



Priory Farm Solar Array

Proposed Development of a Photovoltaic Solar Array on Land at Priory Farm to the East of Great Wymondley, North Hertfordshire

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**Proof of Evidence on Planning Matters by
Alistair Hoyle**

On Behalf of the Applicant



AGR 4 Solar Limited

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1.0 INTRODUCTION AND SCOPE OF EVIDENCE

1.1 Qualifications and Relevant Experience

1.1.1 I am Alistair Iain Hoyle an Associate Director at Axis, a multi-disciplinary planning and environmental consultancy.

1.1.2 I am a member of the Royal Town Planning Institute. I have twenty years professional experience and have specialised in the energy and infrastructure sectors. I have been involved in securing planning permissions for renewable energy development, including solar development, in locations across England.

1.1.3 My first involvement with the Application Site followed formal instruction by the Applicant in June 2023.

1.1.4 I understand my duty to help the Inspector on matters within my expertise and that this duty overrides any obligation to the person or company from whom I have received instructions or by whom I am paid. I confirm that my fees are not conditional on the outcome of the Inquiry. I have complied, and will continue to comply, with that duty.

1.2 Scope of Evidence

1.2.1 I have prepared this evidence to set out what I consider to be the planning-related matters relevant to the call-in Inquiry for the proposed solar farm development (the 'Proposed Development') on land at Priory Farm to the East of Great Wymondley, North Hertfordshire ('the Site').

1.2.2 My evidence is divided into several sections, which following on from this introduction cover the following matters:

- i) A brief description of the Proposed Development
- ii) Approach to site selection
- iii) Consistency with Green Belt policy
- iv) Consistency with the Development Plan for the area and other material considerations
- v) Matters raised by the Inspector
- vi) Consideration of other matters raised by other parties



- vii) Planning conditions
- viii) Conclusions on the planning balance

1.2.3 In considering these matters, in conjunction with the other evidence presented for the Applicant, I believe that I cover all the matters on which the Inspector wishes to be informed (see Section 6.0 of my evidence), specifically:

- i) The extent to which the proposed development is consistent with Government policies for protecting Green Belt land as set out in the NPPF (CD56) (Chapter 13); and
- ii) The extent to which the proposed development is consistent with Government policies for meeting the challenge of climate change, flooding and coastal change as set out in the NPPF (Chapter 14); and
- iii) The extent to which the proposed development is consistent with Government policies for conserving and enhancing the natural environment as set out in the NPPF (Chapter 15); and
- iv) The extent to which the proposed development is consistent with the development plan for the area; and
- v) Any other matters the Inspector considers relevant.

1.2.4 The evidence which I have prepared is true, has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.



2.0 THE SITE AND PROPOSED DEVELOPMENT

2.1 Introduction

2.1.1 Full details of the Site are contained within the Statement of Common Ground (SoCG) (CD140) agreed between the Applicant and the Council. Accordingly, this section of my evidence provides only a brief scheme description of the Site and Proposed Development.

2.2 The Site

2.2.1 In total the area of the Site is circa 88 hectares and is in two parts. The Site principally comprises arable farmland, with hedges, woodland blocks and hedgerow trees.

2.2.2 The Site is served by existing farm access tracks from Graveley Road, which would be upgraded for use in construction and maintenance of the Proposed Development.

2.2.3 The grid connection would be located within the carriageway or verge along Graveley Lane, Priory Lane, Stevenage Road, Blakemore End Road and Stevenage Road to the National Grid Substation at Wymondley.

2.3 The Proposed Development

2.3.1 I rely on the planning application documents for the detailed description. I do, however, provide a summary of the key particulars of the Proposed Development below.

2.3.2 The Proposed Development is for the construction and operation of a photovoltaic solar array and ancillary development for a period of up to 40 years, after which the Site would be decommissioned. The Proposed Development would comprise the following main elements:

- i) Photovoltaic solar panels and associated support frames.
- ii) 22 No. inverter/transformer stations.
- iii) 22 No. battery storage containers.
- iv) 1 No. storage containers.
- v) 1 No.s building.
- vi) 1No. control room building.
- vii) Grid connection cable to National Grid's Wymondley Substation.

- viii) c. 2.1km of new/resurfaced internal access tracks (3m wide and constructed using Type 1 stone).
 - ix) 2 No. improved existing access points off Graveley Lane.
 - x) Ditch culverts for track crossings.
 - xi) 7.8km deer/stock fencing.
 - xii) c. 40 No. 4m High CCTV cameras.
 - xiii) c. 20,370 m² woodland planting.
 - xiv) c. 2,040m hedgerow planting (new and gapping up of existing).
- 2.3.3 The Proposed Development would export up to 49.995MWe of renewable electricity to the National Grid during peak operation.



3.0 APPROACH TO SITE SELECTION

3.1 Introduction

3.1.1 Section 5.4 of the Planning Statement (CD2) explains the Applicant's approach to site selection. I have reviewed this, and, in the following section of my evidence, I summarise the methodology applied and provide my opinions on whether, subject to the outcomes of the detailed Green Belt appraisal in Section 4.0 of my evidence, a Green Belt location is required for the Proposed Development.

3.2 Capacity within the Grid

3.2.1 The Applicant has determined that for a typical site of this nature, the maximum grid connection length is 4km from a substation. Beyond this the scheme would be unviable.

3.2.2 The Planning Application at Figure 5.2 presented data sourced from the UK Power Networks (DNO) on solar curtailment in North Hertfordshire¹. Solar curtailment is where the National Grid reduce the output of solar energy generation below their optimal production levels to balance supply across the Grid. Areas with low solar curtailment have the potential to accommodate additional solar generation, whilst areas of high curtailment have limited or no capacity. Therefore, when seeking to identify potentially suitable sites for commercial scale solar development it is appropriate to consider areas with a low or moderate solar curtailment, excluding areas with high curtailment.

3.3 Grid Connection

3.3.1 Focussing on the areas with low to moderate curtailment, the Applicant identified six (>22kv) substations as having potential capacity. In addition, two 132kv National Grid substations within North Hertfordshire and four 132kv substations within 4km of North Hertfordshire where identified.

3.3.2 The Applicant has secured a 49.995MW offer from the National Grid to connect to the Grid at the Wymondley Substation. This connection agreement is a determining

¹ The need for solar development in North Hertfordshire is addressed in Section 4.0 of my evidence.



factor in the identification of a suitable site. This approach was confirmed in a recent appeal decision, where the Inspector found that: “... *given the proposal is seeking to use the spare grid capacity at this sub-station, and bearing in mind the limited opportunities that currently exist for grid connections nationally, I consider it is, in this case, justified to only consider sites within an area that could also make use of this capacity, rather than capacity that may exist at other substations elsewhere.*” (Paragraph 28, CD 121).

3.4 Sieving Exercise

3.4.1 I am advised that having identified the capacity available at the Wymondley Substation, the Applicant then applied spatial planning constraints within a 4km radius to identify potentially suitable sites for a 49.995 MW solar development. These constraints included ancient woodland, Green Belt, Flood Zones 2 and 3, Areas of Outstanding National Beauty, and a 400-metre buffer around residential properties. The results of this sieving exercise are presented at APP-AH-3 to my evidence. It is important to note, the greater the distance from the substation the less viable the scheme becomes.

3.5 Conclusion

3.5.1 It is clear from the figure at APP-AH-3 that excluding the urban areas all land within 4km of the Wymondley substation is within the Green Belt.

3.5.2 The Application site is available and deliverable, and it has been shown through the detailed assessments undertaken in support of the Planning Application that the Proposed Development would not give rise to unacceptable effects.

3.5.3 I believe that a methodical site selection process has been followed and that, as was confirmed in a recent appeal decision, it is entirely appropriate to only consider areas within a viable distance of an agreed connection to the Grid.



4.0 CONSISTENCY WITH GREEN BELT POLICY

4.1 Introduction

4.1.1 Chapter 13 of the NPPF (CD56) sets out national policies in respect of protecting Green Belt land. At a local level, Green Belt policy is provided by Policy SP5 of the NHDC Local Plan (CD39) and Policy GB1 of the Neighbourhood Plan (CD40). These policies are consistent with the requirements of the NPPF.

4.1.2 I accept that the Proposed Development is inappropriate development in the Green Belt.

4.1.3 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to Green Belt by reason of inappropriateness, and any other harm resulting from the Proposed Development, is clearly outweighed by other considerations.

4.1.4 To determine whether considerations exist to outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm, it is necessary to determine what the harm is in this instance. Therefore, I shall provide my own appraisal of potential harm to the Green Belt and other harm. In doing so I shall show, in the context of the NPPF, the harm to be limited.

4.1.5 I shall then turn to the demonstrable planning considerations which weigh in support of the Proposed Development and provide a planning balance on whether these considerations clearly outweigh any potential harm and as such constitute the 'very special circumstances' required for the planning application to be approved. Upon doing so, it will be clear that the considerations in support of the Proposed Development are so great, and that harm is so limited, that on balance 'very special circumstances' do exist, and that the Planning Application should not be refused on Green Belt reasons.

4.2 Legal Principles

4.2.1 Unsurprisingly, policy and guidance in relation to Green Belt has given rise to litigation in the Courts.



4.2.2 Drawing from the caselaw (with particular emphasis on what the Supreme Court determined in the Samuel Smith Old Brewery (Tadcaster) litigation)² the legal principles relevant to this case can be summarised as follows:

- i) The concept of “openness” is a broad concept of policy and not one of law;
- ii) The meaning of “openness” is to be derived from the words used by the policy maker and read sensibly and in their “proper context”;
- iii) Applying the policy imperative of preserving “openness” requires realism and common sense and involves the exercise of planning judgment;
- iv) In deciding whether the decision maker has exercised a lawful planning judgment in applying a planning policy, the court will not be taken beyond its limited role in a public law challenge;
- v) Visual effects of a development can be relevant to the question of “openness”; whether they are is a matter of planning judgment;
- vi) The concept of “openness” means the state of being free form built development, the absence of buildings but this does not mean that harm to “openness” cannot be caused by forms of development other than buildings or cannot be caused by a development’s visual impact on “openness”;
- vii) The word “openness” is open-textured, and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a given case; and
- viii) The fact that there may be other harms with a visual dimension apart from harm to the openness of the Green Belt does not mean that the concept of openness of the Green Belt has no visual dimension itself.

4.3 Assessment of Green Belt Harm

4.3.1 Having established that inappropriate development, by definition, is harmful to the Green Belt I turn now to assess the level of harm to the Green Belt, before considering ‘other harm’. In doing so, I have appraised the Proposed Development in the context of Paragraphs 137 and 138 of the NPPF.

² R (on the application of Samuel Smith Old Brewery (Tadcaster) v North Yorkshire County Council [2020] UKSC 3 (CD119)



4.3.2 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Openness

4.3.3 The Applicant has provided a detailed consideration of openness in section 5.4 of the Planning Statement (CD2). This concluded that:

- i) There would be a limited harm to the spatial and visual aspects of the Green Belt resulting from a slight reduction in actual and perceived openness.
- ii) There would be no harm to the openness of the Green Belt resulting from permanent change in land use.
- iii) There would be no harm to the openness of the Green Belt resulting from an increase in the degree of activity generated within the Green Belt.

4.3.4 In determining what factors can be considered when assessing the impact of a proposal on openness of the Green Belt, Planning Practice Guidance (CD64) states that this: *“... requires a judgment based on the circumstances of the case. By way of example the courts have identified a number of matters which may need to be taken into account in making the assessment. These include, but are not limited to:*

- i) openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- ii) the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- iii) the degree of activity likely to be generated, such as traffic generation.”*

4.3.5 It is the case that the Proposed Development would introduce built development in the form of solar arrays and associated infrastructure and that this would result in an incremental impact upon the openness of the Green Belt. Given the large area of the Proposed Development and the fact that the site is currently farmland, I believe it is reasonable to conclude that from a spatial perspective the Proposed Development would introduce substantial development into the area. However, the solar arrays



- would be relatively modest in mass and footprint, spaced out and, as I have explained below, would not be permanent.
- 4.3.6 Mr Mason's evidence deals with the matter of impacts on visual openness, and how the perception of openness may change following the introduction of the Proposed Development. Mr Mason explains that the existing topography and pattern of vegetation generally limit the overall potential visibility of the Proposed Development to highly localised areas around the Site. In addition, the Proposed Development would not be visible from within the closest settlements of Great Wymondley, Little Wymondley, and Graveley; and would not be visible from the large built-up areas of Hitchin, Letchworth and Stevenage.
- 4.3.7 I agree with Mr Mason that the Proposed Development would harm visible openness of the Green Belt in the short term but that the level of harm would reduce as planting establishes and screens the development.
- 4.3.8 Before drawing conclusions on the overall harm to openness it is necessary to consider the purposes of including land in the Green Belt.
- 4.3.9 Paragraph 138 of the NPPF explains that the Green Belt serves five purposes:
- i) To check the unrestricted sprawl of large built-up areas;
 - ii) To prevent the neighbouring towns merging into one another;
 - iii) To assist in safeguarding the countryside from encroachment;
 - iv) To preserve the setting and special character of historic towns; and
 - v) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.3.10 The Proposed Development would not result in the extension of a large built-up area.
- 4.3.11 Given the distance and limited intervisibility from surrounding towns and villages it would not conflict with the purpose of restraining unrestricted sprawl and there would be no diminution of the purpose of preventing neighbouring towns from merging with each other. Thus, I believe that the Proposed Development accords with the first two purposes.
- 4.3.12 I accept that the Proposed Development will introduce built development to a countryside location. However, having regard to the Site's context and surrounding



- urbanising factors, I believe that the harm in terms of encroachment into the countryside is limited. The Site adjoins the A1(M) and thus is within an area which is characterised by urbanising factors. The Proposed Development would be of a low height and once the landscape mitigation planting is established the Proposed Development would not be intrusive and an appreciation of the landscape and countryside would still be possible.
- 4.3.13 The final two purposes, preserving the special character of historic towns and assisting in urban regeneration, are not relevant to the Proposed Development.
- 4.3.14 North Hertfordshire District Council undertook a Green Belt Review in 2016 (CD135) as part of the evidence base for their emerging local plan. The approach taken and outcomes are explained in detail in Section 5.4 of the Applicant's Planning Statement. The Site lies within strategic parcels 10 and 14, and sub-parcels 10c and 14f of the Green Belt, which have been identified and assessed as making a significant contribution to the purposes of the Green Belt designation.
- 4.3.15 The Council in its Statement of Case (Paragraph 5.16) (CD138) conclude there to be moderate harm to the Green Belt purpose of assisting in safeguarding the countryside from encroachment. I agree with the Council that harm to the purposes of Green Belt is less than significant. I do not consider that the significant contribution made by the Site to the purposes of the Green Belt designation, as identified in the Council's Green Belt Review, would be unacceptably eroded by the Proposed Development.
- 4.3.16 I consider the duration of the Proposed Development, and its remediability under my appraisal of permanence below. The Proposed Development is temporary, with all development removed at the end of its operational life, with the land to be returned to its original state. However, although temporary, given that the Proposed Development will be present for 40 years there will be impacts on openness during that period, whilst entirely reversible.
- 4.3.17 I believe that whilst there would be a reduction in the openness of the Green Belt, the impacts on openness would be temporary, commensurate with the life of the development only. Following the final cessation of operations, the Site would be fully reinstated. As such, in the longer-term, there would be no loss of openness resulting from the Proposed Development.



Permanence

- 4.3.18 The Proposed Development has an operational life of up to 40 years, at the end of which it would be decommissioned, and the land returned to its former use without any significant demolition or land remediation. At the end of its operational life the land would therefore have the characteristics of greenfield land, and as such the Proposed Development cannot be considered permanent in a Green Belt context.
- 4.3.19 Unlike other potential forms of development, including other forms of renewable energy such as anaerobic digestion facilities, biomass facilities, or energy-from-waste facilities; solar farms are a temporary (long-term) use of land that can be easily and quickly decommissioned with minimal impact.
- 4.3.20 Government has published Planning Practice Guidance in relation to solar farms, which sets out factors a local planning authority need to consider in determining solar developments, this includes ‘that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use’ (Reference ID: 5-013-20150327) (CD64).
- 4.3.21 The draft National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3) (CD60) was most recently published in March 2023. Section 3.10 of the NPS sets out emerging national policy in relation to solar farms and states at Paragraphs 3.10.56 and 3.10.57 that:
- “Applicants should consider the design life of solar panel efficiency over time when determining the period for which consent is required. An upper limit of 40 years is typical, although applicants may seek consent without a time-period or for differing time-periods of operation.”* (Paragraph 3.10.56)
- “Time limited consent, where granted, is described as temporary because there is a finite period for which it exists, after which the project would cease to have consent and therefore must seek to extend the period of consent or be decommissioned and removed.”* (Paragraph 3.10.57)
- 4.3.22 It is clear based on published guidance and emerging national policy that the Government considers solar developments with a time limited consent such as the Proposed Development to be temporary development. In the context of the Green

Belt a solar development with a time limited consent would therefore not result in a permanent loss of Green Belt.

- 4.3.23 This position is supported by the Council in Paragraph 4.5.78 of the Committee Report (CD35a) which states that: *“It is considered that the fact that the proposed development would not be permanent means that the Green Belt harm would not be permanent which tempers slightly the overall harm to the Green Belt”.*
- 4.3.24 The Planning Inspector appointed for a recent planning appeal for a proposed 49.9MW solar farm in the Green Belt on ‘Land east & west of A130 and north & south of Canon Barns Road in Chelmsford’ considered the harm caused by a solar development to the permanence of the Green Belt. Paragraph 14 of the Appeal Decision (CD122) stated that: *“...the scheme would be in place for a temporary 40-year period. It would then be fully demounted, and land returned to its former condition, at the end of its use. As such, whilst 40 years is a long period of time, it is not permanent.”*
- 4.3.25 In the recent grant of a Development Consent Order for Longfield Solar Farm, the Secretary of State (Department for Energy Security and Net Zero) considered the matter of whether a solar development is permanent or temporary in relation to the loss of best and most versatile agricultural land. The appointed Planning Inspector found that the loss of agricultural land associated with the scheme was ‘temporary’ (Paragraph 4.58, CD120) for parts of the site where solar arrays were proposed. The Secretary of State agreed with this finding. It is therefore reasonable to conclude that if the loss of agricultural land is temporary, the development itself is also temporary.
- 4.3.26 I therefore conclude that as the application is for a time limited consent, it is classified as a temporary development, and consequently would result in no harm to the permanence of the Green Belt. Accordingly, I disagree with the Council’s position in their Statement of Case (Paragraph 5.15) where they attach only limited weight to the temporary nature of the Proposed Development. I do not rely on the temporary nature of the development to outweigh harm; instead, I believe that the temporary nature of development acts to reduce the level of harm to Green Belt.



Conclusions on Openness, Permanence, and the Purposes of the Green Belt

4.3.27 Although the Proposed Development is, by definition to it being inappropriate development, harmful to the Green Belt, from my above analysis I have demonstrated that the potential harm to the Green Belt relates solely to limited and temporary potential impacts on openness. There would be no permanent impacts on openness and there would be no impacts on the permanence of the Green Belt. Overall, I conclude that the Proposed Development would result in moderate harm to the Green Belt in both visual and spatial terms, although harm to the visible openness of the Green Belt would reduce as planting establishes and screens the Proposed Development.

4.4 Other Harm

Introduction

4.4.1 In weighing up whether very special circumstances exist, the decision maker must take account of all planning matters, and whether they cause harm or benefit. Accordingly, it is necessary to consider all negative impacts of the Proposed Development by virtue of being ‘any other harm’.

4.4.2 I rely on the other expert witness’ evidence to provide the detailed appraisal in respect of landscape and visual; heritage; ecology; transport; agricultural land and flooding matters. However, to undertake the necessary Green Belt planning balance exercise, I provide a summary below in the context of ‘other harm’.

Landscape and Visual Harm

4.4.3 Mr Mason has considered landscape and visual matters relevant to the Proposed Development. I have read Mr Mason’s evidence and I concur with his findings, summarised below:

- i) Due to the relatively low height of the Proposed Development’s components, the presence of existing screening and the influence of the landform, the Proposed Development would be of limited visibility from the wider landscape.
- ii) The zone of visibility of the Proposed Development is limited and there is a lack of long-distance views. Once visible the Proposed Development would only be in sight for a short duration.



- iii) There would be no residual significant adverse landscape or visual effects and that the residual adverse landscape and visual effects would only be experienced in a very localised area to the Site.
- iv) The weight given to landscape and visual harm should be no greater than moderate.

4.4.4 Therefore, landscape and visual harm is localised and is of no more than moderate significance.

Harm to Heritage

4.4.5 Ms Roy has considered cultural heritage matters relevant to the Proposed Development. Ms Roy concludes that the Proposed Development has been designed to avoid known heritage assets and a robust mitigation strategy has been proposed for the investigation and preservation of identified archaeological remains. Ms Roy concludes that the physical loss of any other buried archaeological remains can be adequately mitigated / offset by industry standard archaeological work.

4.4.6 Ms Roy finds that where there is less than substantial harm it would be at the very lower end of scale.

4.4.7 Based on the foregoing, I believe that harm to heritage is very limited.

Harm to Ecology

4.4.8 The planning application was accompanied by an Ecological Appraisal Report, which was informed by a series of field surveys and collation of biological records.

4.4.9 Most of the Site is arable land which is of low ecological value. However, the margins, together with the hedgerows and woodlands, provide habitats for a range of wildlife and enable ecological connectivity of the wider landscape. The Site supports an assemblage of widespread farmland species typical of the habitats and region. There were no protected species recorded on the Site. There would be no effect on statutory protected sites for nature conservation. The cable route for the grid connection will pass through a local wildlife site, although impacts will be limited and temporary, associated to the digging and reinstatement of a trench.



- 4.4.10 With the exception of the LWS, the Proposed Development was designed to avoid areas of higher ecological value, namely field boundaries (hedgerows and ditches), woodland and ponds. Construction related effects are therefore predominantly limited to areas of arable land which, as stated above, are of lower ecological value.
- 4.4.11 Mr Fearn has provided evidence on ecology and biodiversity matters. Based on the evidence provided by Mr Fearn, I believe there would be no adverse effects on biodiversity and the Proposed Development will provide significant biodiversity net gain.

Transport Related Harm

- 4.4.12 Mr Kendall has provided evidence on transport related matters. Mr Kendall finds that the main transport-related effects of the Proposed Development comprise the visual effects of the proposed site accesses and passing place on the locality, and the effects of traffic activity during the construction and decommissioning phases.
- 4.4.13 Mr Kendall finds that the visual effects / harm caused by the site accesses and passing place will be temporary in nature, lasting for the duration of the construction phase only. The site access arrangements will be immaterially different to the kind of agricultural accesses that one might expect to find spread everywhere throughout the British countryside. Therefore, they will not appear as an incongruous feature within the landscape.
- 4.4.14 Likewise, the effects / harm caused by traffic activity will also be minimal, and largely temporary in nature. Construction traffic will occur over a relatively limited temporary time period, it will be modest in volume and nature, it will occur along traffic routes with no materially sensitive receptors, and it can be carefully managed and controlled by means of appropriately worded planning conditions that the LHA have agreed to.
- 4.4.15 I concur with Mr Kendall's conclusion that the harm caused to the Green Belt by the transport-related effects of the Proposed Development will be very limited.

Harm to Agricultural Land

- 4.4.16 Mr Kernon has provided evidence to assess the agricultural considerations with the Proposed Development.



4.4.17 The Site contains Grade 2 and 3a agricultural land and as a result is classified as best and most versatile agricultural land.

4.4.18 Mr Kernon has explained that the panels can be installed, and subsequently removed, without causing downgrading of the land quality or any permanent sealing-over of agricultural land. The agricultural land resource is not affected or lost. I agree with Mr Kernon that only very limited weight should be accorded to food production issues.

Harm by Way of Flooding

4.4.19 Mr Tilford has prepared evidence on flood risk and drainage matters.

4.4.20 Mr Tilford concludes that the Proposed Development would reduce off-site flood risk, subject to implementation of the proposed surface water drainage and overland land flow management scheme. The development would be safe from flood risk for its lifetime.

4.4.21 I believe there is no harm by way of flooding.

Conclusions on Other Harm

4.4.22 In weighing up whether very special circumstances exist, the decision maker must take account of all planning matters, whether they cause harm or benefit. Accordingly, it is necessary to consider all negative impacts of the Proposed Development, by virtue of being other harm. Having regard to the above appraisal of harm, I believe that with the exception of short-term landscape and visual harm, harm would not be significant.

Other Considerations including Benefits

4.4.23 I believe the key considerations in support of the Proposed Development are:

- i) The significant national need to reduce carbon emissions and address the global challenge of climate change;
- ii) The urgent national need for renewable energy to achieve Net Zero by 2050.
- iii) The significant local need to deliver on North Hertfordshire's declaration of a Climate Emergency and commitment to achieve a net zero District by 2040.
- iv) The Need for Energy Security.



- v) Availability of land with a suitable grid connection.
- vi) The wider environmental benefits of the scheme which will deliver a significant biodiversity net gain well above the 10% target.

Need to Address Climate Change and Achieve Net Zero by 2050

- 4.4.24 The Climate Change Act 2008 (2050 Target Amendment) Order 2019 (CD43) sets a legally binding target to reduce emissions by at least 100% from the 1990 baseline by 2050, which would result in net zero greenhouse gas emissions. At the time the legislation was enacted the UK had already reduced emissions by 42% while growing the economy by 72%. However, the new target requires a significant increase in renewable energy, development of carbon capture and storage technology, construction of new nuclear generation, and a transition to hydrogen and electric for heating and transport.
- 4.4.25 In response to the UK's Sixth Carbon Budget from the Climate Change Committee, on 20 April 2021 the UK Government announced that it would set in law a more ambitious target of cutting carbon emissions by 78% by 2035 compared to 1990 levels. It is clear from the Government's legally binding commitment to net zero by 2050 and recent announcement that significant new investment will be required in renewable energy projects across the UK to deliver these ambitious objectives.
- 4.4.26 The Government published the 'Net-Zero Strategy: Build Back Greener' in October 2021 (CD44). The Strategy sets out policies and proposals for decarbonising all sectors of the UK economy to meet the net-zero target. Chapter 3i 'Reducing Emissions across the Economy – Power' sets out on pages 94 and 95 that, subject to security of supply, the Government's commitment to a fully decarbonised power system will be brought forward to 2035. It also seeks to accelerate deployment of low-cost renewable generation, such as wind and solar, and to ensure that the planning system supports the deployment of low carbon energy infrastructure. The strategy recognises that decarbonising the power sector forms the foundation of a productive net zero economy and needs to meet 40-60% increase in demand by 2035.
- 4.4.27 The Climate Change Committee (CCC) published their annual report in June 2023 (CD47), titled 'Progress in reducing UK emissions'. The report is highly critical of UK



- progress towards reaching Net Zero noting in particular a lack of urgency, a lack of coherent strategy, and that planning policy is not fit for purpose in supporting Net Zero.
- 4.4.28 The CCC states that: *'It is critical that the UK re-establishes its climate leadership with a clearer strategy to develop Net Zero industries and technologies in the UK and capture the economic benefits of Net Zero, with actions that create demand-pull for the critical technologies that will shape the UK's progress over the next decade.'*
- 4.4.29 A key element in delivering Net Zero growth and energy security is the provision of renewable energy to ensure a low carbon electricity network that is net zero by 2035 and reduces reliance on international fossil fuels. The CCC consider that the UK is still lacking a credible overall strategy for delivering its objective of decarbonising the energy sector by 2035.
- 4.4.30 Table 1 of the CCC Report identifies that Solar PV is the only key indicator against which the UK is 'significantly off-track' in delivery to deliver net zero energy supply. The CCC Report states that: *'In 2022, 0.7 GW of solar was deployed. The deployment of solar capacity is significantly off track to meet the Government's target of 70 GW by 2035. An average annual deployment rate of 4.3 GW is required to deliver 70 GW of solar by 2035.'*
- 4.4.31 The deployment of all other renewable energy technologies is off-track, but it is only solar PV that is significantly off-track. The CCC Report considers that: *'The planning system must have an overarching requirement that all planning decisions must be taken giving full regard to the imperative of Net Zero.'*
- 4.4.32 The deployment of Solar PV is absolutely critical to meeting the UK commitments to Net Zero and providing a resilient secure British energy network.
- 4.4.33 The Proposed Development is deliverable in the short-term and would make a significant contribution towards decarbonising the energy sector.
- 4.4.34 The National Policy Statements (NPS), EN-1 (CD57) and EN-3, identify the approach to delivering nationally strategic level energy schemes. EN-1 is the overarching NPS for Energy and states: *"Paragraph 3.4.1 above sets out the UK commitments to sourcing 15% of energy from renewable sources by 2020. To achieve this target, and to locally decarbonise the energy sector by 2030., it is necessary to bring forward*

new renewable energy generation projects as soon as possible. The need for new renewable electricity generation projects is therefore urgent.”

4.4.35 I believe that very substantial weight should be given to the contribution that the Proposed Development would make towards the delivery of the above policy objectives and targets for the transition to low carbon energy and the associated reduction in CO₂ emissions.

The Council's Climate Change Strategy 2021 to 2026

4.4.36 The Council passed a climate emergency motion on 21 May 2019. This declaration asserted the Council's commitment toward climate action beyond current government targets and international agreement. This is currently pursued through the Council's Climate Change Strategy 2021 to 2026 (CD65).

4.4.37 The key objectives of the Strategy are:

- achieve carbon neutrality for the Council's own operations by 2030;
- ensure all operations and services are resilient to the impacts of climate change;
- achieve a Net Zero carbon district by 2040; and
- become a district that is resilient to unavoidable impacts of climate change.

4.4.38 As reported in the Council's Committee Report, despite North Hertfordshire being within an area which receives high levels of solar radiation, there are currently only two approved small solar farms. One is located between the settlements of Reed and Barkway and generates a maximum of 6MW. It was granted planning permission on 28 March 2013 (Application reference 12/02365/1). Planning permission was also granted in June 2015 for the construction of a 5MW solar farm on approximately 13 hectares of land at Lawrence End Park to the east of Birch Spring in Kings Walden Parish (Application reference 15/00845/1).

4.4.39 I believe that substantial weight should be given to contribution made by the Proposed Development to achieving the key objectives of the Council's Climate Change Strategy and the Council's commitment toward climate action beyond current Government targets and international agreement.



The Need for Energy Security

- 4.4.40 The British Energy Security Strategy was published on the 7 April 2022 (CD46) in response to rising global energy prices, provoked by surging demand after the Covid-19 pandemic as well as Russia's invasion of Ukraine. The strategy will be central to weaning Britain off expensive fossil fuels, which are subject to volatile gas prices set by international markets the UK is unable to control. The strategy aims to boost sources of homegrown energy for greater energy security in the long-term.
- 4.4.41 The strategy signals a significant investment in new nuclear power and significant increases in hydrogen production and usage. In addition, significant increases in the deployment of wind and solar generation are included in the strategy.
- 4.4.42 The ambitions for a significant increase in new nuclear and hydrogen production/usage are long term planks in the energy strategy, with new nuclear and a significant shift to hydrogen usage for transport, heating and other usage likely to take a number of decades to come to fruition. However, the significant increases in renewable energy generation are deliverable now and the Strategy sets out ambitious renewable energy targets for offshore wind and solar in the short to medium term.
- 4.4.43 There is currently approximately 14 GW of solar generation capacity in the UK and the British Energy Security Strategy aims to increase this five-fold to 70 GW by 2035. Over the last five-year period, the UK increased its solar capacity by an estimated 1.8 GW, highlighting the need for a significant increase in solar development if the strategy's targets are to be fulfilled. This equates to delivery of 4.7 GW of solar generation per year until 2035 to ensure british energy security.
- 4.4.44 Wind power and solar energy are the most widely used renewable energy sources, but while these sources of power are clean and renewable, they have one significant disadvantage to fossil fuel in that they are not available 100% of the time. Solar power is only available during the day, and then only operate at maximum efficiency when the sun is shining. Consequently, the power generated is mostly available when there is less need. Combining renewable power generation with battery storage allows for better use of renewable energy, ensuring that the power can be used when required. Irrespective of the synergies with renewable energy source, the existence of a battery storage facility enables power to be stored from the grid during high supply and low demand and provide that power back into the grid during high demand and

lower supply. This helps to both balance the grid so that power is available at the right time and in the right way and iron out spikes in electricity costs by flattening the supply / demand curve.

- 4.4.45 I believe that very substantial weight should be given to the need to boost sources of homegrown energy for greater energy security and the contribution that the Proposed Development will make to this.

Availability of Land and Viability of Renewable Energy Schemes Outside of the Green Belt without a Suitable Grid Connection

- 4.4.46 The starting point for any renewable energy generation project is identifying a part of the National Grid where there is available grid capacity to connect a renewable energy project. To identify suitable sites for solar farms, two principal criteria must both be satisfied:

- Firstly, and most importantly, any solar scheme must be located proximate to an existing substation which has the available capacity to import the required amount of power into the National Grid, either directly into the substation or via a point of connection into the nearby transmission network; and
- Secondly, solar schemes must be located close enough to the identified substation to remain viable both in terms of cable deployment for the grid connection, and to ensure that minimum transmission losses occur.

- 4.4.47 These principles are supported by the Draft NPS for Renewable Energy (EN-3), which at Paragraph 3.10.35 states that: *“Many solar farms are connected into the local distribution network. The capacity of the local grid network to accept the likely output from a proposed solar farm is critical to the technical and commercial feasibility of a development proposal.”*

- 4.4.48 Paragraph 3.10.37 states that: *“the connection voltage, availability of network capacity, and the distance from the solar farm to the existing network⁸¹ can have a significant effect on the commercial feasibility of a development proposal.”*

Footnote 81: The route and type of terrain traversed by the cabling linking the solar project to the grid connection may also have an impact on the project’s viability.



- 4.4.49 Finally, Paragraph 3.10.38 states: *“To maximise existing grid infrastructure, minimise disruption to existing local community infrastructure or biodiversity and reduce overall costs applicants may choose a site based on nearby available grid export capacity.”*
- 4.4.50 It is clear from the above that available grid capacity and a suitable and affordable grid connection are a critical part of site selection process in an era of subsidy-free renewable energy generation.
- 4.4.51 A solar development must be located proximate to the identified point of connection to remain viable both in terms of cable deployment, and to ensure that minimum transmission losses occur.
- 4.4.52 The export capacity of a proposed solar development is approximately proportional to the length of grid connection that can be provided before a scheme is no longer viable but can differ depending on the local environment with reference to footnote 81 of Draft NPS EN-3. Essentially, the smaller a site, the shorter a grid connection will be before a development is not viable; the larger a site, the longer a grid connection can be.
- 4.4.53 As I have explained in Section 3.0 of my evidence, the Applicant has determined that the maximum grid connection length before a scheme is no longer viable is approximately 4km from a substation, with costs increasing as distance from the substation increases within this 4km. The grid connection route for the Proposed Development follows the local road network and is approximately 4km in length. The Site is therefore at the upper limit in terms of maximum distance away from the substation.
- 4.4.54 The Applicant has secured a grid connection offer from National Grid for a 49.995MW solar development to the Wymondley Grid. I believe that the availability of this grid connection at Wymondley, and the immediate deliverability of the Proposed Development in the context that North Hertfordshire has not consented a commercial renewable energy generation scheme since 2015, should be given substantial weight in the planning balance.

Biodiversity Gains

- 4.4.55 Mr Fearn has explained that there are national and local ambitions for developments to provide a net gain. Mr Fearn also explains that whilst there is no mandatory

requirement for the delivery of Biodiversity Net Gain (“BNG”) in planning applications; this is likely to come into effect from November 2023 onwards, when a 10% gain will be necessary for all Town and Country Planning Act 1990 developments, apart from a few exempt development types. Subsequently the Applicant has provided a measurable BNG as part of the Proposed Development application on a voluntary basis.

- 4.4.56 The EAR contains (in Section 4.6, Table 4.1) results of BNG calculations, using the Defra Metric 3 as was the current version at the time. The results presented a clear benefit of over 388 Habitat Units (total net change of +202.64%) and 23.25 hedgerow Units (total net change of +90.96%). Defra has since published V4 of the metric and therefore the calculations have been run again using this. The BNG scores using V4 are almost unchanged from those presented in the EclA. Both Habitat Units and Hedgerow Units increase marginally (habitats to +205.96% and hedgerows to +102.29%).
- 4.4.57 Mr Fearn has concluded that the Proposed Development will provide a very substantial benefit and that the overall BNG scores offers a substantially greater benefit to biodiversity within the Site than the forthcoming 10% gain requirements of the Environment Act 2021.

4.4.58 I agree with Mr Fearn that this is a substantial benefit of the Proposed Development.

4.5 Conclusions on Green Belt

- 4.5.1 Whilst I do agree with the Council that substantial weight should be attached to the totality of harm that would be caused to the Green Belt, I do not agree that there would be significant visual and spatial impacts upon openness or a moderate harm to the one of the purposes of including land in the Green Belt. From my assessment, I have concluded moderate harm to the Green Belt. Having regard to the above appraisal of harm, I believe that except for short-term landscape and visual harm, harm would not be significant.
- 4.5.2 Notwithstanding, I believe there are clear and demonstrable considerations that weigh in support of the Proposed Development. In my view, these considerations, either individually in terms of need for renewable energy and addressing the challenge of climate change and providing energy security, or cumulatively taking

account of the other factors, must outweigh the temporary harm caused to the openness of the Green Belt, and other harm, and in doing so demonstrably constitute very special circumstances.



5.0 CONSISTENCY WITH THE DEVELOPMENT PLAN FOR THE AREA

5.1 Introduction

5.1.1 I do not seek to appraise the policies of the development plan, or other policy documents identified, in detail within this section of my evidence. This section introduces the policies that I consider are of most relevance to the determination of the Planning Application and explains why I believe that to be the case.

5.2 Development Plan

5.2.1 The most relevant parts of the Development Plan are the North Hertfordshire District Local Plan (2011-2031) (NHDLP) (CD39), and the Wymondley Neighbourhood Development Plan (2011-2031) (CD40). I do not consider the Hertfordshire Minerals Local Plan (2007), the Hertfordshire Waste Core Strategy and Development Management Policies Document (2012) or the Hertfordshire Waste Site Allocations Document (2014) to be relevant to the determination of the Planning Application.

North Hertfordshire District Local Plan (2011-2031)

5.2.2 Policy SP1: 'Presumption in Favour of Sustainable Development' explains that the Plan will support the principles of sustainable development. Of relevance, Criterion c) states that planning permission should be granted for proposals which individually or cumulatively: provide the necessary infrastructure required to support an increasing population, protect key elements of North Hertfordshire's environment including biodiversity, important landscapes, heritage assets and green infrastructure (including the water environment); and secure any necessary mitigation measures that reduce the impact of development, including on climate change. The Proposed Development would deliver the infrastructure necessary for a growing population that is transitioning into a low carbon economy. The Proposed Development has been designed to retain existing habitats and to provide enhancements that will increase the biodiversity of the Site. Mitigation is also deliverable to address possible impacts on heritage & landscape. The Proposed Development accords with Policy SP1.

5.2.3 Policy SP5: 'Countryside and Green Belt' explains that the Council supports the principles of the Green Belt and recognise the intrinsic value of the countryside. The policy states that development proposals, which are inappropriate, will only be

- permitted in the Green Belt where they demonstrate very special circumstances. I have explained in Section 4.0 of my evidence why very special circumstances do exist. Accordingly, the Proposed Development is compliant with Policy SP5.
- 5.2.4 Policy SP6: 'Sustainable transport' requires applicants to provide assessments, plans and supporting documents to demonstrate the safety and sustainability of their proposals. As explained by Mr Kendall, the level of trip generation associated with the Proposed Development would not be significant and would only take place over a limited and temporary period. The Proposed Development complies with Policy SP6.
- 5.2.5 Policy SP11: 'Natural resources and sustainability' states that the Plan seeks to meet the challenges of climate change and flooding. Of principal relevance the policy supports proposals for renewable and low carbon energy development in appropriate locations. The proposal for renewable development on a site which would not result in unacceptable harm, and where this is capacity in the grid, is demonstrably compliant with this policy.
- 5.2.6 In accordance with Policy SP12: 'Green infrastructure, landscape and biodiversity', the application has considered and respected landscape character, scenic beauty and locally sensitive features, particularly in relation to the Chilterns Area of Outstanding Natural Beauty. As explained in Mr Mason' evidence, Policy NE2 is judged to provide more detailed requirements with regards considering and respecting landscape character.
- 5.2.7 Policy SP12 also requires proposals to protect, enhance and manage biodiversity networks, protected species, priority species and habitats, and non-designated sites of ecological value and ensure measurable net gains for biodiversity. Mr Fearn has concluded that impacts on protected and notable species are anticipated to be minimal following the implementation of standard avoidance measures during construction. Most protected and notable species are considered likely to benefit from the habitat improvements delivered. The Proposed Development will deliver significant biodiversity net gains. Having regard to Mr Fearn's evidence, I believe that the Proposed Development complies with the biodiversity criterion of this Policy.
- 5.2.8 Policy NE2 states that planning permission will be granted for development proposals that:



- a) Respect the sensitivities of the relevant landscape character area and have regard to the guidelines identified for built development and landscape management;
- b) Do not cause unacceptable harm to the character and appearance of the surrounding area or the landscape character area in which the site is located, taking account of any suitable mitigation measures necessary to achieve this;
- c) Are designed and located to ensure the health and future retention of important landscape features; and
- d) Have considered the long-term management and maintenance of any existing and proposed landscaping.

5.2.9 With regard to the first criterion, Mr Mason explains that the North Herts Landscape Study (CD71) identifies the LCA as being of low landscape sensitivity as there is significant urban influence and numerous landscape detractors. It is identified as being of low to moderate visual sensitivity as views are relatively open and would be sensitive to the introduction of further urbanising features which detract from character. Overall, the LCA is established as being of low landscape value due to the large number of roads and transport routes, and the presence of significant settlement to the fringes.

5.2.10 Mr Mason has considered each of the landscape and visual sensitivities and the landscape management and built development guidelines for the LCA. In terms of landscape sensitivities, Mr Mason concludes that the Proposed Development would not adversely affect any sensitive characteristics of the landscape, but would provide benefits in relation to recreational access during operation, and long-term benefits post-decommissioning.

5.2.11 In considering each of the above visual sensitivities for the LCA in turn, Mr Mason explains that the Proposed Development has taken a design approach to minimise adverse impacts, and would provide long-term benefits in respect of the enhanced landscape screening at decommissioning.

5.2.12 Mr Mason has demonstrated that the Proposed Development has had regard to the guidelines identified for built development and landscape management.



- 5.2.13 Having considered the detailed appraisal provided by Mr Mason, I find that the Proposed Development accords with criterion a) of Policy NE2.
- 5.2.14 Turning to criterion b), the LVIA submitted with the planning application determined that there would be a moderate to major landscape effect at the level of the Site, and a minor to moderate adverse effect over a localised area surrounding the Site.
- 5.2.15 Mr Mason concludes that the level of harm to the character and appearance of the surrounding area is acceptable. Having regard to the assessment work submitted with the planning application and Mr Mason's evidence I believe that the Proposed Development accords with criterion b) of Policy NE2.
- 5.2.16 Neither the Policy nor the supporting text provide detail as to what qualifies as an important landscape feature. Mr Mason explains that important landscape features would be unusual or unique elements that cannot be easily replaced or substituted. Such features could include ancient woodland, ancient and veteran trees, or landmarks. The Site does not include unusual or unique elements that cannot be easily replaced or substituted. Therefore, criterion c) of Policy NE2 is not applicable.
- 5.2.17 Finally, given the commitments made by the Applicant to provide long-term maintenance and management of all existing and proposed landscape elements, in my opinion the Proposed Development accords with criterion d) of Policy NE2.
- 5.2.18 Policy NE3 seeks to protect the Chilterns Area of Outstanding Natural Beauty (AONB), which is located approximately 5.3km west of the Site at its closest point. The LVIA (CD4) submitted with the planning application included a viewpoint (Viewpoint 16) from the AONB to consider impacts on its setting. The LVIA concluded that only a small part of the Proposed Development would be visible, and at a considerable distance, such that there would be a negligible change to the setting of the AONB. This position was agreed in the TLP Review (Paragraph 5.3.15, CD86). I believe that the Proposed Development accords with Policy NE3.
- 5.2.19 Policy SP13: 'Historic Environment' states that the Council will pursue a positive strategy for the conservation and enjoyment of the historic environment through maintaining a strong presumption in favour of the retention, preservation and enhancement of heritage assets and their setting according to their significance. Ms Roy concludes in her evidence that the Proposed Development has been designed



to avoid known heritage assets as far as possible and a robust mitigation strategy has been proposed to allow for investigation of any hitherto unknown buried remains, this will include preservation of identified archaeological remains of likely significance through no dig solutions in specific areas of the Site. The physical loss of any other buried archaeological remains within the Site can be adequately mitigated / offset by industry standard archaeological work in advance of construction. Accordingly, I believe the Proposed Development complies with Policy SP13.

5.2.20 Cultural heritage policy is provided by Policies HE1, HE2, HE3 and HE4. Having regard to the evidence presented by Ms Roy, I do not believe there are any conflicts with these policies.

5.2.21 Policy NE12: 'Renewable and low carbon energy development' states that proposals for solar farms involving best and most versatile agricultural land agricultural land will be determined in accordance with national policy. Paragraph 174 of the NPPF advises that planning policies and decisions should enhance the local environment by recognising the economic and other benefits of best and most versatile agricultural land agricultural land. Footnote 58 provides that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality. The Site contains Grade 2 and 3a agricultural land and as a result is classified as best and most versatile agricultural land. I have explained in Section 4.0 of my evidence that the agricultural land resource is not affected or lost. I rely on the evidence provided by Mr Kernon in respect of that matter.

Wymondley Neighbourhood Development Plan (2011-2031)

5.2.22 The Wymondley Neighbourhood Development Plan (WNDP) was adopted in September 2019, since this time there have been significant changes in wider planning policy at both national and local level. National Planning Practice Guidance (NPPG) paragraph 084 (Ref ID 41-084-20190509) confirms that policies within a Neighbourhood Plan may become out of date if they conflict with policies in a Local Plan covering the neighbourhood area that is adopted after the making of the neighbourhood plan. Where this occurs, the more recent plan policy takes precedence. Given the dates of the NHDC Local Plan and WNDP, I consider it more appropriate to consider compliance of the Proposed Development against the



policies of the NHDC. Notwithstanding, a summary of the relevant WNDP policies is provided below.

- 5.2.23 Policy NHE1 of the WNDP is relevant to landscape and visual matters. In accordance with NHE1 the application has been accompanied by an assessment of the impact of the Proposed Development on landscape character.
- 5.2.24 There would be no significant harm to nature conservation interests because of the Proposed Development. Indeed, there would be significant biodiversity gains. Accordingly, the Proposed Development accords with Policies NHE2 and NHE3 of the WNDP.
- 5.2.25 Policy NHE8 of the WNDP requires proposed landscape schemes to utilise native species wherever possible. The Planning Statement outlines the proposed species mixes which include all native species designed to maximise biodiversity benefits. This includes oak and hornbeam identified by the North Herts Landscape Study as characteristic of the local area. The Proposed development therefore accords with Policy NHE8.
- 5.2.26 Policy NHE9 relates to historic character and heritage assets. Ms Roy assessment of the predicted impact of the Proposed Development on the cultural significance of surrounding designated assets and concluded that where there is less than substantial harm it would be at the very lower end of the scale and there would be no harm to the setting of the Graveley Conservation Area (Asset 266) or Wymondley Hall (Asset 10).

5.3 Material Planning Considerations

- 5.3.1 The main material considerations relevant to the Proposed Development, include national and local policies in respect of renewable and low carbon development. I have addressed the principal documents within Section 4.0 of my evidence. The urgent need for renewable and low carbon energy is a very clear consideration weighing in favour of the Proposed Development.
- 5.3.2 Paragraph 11 (The presumption in favour of sustainable development) of the NPPF states that, for decision making this means approving development proposals that accord with an up-to-date Development Plan. Paragraph 12 states that:



“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

5.3.3 Consideration as to whether the Proposed Development accords with the Development Plan when taken as a whole, and consequently whether or not the presumption in favour of sustainable development applies in this case, is provided within the Policy Appraisal above.

5.4 Conclusion on Consistency with the Development Plan and Material Considerations

5.4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.4.2 In my evidence I have assessed the Proposed Development against the development plan policies, and I conclude that they are not breached.

5.4.3 I have appraised the Proposed Development against those material planning considerations which I find are most relevant. Based upon the assessment set out within my evidence, I believe that the Proposed Development accords with the Development Plan when taken as a whole. Furthermore, all the other material planning considerations provide no basis for determining the Planning Application other than in accordance with the Development Plan; indeed, they reinforce the logic of doing so.

5.4.4 The Proposed Development benefits from the presumption in favour of sustainable development, and therefore, paragraph 11(c) of the NPPF applies in this case. This means that, for decision taking (i.e., determination of the application), the Proposed Development accords with an up-to-date Development Plan and planning permission should be granted without delay.



6.0 MATTERS RAISED BY THE INSPECTOR

6.1 Introduction

6.1.1 The Inspector has asked to be informed of the following:

- i) the extent to which the Proposed Development is consistent with Government policies for protecting Green Belt land as set out in the NPPF (Chapter 13); and
- ii) the extent to which the Proposed Development is consistent with Government policies for meeting the challenge of climate change, flooding and coastal change as set out in the NPPF (Chapter 14); and
- iii) the extent to which the Proposed Development is consistent with Government policies for conserving and enhancing the natural environment as set out in the NPPF (Chapter 15); and
- iv) the extent to which the Proposed Development is consistent with the development plan for the area.

6.2 Matters Addressed Elsewhere in my Evidence

6.2.1 The extent to which the Proposed Development is consistent with Government policies for protecting Green Belt land as set out in the NPPF is considered in detail within Section 4.0 of my evidence. I accept that the Proposed Development is inappropriate in the Green Belt but conclude that there are clear and demonstrable considerations that weigh in support of the Proposed Development which outweigh the temporary harm caused to the openness of the Green Belt, and other harm in respect of temporary landscape and visual harm, and in doing so demonstrably constitute very special circumstances.

6.2.2 Within Section 5.0 of my evidence, I consider the extent to which the Proposed Development is consistent with the development plan for the area. I conclude that the Proposed Development accords with the Development Plan when taken as a whole and that other material planning considerations provide no basis for determining the Planning Application other than in accordance with the Development Plan; indeed, they reinforce the logic of doing so.



6.3 Consistency with Government policies for meeting the challenge of climate change, flooding and coastal change as set out in the NPPF (Chapter 14)

- 6.3.1 Chapter 14 of the NPPF sets out that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It explicitly supports the development of renewable and low carbon energy and associated infrastructure, such as the Proposed Development.
- 6.3.2 Paragraph 155 of the NPPF sets out that the planning system should help increase the use and supply of renewable and low carbon energy such as the Proposed Development. Paragraph 158 sets out that applications for renewable and low carbon development are not required to demonstrate need and that even small-scale developments provide a valuable contribution to cutting greenhouse gasses. Paragraph 158 also sets out that local authorities should approve applications if impacts are (or can be made) acceptable.
- 6.3.3 I have explained within Section 4.0 of my evidence the vital contribution that commercial scale solar energy projects must make to addressing the challenge of climate change and associated environmental consequences such as flooding and coastal change.
- 6.3.4 In respect of flood risk, the NPPF seeks to ensure that flood risk is taken into account at all stages in the planning process and is appropriately addressed. NPPF Paragraphs 159 to 166 seek to direct development away from areas at risk of flooding. Where this is not possible, developments will need to pass the sequential and exception tests.
- 6.3.5 Paragraphs 167 and 169 of the NPPF require developments to ensure that flood risk is not increased elsewhere and that sustainable drainage systems should be used to achieve this outcome.
- 6.3.6 Mr Tilford's evidence considers the matter of flood risk. Mr Tilford concludes that the Proposed Development would reduce off-site flood risk, subject to implementation of the proposed surface water drainage and overland land flow management scheme. The development would be safe from flood risk for its lifetime.



6.4 Consistent with Government policies for conserving and enhancing the natural environment as set out in the NPPF (Chapter 15)

6.4.1 Chapter 15 of the NPPF sets out a framework for contributing to and enhancing the natural and local environment. The following considerations are considered particularly relevant to the determination of the planning application.

6.4.2 NPPF Paragraph 174 seeks to contribute and enhance amongst other things: a) valued landscapes, and b) the intrinsic character and beauty of the countryside.

6.4.3 With regards to Paragraph 174(a), Mr Mason explains in his evidence that there is no definition of what constitutes a valued landscape. The matter has previously been considered in the High Court in the 2015 case of *Stroud v SSCLG* (CD142). The scope and definition of what constitutes a valued landscape was considered. Mr Justice Ouseley held that the NPPF is clear in distinguishing valued landscape from landscape which has a designation, and he considered that valued meant something other than popular, such that landscape was only valued if it had physical attributes which took it out of the ordinary. I agree with Mr Mason that the Site is not part of a valued landscape. The characteristics of the Site are such that it comprises ordinary elements and features that are not nationally or locally rare, and it has local detractors in the A1(M) and railway line to the south. As such, I do not believe there is any conflict with Paragraph 174 a) or b) of the NPPF.

6.4.4 In addition, Paragraph 176 seeks to conserve and enhance the scenic beauty of National Parks, the Broads, and AONBs. This includes development that might be outside the designated area but within their setting. The Chilterns Area AONB is approximately 5.3km west of the Site at its closest point. The LVIA submitted with the Planning Application included a viewpoint from the AONB to consider impacts on its setting. The LVIA concluded that only a small part of the proposed development would be visible, and at a considerable distance, such that there would be a negligible change to the setting of the AONB. The Proposed Development would not have any significant effects on the setting of the Chiltern Hills AONB and thus would comply with Paragraph 176 of the NPPF.

6.4.5 NPPF Paragraph 174 seeks to:



- i) To protect and enhance sites of biodiversity in a manner commensurate to their statutory status, and
- ii) Provide net biodiversity gains and a resilient coherent ecological network.

6.4.6 NPPF Paragraph 180 sets out the principles that decision makers should consider when determining an application. Those principles relevant to the Site and Proposed Development are summarised below:

- i) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- ii) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- iii) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

6.4.7 As is explained in Mr Fearn's evidence and summarised in Section 4.0 of my evidence, the Proposed Development will provide a very significant BNG and that the overall BNG scores offers a substantially greater benefit to biodiversity within the Site than the forthcoming 10% gain requirements of the Environment Act 2021.

6.4.8 There would be no significant harm to nature conservation because of the Proposed Development but that there would be significant positive biodiversity gains during the operational life of the solar farm and beyond. As such, it can be concluded that the Proposed Development would not conflict with the NPPF Chapter 15.



7.0 CONSIDERATION OF OTHER MATTERS RAISED BY OTHER PARTIES

7.1 Introduction

7.1.1 In this section of my evidence, I consider matters raised by third parties to the call-in inquiry. In total twelve representations have been made by third parties.

7.2 Principal Matters Raised

7.2.1 The representations raise the following principal matters:

- i) Support for renewable energy
- ii) Improvements to soil quality of agricultural land
- iii) Green Belt
- iv) Impacts on the countryside
- v) Impacts on hedgerows
- vi) Impacts on archaeology and heritage
- vii) Impacts on the users of the public rights of way
- viii) Impacts on wildlife
- ix) Noise impacts
- x) Health and safety concerns (electromagnetic fields)
- xi) Property devaluation
- xii) Lifespan and decommissioning
- xiii) Technology and choice of panels
- xiv) Agrivoltaics

7.2.2 Within Section 4.0 of my evidence, I explain the urgent requirement for commercial scale renewable energy development to address the challenges of climate change and energy security.

7.2.3 Mr Kernon has provided evidence to assess the agricultural considerations with the Proposed Development.

7.2.4 I have provided an appraisal of Green Belt policy within Section 4.0 of my evidence. I conclude that there are clear and demonstrable considerations that weigh in support of the Proposed Development which clearly outweigh the temporary harm caused to the openness of the Green Belt, and other harm in respect of temporary landscape



- and visual harm, and in doing so demonstrably constitute very special circumstances.
- 7.2.5 Mr Mason provides evidence in respect of the countryside setting, hedgerows and public rights of way and concludes that impacts are acceptable.
- 7.2.6 Ms Roy explains in her evidence that the Proposed Development has been designed to avoid known heritage assets and a robust mitigation strategy has been proposed for the investigation and preservation of identified archaeological remains.
- 7.2.7 Impacts on biodiversity are considered in Mr Fearn's evidence.
- 7.2.8 A noise assessment was submitted with the planning application. The assessment found that the maximum predicted noise contribution would be less than background noise levels. Construction works will be controlled by planning conditions and noise impacts would be acceptable.
- 7.2.9 There is no evidence to suggest that solar PV or any of the equipment has an effect on health. Nevertheless, the development would be fenced off from members of the public with unauthorised personnel unable to approach equipment for electrical safety reasons.
- 7.2.10 Impacts on house prices are not a material planning consideration.
- 7.2.11 It has been agreed between the Applicant and the Council that a decommissioning plan should be submitted to and approved by the local planning authority.
- 7.2.12 I do not consider it necessary to consider alternative technologies or choice of panels. The Proposed Development, as applied for, has been shown to be acceptable.
- 7.2.13 The need for food production and agricultural land considerations are covered in Mr Kernon's evidence.

8.0 PLANNING CONDITIONS

8.1 Introduction

8.1.1 The Applicant accepts that conditions should be attached the planning permission should the application be approved.

8.2 Agreed Conditions

8.2.1 The Applicant and the Council have agreed the detailed wording of planning conditions, which are provided with the SoCG.

8.2.2 I have reviewed those conditions and I believe they all comply with the requirements of Paragraph 55 of the NPPF, in that they satisfy the following tests:

- i) necessary;
- ii) relevant to planning;
- iii) relevant to the development to be permitted;
- iv) enforceable;
- v) precise; and
- vi) reasonable in all other respects.



9.0 SUMMARY AND CONCLUSIONS

9.1 Introduction

9.1.1 Earlier in my evidence, I have provided my appraisal of consistency with Green Belt policy, and I have identified the Development Plan context and other material considerations relevant to the determination of the Planning Application.

9.1.2 In addition, I have described how the Proposed Development conforms with the relevant parts of strategies, plans and policy relating to renewable energy development.

9.2 Green Belt

9.2.1 I accept that the Proposed Development is inappropriate development in the Green Belt. Inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to Green Belt by reason of inappropriateness, and any other harm resulting from the Proposed Development, is clearly outweighed by other considerations.

9.2.2 Although the development is, by definition to it being inappropriate development, harmful to the Green Belt, from my analysis I have concluded a moderate level of harm to the Green Belt. There would be no permanent impacts on openness and there would be no impacts on the permanence of the Green Belt.

9.2.3 I have then turned to consider all negative impacts of the Proposed Development by virtue of being 'any other harm'. I have reviewed the planning application documents and the evidence prepared by others, and I conclude that with the exception of short-term landscape and visual harm, harm would not be significant.

9.2.4 Having completed a balancing exercise I believe there are clear and demonstrable considerations that weigh in support of the Proposed Development. In my view, these considerations, either or individually in terms of need for renewable energy and addressing the challenge of climate change and providing energy security, or cumulatively taking account of the other factors, clearly outweigh the temporary harm caused to the openness of the Green Belt, and other harm, and in doing so demonstrably constitute very special circumstances.



9.3 Assessment against the Development Plan and Material Considerations

9.3.1 When considering compliance with the Development Plan regard must be had to Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

9.3.2 In my evidence I have assessed the Proposed Development against the extant development plan policies, and I conclude that they are not breached. I have appraised the Proposed Development against those material planning considerations which I find are most relevant.

9.3.3 Based upon the assessment set out within my evidence, I believe that the Proposed Development accords with the Development Plan when taken as a whole. Furthermore, all of the other material planning considerations provide no basis for determining the Planning Application other than in accordance with the Development Plan; indeed, they reinforce the logic of doing so.

9.4 Overall Conclusions and the Planning Balance

9.4.1 All development delivers benefits of one form or other (otherwise development would simply not happen), and all development gives rise to harm to one degree or another (an inevitable consequence of change), but at its core planning is about comparing the benefits that a proposed development would deliver with the harm that it would cause, and then arriving at a balanced judgement as to whether planning permission should be granted.

9.4.2 I have assessed the Proposed Development against the relevant policies and have concluded that it accords with the Development Plan when taken as a whole. The benefits of the Proposed Development are, in my view, very clear and very significant. The Proposed Development would assist in delivering the need for renewable energy development in the context of the legally binding net zero target established by the Climate Change Act 2008 (2050 Target Amendment) Order 2019.

9.4.3 At a local level, a Climate Change Emergency has been announced by the Council; however, I understand that they only generate c.10% of their energy requirements



from renewable sources and have not consented a commercial scale renewable energy project since 2015.

9.4.4 The Proposed Development would make a significant contribution towards meeting renewable energy objectives at both a local and national level.

9.4.5 I consider that the planning balance clearly weighs in favour of the Proposed Development. The application accords with the development plan taken as a whole, and there are no other material considerations that outweigh the presumption in favour of it, indeed they lend further support for it. Consequently, I believe that planning permission should be granted.

