

Berden Hall, Ginns Road, Berden

S62A/22/0006 (Redetermination)

## ***A response by Richard Haynes, Trustee of CPREssex to the applicants' Site Selection Report***

### **Introduction**

My name is Richard Haynes. I am a trustee of CPREssex. I have previously submitted representations in respect of this application and appeared at the hearing on 26<sup>th</sup> March.

The deadline for representations was 8<sup>th</sup> January but the applicants submitted information well after that date including a Site Selection Report. As the applicants' late submissions had only been available a few days before the hearing the issues to which they related could not be addressed on 26<sup>th</sup> March and it was agreed that I, together with interested parties, could submit a response in writing at a later date. This statement constitutes my response specifically to the Site Selection Report. I will for convenience follow the headings and numbering used by the applicants.

### **Executive Summary**

The applicants state that the primary objectives for site selection are the availability of a grid connection and proximity to a sub-station. If that is the case then their application will be immediately at odds with planning practice as determined by the Secretary of State in the appeal decision for Sawston Solar Park (APP/W0530/W/15/3012014 and APP/W0530/W/15/3013863). It was established in that appeal that the availability of a grid connection is not a material consideration for the purposes of determining a planning application. In the Secretary of State's letter, he specifically said *'The Secretary of State agrees with the Inspector that no weight attaches to the assertion that a connection to the national grid is an essential site requirement.'*

As a result, the applicant cannot use this as an argument in support of their scheme nor as a starting point for their alternative sites assessment. To do so would render their application contrary to established policy set by the Secretary of State.

### **Search Area**

The applicants suggest that there is no policy guidance as to the parameters for an alternative sites assessment. Considerable guidance was however, provided by inspector Elizabeth Ord in the Valley Farm, Wherstead appeal decision (APP/D3505/A/13/2204846) where she set out the approach that should be adopted in undertaking sequential testing in relation to solar farm sites. She stated that it was first necessary to establish that it was

absolutely necessary to use agricultural land at all and to establish that there were no brown-field or non-agricultural options. In considering the scope of the search area she said specifically 'There is no policy guidance which advocates restricting searches to within a local authority's administrative area'. She went on to say that there was no evidence that the appellants had searched within the industrial areas of Ipswich.

In this instance therefore it would seem hugely inappropriate to restrict the area of search to within 3 km of the proposed grid connection point and also to make no attempt to consider non-agricultural alternatives in the more commercial areas of Uttlesford such as around Stansted Airport.

### **Site Size**

The applicants have indicated that they have carried out financial modelling to confirm that the site area as provided by the subject site is all that is viable. They have not shared their analysis and we are unable to comment on the veracity of this statement. Given, however, that there are many much smaller schemes, including within Uttlesford itself, that have been developed, it seems unlikely that this is true.

### **Non-Agricultural Alternatives**

In seeking out options that do not require the use of agricultural land the applicants seem to have confined their search to the Local Authority's Brown Field Sites register. This is unnecessarily restrictive and will fail to identify a number of alternatives which would not necessitate the use of highly productive farmland. A recent proposal for the redevelopment of North Weald airfield just 9 miles down the M11 would provide 40,000 sq. meters of roof-space while the recently consented redevelopment of Northside at Stansted Airport by Columbia Threadneedle Investments would provide 200,000 sq. meters of potential roof-space. Similarly, it would make no sense not to investigate the potential to use the space above the acres of car parking at Stansted airport. None of these options have been investigated, nor has the scope for development at Carver Barracks at Wimbish. Any of these sites could well offer an alternative option for solar development on non-agricultural land, and would could provide far more efficient and far more sustainable opportunities for large-scale solar development.

### **Table of Constraints**

In identifying other approved or pending solar applications in the District the applicants have simply highlighted just how much productive farmland is being given over to solar development in one relatively small area and the scale of the cumulative effect on the landscape.

**4.4** The applicants suggest that the area of Grade 2 and 3a land within the subject site represents 'a smaller proportion compared to the rest of the search area'. The obvious

question is 'how do they know?' given that they have not surveyed the rest of the search area.

**4.7 Identified Sites 1 and 2** These sites have been discounted because of their proximity to residential buildings. They ignore the fact that the subject site is also within close proximity of residential buildings. They also say that the sites perform no better in terms of heritage; landscape; or ALC metrics than the subject site. Again, I am not sure how they can know this since they have provided no analysis of these Identified Sites.

### **Analysis of Proposed Site**

**5.1** It is stated that the subject site is within 10m of a point of connection. As already covered above, we know from the Sawston decision that this is not a material planning consideration and no weight can be given to it.

**5.3** It is then stated that there is a suitable route for construction traffic. This could not be further from the truth. The construction traffic route proposed winds through some of the most rural settlements in the District with narrow pinch-points and past schools and nurseries. This route has also been suggested for construction traffic for the near adjacent Maggotts End solar scheme and for the Ginns Road battery storage development. Conflict cannot be avoided.

**5.5** It is not necessarily the number of heritage assets that are adversely affected that is important but, having regard to NPPF para 205 (where it states that the greater the importance the greater the weight that must be given), their relative importance. It will be remembered that at Berden Hall the impact involves a Grade 1 listed asset and a Scheduled Ancient Monument.

**5.7** In considering the impact on Public Rights of Way it is not just the views available from them but the nature and character of the pathways themselves and the way in which they are experienced by users. If they are to become tunnels bounded on both sides by security fencing and intrusive CCTV cameras, their purpose as recreational features will be lost.

**5.8** Again it is stated that the subject site has a lower proportion of BMV land than other surrounding sites. This, they cannot substantiate, however, because the other areas have not been surveyed.

**5.9** It is stated that there are no sequentially preferable sites within the search area. That is inevitable if you make the search area small enough. See my comments above under 'Search Area'.

## **Conclusion**

**6.1** It is suggested that there are only two potential alternatives. The applicants have, however, ignored non-agricultural options which should be the starting point for a proper sequential test.

**6.2** They have concluded that there are no suitable alternative sites. This is due entirely to the narrowness of their search, the limited geographical area and the failure to consider non-agricultural alternatives. Planning policy, both national and local (particularly Local Plan policy ENV5 (Protection of Agricultural Land) require such a test to demonstrate that it is necessary to justify development on high grade agricultural land. Their attempt to provide such a test is wholly inadequate and fails to justify the use of the Berden Hall site for the development of utility scale solar.

## **Appendix (provided as separate attachments)**

- Valley Farm, Wherstead appeal decision
- Sawston Solar Park appeal decision