harm significant local historic landscapes... will not be permitted unless the need for development outweighs the historic significance of the site’.* Given the historic significance of this local landscape containing two Scheduled Ancient Monuments, several high-quality listed buildings and considerable archaeological deposits, it would be hard to imagine any form of development that could outweigh the significance of the site in its existing state, let alone an inefficient industrial complex that has no need to be there.

Local Plan Policy ENV 15 does allow for renewable energy developments but significantly, this is limited to ‘small scale’ schemes. This is clearly not ‘small scale’.

Finally, Policy ENV5 deals with the protection of agricultural land and states quite clearly that *‘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...’.* We will return to this topic towards the end of our submission but for the moment, suffice to say that no attempt appears to have been made to properly assess other options which do not use BMV land. The application is therefore contrary to ENV5 of the Local Plan as well as S7 and ENV9.

4. IMPACT ON HERITAGE SETTING

4.1 The Nature of the Harm

One of the features of this site and the neighbouring Berden Hall site that distinguishes them from other sites being promoted for utility scale solar plant development is the existence of a large number of high-quality heritage assets that surround them and whose significance is dependent upon the qualities of the local landscape. The principal heritage assets affected by this proposal are:

The Crump (Scheduled Ancient Monument) and former barn;
Brick House;
Rose Garth;
Peyton Hall and barn;
Battles Hall plus associated cart lodge and dovecote;
Battles Hall moat (Scheduled Ancient Monument).

It is interesting that the applicants have chosen to ‘scope out’ ‘Cultural Heritage and Archaeology’ from their Environmental Statement. Their justification for this appears to be that

Historic England commented on the previously refused application that was submitted to Uttlesford District Council. In their letter dated 26th November 2021 in relation to that application, Historic England said quite clearly that they ‘object to the proposals on heritage grounds as currently submitted’ and ‘we have concerns in relation to the impact of the scheme on the historic environment and consider it would result in harm. It is perhaps surprising therefore that the applicants have chosen not to provide further assessment in relation to heritage.

We do though now have the comments of ECC Historic Buildings and Conservation (Place Services). They say in their consultee’s response, quite unequivocally, ***‘The proposals are considered to fail to preserve the special interest of the listed buildings, contrary to section 66(1) of the Planning (Listed Buildings and Conservation Area) Acts 1990’*** They go on to highlight in particular the circumstances of Battles Hall, the 16th century house, the cart lodge and dovecote where the rural landscape ‘is considered to positively contribute to the experience and appreciation of the listed buildings’. They then emphasise the fact that great weight should be afforded to their conservation under the NPPF.

The applicants in their heritage statement suggest that there would be no harm to the significance of The Crump. There may not be any physical damage caused to The Crump itself but having regard to the importance of The Crump as a raised fortification set in an otherwise open landscape it is clear that there would be very serious harm to its context and our appreciation of it.

4.2 Town Planning

The effect of the development on the setting of heritage assets would be very significant and again, planning policy provides a considerable degree of protection for heritage assets, arguably even more than for landscapes.

The significance of any listed building is as much to do with its setting as its physical form. Around the proposed development there are numerous listed buildings whose setting would be significantly altered. The applicants’ Heritage Statement tries to play down the impact but there is no getting away from the fact that the setting of buildings that has gone unaltered for centuries will be changed for the future with no prospect of recovery. First, with regard to NPPF policy in relation to heritage impact para. 199 states ***‘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.*** This is highly significant in the context of this application since not only are the heritage assets of great importance therefore attracting great weight, but it doesn’t matter what conclusions are drawn as to the amount of harm, great weight must still be applied to that harm. With the setting of so many listed buildings and Scheduled Ancient Monuments and very extensive archaeological deposits directly harmed by this proposal, the heritage detriment must weigh extraordinarily heavy in the planning balance.

Turning to the Local Plan, policy ENV2 states that ***‘Development affecting a listed building should be in keeping with its scale, character and surroundings’*** and goes on to say that ***‘proposals that adversely affect the setting... will not be permitted’.***

It is clear therefore that this development is contrary to both the NPPF heritage policies and policy ENV2 of the Local Plan.

4.3 Historic England Guidance

It is necessary also to consider Historic England's Planning Practice Advice note (3) in relation to The Setting of Heritage Assets. Specifically in relation to this application it is important to consider para. 5 of that document under 'Views and Setting':

'5. The contribution of setting to the significance of a heritage asset is often expressed by reference to views, a purely visual impression of an asset or place which can be static or dynamic, including a variety of views of, across or including that asset and views of the surroundings from or through the asset, and may intersect with, and incorporate the settings of numerous heritage assets'. Significantly it goes on to say 'Views which contribute more to understanding the significance of a heritage asset include: those where relationships between the asset or places or natural features are particularly relevant'

It is clear here that views, and hence setting, contribute greatly to the significance of the heritage assets that have been identified. It is also clear that there is a strong historical inter-relationship and association between the various assets since they reflect the way in which local settlements have developed through the ages with features from the early medieval period through the Tudor and Stuart era to the Victorian period. All are, however, clearly associated in one way or another with the surrounding land, either through ownership or as a working environment for local residents. The small local communities have always been connected with the land - land that is farmed or that is in its natural state. The heritage of the area is not an industrial one. For that reason, in this case it is not just the visibility of the heritage assets that is important, it is also about context – the Halls with their associated estates; the barns connected to agriculture; and the ring-works which would have provided protection within an otherwise open landscape. To appreciate these assets and to properly understand their importance it is necessary to preserve the surrounding land in its agricultural state, the state that it has been in for centuries.

the applicants have suggested mitigation measures by way of screening, in an attempt to make amends for the harm caused. Again, though, I refer to the Historic England advice. Historic England's stated view is that **'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...'**. This is clearly not a well-designed development in terms of its layout although I must emphasise that there can be no certainty about that given the use of the Rochdale Envelope principle!

5. LOSS OF BEST AND MOST VERSATILE LAND

5.1 The real Loss

The Land which is the subject of this application is Best and Most Versatile. At a time of heightened awareness of global food shortages, we cannot afford to sacrifice our best agricultural land to renewable energy schemes when there are very much better alternatives. Large scale solar plants are hugely inefficient compared to the alternatives of nuclear and off-shore wind. Recognising the long lead-in time for nuclear it is sensible to compare solar with off-shore wind as the obvious alternative. Due largely to the fact that we only have daylight in the UK for less than half the day the efficiency rating in terms of what is exported to the grid, of utility scale solar is only 11-15% compared to 50+% for off-shore wind. If opportunity cost is built into the

calculation the value of the agricultural land for food production compared to the negligible value of the sea leads us to the obvious conclusion that the only land where development can be justified is land that is entirely unproductive or brown field. This is recognised in planning policy and government guidance but as Secretary of State, George Eustice said as recently as June this year at the Environmental Audit Committee meeting in parliament *‘planning authorities seem to have either forgotten or started to disregard that advice.* He went on to say that that guidance *“created a strong presumption against solar farms on Best and Most Versatile land.”*

4.2 The amount of agricultural land in the UK is in decline. There are currently 6 million has., the lowest since the Second World War. Land is being taken out of cultivation at a rate of 40,000has. per annum. We just cannot afford to lose more of this precious resource particularly when there are alternative options for renewable energy but no realistic alternatives for food production.

Natural England as a Statutory Consultee have commented on this application. They say rather surprisingly that development is unlikely to lead to significant permanent loss but what is telling is that they underline the word ‘permanent’. This is no doubt due to the fact that the developers who are seeking consent for up to 40 years have referred to this use as temporary. The reality is though, that 40 years of land sterilisation is not a temporary loss. This has been tested in the called-in appeal decision in the Badsell Road, Tonbridge case (APP/M2270/A/14/2226557) where the Secretary of State concluded that even 25 years could not be considered to be temporary. This development would therefore lead in effect to the permanent loss of 78 has. of the most productive agricultural land

It is worth noting that Natural England go on to say in their advice that the determining authority should consider whether large scale solar energy production is an effective use of land.

5.2 Town Planning

The NPPF at para. 174 requires that determining authorities recognise the benefits of best and most versatile land and, at footnote 58, that poorer quality land should be used for development.

In terms of Local Plan policy, policy ENV5 then states that development of BMV land will only be permitted where other opportunities involving previously developed land or land of poorer quality have been assessed. In this instance no meaningful alternative option analysis has been undertaken.

5.3 Alternative Sites Assessment

It is worth considering what Pegasus have, in fact, provided by way of an alternative Sites Assessment:

Pegasus Group were commissioned to carry out an Alternative Sites Assessment to satisfy the requirements of the NPPF and Local Plan policy ENV5. This is however, nothing more than a retrospective attempt to justify a pre-determined conclusion, that the Maggot’s End land is the only option.

The Pegasus conclusion and supposed justification is based on one arbitrary premise, that any alternative site options have to be within a 4km radius of a grid connection and that grid connection has to be in Uttlesford. This premise is wholly inappropriate and fails to comply with

the guidance established in the Valley Farm, Wherstead appeal decision (APP/D3505/A/13/2204846) where the inspector, Elizabeth Ord, set out the approach that should be adopted in undertaking sequential testing in relation to solar farm sites. This clearly indicated that the search for alternative options should extend far and wide and certainly beyond the administrative boundary of the one local authority.

The Pegasus approach is based on three stages:

Stage 1- identifying the site selection criteria

Stage 2 – identifying the broad area of search

Stage 3 – sieving of the alternatives

They set out a number of criteria including such matters as a sunny aspect. They say that a viable grid connection is a requirement. They have not however properly defined what constitutes a viable connection. Presumably they mean financially viable in which case this has to be proven with financial appraisals of the subject site and the alternative options. We would expect to see this in the form of a cash-flow incorporating capital costs; grid connection costs; interest charges; payments to the landowner; planning and other professional fees; ongoing maintenance costs; decommissioning and bond costs; together with profit margin; and all set against the returns derived from the sale of electricity to the grid. Without such analysis they cannot justify their 4km radius search area. In the Valley Farm case referred to above the inspector specifically stated that there is ***‘no policy guidance which advocates restricting searches to within a local authority’s administrative area.’*** In other words, there may be very much more sustainable sites further afield which have to be considered and the limit of just 4km becomes a complete nonsense. We have in any case been made aware of other solar developments where the grid connection is much further away from the site than the stated 4km. Pegasus go on to detail size and topographical requirements. They limit the search to a very specific size and capacity requirement. It is stated that a 50 ha. site is required for a plant with a generating capacity of 50 Mw. No indication is provided however as to why there has to be 50Mw capacity. There are considerably smaller installations all over East Anglia and indeed, in Uttlesford itself. The applicants have in fact, chosen to apply for a 40 Mw scheme on the subject site but whether it is 40 or 50 doesn’t mean that this is the optimum size range for which equivalent alternatives need to be sought.

What is perhaps most striking however about the applicants’ alternative sites assessment is the fact that the subject site itself would fail so many of their criteria:

Criterion 5. The Maggot’s End site is neither previously developed land nor is it non-agricultural.

Criterion 6. It is high quality land and 40 years has been stated by the Secretary of State not to constitute a temporary loss.

Criterion 7. The site falls within their definition of a Sensitive Area in that it impacts two Scheduled Monuments

Criterion 8. It is clearly not served by appropriate highways infrastructure

Criterion 12. It will be very visible for sensitive receptors particularly in relation to users of local footpaths.

Criterion 13. It will have very serious consequences for landscape and visual considerations.

Criterion 14. Pegasus state that proposals should demonstrate that no substantial harm would be caused to heritage assets. It is clear that development of the subject site would in fact, cause very serious harm to both the setting and context of several heritage assets.

There then follows a proposed pseudo-scientific method for scoring the identified options. Given that no options other than Maggot's End have been identified by Pegasus however, this is of no significance.

Pegasus have defined an area of search for site options which is essentially based on a 4km radius of the Pelham sub-station. They say that the search should start with 'grid proximity and capacity'. This however is entirely the wrong approach. The grid connection is just one factor in determining an appropriate search area and is a factor that solely benefits the promoter of the site. It should not be treated as a planning consideration. Limiting the area of search to such a small area around the application site is undoubtedly with a view to identifying as few alternatives as possible. It is, however, more significantly, contrary to the guidance provided by the inspector in the Valley Farm, Wherstead appeal decision, now established as the definitive guide in terms of solar farm site selection.

Pegasus say they have considered previously-developed land and refer to roof-tops and suggest that these do not offer an alternative option since there is no area of roof-top available extending to 50 has. They do mention the possibility of using several roof-tops but dismiss the idea saying that this is not comparable to Cutlers' Green. Of course, it isn't, but it does represent an alternative form of renewable energy provision which could be brought about through planning policy. They also suggest that roof-tops should be dismissed because they are not mentioned in Planning Guidance. We cannot understand why that should rule out their inclusion in any consideration of alternative options. What is perhaps most surprising is that there is no discussion about the scope for using the vast areas of car parking at Stansted Airport. This is a very obvious alternative which would involve no agricultural land at all.

Carver Barracks is mentioned despite the fact that it is well outside of their defined search area. Pegasus say that it is 'not currently available and will be utilised for future housing.' We are unaware of any policy statement or statement from Defence Infrastructure that this is the case. If Pegasus were serious about undertaking an alternative sites option analysis then surely this site should have been properly investigated. There are other unexplored options. A very recent proposal for the redevelopment of North Weald airfield just 9 miles away down the M11 Motorway would provide 40,000 sq. meters of roofspace while the recently consented redevelopment of Northside at Stansted Airport by Columbia Threadneedle Investments would provide 200,000 sq. meters of potential roofspace. Neither option has been investigated yet both would offer far more efficient and far more sustainable opportunities.

Pegasus also suggest that they cannot find sites with land of a lower agricultural classification. If they are restricting their area of search to a 4km radius of the Pelham sub-station it is highly unlikely that they will. Nearly all of the land is Grade 2, another very good reason to conclude that this is not a suitable area for large-scale solar development.

I have reviewed the Pegasus assessment and, in conclusion, I have found it to be entirely unconvincing principally for the following reasons:

- The analysis has not been carried out in accordance with the requirements set down in the Valley Farm, Wherstead appeal decision.
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- It would appear that the criteria used for the assessment have been self-selected and the appraisal cannot be regarded as objective.
- Criteria relating particularly to landscape sensitivities and heritage impact; and planning vision; would in fact, rule out the Maggot's End site itself from any further consideration.
- The requirement for a 40 year lease has not been justified and the suggestion that this represents only a temporary loss of agricultural production potential is both untenable and contrary to Ministerial decision.
- No form of financial appraisal has been provided either in relation to the subject site or theoretical alternatives. This would be an essential part of any assessment if the applicants are seeking to rely on viability.
- The highly restricted search area has been based purely on access to a specified grid connection. There will be plenty of other grid connections elsewhere in the country which the search area serves to exclude. It is in any case, wrong to define a search area based on a criterion that solely benefits the promoter of the scheme. In short, the developers have simply found a cheap grid connection and a willing landowner and have looked no further. It will be appreciated that in the Sawston Solar Park appeal (*Sawston Solar Park - APP/W0530/W/15/3012014 and APP/W0530/W/15/3013863*) it was determined that the availability of a grid connection was not a material planning consideration and must not form a part of the decision-making process.

6. THE PLANNING BALANCE

The starting point when considering any planning application is s38(6) of the 2004 Act. This states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case it is clear that the application fails to satisfy the requirements of a number of key policies in the Development Plan. Specifically, it is contrary to policies S7 and ENV9 in relation to countryside protection. It is contrary to ENV5 in relation to the loss of productive farmland and ENV2 in relation to harm to heritage assets. It is also contrary to policy ENV15 which although permissive of solar energy schemes limits them to 'small-scale' operations. This proposal could never be described as 'small-scale'.

If a balancing act needs to be undertaken therefore based on the need for renewable energy against the harm caused, then the breach of so many and such significant Local Plan policies must in itself weigh very heavily in favour of a refusal.

Further weight in favour of refusal however is provided by national policy. The NPPF provides strong protection for the countryside and, very importantly in this case, heritage assets and their setting. In terms of countryside protection it refers to 'protecting and enhancing valued landscapes' and 'recognising the intrinsic character and beauty of the countryside'. This development could never achieve any of those objectives. Similarly, we are told that great weight must be afforded to harm to heritage assets and the greater the importance of those assets the greater the weight that should be given. Here not only are the affected buildings numerous but significantly, they are of great importance. There are two Scheduled Ancient Monuments as well as the historic Battles Hall with its attendant agriculturally orientated outbuildings; Peyton Hall and Rose Garth. These are very important heritage assets and, on that basis, the maximum

weight must, if the NPPF is to be followed, apply to the harm that would be caused to their setting. Similarly, although it is very much my view that the applicants' consultants have downplayed the extent of the harm caused, this is immaterial in the context of NPPF policy since the NPPF guidance with regard to weight applies irrespective of the level of harm.

Setting aside the undoubted harm caused by breaching both national and local planning policies, the lasting physical harm that this development would do to an irreplaceable landscape, the setting of important heritage assets and the loss of highly productive farmland at a time of food crisis, is immeasurable. It is however, clear that the maximum weight must be given to that harm in any balancing exercise.

When, on the other side of the balance is a form of development that has no need to be there, is hugely inefficient compared to its alternatives and is purely for the convenience and financial benefit of the applicant and landowner, it is obvious which way the scales must tilt. An approval would not only be to ignore planning policy, but would be environmentally disastrous.

Yours sincerely,

Richard Haynes (Trustee)

APPENDIX

Solar farm applications UTTLESFORD DISTRICT

Terriers Farm, Boyton End, Thaxted (UTT/19/1864/FUL) 52 has. (grade 2) **APPROVED**
(Low Carbon)

Spriggs Farm, Thaxted Road, Lt. Sampford (UTT/12/5601/FUL) 29.96 has.(grade 2)
APPROVED (Hive Energy)

Cole End Farm, Wimbish (UTT/21/0688/FUL) 54.92 has. (grade 2) **APPROVED** (Low
Carbon)

Land east of School Lane, Felsted (UTT/22/0007/FUL) 114 has. (grade 3a) **APPROVED** (Low
Carbon)

Berden Hall Farm, Ginns Road, Berden (S62A/22/0006) 63.4 has. (grades 2 AND 3a)
49.99MW PENDING (Stratera Energy)

Maggot's End Road, Manuden (UTT/21/3356/FUL 79.28 has. (grade 2) REFUSED

Land east of Parsonage Road and south of Hall Road, Takeley (S62A/22/0000004/FUL 22.5
has. (grade 2) 14.3MW PENDING (Stansted Airport)

Land to the north west of Bishop's Stortford, Farnham (UTT/21/3108/FUL) 114has. (grade 2)
49.9MW REFUSED

Tooley's Farm, Brookend Road, Stebbing (UTT/14/2739/FUL) 10.9 has. (grades 2, 3a and 3b)
5.32 MW **APPROVED** (Lightsource)

Draper's Farm, land east of Milch Hill, Great Leighs (UTT/13/0561/FUL) 15.56has (grade 3
4.28 has.developed) **APPROVED** (Lightsource)

Hyde Farm, Lt. Bardfield (UTT/13/2207/FUL) 18.65 has. **APPROVED** (Push Energy)

Land west of Hill Hall, Hawkspur Green, Little Bardfield (UTT/15/0676/FUL) 11.7 has. (grade
3a) **GRANTED ON APPEAL**

Butler's Farm, Butler's Lane, Saffron Walden (UTT/14/2755/FUL) 7.6 has. (grade 2) REFUSED
& APPEAL DISMISSED (Push Energy)

Chesterford Research Park (UTT/21/2846/FUL) 4.8 has. 2.8MW **APPROVED**

Site at Tye Green, Elsenham (UTT/14/1916/FUL)26has. (grade 2) WITHDRAWN

Bumpstead Hill, land west of A120, Chelmsford Road, Great Dunmow (UTT/15/2318/FUL)
13.2 has. (grade 3) ABANDONED? (Lightsource)

Land west of Thaxted, Cutlers' Green Lane (UTT/21/1833/FUL) 52.35 has. (grade 2)
PENDING (Low Carbon)
