

Mr W Allwood – Planning Officer
Planning Department
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Ref: JS/CGR
Date: 8th July 2021

Dear Mr Allwood,

Re: Application for Solar Farm, Land West of Thaxted, Cutlers Green, Thaxted - Ref. UTT/21/1833/FUL

I write on behalf of the Cutlers Green Residents Group to register their **objection** in the strongest possible terms to the above application. The Residents Group comprises the following local residents:

Mr & Mrs Siddle, Richmonds In The Wood, Cutlers Green
Mr & Mrs Knight, The Mill House, Cutlers Green
Mr & Mrs White, Water Hall Farm, Cutlers Green

This letter should also be read in conjunction with the following accompanying reports and documents which are referred to herein:

- (i) Critique of the Ecological Impact Assessment Report and the Landscape and Visual Assessment for Land Adjacent to Thaxted by Jaquelin Clay of JFA Environmental Planning;
- (ii) Letter from Joanna Burton of JB Heritage;
- (iii) CPRE Essex Policy Statement on Solar Farms;
- (iv) Thaxted Neighbourhood Plan;

As you will be well aware, the starting point in considering any planning application is section 38(6) of the Planning and Compulsory Purchase Act 2004 which states that where regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. In this instance, not only is the proposed development contrary to the adopted development plan when properly assessed, in addition, relevant material considerations clearly also indicate that the application should be refused.

The “development plan” for Uttlesford comprises the 2005 Local Plan and, in this instance, the Thaxted Neighbourhood Plan (made 21 February 2019). Any credible analysis of the application’s compliance with the policies of these documents (and in this case the main policies of relevance appear consistent with the NPPF) can only conclude that the application is **contrary** to the policies therein. Similarly, any assessment of the proposals against the national planning policy set out in the NPPF and the relevant PPG on renewable and low carbon energy must result in the same conclusion, particularly when one takes into account the duty of the local planning authority under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The application must be refused for the following reasons.

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Unacceptable Impact on the landscape character and visual appearance of the area both in isolation and cumulatively with other recently consented solar farms

This would be a major “urbanising” development in what is a sensitive rural location. The solar panels and associated infrastructure (38 buildings, thousands of meters of 2.0m high metal security fence walling, 136 CCTV cameras and over 2,500 meters of new roads, with operating noise and vibration from the industrial inverters), would impose utilitarian structures in this unspoilt countryside location. The construction of the panels, with their regular arrangement in long rows, along with building and infrastructure would be out of keeping with the character of the ‘ancient countryside’ of the Cutlers Green settlement and surrounding landscape. The proposed development would introduce a large scale, conflicting “semi-industrial” development at odds with the historic and mature landscape character of the area and its locality setting. This overtly utilitarian form of development would considerably erode the rural and pastoral character of these fields and diminish their contribution to the local landscape character.

Even where national planning guidance recognises that solar energy can aid in reducing carbon emissions, it acknowledges that large scale developments such as this can have a negative impact on the rural environment and on local communities and careful consideration of the impacts is required.

Whilst the applicant’s submitted Landscape and Visual Impact Assessment seeks (not very credibly) to downplay the sensitivity of the countryside in this location and the magnitude of the proposed change, even that assessment still accepts that the proposed development will result in several major or moderate adverse effects which it claims may reduce to minor or negligible after 15 YEARS!

Attached hereto is a report from Jaquelin Clay, JFA Environmental Planning which considers the adequacy of the submitted LVIA and the conclusions reached therein. Officers are asked to review this report and consider its content. However, in particular it should be noted that she concludes that:

- the Theoretical Zone of Visual Influence (ZTVI) at Appendix 1 to the LVIA shows that the proposed development is likely to be visible up to and beyond 5 km away however the study area is very small with no justification;
- The introduction of a large-scale solar farm is clearly an alien factor in this landscape;
- *“This is an historic landscape of settled character with few or no elements that reflect the proposed solar farm. As such, it has a low capacity to absorb the change proposed, and the impact of such a change on the landscape would be high, essentially permanent (40+ years) and severe. All of the impact levels set out are understated and should be raised a level.”*
- There is no discussion of how the appearance of the solar farm will protect or enhance the local landscape character as required by Local Plan policy, nor are special reasons put forward for its location.
- The aggregate effect on individual residences also needs to be evaluated. Whilst there may be no “right to a view” impacts on outlook from residential properties are a material consideration.
- The setting effect of the development on heritage assets (see also below) needs to be addressed. Currently, it has not been and that is a particular deficiency.

The proposal will cause demonstratable harm to the landscape character of the area, particularly in reference to LCA B7. There will be a large scale and long-term introduction of a new development feature with massing that is wholly at odds with the settled, historic landscape character of the area. To accept such a proposal in this location would be at odds with the LCA as defined and lead to damage to the local landscape character.

The proposal is thus clearly and demonstrably contrary to Policies S7 and ENV15 of the Local Plan as well as Policy TXLSC1 of the Neighbourhood Plan and paragraph 170 of the NPPF which recognises the need to protect the intrinsic beauty of the countryside. In respect of the Neighbourhood Plan, we would also draw your attention to the work done by Liz Lake Associates in 2016 in connection with the Neighbourhood Plan and in particular, its conclusions in

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respect of the importance of the rural (“outstanding quality”) landscape surrounding Thaxted, its role in defining the character of the settlement and the importance of views into and out of the settlement, including those from the north west, west and southwest and from locations within the landscape area immediately to the east of the proposed site. It is notable that the conclusions of Ms Clay are very much aligned with the findings of Liz Lake Associates in respect of Neighbourhood Plan landscape are LPLCA2 which is in close proximity to the application site. Lake Associates similarly found that landscape area to have a low capacity to absorb change which is what Ms Clay concludes in respect of the site.

Regard must also be had to the cumulative impact of the proposals on the landscape and the area. This is made clear in paragraphs 5, 7 and 22 of the PPG on “Planning for renewable and low carbon energy” which all reference the need for local planning authorities to pay “particular attention” to the cumulative impacts of renewable energy proposals which, it explains *“is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape.”*

There are four Solar Farms, current and proposed, causing a significant cumulative impact on historic Thaxted and the Parish. One has been constructed at Spriggs Farm north-east of Thaxted Another is currently under construction at Terriers Farm, immediately adjoining Spriggs Farm. It is understood that a third is proposed on a large site at Cole End and this is the fourth site. If all are permitted, Thaxted will be almost entirely surrounded by large solar farms. In aggregate, these four sites will accelerate and accentuate landscape harm in the vicinity of Thaxted Village and harm to a number of heritage assets and their settings. Large solar farms will become a defining characteristic of the rural landscape surrounding Thaxted for those residing in or experiencing the countryside and the extensive local rights of way network. An assessment of cumulative impacts, particularly for landscape harm, is critical in the decision-making process and has simply not been done. That said, it is in our view clear that cumulatively these developments have very significant adverse impacts on the local landscape. Thaxted Parish is already absorbing more than its fair share of solar farms, with approximately 200 acres East of Thaxted, adding this proposal would mean over 350 acres of solar farm in the Parish which would represent a ludicrous situation.

Significant negative impact on amenity for residents and users of the footpath networks

Linked to the above points, there would be a significant impact on the local Cutlers Green residents, the adjoining local community and many tourists who come to visit historic Thaxted and those who use the footpaths, bridleway, green and country lanes around and through the site for recreational wellbeing purpose. It would have an adverse effect on their visual amenity. I understand that a significant petition and collection of personal signatures from people who use the local rights of way network for their amenity has been submitted

Some of Thaxted’s most scenic walks would be directly impacted as they go through the proposed site or around the proposed site. 5 out of 10 of specially selected ‘Thaxted Walks by Michael Collins’ published and promoted by the local Tourist Information would be materially impacted with an adverse effect on amenity for users. Walkers using these public rights of way should be considered ‘high sensitivity’ receptors and rather than pleasant agricultural fields would, at close quarter, experience row upon row of solar panels and a significant loss of amenity when using the public rights of way across and adjacent to the site.

In terms of the amenity of nearby residents, the proposed development would have an overbearing and dominating effect on the outlook from Cutlers Green dwellings both on and in close proximity to the site. The application assessments, with their lack of visual material demonstrating what the development will actually look like when built, do not properly consider or demonstrate the true impact on local houses.

There is an emerging and recognised problem of operating noise from electrical equipment and industrial inverters spread across such sites. Complaints are emerging of low-level vibrations being felt and disturbing people’s sleep in dwellings close to solar farms that have industrial inverters. This impacts mental health and well-being. However, no noise assessment has been submitted or offered. The applicant essentially dismisses the risk of noise pollution

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and offers little information in respect of proposed lighting and its possible impact (for example on wildlife). This is a quiet rural hamlet in open countryside. There are no streetlights, there are dark skies and at night it is extremely quiet except for the sound of nature and wildlife. Industrial Inverts omit constant noise and vibration. In the still of the night my clients believe this would be clearly audible and the vibrations potentially felt in nearby houses. This is not a city centre or highly urban environment where there is a constant background noise. It is a quiet rural landscape. The solar panels and industrial inverters would disturb sleep and affect local residents' amenity.

In conclusion, there would be an unacceptable and adverse effect on the living conditions for local residents.

Harmful impact on the setting of local heritage assets

My clients consider the applicant's heritage report to be deficient and defective, falling short of providing a holistic and accurate assessment. In this regard they have commissioned a review by JB Heritage which is attached. Please note in particular the following conclusions therein:

- Heritage asset assessments are missing or incomplete for noted Grade I and Grade II Listings or assets, including Horham Hall, the Conservation Area (views outwards or towards) and the Windmill;
- The impact assessment fails to follow established methodologies;
- The applicant's own definition of the Zone of Theoretical Visibility (ZTV) of 3 miles (5 Km) has been ignored when it comes to the detail. Given the scale of development proposed, the rolling nature of the topography and the extent of potential visibility indicated by the ZTV, the appropriateness of the 1km study appears inadequate and falls completely short of revealing and determining the true impacts;
- The applicant's assessment itself appears not to have given due weight to the importance of the agricultural character of the wider landscape setting of heritage assets both in visual terms but also with reference to the past functional and associative relationships and patterns of land use. As a result, it is considered that the assessment is likely to have underestimated the degree of harm to designated heritage assets;
- GPA 3 guides that settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance (page 4);
- A fuller appraisal of the setting attributes that included a consideration of the wider agricultural character of the land and gave weight to the former functional relationships is likely to give rise to a greater finding of harm, both in terms of the scale of harm but also to the number of heritage assets affected.

My clients strongly consider that there would be substantial harm to the setting of many listed buildings directly on the perimeter of the site and in the immediate and close proximity. Some examples of, but certainly not limited to, properties where there would be significant impact are:

- LOVES FARM - a farmhouse with medieval origins and one of the original farms on the Horham Hall estate;
- RICHMONDS-IN-THE-WOOD - dating from the 14th to the 16th century and listed Grade II Richmonds was one of the sub-manors of Thaxted. As is highlighted by JB Heritage, this property is approached through its agricultural surrounds which will be markedly changed by the proposed development;
- HORHAM HALL - dating from the late 15th century this is generally regarded as one of the most important Tudor houses in Essex.
- THAXTED PARISH CHURCH - the church of St. John the Baptist is one of the finest parish churches in England. Pegasus see its significance as being derived from its 'architectural, artistic and historic interest and as an example of a medieval church with later additions'. It is a prominent feature in views of Thaxted from the west.

The Heritage Assessment is misleading in its statements and does not illustrate or consider the material harm, local and cumulative impact on these settings. The proposed site is in the middle of the Cutlers Green rural hamlet and is a substantially different site compared to other recent approvals at Spriggs Farm and Terriers Farm

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Regardless of the above deficiencies with the existing Heritage Assessment which clearly need to be addressed, it is already clear that the application is contrary to Policy ENV2 of the Local Plan. This states that development proposals that adversely affect the setting of a listed building will not be permitted. Even if one accepts the conclusion that any harm is less than substantial (which we do not for the reasons outlined) then it is clear that the proposed development does have an adverse impact on the setting of several heritage assets.

In terms of the NPPF tests and the duty of the local planning authority under s66 of the 1990 Act, any identified harm to a designated heritage asset (whether substantial or less than substantial) must be given “considerable importance and weight” (it is not a “mere material consideration”) by the local planning authority and any development that causes harm requires “clear and convincing justification.” It is noteworthy that in determining the Terriers Farm application, the Council appears to have failed to apply these tests properly as it did not attribute considerable importance and weight to the identified harm to heritage assets. The same mistake must not be repeated!

It is my clients’ view that the harm caused here to the significance and setting of heritage assets (both individually and cumulatively) is substantial and thus the application should be refused. However, even if harm is considered less than substantial, when attributed considerable weight as required by statute and policy and coupled with the clear landscape harm and lack of development plan compliance it is equally clear that the application should be refused.

Loss of best and most versatile agricultural land

Policy ENV5 of the Local Plan states 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 except where other sustainability considerations suggest otherwise.”

Footnote 53 to the NPPF similarly contains a continued presumption against the loss of the best and most versatile agricultural land and in the specific context of large-scale solar farms, the government has expressed particular concern at the inappropriate siting of solar farms on the best and more versatile agricultural land. Indeed, in a Ministerial Statement dated 25 March 2015, the Secretary of State for Communities and Local Government stated that:

“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. When we published our new planning guidance in support of the Framework, we set out the particular factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear this is necessary, and that poorer quality land is to be used in preference to land of a higher quality.”

We are encouraged by the impact the guidance is having but do appreciate the continuing concerns, not least those raised in this House, about the unjustified use of high-quality agricultural land. In light of these concerns, we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence.”

I am advised that every aspect of this site is in full crop production, it is some of the UK’s most productive and most versatile farmland. Loss of the most versatile and productive arable land increases the volume of imports, often from less developed nations where deforestation is rife, as new farms are built through deforestation to meet the export demand. This adds significantly to food miles and is devastating when considering likely deforestation. This alone

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would eliminate any perceived theoretical carbon reduction from this application. In an increasingly dry and unpredictable climate, heavy clay soils like this site, will be essential for future food security.

The application site is Grade 2 best and most versatile agricultural land. Whilst the planning statement in support of the application states that an alternative sites assessment is submitted in support of the application, no such document has been submitted. If it exists, it must be made available for public scrutiny and consultation. However, it appears that the applicant's argument for locating the solar farm on this site is essentially that the landowner has made it available and it is relatively close to a sub-station with capacity. That is very far from demonstrating that a solar farm on this particular land is necessary or from constituting the sort of "very compelling evidence" referred to by the Secretary of State. As stated above, three other solar farms are either permitted or proposed within a few miles of this site. Absolutely no evidence has been provided to establish that four sites in such close proximity (or indeed in this area at all) are justified or necessary. Whilst the applicant may seek to rely on the statement within NPPF paragraph 154 that applicants for renewable or low carbon energy development are not required to demonstrate the "overall need" for such technology, that is a very different matter to providing compelling evidence that the development and use of this specific site, contrary to development plan policy, is necessary as is required by the majority of the applicable Local Plan policies, the NPPF and the PPG on renewable energy.

The loss of such a large amount of best and most versatile agricultural land for 40 years is both a significant material consideration weighing against the grant of planning permission and again clearly contrary to the Development Plan. It is thus another reason why the application should be refused.

Harmful Impacts on Biodiversity

My clients have significant concerns as to the likely impacts on biodiversity. It is noted that the County ecologist has similarly requested further information in this regard. Again, the adequacy of the existing assessment has been considered by Jaquelin Clay of JFA Environmental Planning and her findings are set out in her attached report. We would ask that officers review and consider these points but highlight, in particular, the following:

- Her professional opinion is that the 1-day "phase 1" survey undertaken is insufficient to meet the requirements of local plan and NPPF policy and does not provide sufficient information on the likely impacts on designated sites, habitats and protected species;
- Further surveys and information are therefore required before the local planning authority can make a properly informed decision on the application;
- In addition, any impacts on the Cutlers Green verges and Nature Conservation Area are not considered/assessed despite their proximity to the proposed development.

Whilst the applicants claim there will be a net gain in biodiversity this has not been adequately evidenced and it cannot currently be concluded that the proposed development will not be harmful in biodiversity terms. My clients are dubious, based on knowledge of the Spriggs Farm Solar Farm, as to whether proposed biodiversity mitigation measures will be delivered if permission is granted. As such, robust conditions and planning obligations would be needed to secure them.

The claim that farmland will be 'rested' due to the presence of the solar panels is also questioned. In practice, this would be a major brown field development with thousands of pile foundations, over 38 buildings, new access roads and extensive new trenches dug throughout the site. All of this intense construction activity would irrecoverably destroy the natural soil strata and thus the long-term quality of the land for agricultural use. Upon cessation of the solar farm use, it would be likely to become a derelict "brownfield" site and thus bring pressure for further development thereon.

Exaggeration of the benefits/business case for the proposal and the Government support for solar farms

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My clients would question the claim that the proposed development will provide enough energy for 13,291 homes each year. I am instructed that this statement could be misleading and that in reality, the actual output from this proposal would be 4.6 MW of renewable energy (four point six), enough energy to power 9,822 Homes (excluding energy for heating) (Reference: European Commission Joint Research Centre - PVGIS-5 estimates of solar electricity generation.) It is a useful comparator to note a new North Sea wind farm where it is understood a single turbine is rated at 13MW and can generate enough power for 15,707 homes.

As such, it appears to be increasingly clear that large scale solar farms are less efficient than other forms of renewable energy and are likely to comprise a smaller part of the overall government strategy moving forward. The government has recently published its Ten Point Plan for a Green Industrial Revolution within which point one deals with a switch to renewable sources of electricity. The Plan however, views renewable energy purely in terms of offshore wind farms. No mention is made of solar farms. Central government has for several years shown only limited support for industrial scale land-based operations which is reflected in the national planning guidance above which continues to indicate a strong presumption against solar farm development on the 'best and most versatile farmland. This reduced support for large scale solar windfarms and their relative inefficiency should be taken into account when considering any purported benefits from these proposals.

Compliance with Policy ENV15

Within their planning statement, the applicants seek to claim that the application accords with the development plan by virtue of its accordance with Policy ENV15. This policy states that:

“Small scale renewable energy development schemes to meet local needs will be permitted if they do not adversely affect the character of sensitive landscapes, nature conservation interests or residential and recreational amenity.”

Even a cursory analysis of the wording of this policy demonstrates that the policy does not support this application. This is not “small scale renewable energy development” to meet a “local need.” It is thus not supported by the policy. Moreover, for the reasons outlined within this latter the proposed development adversely affects the character of what is a sensitive landscape area and has unacceptable adverse amenity impacts for nearby residents and users of the rights of way network. The application is thus contrary to policy ENV15.

Risks to Public Health & Safety, impact to CLH Pipeline

My clients have also asked me to flag their concerns in relation to the CLH fuel pipeline which crosses the middle of the application site from north to south. These high-pressure fuel lines were installed over 70 years ago and are an aging asset which is slowly corroding over time. If permitted, this will be a major construction site with thousands of piles, excavations and thousands of heavy vehicle movements that will risk the integrity of the pipeline. During the operational phase of the development my clients have the following concerns:

- Electrical interference with the pipeline accelerates corrosion, and
- Vibration from the 18 industrial inverters will slowly impact the integrity of the pipeline
- Fire risk from battery storage

A break and leakage would be an environmental disaster but at present there is insufficient data and research for the Council to accurately assess the risk.

Conclusions

In conclusion, therefore, my clients object in the strongest possible terms to the application and submit that the assessments that have been undertaken and submitted in respect of biodiversity, heritage, and landscape are both flawed and insufficient to enable the Council to determine the application (other than by way of a refusal) on a properly informed basis. We would be grateful if officers could consider the attached reports and the points made therein (and herein) and either refuse the application or require the submission of further information relating to

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the relevant matters. In any event, however, the proposed development is clearly contrary to the Development Plan (both specific policies and “as a whole”) and the relevant policy as set out within the NPPF and PPG. In particular, it is significantly harmful in landscape, amenity and heritage terms. As stated in paragraph 7 of the Renewable energy PPG, “*the need for renewable or low carbon energy does not automatically override environmental protections.*” Both in its own right and cumulatively, when considered alongside the major solar farm development already underway in the area, the proposed development is not acceptable and cannot be made so in this sensitive rural location.

With kind regards

Yours sincerely

James Smith

James Smith

Principal and Director

For and on behalf of James Smith (Planning Law Services) Limited

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