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**Statement of Case of North Hertfordshire District Council**

**Town and Country Planning Act 1990 - Section 77**

**Town and Country Planning (Inquiries Procedure) (England) Rules  
2000**

**Application by Luke Rogers**

**Land to the North and East of Great Wymondley, Hertfordshire**

**Called in Planning Application**

**PINS Ref: APP/X1925/V/23/3323321**

**LPA Ref: 21/03380/FP**

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## 1.0 INTRODUCTION AND BACKGROUND

- 1.1 This Statement of Case is submitted on behalf of the Local Planning Authority, North Hertfordshire District Council (**"The Council"**). The application has been called in for determination by the Secretary of State following the resolution of the Council to grant planning permission subject to conditions for:  
*"Proposed solar farm measuring 88 hectares with associated battery storage containers, transformers stations, storage buildings, fencing etc including means of access" ("Proposal")* on a site that lies within the open countryside designated as Green Belt.
- 1.2 The application dated 6 December 2021 was validated by the Council on 16 December 2021 and given the reference 21/03380/FP. The application was reported to the Council at a meeting of the Planning Control Committee on 17 November 2022 when it was resolved to accept the recommendation of Officers to grant planning permission subject to conditions.
- 1.3 In accordance with the provisions of The Town and Country Planning (Consultation) (England) Direction 2021 the application was referred to the Secretary of State for Levelling Up, Housing and Communities on 21 November 2022. A direction was issued on 13 December 2022 not to determine the application and on 26 May 2023 the Secretary of State issued a Direction under Section 77 of the Town and Country Planning Act 1990 (**"The 1990 Act"**) that the application shall be referred to him instead of being dealt with by the Local Planning Authority.
- 1.4 A copy of the Committee Report to the Planning Control Committee is attached as Appendix 1 and a copy of the Minutes of the meeting is attached as Appendix 2.
- 1.5 The Council's case is that planning permission should be granted for the reasons set out in this statement, which reflects the report to the Council's Planning Control Committee.
- 1.6 The Secretary of State has identified the following matters which he particularly wishes to be informed about for the purposes of his consideration of the application as:
- a) The extent to which the proposed development is consistent with Government policies for protecting Green Belt land as set out in the FPPF [sic] (Chapter 13); and
  - b) 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 FPPF [sic] (Chapter 14); and

- c) The extent to which the proposed development is conserving and enhancing the natural environment as set out in the FPPF [sic] (Chapter 15); and
- d) The extent to which the proposed development is consistent with the development plan for the area; and
- e) Any other matters the Inspector considers relevant.

## **2.0 THE SITE AND ITS SURROUNDINGS AND PLANNING HISTORY**

- 2.1 The application site is located to the north and east of the village of Great Wymondley and to the west of the A1(M) and it is within the Green Belt.
- 2.2 The site comprises best and most versatile agricultural land. The Agricultural Land Classification submitted with the application shows that around 68% of the site is classified as Grade 3a and 32% as Grade 2 best and most versatile agricultural land.
- 2.3 The site of the solar farm extends to around 85 hectares, with about a further 3 hectares of the application site forming the route for the cabling to Wymondley Substation located to the south of the village of Little Wymondley.
- 2.4 Traversing the middle of the proposed solar farm is Graveley Lane, which links Great Wymondley to Graveley, with the latter located to the east of the A1 (M). The A1 (M) is to the east of the application site.
- 2.5 The site extends to several arable fields and access to the solar farm would be from Graveley Lane.
- 2.6 Apart from matters such as pre-application advice and the EIA screening opinion for the Proposal, there is no other known planning history for the site.
- 2.7 A detailed description of the site will be set out in the agreed Statement of Common Ground and is included in Appendix 1 to this statement, as is the Planning History.

### 3.0 THE PROPOSAL

- 3.1 The application seeks full planning permission for the provision of a solar farm and would include the following:
- about 150,000 to 160,000 PV panels and associated support frames;
  - 22 Inverter/transformer stations;
  - 22 battery storage containers;
  - 1 storage container;
  - 1 switchgear building;
  - 1 control room building;
  - Grid connection cable to National Grid's Wymondley Substation
  - About 2.1km of new or resurfaced internal access tracts (3m wide using Type 1 aggregate)
  - 2 improved existing access points from Graveley Lane
  - Ditch culverts for track crossings
  - 7.8km of stock fencing
  - 40 CCTV cameras atop 4m high posts
  - Woodland planting
  - Hedgerow planting (new and gapping up of existing hedgerow)
  - Lighting above access doors to the Switchgear building, Control Building and Inverter Transformer Stations
  - Attenuation ponds and water detention areas
- 3.2 The proposed operational lifespan of the Proposal is 40 years, following which the Site would be restored back to full agricultural use with all equipment and below ground connections removed. Landscape enhancements and associated biodiversity gains arising from the Proposal would remain beyond the lifespan of the Development. In addition, during the operation of the solar farm the land around the panels and supporting frames would be used for sheep grazing and this is a matter that can be controlled by condition.
- 3.3 During the course of the assessment of the planning application amendments were made to address the comments of a number of consultees including Hertfordshire County Council as Lead Local Flood Authority, Highway Authority and archaeological advisors. These changes were the subject of further public consultation.
- 3.4 The application plans and supporting documents that comprise the application for full planning permission will be listed in the Statement of Common Ground.
- 3.5 Copies of these documents have been provided to the Planning Inspectorate.

## **4.0 Planning Policy Context**

4.1 The statutory development plan consists of the North Hertfordshire Local Plan 2011-2031 and the Wymondley Neighbourhood Development Plan.

### **4.2 North Hertfordshire Local Plan 2011-2031**

The Local Plan was adopted on 8 November 2022, shortly before the application was considered at the meeting of the Council's Planning Control Committee on 17 November 2022. The relevant policies for the Proposal are:

Policy SP1: Presumption in favour of sustainable development

Policy SP5: Countryside and Green Belt

Policy SP11: Natural resources

Policy SP12: Green infrastructure, landscape and biodiversity

Policy SP13: Historic environment

Policy D1: Design and sustainability

Policy D3: Protecting living conditions

Policy D4: Air quality

Policy HE1: Designated heritage assets

Policy HE3: Non-designated heritage assets

Policy HE4: Archaeology

Policy NE1: Strategic Green Infrastructure

Policy NE2: Landscape

Policy NE3: The Chilterns AONB

Policy NE4: Biodiversity and geological sites

Policy NE5: Protecting Open Space

Policy NE7: Reducing flood risk

Policy NE8: Sustainable drainage systems

Policy NE12: Renewable and low carbon energy development

### **4.3 Wymondley Neighbourhood Development Plan (2011-2031) (Made 2018)**

The Wymondley Neighbourhood Plan (WNP) was made on 26<sup>th</sup> September 2019 and forms part of the Development Plan.

Policy NHE1: Landscape character

Policy NHE2: Biodiversity

Policy NHE3: Wildlife and Ecology  
Policy NHE8: Landscaping schemes  
Policy NHE9: Historic character and heritage assets  
Policy GB1: Green Belt  
Policy FR1: Flood risk  
Policy SLBE1: Business development

4.4 The National Planning Policy Framework

4.5 This document sets out the Government's policies for the delivery of sustainable development.

4.6 The following are relevant to the proposal.

Section 2: Achieving sustainable development  
Section 4: Decision making  
Section 13 Protecting Green Belt land  
Section 14 Meeting the challenge of climate change, flooding and coastal change  
Section 15: Conserving and enhancing the natural environment  
Section 16 Conserving and enhancing the historic environment

4.7 In terms of other national policy, the Council considers that the National Policy Statements for Energy and Renewable Energy Infrastructure for nationally significant infrastructure projects are relevant material considerations.

4.8 National Planning Practice Guidance

This sets out Government Guidance on planning matters. Of relevance in this case is guidance in respect of renewable and low carbon energy and identifying the planning considerations.

4.9 Other Relevant Documents

North Hertfordshire Landscape Study 2011: Area 216 Arlesey – Great Wymondley  
North Hertfordshire Local Plan 2011-2031 Green Belt Review Update 2018  
Council Plan 2020 – 2025  
North Herts Climate Change Strategy



## **5.0 The Council's Case**

- 5.1 The Council has declared a Climate Change Emergency. This sets a target to reduce greenhouse gas emissions to net zero by 2040.
- 5.2 The Climate Change Act 2008 sets a legally binding target in the UK to reduce all greenhouse gas emissions to net zero by 2050.
- 5.3 Renewable energy generation is an important part of reducing carbon emissions. A significant increase in renewable and low carbon generation, carbon capture and storage will be required to achieve the Government's net zero commitment by 2050, amongst other things. Electricity demand is predicted to increase by the National Grid.
- 5.4 Policy SP11 of the North Hertfordshire Local Plan 2011-2031 supports proposals for renewable and low carbon energy development in appropriate locations. Policy NE12 of the North Hertfordshire Local Plan 2011-2031 states that proposals such as this for solar farms involving the best and most versatile agricultural land and proposals for wind turbines will be determined in accordance with National Policy. It is the Council's case that the proposal would be consistent with National Policy.
- 5.5 Chapter 14 of the NPPF supports renewable and low carbon energy and associated infrastructure (para. 152). Paragraph 158 NPPF states that in determining applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate overall need for the project and should approve the application if its impacts are or can be made acceptable. The Council considers that the proposal accords with Chapter 14 of the NPPF. Regarding the provisions of paragraph 158(b) and the identification in local plans of areas suitable for commercial scale renewable energy projects, the North Hertfordshire Local Plan does not identify such areas and therefore this section does not apply.
- 5.6 The Proposal will provide for a reduction of approximately 20,000 cubic tonnes of CO2 emissions and meet the energy needs of approximately 12,000 homes through renewable energy. It would more than double the installed renewable capacity in the District. There are currently only two small solar farms in North Hertfordshire, which, together, generate a maximum of 11MW.
- 5.7 The Council's case is that the installed renewable capacity in the district that would be delivered through the Proposal is a significant benefit that attracts very substantial weight.

### A Solar Farm in this Green Belt Location

- 5.8 The site lies outside the settlement of Great Wymondley and is located within the countryside designated as Green Belt.
- 5.9 The Council as Local Planning Authority attaches great importance to the Green Belt and carefully considered the proposal and its consistency with Government policies for protecting Green Belt land as set out at Chapter 13 of the NPPF. In resolving to grant planning permission substantial weight was given to harm to the Green Belt that would arise from the Proposal.
- 5.10 The proposal is inappropriate development within the Green Belt as it does not fall within any of the exceptions set out at paragraph 149 and 150 of the NPPF.
- 5.11 Policy SP5c) of the Council's Local Plan states that the Council will only permit development proposals for inappropriate development where very special circumstances have been demonstrated. Policy GB1 of the Wymondley Neighbourhood Plan requires development proposals to comply with government Green Belt policy. Policy GB1 also states that development proposals should not impact negatively on Wymondley Parish, particularly in terms of visual impact on the openness of the Green Belt landscape and its important contribution to the character of the villages and hamlets in the village. The Council considers that there would be some harm to the openness of the Green Belt landscape and therefore some conflict with Policy GB1.
- 5.12 Therefore, for the proposed development to be acceptable under the NPPF and the development plan in this location very special circumstances must exist to clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm.
- 5.13 Paragraph 151 of the NPPF sets out Government policy relating to renewable energy projects in the Green Belt and confirms that they will comprise inappropriate development, and that developers will need to demonstrate very special circumstances if projects are to proceed, which may include the wider environmental benefits associated with increased energy production of energy from renewable sources.

### Impact upon openness and the purposes of including land within the Green Belt

- 5.14 The applicant put forward a case in the application that the development would have limited volume and that there would be limited visual impact upon the wider area. In the assessment of the application and in resolving to grant planning permission, the Council however considers that there would be significant visual and spatial impact upon the openness of the Green Belt but considers that this would be localised.
- 5.15 As the proposal would not be a permanent development it would not have a permanent impact upon the openness of the Green Belt. However, the Proposal is for 40 years which is a long time, and the Council consequently attaches limited weight to the temporary nature of the Proposal.
- 5.16 The impact of the development on the purposes of the Green Belt was also carefully considered by the Council and this is set out in the Committee Report at Appendix 1. The Council considers that the Proposal will result in moderate harm to one of the five Green Belt purposes – to assist in safeguarding the countryside from encroachment.
- 5.17 Taken together, the Council considers that substantial weight should be attached to the totality of harm that would be caused to the Green Belt.

### Impact upon Heritage Assets

- 5.18 In considering the impact of the Proposal on designated heritage assets, the Council has had special regard to its statutory duty within section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 regarding the desirability of preserving a listed building and its setting. The Council recognises that any harm to a listed building or its setting gives rise to a strong presumption against the grant of planning permission (*Barnwell Manor Wind Energy Limited v. SSCLG* [2014] EWCA Civ 137), and that great weight should be given to the conservation of a designated heritage asset and considerable importance and weight must attach to any harm to a designated heritage asset.
- 5.19 There are no designated heritage assets within the application site. In terms of listed buildings, the site lies within the setting of Wymondley Priory Scheduled Monument and several associated listed buildings, the Scheduled Monument of Great Wymondley Castle, the Grade I listed Church of St. Mary the Virgin and several grade II\* and Grade II listed buildings. The site is also within the setting of Great Wymondley Conservation Area and Graveley

Conservation Area. The site also has potential for archaeological remains to be present.

- 5.20 Policy NHE9 of the Wymondley Neighbourhood Plan requires proposals affecting designated heritage assets to comply fully with national policy and the development plan. Policy HE1 of the Local Plan states that planning permission for proposals affecting designated heritage assets or their setting will be granted where they lead to less than substantial harm to significance of the asset and the harm is outweighed by the public benefits including securing optimum viable use.
- 5.21 Historic England were consulted on the application and concluded that the Proposal would have a limited impact upon the setting of heritage assets that include two scheduled monuments and associated listed buildings and Great Wymondley Conservation Area and that this would equate to less than substantial harm. The Council is of the view that the Proposal would cause less than substantial harm, at the lower end of the spectrum, to the significance of the following designated heritage assets, specifically through development within their setting:
- Gravely Hall Grade II Listed
  - St. Mary's Church at Little Wymondley Grade I Listed
  - Wymondley Priory Scheduled Monument
  - The Priory (dwelling) Grade I listed
  - Tithe Barn at Wymondley Priory Grade II\* Listed
  - Barn and attached stable at Priory Farm Grade II Listed
  - Garden walls at the Priory Grade II Listed
  - Listed Conduit Head Grade II
  - Wymondley Castle Scheduled Monument
  - Castle Cottage Grade II Listed
  - Wymondley Hall Grade II\* Listed
  - Great Wymondley Conservation Area
- 5.22 Considerable importance and weight should be attributed to this and a strong presumption against the grant of planning permission. In the planning balance section below, the Council considers, in accordance with paragraph 202 NPPF and the requirements of the development plan, whether the benefits arising from the Proposal outweigh the identified harm.
- 5.23 With regard to archaeology, the Council considers that the potential impact upon archaeology that arises from the Proposal can be adequately controlled by planning conditions.

#### Conservation and enhancement of the Natural Environment

- 5.24 The Council consider that the Proposal would inevitably have some adverse landscape and visual impact but that this would be localised. That harm would

not be permanent. However, as the 40-year operation period is a long time, it is considered that limited weight should be given to the temporary nature of the Proposal. In the circumstances, the Council considers that moderate weight should be attributed to the landscape and visual harm that would arise from the Proposal. Local Plan Policy NE2 requires developments to respect the sensitivities of relevant landscape character, to not cause unacceptable harm to the character and appearance of the surrounding area or landscape character area, are designed and located to ensure the health and future retention of important landscape features and have considered the long-term management and maintenance of existing landscape features. There would be moderate landscape and visual harm, and therefore conflict with Policy NE2. However, there would not be long term harm given that the Proposal would not be permanent.

- 5.25 Taking account that the site is not within a valued landscape, the proposed mitigation and biodiversity net gain, and that the Proposal would not be permanent, with continued agricultural use during the solar farm operation and full restoration to agriculture following decommissioning, it is considered that the Proposal would comply with NPPF policies on the natural environment in Chapter 15.
- 5.26 The effect upon flood risk was also carefully considered, with amendments to the Proposal made to address the comments of the Lead Local Flood Authority (LLFA). The Council considers that these amendments along with conditions suggested by the LLFA would ensure that the impacts of the development upon flood risk would be adequately mitigated and a limited benefit would arise from the Proposal based upon the attenuation ponds and water detention areas potentially reducing overland flow of storm water from the site.
- 5.27 The site includes land that falls within the classification of best and most versatile agricultural land. The agricultural use of the site would continue in the form of sheep farming, and as the Proposal would not be permanent, the Proposal would not result in the permanent loss of the best and most versatile agricultural land. There are no controls on the site over the form of agricultural use of land. There may be potential loss in agricultural production and this harm attracts moderate weight.
- 5.28 Regarding biodiversity, Local Plan Policy NE4 requires net gains in biodiversity (BNG) from development proposals. The applicant proposes significant BNG of about 205% in habitat units and around 102% in hedgerow units. This exceeds the Local Plan policy requirement and the emerging national target of 10% BNG. Therefore, the Proposal complies with LP Policy NE4 and paragraph 180 of the NPPF.

### Other matters

- 5.29 The impacts upon the local highway network would be temporary during the construction of the Solar Farm and the impacts of the Proposal would be adequately controlled by conditions. It is considered that this matter is neutral in the planning balance.
- 5.30 Regarding noise, the Council is of the view that this can be adequately controlled by planning condition. Therefore, it is considered that this is a neutral matter in the planning balance.

### **Planning Benefits**

- 5.31 The applicant set out in the planning application several planning benefits that would arise from the development. Several of these benefits relate to policies in meeting the challenge of climate change, flooding and coastal change as set out at Chapter 14 of the NPPF, as well as conserving and enhancing the natural environment and addressing relevant development plan policies.

### Meeting the challenges of climate change through generation of renewable energy

- 5.32 The Proposal would make a positive contribution to renewable energy and in order to reduce greenhouse gases that contribute to global warming, climate change and increased risk of flooding there is an urgent need for renewable energy electricity generation from diverse sources. This need is identified in National Policy Statements EN-1 and EN3, the Climate Change Act and the Government's Clean Growth Strategy 2017.
- 5.33 The significant amount of energy that would be generated would provide for a reduction of carbon dioxide and meet the energy needs of around 12,000 homes. In the circumstances, it is considered that the renewable energy generation from the Proposal is a planning benefit to which very substantial weight should be attributed.

### Meeting a local need for energy generation

- 5.34 North Hertfordshire Council declared a Climate Emergency in May 2019, which was followed up with the publication of a Climate Change Strategy 2021-2026, which sets the ambitious objective of achieving net zero across the district by 2040, compared to the national target of 2050.
- 5.35 Government data shows that in 2019 only 10.4% of the electricity usage in the District was from renewable energy generated in North Hertfordshire, whereas

the National Grid indicates that that nationally about 43% of our power comes from renewable sources.

- 5.36 In the light of this significant deficit and the likely increase in demand for electricity, there is an identified and urgent need to increase renewable energy generation in North Hertfordshire. This is a matter to which substantial weight should be attributed.

Long term enhancement of the Site and the area through the retention and provision of Green Infrastructure

- 5.37 There would be environmental enhancement resulting from the provision of hedgerow and woodland planting and other elements of Green Infrastructure (GI) such as species rich grassland, which would be retained following decommissioning of the solar farm. This would be a long-term benefit to the Site and the area. These moderate the landscape harm. There are previously identified biodiversity benefits that would arise from the proposed GI enhancements, and this is a planning benefit to which moderate weight should be attributed.

#### Economic benefits

- 5.38 There would be jobs generated during the construction, operation and decommissioning of the proposal. The land would also continue to be farmed.
- 5.39 The generation of renewable energy does not only have identified environmental benefits, but economic benefits in delivering energy to homes and businesses and making a contribution to energy security.
- 5.40 It is considered that this is a planning benefit to which significant weight should be attributed.

#### Flood Risk and Drainage

- 5.41 The proposed drainage strategy is intended to improve drainage compared to the existing greenfield situation, through reducing the flow of water from the site during and following storm events. This would make a contribution towards reducing flood risk or its effects in Little Wymondley, where there is a history of flooding. Whilst the overall effect is likely to be modest, it would nevertheless be an improvement to the existing situation, and this is a planning benefit to which limited weight should be attributed.

## **The Planning Balance**

- 5.42 The Council has identified that the Proposal will result in less than substantial harm to designated heritage assets, which results in a strong presumption against the grant of planning permission. The Council judges that the level of harm is less than substantial at the lower end of the scale. It has considered, in accordance with NPPF paragraph 202 and relevant development plan policy, whether the public benefits of the Proposal outweigh the less than substantial harm, to which it attaches considerable importance and weight. Having regard to the range and nature of the public benefits as identified under the benefits section above, the Council considered that the public benefits do outweigh the heritage harm in the circumstances of the case. Therefore, it is considered that the Proposal would comply overall with heritage policies in the NPPF and Local Plan Policies SP13 and HE1 as well as Policy NHE9 of the Wymondley Neighbourhood Plan, where identified public benefits would outweigh the harm.
- 5.43 The Applicant presented a very special circumstances case with the application for planning permission. This case was carefully considered by the Council, and it has come to the view that there are material considerations that, taken together, constitute very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. The harm to the Green Belt arises as a result of inappropriateness but also loss of openness and conflict with a Green Belt purpose. This harm is substantial even though it would not be permanent. The other harms identified by the Council that would arise from the Proposal relate to landscape and visual impact, heritage, and loss of agricultural land. The Council considers that the benefits of the Proposal, including the very substantial weight that it has attached to the renewable energy generation benefit of the Proposal in the light of the Government's and the Council's net zero targets, outweigh the Green Belt harm and other harm such that very special circumstances. Therefore, the Proposal complies with Green Belt Policies as set out at Chapter 13 of the NPPF and LP Policy SP5.
- 5.44 In relation to accordance with the Development Plan when read as whole, the Council considers that the Proposal accords with LP policies SP5, SP13, NE4, NE7, NE12, HE1 and T1, WNP Policies NHE1, NHE2, NHE3, NHE8, NHE9 and FR2 and conflicts with LP Policy NE2 and WNP Policy GB1 and that overall although there would be some conflict with relevant policies, when taken as a whole, there would be compliance with the development plan.



## **6.0 The Council's Documents**

- 6.1 A set of core documents will be agreed with the Applicant in advance of the Public Inquiry.
- 6.2 In addition to the application documents and consultation responses already supplied to the Planning Inspectorate, it is anticipated that the following will be referred to:

### **National Documents**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- National Policy Statement for Energy (EN-1)
- National Policy Statement for Renewable Energy Infrastructure (EN-3)
- Climate Change Act 2008
- Climate Change Act (2050 Target Amendment) Order 2019
- The Carbon Plan 2011
- The Clean Growth Strategy 2017
- The Resource and Waste Strategy 2018
- The Clean Air Strategy 2019
- National Grid Future Energy Scenarios
- British Energy Security Strategy 2022

### **Local Documents**

- North Hertfordshire Local Plan 2011 to 2031
- Wymondley Neighbourhood Plan 2018
- North Hertfordshire Landscape Study 2011: Area 216 Arlesey – Great Wymondley
- North Hertfordshire Local Plan 2011-2031 Green Belt Review Update 2018
- North Hertfordshire Climate Change Strategy 2021 to 2026
- Council plan 2020 -2025

## **Relevant Appeal Decisions**

### **Appeal Decisions**

- Appeal ref: APP/G2713/W/23/3315877 – Land south of Leeming Substation west of the village of Scruton bordering Fence Dike Lane, part of Low Street and Feltham Lane DL7 0RG

- Appeal ref: APP/W1525/W/22/3300222 – Land east and west of A130 and north & south of Canon Barns Road, East Hanningfield, Chelmsford, Essex CM3 8BD.

7.3 The Council reserves the right to refer to additional documents to those outlined above including relevant case law in support of the proposal.

## **APPENDICES**

- 1) Report to the Council's Planning Control Committee on 17 November 2022.
- 2) Minutes of the meeting of the Council's Planning Control Committee on 17 November 2022.

<u>Location:</u>	<b>Land To The North And East Of Great Wymondley Hertfordshire</b>
<u>Applicant:</u>	<b>Mr Luke Rogers</b>
<u>Proposal:</u>	<b>Proposed solar farm measuring 88 hectares with associated battery storage containers, transformers stations, storage buildings, fencing etc including means of access (amended plans received 30.05.2022).</b>
<u>Ref. No:</u>	21/03380/FP
<u>Officer:</u>	<b>Shaun Greaves</b>

**Date of expiry of statutory period 15 March 2022**

**Extension of statutory period 16 December 2022**

**Reason for Delay:**

Ongoing negotiations, further information received, and additional consultation exercise that was undertaken as a result.

**Reason for referral to Committee**

The site area for this application for development exceeds 1 ha and therefore under the Council's scheme of delegation, this application must be determined by the Council's Planning Control Committee.

Members should be aware that if they are minded to approve the application, this would be a 'resolution for grant' subject to referral of the application to the Secretary of State, as the site is within the Green Belt and over an identified threshold set out in The Town and Country Planning (Consultation) (England) Direction 2021 for consulting the Secretary of State in the event the local planning authority has resolved to grant planning permission for certain types of development.

The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to call in applications under Section 77 of the Town and Country Planning Act 1990. To use the call-in power requires that the decision be taken by the Secretary of State rather than the local planning authority.

Paragraph 3 of the 2021 Direction states:

This Direction shall apply in relation to any application for planning permission which – (a) is for Green Belt development, development outside Town Centres, World Heritage Site development or flood risk development; and (b) is received by a planning authority on or after 21 April 2021.

Paragraph 4 of the 2021 Direction states:

For the purposes of this Direction, “Green Belt development” means development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan, unitary development plan or development plan documents and which consists of or includes –

- (a) The provision of a building or buildings where the floor space to be created by the development is 1000 square metres or more; or
- (b) (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

The proposal is for a Solar Farm of a large scale covering 85 hectares of fields and where there would be more than 1000 square metres of buildings in the form of inverter/transformer stations and battery storage containers. Therefore, the proposal falls within both (a) and (b) above.

## 1.0 **Site History**

- 1.1 21/01269/PRE – Pre-application submission/advice on a proposed solar farm with associated battery storage containers, transformer stations, storage buildings, fencing etc. including means of access.
- 1.2 21/02228/SO – Screening Opinion – Proposed solar farm with associated battery storage containers, transformer stations, storage buildings, fencing etc including means of access

## 2.0 **Policies**

### 2.1 **North Hertfordshire District Local Plan No. 2 Alterations (Saved Policies)**

Policy 2: Green Belt

Policy 11: Chilterns Area of Outstanding Natural Beauty

Policy 14: Nature Conservation

Policy 16: areas of archaeological significance and other archaeological areas

## 2.2 Wymondley Neighbourhood Development Plan (2011-2031) (Made 2018)

The Wymondley Neighbourhood Plan (WNP) was made on 26<sup>th</sup> September 2019 and now forms part of the Development Plan.

Policy NHE1: Landscape character

Policy NHE2: Biodiversity

Policy NHE3: Wildlife and Ecology

Policy NHE8: Landscaping schemes

Policy NHE9: Historic character and heritage assets

Policy GB1: Green Belt

Policy FR1: Flood risk

Policy SLBE1: Business development

## 2.3 National Planning Policy Framework (2021)

Paragraph 11 – Presumption in favour of sustainable development

Section 11 – Making effective use of land

Section 12 – Achieving well-designed places

Section 13 – Protecting Green Belt land

Section 14 – Meeting the needs of climate change

Section 15 – Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

## 2.4 National Policy Statements

Published in July 2011 the National Policy Statement for Energy (EN1) confirms the need for the UK to diversify and de-carbonise electricity generation, and at paragraph 3.3.10 the Government's commitment to increasing dramatically the amount of renewable generation capacity.

The National Policy Statement for Renewable Energy Infrastructure (EN-3) also published in July 2011 confirms the importance of renewable energy.

## 2.5 National Planning Practice Guidance (NPPG)

Reference ID: 5-001-20140306 – Why is planning for renewable energy important? Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas

emissions and slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable energy infrastructure in locations where the local environmental impact is acceptable.

Reference ID: 5-013-20150327 - What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms?

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- 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;
- the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large-scale solar farms on such assets. Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

The approach to assessing cumulative landscape and visual impact of large-scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero

## 2.6 North Hertfordshire District Local Plan 2011 -2031

At the time of writing this report this emerging local plan was at a very advanced stage and was due to go to Full Council on 8<sup>th</sup> November 2022. Members will be updated orally at the meeting. \_

Policy SP1: Presumption in favour of sustainable development

Policy SP5: Countryside and Green Belt

Policy SP11: Natural resources

Policy SP12: Green infrastructure, landscape and biodiversity

Policy SP13: Historic environment

Policy D1: Design and sustainability

Policy D3: Protecting living conditions

Policy D4: Air quality

Policy HE1: Designated heritage assets

Policy HE3: Non-designated heritage assets

Policy HE4: Archaeology

Policy NE1: Strategic Green Infrastructure

Policy NE2: Landscape

Policy NE3: The Chilterns AONB

Policy NE4: Biodiversity and geological sites

Policy NE5: Protecting Open Space

Policy NE7: Reducing flood risk

Policy NE8: Sustainable drainage systems

Policy NE12: Renewable and low carbon energy development

2.7 Supplementary Planning Guidance

North Hertfordshire Landscape Study 2011: Area 216 Arlesey – Great Wymondley

2.8 Documents supporting the Emerging Local Plan (ELP)

North Hertfordshire Local Plan 2011-2031 Green Belt Review Update 2018

2.9 Other relevant Council publications

Council Plan 2020 – 2025

North Herts Climate Change Strategy

3.0 **Representations**

**Statutory and non-statutory consultees**

3.1 Responses are summarised below.

3.2 **Wymondley Parish Council** – objects to the application for the following reasons;

The Green Belt should not be sacrificed simply because of proximity to a national grid connection.

Fulfilling national and local climate change objectives and the need for more renewable energy generation, should not be to the detriment of the Parish and its local environment.

If the District Council is minded to grant planning permission the Parish Council would wish to see the applicant entering into a S106 obligations to provide the following:

- A financial bond to ensure the ongoing upkeep and maintenance of the planting scheme proposals during the duration of the operation of the site as a solar farm.
- A financial bond to ensure restoration at the end of its lifespan
- An annual financial commitment to compensate the Parish for the impacts of the development either by donation to the Parish Council or the setting up of a specific community fund.

3.3 Response to re-consultation – there was nothing in the amended scheme that would alter the Parish Council's unanimous objection to the application. Some of the findings of the expert advisors give rise to even greater concern and emphasise the unsuitability of this location for such a huge solar array. The fundamentals are unchanged and are summarised as follows:

- The development is on designated Green Belt and the developer fails to prove the case for "very special circumstances".
- The Neighbourhood Plan retains the Green Belt in its current form.
- The land is high grade 2 and 3a agricultural land producing grain at a time when such crops are a very important asset for food security



- Close to villages and cause harm to the openness of the Green Belt countryside.
- Serious threat to the health and wellbeing of residents.
- Cumulative impact of proposed housing site at Little Wymondley and the proposed solar farm at Redcoats.
- There is significant archaeological interest on the site and the historic field pattern should not be disturbed not should it have random trench investigation and permission should be refused due to archaeological interest of the site alone.
- The amendments do not take on board the recommendations of the Council's landscape consultant, which would not in diminish the harm to the Green Belt and open views from the village.
- The Parish Council remains concerned about the impact the scale of the Solar Array would have on the drainage and flood risk as the main centre of population of Little Wymondley is at a lower level.
- The site is a habitat for roaming animals from deer to mice. The enclosure of the space with high fencing will ruin these traditional natural routes disturbing feeding patterns and breeding. In addition, the solar panels and buildings will bring dangers to the numerous birds of prey such as red kites in the area.

3.4 **Graveley Parish Council** – the proposal will inevitably increase the amount of traffic coming through the village- if granted all construction traffic should approach from the north via Junction 9 of the A1M and not from the south – Junction 8. Hours allowed during construction should be curtailed.

3.5 Response to re-consultation – object – with the additional comment – if the application goes ahead, construction traffic should access the site from junction 9 of the A1 and should be prohibited from coming through Graveley village.

3.6 **Stevenage Borough Council** – No comment to initial consultation.

3.7 Response to re-consultation - no objections to the scheme in principle. Would like to take this opportunity to ensure that adequate consideration is given to traffic routes for construction vehicles and latterly servicing and maintenance vehicles, given the rural setting of the site, and the roads leading to the site access.

Furthermore, that due consideration is given to the visual impact of the panels, and the numerous associated buildings/compounds required as part of this proposal. Especially given its prominence to and the views from the A1(M).

3.8 **Chilterns Conservation Board** – No comment received

3.9 **Historic England** - No Objections - should the Council be minded to approve the application. The proposed development would have some limited impact upon the setting of nearby heritage assets, and judge that this would equate to a level of harm that would be less than substantial in NPPF terms.

- 3.10 **Natural England** – No objection – the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.
- 3.11 **National Grid (Gas)** - No objection
- 3.12 **National Grid (Electricity)** – No comment received.
- 3.13 **Environmental Health (Contaminated land)** - No objection
- 3.14 **Environmental Health (air quality)** – No objection
- 3.15 **Environmental Health (Noise)** – comment suggest conditions limiting hours of operation.
- 3.16 **HCC Highways** – Initially recommended refusal due to insufficient information to enable the Highway Authority to fully assess the highway implications of the proposed development. Further information was provided by the applicant and the highway authority were reconsulted.
- 3.17 Response to re-consultation – does not wish to restrict the grant of planning permission subject to conditions.
- 3.18 **HCC Lead Local Flood Authority** - Object - the solar panel infrastructure will change the dynamics of the greenfield site and the applicant will need to provide a formal drainage layout strategy.
- 3.19 Concerned that the development will increase flooding downstream Will remove objection if it can be shown there will be a betterment as a result of the development to the existing flood risk from overland flows and the implementation of a sustainable management system of surface water run-off.
- 3.20 Re-consultation - The LLFA were reconsulted on the revised scheme, which included a revised Flood Risk Assessment, Technical Note and revised General Arrangement, which now includes a drainage strategy proposing betterment of the existing situation. No response has been received to the re-consultation.
- 3.21 **HC Countryside and Rights of Way Officer** – **No comments received**
- 3.22 **Hertfordshire Ecology** – No objection – subject to conditions requiring a Soil Management Plan and a Biodiversity Net Gain Plan (BNG). Adequate boundaries should be retained against all hedgerows and woodland. Given optimistic claims relating to birds and hares in the submission a BNG condition should require proposals to identify how these will be sustained with targets/objectives and possible remedial measures

3.23 **CPRE Hertfordshire (Campaign to Protect Rural England) – Objection**

1. The land is in the GB
2. Misleading application to state there is no landscape designation
3. Vital function as open countryside for both agriculture and recreation, and for the conservation and enhancement of the natural environment – inappropriate in GB
4. Large scale = very considerable impact on the area by virtue of the solar panels and associated infrastructure
5. Ministerial letters have state that the need for renewable energy does not automatically override environmental protection
6. Local environmental impact is unacceptable – not locationally constrained and do not accept that there are VSCs for locating on GB land.
7. Principle of openness is a key test which will be severely jeopardised
8. The proposed development would be highly visible over a wide area and from several public rights of way
9. The present use for agriculture should be maintained.
10. Importance of the countryside emphasised through the pandemic.
11. Harm to biodiversity and wildlife.

3.23.1 **HCC Historic Environment Advisor** – the proposed development site lies within an areas of high archaeological potential from The Prehistoric to Medieval periods. Agrees to a mitigation strategy should planning permission be granted, which includes removal of development impact on specific areas through the adoption of a no-dig policy and archaeological trial trenching throughout the site.

3.23.2 Broadly happy with the submitted Written Scheme of Investigation (WSI) but would wish to see amendments to it before it is agreed than therefore suggests conditions including the submission of an amended WSI.

3.24 **North Hertfordshire Archaeological Society** – Objected – So far, inadequate level of archaeological information has been provided and geophysical survey or trial trenching should be undertaken. There is known archaeological interest within the site from Pre-historic to Medieval periods. The site lies within a defined Area of Archaeological Importance in the Local Plan which should be extended to include the whole site.

3.25 The applicant undertook a geophysical survey and Written Scheme of Investigation. No further response has been received to re-consultation on these matters.

3.26 **Herts and Middlesex Wildlife Trust** – Initial comments indicated that more ecological information was required before a decision should be made including the full Natural England Biodiversity metric to enable verification of the habitat and condition assessments within it. 3. In addition, buffers of 12m of complimentary habitat to all hedgerows and woodland should be provided to be consistent with

this emerging policy. This information must be supplied before the proposal can be decided.

3.27 Reconsulted on amended landscaping and provision of Biodiversity metric - raise no objections subject to a condition requiring a biodiversity net gain plan.

3.28 Neighbour and Local Resident Representations

The application has been advertised by neighbour notification letters, the display of site notices and press notices.

There were 177 comments received on the original submission, an objection letter from a planning consultancy with a list of 44 objectors and a petition signed by 25 people. Of the comments received 171 are objections and 6 are in support of the proposal. The application was amended by revised plans in June 2022 and a further 20 public comments were received all objecting to the proposal

The objections and the issues raised are summarised below.

3.28.1 Green Belt

Loss of openness and harm to the purposes of the Green Belt.

Visual harm from the proposed associated infrastructure.

Loss of the narrow gap between Hitchin and Stevenage.

It should be located outside the Green Belt.

Very special circumstances have not been demonstrated.

There is considerable non-Green Belt land where the proposed development could be located.

3.28.2 Heritage

Impact upon the character of Great Wymondley Conservation Area.

The scale is overly large compared to the village of Great Wymondley with resulting harm to the setting of the conservation area.

The site has potential for archaeological remains close to the site of a Roman villa. Digs will be impossible once the land is covered in solar panels.

3.28.3 Flood Risk

There is existing flooding in Priory Lane and Gravely Lane at time of heavy prolonged rain.

The proposal would increase the existing flooding problem in Priory Lane and Little Wymondley

There is no explanation of how or where the proposed electricity cable to the sub-station will run bearing in mind the high water table in Graveley Lane and Priory Lane at times of heavy rainfall.

#### 3.28.4 Highways

The proposal would cause congestion in the area during its construction.

Construction traffic should be barred from access through the village.

#### 3.28.5 Impacts on amenity, including health and wellbeing

Risk of fires and consequential emission of toxic gases.

Health and safety issues with battery storage units

The public footpaths and cycle paths in the vicinity are heavily used. The proposal would result in the loss of opportunity for walking and exercise.

There are concerns about electromagnetic waves around solar farms.

Glare from solar panels can cause a hazard to drivers and riders.

The panels would be depressing to look at and harm the local populations health and mental well-being.

There would be significant disruption to everyday life during the construction period and cable laying process.

Noise from inverters and cooling fans.

The proposal should be reduced in scale and located further away from the village.

#### 3.28.6 Impact on the character and appearance of the area and surrounding landscape

The proposed development is too large.

It would be in an area already under pressure from housing and national infrastructure.

Harm to what was once attractive countryside that has been eroded by developments.

Significant cumulative impact along with Solar Farm proposed south of Little Wymondley.

The proposed development would be unsightly.

The proposal will detract from the visual amenity enjoyed by walkers, cyclist and riders.

There would be harm the local landscape which would only be partly reduced by the proposed screening and mitigating measures.

A high security fence and CCTV cameras on 4 metre poles would be totally incongruous in the open countryside.

#### 3.28.7 Impact on nature and wildlife

Harm and disturbance to wildlife including ground nesting birds and birds of prey.

Affect the free movement of wildlife in the corridor between Gravely and Great Wymondley.

#### 3.28.8 Loss of best and most versatile agricultural land

The land is good quality Grade 2 and 3 agricultural land which is in short supply and needed in the current climate to produce crops.

Loss of food production.

#### 3.28.9 Renewable Energy Production

Solar farms produce little electricity compared to wind turbines

CO2 is produced during manufacture, transporting and installation.

Solar panels should be placed on factories, local government buildings, schools and new housing before being installed in agricultural fields.

On the revised scheme – notwithstanding the proposal to provide basins to slow-down water to the Priory Stream the amount of water will still build up. Food production is more important than using farmland for solar panels.

The majority of solar panels are built in China with the risk of forced labour within the supply chain.

The production of PV panels uses a lot of water and toxic chemicals in the manufacturing process.

The need for North Herts to generate its own electricity as part of a plan to achieve net zero carbon emissions is not mentioned in the North Herts Climate Change Strategy.

#### 3.28.10 Other objections

Conflicts with the Neighbourhood Plan, NPPF and emerging Local Plan.

The consultation period was too short.

The site does not meet the solar industry's site selection criteria.

Solar panels should be on the roofs of buildings and brownfield land, not green fields.

Disturbance to water mains, drains and telephone lines.

An application for a large solar farm south of Three Houses Lane, Codicote was refused on Green Belt grounds and loss of high-grade agricultural land, this mirrors that situation.

The proposal would reduce visitors to the village and thereby affect the local economy.

3.28.11 **Objections following re-consultation on the revised application raise the following issues:**

The proposed additional planting would not substitute existing open views.

The amended proposal would exacerbate rather than alleviate existing flooding problems.

The three surface water attenuation basins and two overland attenuation basins would make little difference to the existing drainage situation.

The revised proposal would still conflict with Green Belt Policy and harm the openness of the Green Belt, result in the loss of high-quality agricultural land, harm the countryside, health and wellbeing of residents and impact archaeology and harm to wildlife.

The submissions in **support** of the application are summarised as follows:

3.28.12 **Climate Change**

This is just one of the measures needed to combat the climate and ecological emergency and the UK's aim to reach net zero by 2050.

Without such developments the legal target will not be met.

The Green Belt will be worthless in a landscape devoid of wildlife due to global heating.

Solar farms provide electricity to the grid where there is spare capacity. The site location has the benefit of being close to Wymondley Substation.

Large Scale Solar Farms are essential to meet predicted demand as we abandon fossil fuels.

3.28.13 **Other supporting comments**

The site is relatively remote from residential areas

Local farmland is only as good as the fertilizer applied and is being put to set-aside.

When the solar panels become redundant it will be easy to revert the site to farmland

The proposal would have no effect upon flooding

There would be no greater effect upon wildlife compared to farming

Whilst the development has the potential to enhance biodiversity this must be controlled by condition.

Density should be reduced and additional peripheral planting and conditions relating to decommissioning.

#### 4.0 **Planning Considerations**

##### 4.1 **Site and Surroundings**

- 4.1.1 The application site is in two parts to either side of Graveley Lane and also includes the route of grid connection which follows the existing highways to National Grid's Wymondley Substation. The site is located within the countryside and the Green Belt to the northeast and east of Great Wymondley. To the east of the site is the A1 (M) with the settlement of Graveley beyond.
- 4.1.2 The site, including the route of the grid connection, extends to 88 hectares and comprises arable farmland with hedges.
- 4.1.3 The Hertfordshire Way runs adjacent to the site beyond the northern boundary.
- 4.1.4 A National Grid gas pipeline passes through the southern part of the site.
- 4.1.5 The site is within the setting of nearby listed buildings, Scheduled Monuments and Great Wymondley Conservation Area and is within an area of archaeological interest.
- 4.1.6 The grade II listed Conduit Heat at Priory Farm is located about 70m to the west of the application site. This designated heritage asset forms part of the Wymondley Priory Scheduled Monument, the main part of which is located about 300m to the west, separated from the site by an arable field. Within the Priory there is a Grade I listed building and associated Grade II\* Tithe Barn, along with two further grade II listed buildings.
- 4.1.7 In addition, the site of Great Wymondley Castle, a Scheduled Monument is located about 260m from the application site. There is evidence of a Roman Settlement between the northern part of the site and Great Wymondley.



## 4.2 The Proposal

4.2.1 The proposal is for a photovoltaic (PV) solar array and ancillary development. This would consist of:

- about 150,000 to 160,000 PV panels and associated support frames;
- 22 Inverter/transformer stations;
- 22 battery storage containers;
- 1 storage container;
- 1 switchgear building;
- 1 control room building;
- Grid connection cable to National Grid's Wymondley Substation
- About 2.1km of new or resurfaced internal access tracks (3m wide using Type 1 aggregate)
- 2 improved existing access points from Graveley Lane
- Ditch culverts for track crossings
- 7.8km of stock fencing
- 40 CCTV cameras atop 4m high posts
- Woodland planting
- Hedgerow planting (new and gapping up of existing hedgerow)
- Lighting above access doors to the Switchgear building, Control Building and Inverter Transformer Stations
- Attenuation ponds and water detention areas

4.2.2 The solar array would generate up to 49.995MW of electricity. This is just below the threshold of 50MW for onshore generation to be treated as a Nationally Significant Infrastructure Project, above which a Development Consent Order would have needed to be sought from the Secretary of State.

4.2.3 The application is supported by the following documents:

- Planning Application Drawings
- Planning, Design and Access Statement
- Agricultural Land Assessment
- Landscape and Visual Impact Assessment
- Solar Photovoltaic Glint and Glare Study
- Noise Impact Assessment
- Heritage Assessment
- Flood Risk Assessment and drainage Technical Note
- Preliminary Ecological Appraisal
- Transport Statement

4.2.4 The applicant indicates that the site would be decommissioned at the end of its 40-year operational life and restored to full agricultural use.

- 4.2.5 Regarding, the main elements of the proposed development, the solar panels would be mounted on a steel and aluminium frame positioned at an angle of 20 to 25 degrees and facing south. The lowest edge of the panels would be 800mm above ground level to enable the area to be grazed by sheep. The panels would be arranged in rows about 5m apart and they would be up to 3m high.
- 4.2.6 The Inverter-Transformer Stations would be contained within a modified shipping container or similar measuring about 12.19m x 2.44m x 2.59m high. They would be supported by strip or slab foundations and the maximum height including foundations would be 3m high. These buildings would contain the inverters, transformers and circuit breakers necessary to connect the solar farm to the on-site Switchgear Buildings. The total footprint of the Inverter-Transformer Stations would be about 660m<sup>2</sup>.
- 4.2.7 The proposed Battery Energy Storage Systems would be housed in shipping containers on strip or slab foundations. The proposed control room would be modest in scale and have an overall footprint of 15m<sup>2</sup>. Lighting would be provided to the switchgear building and transformer stations above access doors and would be activated by sensors. It is not proposed to provide continuous lighting.
- 4.2.8 Landscaping proposals are illustrated indicatively and would comprise grassland within the perimeter fencing, suitable for sheep grazing, species rich grassland outside the perimeter fencing, woodland planting along the western and northern boundary of the northern parcel of land, new hedgerows along Graveley Lane and the A1(M), gapping up existing hedgerows and the management of existing hedgerows to a height of between 3 and 5 metres. All existing hedgerows would be retained. Native hedgerows would be planted along the highway boundaries of the Site with Graveley Lane and the A1 (M).
- 4.2.9 A high voltage underground cable connection from the Switchgear Building to the National Grid substation is proposed along the carriageway or verge along Graveley Lane, Priory Lane, Stevenage Road and Blakemore End Road.
- 4.2.10 Following construction of the proposed development, access would be limited to routine maintenance operations and grazing.
- 4.2.11 The applicant indicates that construction would take about 36 weeks, including testing and commissioning.
- 4.2.12 The applicant proposes construction to take place 7 days a week between 07.30 and 18.00 Mondays to Fridays and between 08.30 and 18.00 on Saturdays and Sundays.

4.2.13 Deliveries and noise generating activities are proposed to take place Mondays to Saturdays within the following hours:

- Monday to Friday 07.30 to 18.00
- Saturday 07.30 to 13.00 with
- No deliveries on Sundays with the exception of one-off abnormal loads or large vehicles such as cranes
- Piling would only be undertaken between 09.00 and 17,00 each day Monday to Friday.

4.2.14 Construction access would be via the proposed operational access point off Graveley Lane. Temporary construction compounds would be provided within the development. These areas would be restored during construction

4.2.15 A Construction Environmental Management Plan (CEMP) is proposed to be developed by the applicant which will provide the overarching framework for all phases of the development and manage and report environmental effects during construction. This could be controlled by condition in the event that permission is granted.

#### 4.3 **Decommissioning**

4.3.1 At the end of the 40-year life of the proposed Solar Farm it would be decommissioned, which would require similar plant to the construction phase with similar traffic impacts. All above and below ground infrastructure would be removed from the site and recycled, where possible.

#### 4.4 **Amendments**

4.4.1 To address comments from the LLFA, Environment Agency, HHC's Archaeological Advisor, and the Council's landscape consultant, the application was amended in May and June 2022 through the provision of a revised Flood Risk Assessment and Technical Note addressing Surface Water Drainage and Overland Flow Management Strategy, and revised General Arrangement and Landscape Proposals. The amendments were in response to consultee comments. The changes are set out below.

- The buffers between existing hedgerows, trees and woodlands were increased from 6m to 12m in response to comments from the Wildlife Trust. The buffers would be managed as species rich grassland and wildflower areas.
- Permissive footpaths are proposed within these increased buffers and would provide permissive footpath links from the existing public right of way near Milksey Cottages. Two links to the existing Hertfordshire Way would be provided, one parallel to Graveley Lane and the other perpendicular to Graveley Lane to provide circular walking routes for the life of the Proposed Development.
- No dig areas are illustrated as per the submitted Written Scheme of Investigation relating to archaeology.

- Drainage attenuation features have been added with solar panels proposed to be omitted from these locations.
- Two new hedgerows have been added within the northern area to link the existing truncated hedgerow to the wider field pattern.
- Woodland copses have been added either side of the proposed site entrance.
- The solar panels have been pulled back from Graveley Lane in the field nearest to Great Wymondley and additional woodland and hedgerow planting/gapping up is proposed along the western boundary towards Great Wymondley.

4.4.2 To address issues raised by the Highway Authority amended drawings were supplied showing proposed passing place and visibility splays, forward visibility splays and swept path assessment.

#### 4.5 **Keys Issues**

The key issues for consideration of this full application for planning permission are:

- Climate Change and Renewable Energy
- Policy background and the principle of development in the Green Belt
- Whether the development would be inappropriate in the Green Belt
- Impact upon openness and the purposes of including land within the Green Belt
- Any other harm
- Impact upon heritage assets
- Impact of the development upon the character and appearance of the area
- Impact of the proposed development on the local highway network
- Other impacts and environmental considerations
- Planning Benefits
- Whether very special circumstances are required and exist including climate change and overall need for renewable energy

#### Climate Change and Renewable Energy

- 4.5.1 Applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.5.2 At the time of writing this report, the Development Plan includes the Saved Policies of the District Local Plan No. 2 with Alterations 2007. There are no saved policies relating to climate change and renewable energy.
- 4.5.3 The **Wymondley Neighbourhood Plan** (WNP) forms part of the Development Plan. There are no policies in the WNP relating to renewable energy and achieving zero carbon emissions.
- 4.5.4 At the time of writing this report, the **emerging Local Plan** does not form part of the development plan but is at an advanced stage, the Inspector's Report has been published and the adoption of the local plan is to be considered in early

November. Therefore, under the provisions of paragraph 48 of the NPPF the emerging Local Plan should be given significant weight. If the Local Plan is adopted in November policies of the new Local Plan will be given full weight.

- 4.5.5 Policy NE12: Renewable and low carbon energy development states: Proposals for solar farms involving the best and most versatile agricultural land and proposals for wind turbines will be determined in accordance with national policy.
- 4.5.6 The Government considers that climate change is occurring through increased greenhouse gas emissions, and that action is required to mitigate its effects. A significant boost to the deployment of renewable energy generation is one action that is being promoted.
- 4.5.7 **The Climate Change Act 2008** (as amended) sets a legally binding target in the UK to reduce all greenhouse gas emissions to net zero by 2050. Renewable energy generation is an important part of reducing carbon emissions. Significant increase in renewable and low carbon generation, carbon capture and storage will be required to achieve the Government's net zero commitment by 2050, amongst other things.
- 4.5.8 Electricity demand is predicted to increase by National Grid, due to increase in population, transition to electric vehicles, increase in hydrogen production and a move away from the use of natural gas for heating.
- 4.5.9 The applicant sets out the need for the proposed development in the submitted Planning, Design and Access Statement and the contribution that the proposed development would make to renewable energy production. Reference is made to several Government strategy and policy documents including, 'Net-Zero Strategy: Built Back Greener that was published in October 2021. This strategy sets out policies and proposals for decarbonising all sectors of the UK economy to meet net-zero target, including a commitment to fully decarbonised the power system by 2035 and seeks to accelerate the deployment of low-cost renewable energy generation as part of this.
- 4.5.10 The site is in the **Green Belt and in Section 13**, paragraph 151 of the NPPF confirms that *"elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable resources."* Therefore, Government Policy, which the WNP and emerging Local Plan defer to, does not rule out renewable energy projects such as solar farms within the Green Belt, but requires very special circumstances to be demonstrated.
- 4.5.11 Support for renewable energy is set out in **Section 14 of the NPPF**.

- 4.5.12 Paragraph 152 states: *“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 should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing resources, including the conversion of existing buildings, and support renewable and low carbon energy and associated infrastructure.”*
- 4.5.13 Paragraph 155 of the NPPF states *“to help increase the use and supply of renewable energy and heat, plans should: (a) provide a positive strategy for energy from these sources, that maximise the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts); (b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and (c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers”*.
- 4.5.14 In determining planning applications for renewable and low carbon development, Paragraph 158 of the Framework confirms that local planning authorities should: *“(a) not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and (b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”*
- 4.5.15 The **National Planning Practice Guidance** (PPG) addresses renewable and low carbon energy and confirms that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the environmental impact is acceptable. It recognises that large scale solar farms *“can have a negative impact on the rural environment, particularly undulating landscapes”* but *“the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively”* The PPG identifies factors to be considered when deciding a planning application and says that large scale solar farms should be focussed on previously developed and non-agricultural land, provided that it is not of high environmental value.
- 4.5.16 A material planning consideration are **National Policy Statements** (NPS) for the delivery of major energy infrastructure, which recognise that large scale energy generating projects will inevitably have impacts, particularly when sited in rural areas.

- 4.5.17 The development has a capacity of 49.9 Mw, which would generate a significant amount of electricity from a renewable resource. This would provide for a reduction of approximately 20,000 cubic tonnes of CO2 emissions and meet the energy needs of approximately 12,000 homes through renewable energy. Government data shows that the proposed scheme would more than double the installed renewable capacity in the District. This is a very substantial benefit that attracts substantial weight.
- 4.5.18 Since the Climate Change Act 2008, several national initiatives have been introduced to help meet targets.
- 4.5.19 The **Carbon Plan 2011** identifies the emission reductions needed in five key areas of the economy: buildings, transport, industry, electricity, and agriculture to meet targets.
- 4.5.20 The **Clean Growth Strategy 2017** outlines the plan to grow the national income while cutting greenhouse emissions.
- 4.5.21 The **Resource and Waste Strategy 2018** outlines the actions the UK will take to minimise waste, promote resource efficiency and move towards a circular economy.
- 4.5.22 The **Clean Air Strategy 2019** demonstrates how the national government will tackle all sources of air pollution and boost the economy.
- 4.5.23 In addition, **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. 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.
- 4.5.24 The applicant has provided an update to Planning Policy and Need for the proposed development and refers to the latest version of the **Future Energy Scenarios (FES)** document produced by National Grid Electricity System Operator in July 2022.

- 4.5.25 This report sets out four possible scenarios based around two drivers: speed of decarbonisation and the level of societal change. The four scenarios are:
- Falling short
  - Consumer transformation
  - System transformation
  - Leading the way
- 4.5.26 All four scenarios have net zero at their core and explore different pathways of achieving this. The applicant identifies the four headline messages, which are:
- 1) Significantly accelerating the transition to a decarbonised energy system can help address security and affordability concerns at the same time as delivering Net Zero Milestones.
  - 2) Consumer behaviour is pivotal to decarbonisation – how we all react to market and policy changes and embrace smart technology will be vital to meeting Net Zero.
  - 3) Reforming energy markets to improve price signals will help unlock the flexible solutions needed to integrate renewables efficiently.
  - 4) Strategic investment in the whole energy system is urgently required to keep pace with Net Zero ambitions and strengthen energy security.
- 4.5.27 Page 163 of the FES Report sets a clear target of 70GW of solar by 2035 to be on the path to deliver net zero by 2050. There was only 13.2 GW of installed solar in 2021. A target of 37GW of electricity storage capacity by 2035 is also set out when there was only 4GW of installed electricity storage in 2021. Achieving these targets will require significant investment in solar electricity generation and electricity storage across the UK over the next decade.
- 4.5.28 Consumer Transformation and System Transformation both hit the target of zero emissions in 2050, and Leading the Way achieves the target slightly earlier in 2047. Falling Short would not achieve net zero, with a reduction of 80% compared to the level in 1990. All scenarios require an increase in solar capacity between now and 2030.
- 4.5.29 Net zero will require significantly higher levels of electricity generation from renewable sources and it is envisaged that four technologies will produce over 90% of electricity generation: wind, solar, nuclear and bioenergy with carbon capture and storage. It is also envisaged that energy production will be more localised.
- 4.5.30 Renewable energy generation is just one means of reducing carbon emissions, but it is an important one given the predicted rise in electricity consumption.
- 4.5.31 The **British Energy Security Strategy 2022** was published by the Government on 7<sup>th</sup> April 2022 and sets out a strategy for providing the energy we need in a safe, secure and affordable way, and at the same time ensuring that we do all we can to meet our net-zero commitments.



- 4.5.32 The Strategy confirms that accelerating the transition from fossil fuels depends critically on how quickly we can roll out renewables. Regarding solar, the strategy states *“the cost of solar power has fallen by around 85% over the past decade ... we expect a five-fold increase in deployment by 2035... For ground mounted solar, we will consult on amending planning rules to strengthen the policy in favour of development on non-protected land, whilst ensuring communities continue to have a say and environmental protections remain in place.”*
- 4.5.33 The applicant states in their update on Policy and Need that *“based upon levelized costs set out in Electricity Generation Costs 2020 large scale solar has the lowest levelized cost of all electricity generation and as such is best placed to start reducing energy costs to consumers to help with the costs of living crisis in the short term.”*

#### Existing renewable energy developments in North Hertfordshire

- 4.5.34 Solar Radiation maps of the UK show areas of the country receiving higher levels of solar radiation. North Hertfordshire is identified as falling in an area receiving high levels of solar radiation. Solar farms are therefore considered to be reliable sources of renewable energy.
- 4.5.35 However, currently in North Hertfordshire there are only two approved small solar farms. One is located between the settlements of Reed and Barkway. The site lies beyond the Green Belt. It covers an area of 14.6 hectares and generates a maximum of 6MW. It was granted planning permission on 28 March 2013 (Application ref. 12/02365/1).
- 4.5.36 Planning permission was also granted in June 2015 for the construction of a 5MW solar farm on about 13 hectares of land at Lawrence End Park to the east of Birch Spring in Kings Walden Parish. This site lies within the Green Belt. (Application ref 15/00845/1).
- 4.5.37 There are no wind farms within the district.

#### Green Belt

- 4.5.38 The site is in the open countryside within the Green Belt and therefore Policy GB1 of The Wymondley Neighbourhood Plan applies. This policy stipulates that development proposals impacting on Wymondley Parish must comply with Government Green Belt policy; primary consideration will be given to effective use of brownfield sites, which are not of high environmental value. Development proposals should not impact negatively on Wymondley Parish – particularly in terms of visual impact on the openness of the Green Belt landscape and its important contribution to the character of our villages/hamlets.

4.5.39 Saved Policy 2 of the District Plan also applies, which states:

*“In the Green Belt, as shown on the Proposals Map, the Council will aim to keep the uses of land open in character. Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new buildings, extensions and changes of use of buildings and land which are appropriate in the Green Belt, and which would not result in significant visual impact.*

4.5.40 This policy is consistent with the approach to Green Belt in National Policy as set out at Section 13 of the National Planning Policy Framework (NPPF). Paragraph 137 of the NPPF confirms that the Government attaches great importance to Green Belts, where the fundamental aim of policy is to prevent urban sprawl by keeping land permanently open.

4.5.41 The Green Belt serves five purposes, these are set out at paragraph 138 of the NPPF and are:

- (a) To check the unrestricted sprawl of large built-up areas;
- (b) To prevent neighbouring towns merging into one another
- (c) To assist in safeguarding the countryside from encroachment
- (d) To preserve the setting and special character of historic towns; and
- (e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.5.42 At the time of writing this report the emerging Local Plan is at an advanced stage and in line with paragraph 48 of the NPPF it is considered that significant weight should be attributed to it. In the event that the Local Plan is adopted in early November 2022, then full weight would be given to policies of the new local plan. Policy SP5: Countryside and Green Belt supports the principles of the Green Belt and recognises the intrinsic value of the countryside and confirms that the Council will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated.

*Inappropriate development*

4.5.43 The starting point for consideration of this application is the development plan. Saved Policy 2 of the District Local Plan is consistent the national policies on the Green Belt and Policy GB1 of the Wymondley Neighbour Plan requires compliance with the NPPF.

4.5.44 Paragraph 147 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal does not fall within any of the exceptions to this approach as set out at paragraphs 149 and 150 of the Framework. The applicant accepts that the proposed development is inappropriate in the Green Belt but considers that there are material considerations in this case that constitute very special circumstances. These will be considered in detail later in this report.

- 4.5.45 Paragraph 148 of the NPPF stipulates that substantial weight must be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 4.5.46 NPPF Paragraph 151 confirms that many renewable energy projects will comprise inappropriate development and that in such circumstance if projects are to proceed developers will need to demonstrate very special circumstances.
- 4.5.47 Before considering whether very special circumstances exist, the effect of the proposed development on openness and purposes of the Green Belt are considered.

*Openness of the Green Belt*

- 4.5.48 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It is proposed that the solar farm would have a lifetime of 40 years after which it would be decommissioned. Whilst 40 years is a long period, the proposal would not be permanent. This is a material consideration given that the essential characteristic of the Green Belt is its openness and permanence. However, in an appeal decision at Redeham Hall, Smallfield, Surrey (APP/M3645/W/16/3146389) the Secretary of State took the view that a period of 25 years for a solar farm was a significant amount of time and concluded that the temporary nature of the proposal should only be given limited weight in the planning balance. Therefore, only limited weight has been given to the temporary nature of this proposal.
- 4.5.49 The NPPG confirms that there is both a spatial and visual dimension to openness.
- 4.5.50 The applicant addresses the impact of the Proposed Development upon the openness of the Green Belt in the Planning, Design and Access Statement (PDAS) and Landscape and Visual Impact Assessment (LVIA).
- 4.5.51 In the PDAS the applicant asserts that the Proposed Development would result in an incremental impact upon the openness of the Green Belt, which is moderated by the fact that there would be very low physical footprint (about 3% of the site) and the layout and distribution of built form across the Site. The applicant considers that despite the introduction of solar panels across much of the Site with volumetric increase in development, agriculture would continue in the form of livestock grazing. The applicant indicates that spatial impact upon openness has been minimised through keeping the built elements to a minimum necessary to operate the scheme.

- 4.5.52 Regarding visual impact upon openness, the applicant considers that given the low height of the solar arrays, and that the existing topography and pattern of vegetation limit potential visibility of the Proposed Development to highly localised areas around the site the visual impact upon openness would be limited.
- 4.5.53 The applicant has submitted a Landscape and Visual Impact Assessment with the application, and the Council has appointed landscape consultants, The Landscape Partnership, to review this document. In response to this review the applicant amended the proposal, as follows:
- Two new hedgerows have been added within the northern area to link the existing truncated hedgerow to the wider field pattern.
  - Woodland copses have been added either side of the proposed site entrance.
  - The solar panels have been pulled back from Gravelly Lane in the field nearest to Great Wymondley and additional woodland and hedgerow planting/gapping up is proposed along the western boundary towards Great Wymondley.
- 4.5.54 The site where the PV array is proposed comprises arable fields, woodland and hedgerows and would extend to about 85 hectares. The development would cover a very large area and would deliver very many rows of solar panels, numerous inverter/transformer cabins, and other buildings in the form of containers, stock/deer fencing, access track and CCTV cameras. Whilst proposed tree and hedgerow planting and management regime would reduce the impact of the proposed development, and the scheme has been amended to enhance landscaping, the proposal would materially change the openness of the site in both visual and spatial terms.
- 4.5.55 In the circumstances, your officers consider that notwithstanding the limited volume of the proposed development, and limited visual impact upon the wider area, the extent and nature of the solar arrays and associated buildings would have a significant actual and perceived impact upon the openness of the Green Belt.

*Permanence of the Green Belt*

- 4.5.56 An aim of Green Belt policy is to keep land permanently open. Relevant case law and the National Planning Practice Guidance (NPPG) indicate that the permanence of a proposed development is a relevant material consideration in terms of impact upon the Green Belt.
- 4.5.57 The proposed development has an operational life of up to 40 years. At the end of which the applicant indicates that the facility would be decommissioned and that the land could be easily returned to its former use without any significant demolition or land remediation. The applicant considers therefore that at the end of its operational life the land would have the characteristics of greenfield land, and as

such the Proposed Development cannot be considered permanent in a Green Belt context.

- 4.5.58 Whilst it is not known whether there would be a need for a replacement facility in 40 years, this application should be determined based on what is proposed and that is for a period of 40 years and the eventual restoration of the openness of this part of the Green Belt. This matter can be controlled by condition. Whilst the identified harm to openness would persist for a very long period, albeit mitigated over time by proposed landscaping, the proposal would not result in a permanent loss of openness. However, due to the fact that 40 years is a significant amount of time only limited weight should be given to the temporary nature of the proposal in the planning balance.

*Purposes of the Green Belt*

- 4.5.59 As indicated earlier the NPPF sets out five Green Belt purposes: (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns from merging into one another; (c) to assist in safeguarding the countryside from encroachment; (d) to preserve the setting and special character of historic towns and (e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 4.5.60 The site is proposed to be retained within the Green Belt in the emerging local plan. As part of the evidence base for the emerging local plan, the North Hertfordshire Green Belt Review 2016 (NHGBR) divides the Green Belt into areas for assessment of the contribution that respective parcels of land make to the openness and purposes of the Green Belt. The northern part of the application site, north of Graveley Lane, is located within parcel 14 (Willian). The part of the application site south of Graveley Lane is within parcel 10 (Little Wymondley).
- 4.5.61 Parcels 10 (Little Wymondley) and 14 (Willian) are identified as overall making a significant contribution to Green Belt purposes.
- 4.5.62 A more refined review is undertaken at Section 3 of the NHGBR where the parcels of land are divided into sub-parcels, which were assessed in the same way as the original larger parcel.
- 4.5.63 The northern part of the site falls within sub-parcel 14f and the southern part of the site falls within sub-parcel 10c.
- 4.5.64 Parcel 14f abuts the southern edge of Letchworth Garden City bounded by the A1(M), Graveley Lane, and Wymondley Road and is identified as land making a significant contribution to Green Belt purposes in terms of preventing the southwards expansion of Letchworth in the gap between Stevenage, Letchworth and Hitchin, playing a critical role in separating Letchworth and Stevenage, and protecting the countryside in the gap between Hitchin, Letchworth and Stevenage. The land is assessed as making a moderate contribution towards preserving the setting and special character of the part of the southern context of Letchworth.

Overall, sub-parcel 14f is assessed as making an overall significant contribution to the Green Belt.

- 4.5.65 Parcel 10c is on the north side of the east coast mainline railway, bounded by the northern edge of Stevenage, A1(M) and Graveley Road. The land is identified as making a significant contribution to checking the unrestricted sprawl of Stevenage northwards into the gap between Hitchin, Letchworth and Stevenage. The land also makes a significant contribution toward preventing the merging of Hitchin and Stevenage. The land makes a moderate contribution towards safeguarding the countryside from encroachment and a limited contribution towards preserving the special character of historic towns. Overall, the sub-parcel makes a significant contribution to Green Belt purposes.
- 4.5.66 The applicant has assessed the proposed development for its potential harm to Green Belt purposes, considering the same criteria used for the assessment of development sites within the Green Belt Review and considers that whilst there would be harm to the purpose of checking the unrestricted sprawl of large built-up areas, this would be limited because the site does not directly adjoin the boundary of a large built-up area.
- 4.5.67 Regarding preventing the merging of neighbouring towns, the applicant asserts that there would be no harm to this purpose because the proposed development would not result in coalescence and there is limited intervisibility between settlements and the site and that the existing perceived gaps between settlements would be maintained.
- 4.5.68 In terms of safeguarding the countryside from encroachment, the applicant contends that compared to other forms of development, it is less intrusive in the countryside, due to limited height and screening that would be provided by landscaping. Consequently, the applicant assesses that the proposed development would result in limited harm to this purpose of the Green Belt.
- 4.5.69 Regarding preserving the setting and special character of historic towns the applicant considers that the proposed development would cause no harm to this purpose given the physical separation of the site from historic towns.
- 4.5.70 However, your officers consider that the application site makes a contribution to the purposes of the Green Belt as set out in the table below, the reasoning for this assessment is set out after this table.

Table 1 – Purposes of the Green Belt

Purpose	Effect	Degree of harm
(a)To check the unrestricted sprawl of large built-up areas	An element of urban sprawl to Stevenage but there are intervening buffers	Limited

(b)To prevent neighbouring towns merging into one another	Site within parcels identified as making a significant contribution, However, gaps would remain between the towns of Hitchin and Letchworth and Stevenage	Limited
(c)To assist in safeguarding the countryside from encroachment	The site is undeveloped (excluding roads within red line) and the development would result in encroachment – tempered by retention of field pattern, landscaping and form of the proposed development	Significant
(d)To preserve the setting and special character of historic towns	The GB review parcels 14f and 10c make a moderate or limited contribution towards the setting of historic towns. The application site forms part of those parcels and is detached from any of the reference historic towns	Negligible
(e)To assist in urban regeneration, by encouraging the recycling of derelict and other urban land	The site of the solar arrays re not urban and therefore this is not a relevant factor.	Not applicable.

- 4.5.71 The site lies within parcels of land that make a significant contribution to checking the sprawl of Stevenage, Letchworth, and Hitchin. Officers consider that a parcel of land does not need to abut a large town for it to contribute to the purpose of checking the unrestricted sprawl of large built-up areas. The site would be close to Stevenage, just 0.75km to the south. Nevertheless, there are physical buffers between the site and Stevenage, including the A1 (M) and woodland that limit the effect upon this purpose of the Green Belt.
- 4.5.72 The site lies within a parcel of land that has been identified by the Green Belt Review as preventing the merger of Letchworth and Hitchin with Stevenage. Whilst gaps would remain the proposal would diminish the separation of these settlements, albeit to a limited degree.
- 4.5.73 Therefore, officers consider that there would be a limited effect upon Green Belt purposes (a) and (b).
- 4.5.74 The fields upon which the solar arrays and associated buildings and infrastructure would be placed are undeveloped. The site clearly occupies a countryside location. There are some urbanising influences such as overhead power lines in the vicinity. The existing field pattern would be retained and there would be additional landscaping. The form and nature of the proposal would not have as great an urbanising effect compared to residential or employment development.

Nevertheless, the proposed development is inappropriate within the Green Belt and there would be moderate harm to the purpose of safeguarding the countryside from encroachment.

- 4.5.75 The application site makes little contribution to the setting of nearby historic towns due to the absence of intervisibility. The GB review parcel 14f within which the northern part of the site is located makes a moderate contribution towards the setting and special character of Letchworth and the application site is part of and to the edge of that parcel further away from Letchworth and the assessment is similar regarding GB Review Parcel 10c in respect of Stevenage Old Town. Therefore, it is considered that the proposal would have a negligible impact upon Green Belt purpose (d) to preserve the special character and setting of historic towns.
- 4.5.76 As the application site is not urban, officers consider that purpose (e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land is not relevant.
- 4.5.77 Therefore, officers consider that here would be moderate harm to one of the five Green Belt purposes – to assist in safeguarding the countryside from encroachment.

#### *Green Belt Conclusion*

- 4.5.78 The proposed development would conflict with development plan and national policy as they relate to the Green Belt. The proposed development would be inappropriate within the Green Belt. There would be significant harm to openness and moderate harm to one of the purposes of the Green Belt. 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, given that only limited weight is given to the temporary nature of the proposal. It is therefore concluded that substantial weight should be attached to the totality of harm that would be caused to the Green Belt as required by paragraph 148 of the Framework.

#### Other harm

- 4.5.79 Under the provisions of paragraph 148 of the Framework, any other harm resulting from the proposal should be taken into account, very special circumstances will not exist unless other considerations clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. The Courts have confirmed “any other harm” to mean any harm relevant for planning purposes, which can include factors unrelated to the Green Belt in the planning balance, such as heritage harm or harm to highway safety.

#### *Impact upon heritage assets*



- 4.5.80 There are no listed buildings or other designated heritage assets within the application site. There are several designated heritage assets in the vicinity. The area is of archaeological interest and this matter is addressed later.
- 4.5.81 Section 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (The LBCA Act) stipulates that when considering whether to grant planning permission for development which affects a listed building, or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses. Effect upon listed buildings therefore should be given considerable importance and weight. Relevant factors include the extent of assessed harm and the heritage value of the heritage asset in question.
- 4.5.82 There are two conservation areas nearby. The LBCA Act requires special attention to be made to the desirability of preserving or enhancing the character or appearance of the conservation area. There is no reference to their setting.
- 4.5.83 Policy NHE9 of the Wymondley Neighbourhood Plan (WNP), confirms that development proposals should reflect and where possible, enhance the historic character of the area. Proposals affecting designated and non-designated heritage assets and their settings including those with archaeological interest must comply fully with the requirements of National Planning Policy and the development plan. The policy goes on to require that any new development should be appropriately sited and of an appropriate scale, form and style, avoid visually intrusive locations and lighting that would create additional urbanising influence on the character of the area.
- 4.5.84 Paragraph 194 of the NPPF stipulates that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution to their setting and where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Paragraph 195 of the NPPF confirms that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting their setting) taking account of the available evidence and any necessary expertise.
- 4.5.85 Emerging Local Plan (ELP) Policy SP13 confirms that the Council will balance the need for growth with the proper protection and enhancement of the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset's conservation and the management of its setting. Regarding designated heritage assets, ELP Policy HE1 stipulates that planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they will, amongst other things, lead to less than substantial harm to the

significance of the designated heritage asset and this harm will be outweighed by the public benefits of the development, including securing the asset's optimum viable use. This policy reflects paragraph 202 of the NPPF which confirms that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 4.5.86 The application is accompanied by a Heritage Impact Assessment by AOC Archaeology (HIA). This document confirms that there are several designated heritage assets within 1km of the application site and identifies them. The Conduit Head of the Scheduled Wymondley Priory is 60m to the west of the site, with the main scheduled area surrounding the priory located about 250m to the west at its closest point. Great Wymondley Castle Scheduled Monument is located about 235m to the west of the site. The HIA confirms that there are several listed buildings associated with the Scheduled Wymondley Priory including the Grade I Listed former Priory Church, the Grade II\* listed tithe barn and a Grade II Listed barn and stable, a Grade II Listed dovecote and Grade II Listed garden walls. There are also two conservation areas within 1km of the application site, Great Wymondley Conservation Area and Graveley Conservation Area.
- 4.5.87 Paragraph 200 of the NPPF identifies scheduled monuments and grade I and II\* listed buildings as designated heritage assets of highest significance.
- 4.5.88 Officers consider that the application site falls within the setting of the designated heritage assets identified above.
- 4.5.89 The NPPF defines the setting of a heritage asset as *“the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*
- 4.5.90 Historic England published guidance on setting in 2017 (Good Practice Guidance Note 3) which confirms that the importance of setting is what it contributes to the significance of the heritage asset or the ability to appreciate that significance and sets out ways in which setting may contribute to the value of a heritage asset.
- 4.5.91 The submitted HIA considers the impact of the proposed development upon the setting of the designated heritage assets and identifies limited intervisibility between these assets and the application site due to landscaping, topography and built environment. The National Planning Practice Guidance confirms that although views of or from an asset play an important part of the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as other land uses in the vicinity and our understanding of the historic relationship between places, for example

historic or aesthetic connection that amplifies the experience of the significance of each.

- 4.5.92 Historic England were consulted on this application and confirm that any intervisibility between the proposal and the designated heritage assets would be mitigated to some extent by way of existing hedgerows and when the proposed screen planting matures. Historic England concludes that the proposed development would have a limited impact upon the setting of nearby heritage assets, and judge that this would equate to a level of harm that would be less than substantial in NPPF terms and have no objections should the Council be minded to approve the application.
- 4.5.93 In terms of any historical relationship between the application site and the identified designated heritage assets, paragraph 5.4.5 of the HIA confirms that the southern part of the application site would have been located within the landholding of Wymondley Priory in the medieval period and at 6.2.7 that much of the southern part of the site was within the historic landowning of Grade II Listed Gravely Hall Farm by 1731. However, the construction of the A1 (M) between the application site and Gravely Hall Farm means that this historic relationship is no longer readily appreciable. Given the absence of intervisibility officers agree with the HIA that the proposed development would not substantially alter the historic agricultural setting of Gravely Hall Farm or diminish the ability to appreciate its historic character and the proposed development would result in less than substantial harm to its setting.
- 4.5.94 St. Mary's Church at Little Wymondley dates from the early 12<sup>th</sup> century and is Grade II\* Listed and can be glimpsed amongst trees from higher ground to the east of the application site adjacent to the A1(M) and over the roofs of buildings near the church. Given the limited intervisibility and historical or aesthetic connection between the application site and the church, officers agree with the HIA that the proposed development would not materially alter the setting of the church.
- 4.5.95 Great Wymondley Conservation Area encompasses the whole of the village of Great Wymondley and includes the Scheduled Monument of Great Wymondley Castle and the Grade I Listed Church of St Mary the Virgin along with several Grade II\* and Grade II Listed Buildings. Woodland to the north and east parts of the Conservation Area restricts intervisibility with the application site. The clearest potential views of the site would be limited to the eastern edge of the Conservation Area near Milksey Cottages whereby views of the southern part of the application site would be possible beyond an intervening field. Officers consider that the application site forms part of the rural setting of the conservation area and agree with the submitted HIA that there would be less than substantial harm to the significance of Great Wymondley Conservation Area and the setting of assets within it.

- 4.5.96 Wymondley Priory is a Scheduled Monument and there are several listed buildings associated with the Priory. The main part of the complex is surrounded by wooded parkland at the base of a gentle slope about 250m to the west of the application site. There is limited intervisibility with upper parts of the east gables of the building visible above trees from within the southern part of the site. Although intervisibility is limited there is an identified historic relationship with the priory and the application site forms part of the wider agricultural setting of the listed building. The proposed development would affect this setting and cause less than substantial harm to the heritage significance of Wymondley Priory because of the impact upon this rural setting..
- 4.5.97 In terms of mitigation, additional landscaping proposed would limit intervisibility further.
- 4.5.98 Graveley Conservation Area covers a large portion of the village. Landscaping and topography restrict intervisibility with the conservation area. The A1 (M) has also diminished relationship between the application site and the conservation area in terms of it forming part of the rural setting of Graveley. Officers consider that there would be negligible harm to the significance of Graveley Conservation Area through the proposed development within its setting.
- 4.5.99 Of relevance to the assessment of harm is that the proposal would not be permanent and is proposed to be decommissioned after 40 years. Whilst this is a long time, and therefore limited weight is given to this, the current rural setting would return following a restoration to full agricultural use with enhanced biodiversity.
- 4.5.100 Officers consider that the proposed development would result in less than substantial harm to the significance of designated heritage assets through development within their setting, towards the lower end of the spectrum of less than substantial harm. That harm is not irreversible because the proposed development would be decommissioned after 40 years with the ability to restore the land to full agricultural use. The less than substantial harm would persist for a significant amount of time.
- 4.5.101 WNP Policy NHE9 requires full compliance with the NPPF. Paragraph 202 of the NPPF and ELP Policy HE1 require less than substantial harm to the significance of heritage assets to be weighed against the public benefits of the proposal. This harm should be afforded great weight. The balancing of this harm against the identified public benefits will be carried out in the planning balance below along with conclusions on compliance with relevant planning policies and the LBCA Act.

## *Archaeology*

- 4.5.102 The HIA also addresses the effect upon archaeology. The requirements of WNP Policy NHE9 relating to archaeology have been set out earlier, and stipulate compliance with the NPPF. In addition, ELP Policy HE4 confirms that planning permission for development proposals effecting heritage assets with archaeological interest will be granted provided that:
- (a) Developers submit an appropriate desk-based assessment and, where justified, an archaeological field evaluation;
  - (b) It is demonstrated how archaeological remains will be preserved and incorporated into the layout of that development, if in situ preservation of important archaeological remains is considered preferable; and
  - (c) Where the loss of the whole or a material part of important archaeological remains is justified, appropriate conditions are applied to ensure that the archaeological recording, reporting, publication and archiving of the results of such archaeological work is undertaken before it is damaged or lost.
- 4.5.103 Paragraph 203 of the NPPF confirms that the effect of an application on the significance of non-designated heritage assets should be taken into account in determining the application.
- 4.5.104 The HIA submitted with the application identifies the archaeological potential of the application site and assesses the potential for direct impacts of the proposed development upon archaeological remains. This desk-based report identifies high potential for prehistoric remains. Moreover, the landscape surrounding the site was extensively settled and farmed during the Roman period and there is high potential for further Roman remains to be encountered within the site. Immediately to the west of the northern part of the site a Roman settlement and cemetery was discovered in the 19<sup>th</sup> century to the north of St. Mary's Church and Wymondley Castle.
- 4.5.105 Given proximity to the Norman Castle that was constructed at Great Wymondley and Wymondley Priory, which was founded as an Augustinian monastic hospital between 1203 and 1207 the site is considered to have High potential for Medieval remains. Following the dissolution of the Priory in 1537 the land would have been located within undeveloped agricultural land throughout the Post Medieval Period (1537-1900) and is considered to have low to medium potential for remains from this period.
- 4.5.106 Given the potential of the site, a geophysical survey has been undertaken and the report submitted with the application. This identifies three concentrations of anomalies of archaeological origin, two areas in the northwest and southeast of the site and a more substantial group in the central eastern part of the site, covering about 8Ha. All three potentially date from the later prehistory through to the Medieval period.

- 4.5.107 HCC's Archaeology Advisor has been consulted on this application and confirmed that the geophysics results support the earlier desk-based assessment and demonstrate three distinct areas of high archaeological potential totalling 10 hectares in size. Field walking and targeted trial trenching is recommended.
- 4.5.108 A Written Scheme of Investigation (WSI) was subsequently submitted by the Applicant setting out an archaeological mitigation strategy for the proposed Solar Farm these includes provision for preserving any remains located within the three discrete areas on archaeology identified in situ via implementation of 'no dig' solutions and undertaking a 3% trial trench evaluation across the remainder of the site. The submitted WSI envisages that trial trench evaluation can be undertaken post determination with the proviso that should significant remains be identified then further requirements for mitigation, either by preservation in situ or by record as appropriate, may be required.
- 4.5.109 Following re-consultation, HCC's Archaeology Advisor has agreed the submitted Written Scheme of Investigation.
- 4.5.110 Officers consider that the impact of the proposed development can be adequately addressed by planning condition and therefore subject to the recommended conditions, this matter is neutral in the planning balance.

#### Landscape and Visual Impact

- 4.5.111 This is a large-scale solar farm. Given its nature and scale, there will inevitably be landscape harm. Within this context, national and development plan policies adopt an approach whereby development should be approved where the harm would be outweighed by the benefits of the scheme.

#### *Landscape Character*

- 4.5.112 NPPF Paragraph 174 indicates that the intrinsic character and beauty of the countryside should be recognised. Nevertheless, the NPPF does not seek to protect the countryside for its own sake from development; it concentrates upon seeking to protect valued landscapes. The site does not form part of any designated landscape.
- 4.5.113 The NPPF does not define what is a valued landscape, albeit most landscapes are valued by someone at some point. In the light of appeal decisions on this matter it is considered that valued landscape means it is valued because it is of a level that is more than just open countryside. Residents have confirmed that they value the countryside within and around the application site. However, there is nothing in the comments that would result in elevating the application site to that of an NPPF valued landscape.

4.5.114 Emerging Local Plan Policy NE2 confirms that planning permission will be granted for development proposals that respect the sensitivities of the relevant landscape character, 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, ensure the health and future retention of important landscape features and have considered the long-term management and maintenance of any existing and proposed landscaping.

*The Landscape Character Assessment*

4.5.115 Across England 159 National Character Areas (NCA) have been identified and the application site is located within NCA 87: East Anglian Chalk and is described as comprising ‘a visually simple and uninterrupted landscape of smooth, rolling chalkland hills with large regular field enclosed by hawthorn hedges, with few trees and expansive views to the north’. On a regional level there is an East of England Landscape Framework and assessment has also been undertaken at a County level.

4.5.116 The Council published the North Herts Landscape Study as part of our Local Development Framework in 2011 which is based upon the Hertfordshire Landscape Character Assessment and subsequent sensitivity and capacity work. The application site is within the Arlesey/Great Wymondley Landscape Character Area (LCA). The characteristics of which are: large expansive arable landscape in the north, rolling arable landscape of large-scale fields in the south with relatively few trees and a core defined by the urban development of Letchworth and Hitchin.

4.5.117 In terms of visual and sensory perception the Study indicates that it comprises a large-scale open landscape which provides views to often poorly screened urban fringes of Letchworth, Hitchin and the A1(M). Regarding rarity and distinctiveness, the study notes that the LCA is not rare with typical pressures associated with urban fringes. The landscape character sensitivity is identified as low with overall low landscape value. Guidelines are provided to managing change. These do not identify a capacity for solar farm development, but this proposal would fall within ‘other types of development’ and the Study identifies a low to moderate capacity for these, with an overall strategy to conserve and restore.

*The submitted Landscape and Visual Impact Assessment (LVIA)*

4.5.118 The application is accompanied by a LVIA by Axis, which identifies the landscape and visual effects of the proposed development. In applying a standard methodology and professional judgement the LVIA sets out conclusions.

4.5.119 The LVIA identifies the visual baseline and viewpoints from which people would experience views of the proposed development, presents a narrative on the visual context of the site and judgements on visual value as well as susceptibility and sensitivity of the visual receptors (people experiencing the view).

- 4.5.120 The LVIA undertakes an assessment of visual and landscape effects during the construction phase, and operational phase. It proposes no further mitigation measures over and above those set out in the design of the proposed development.
- 4.5.121 The identified residual effects and conclusion in the LVIA indicate that in the short term, major to moderate adverse visual effects would occur from part of the Hertfordshire Way along the northern boundary of the northern part of the Site and from part of Gravely Lane which passes between the northern and southern parts of the Site and these are from where there are gaps in existing boundary vegetation. The visual effects would be significant in the short term, but proposed mitigation (planting) would largely screen close proximity views. The proposed development would have no greater than minor adverse effect on views in the wider study area, which would not be significant. The LVIA finds that the medium and long-term landscape and visual effects of the proposed development would not be significant, with long term benefits from the proposed mitigation following decommissioning of the solar farm.

*Review of the LVIA*

- 4.5.122 The Council commissioned consultants (The Landscape Partnership) to review the application and the submitted LVIA.
- 4.5.123 The consultants consider that the LCA has medium rather than low sensitivity as urban fringes and electricity pylons are of limited influence and the Hertfordshire Way is not mentioned in the LVIA when assessing landscape sensitivity.
- 4.5.124 It is considered that the Site is of medium landscape value, and ordinary large arable landscape that does not fall within the definition of a 'valued landscape' for the purposes of the NPPF.
- 4.5.125 The Consultants agree that construction effect could be covered by an appropriate Construction Environmental Management Plan (CEMP) condition and that visibility would be of a Large Magnitude but would be short term and not determinative. The review suggests that the landscape fabric effects would be higher than found in the LVIA and the effect on landscape character would be slightly higher.
- 4.5.126 The landscape consultants consider that while the site has some suitability for a solar farm there is scope to further mitigate some of the more residual adverse impacts. They recommend the reduction of the extent of solar panels on land closer to Great Wymondley and localised removal of panels to provide for more planting at one location on Gravely Road where there would be direct views to the north-east into the northern part of the Site.



### *Amendments to the landscaping scheme*

- 4.5.127 In response to consultation responses the applicant submitted revisions to their scheme. These included:
- Increasing buffers between existing hedgerows, trees and woodlands from 6m to 12m. This will result in increased biodiversity gains with the increase buffers managed as species rich grassland and wildflower areas.
  - Permissive footpaths within these increased buffers to provide safe links from the existing public right of way near Milksey Cottages. Two links to the existing Hertfordshire way would be provided. One parallel to Gravely Lane and one perpendicular to Gravely Lane which would deliver circular walking routes for the life of the Proposed Development.
  - Two new hedgerows have been added within the northern area to link the existing truncated hedgerow to the wider field pattern.
  - Woodland copses have been added either side of the proposed site entrance to limit views into the site from Gravely Lane.
  - The solar panels have been pulled back from Gravely Lane in the field nearest to Great Wymondley and additional woodland and hedgerow planting/gapping up is proposed along the western boundary towards Great Wymondley.
- 4.5.128 Our landscape consultants have reviewed these changes and consider that the effects on landscape character would be beneficial but there would still be significant adverse effects at a local and site scale on landscape character.
- 4.5.129 The Level of effect on visual receptors for users of Gravely Lane would be reduced and from two viewpoints. The visual and spatial effect upon the Green Belt would be unchanged – there would still be a material adverse effect both spatially and perceptually on the openness of the Green Belt, which is to be expected from the nature of the proposed development.
- 4.5.130 In conclusion on this matter, it is considered that the proposal would inevitably have some adverse landscape and visual impact. However, through a combination of topography, existing screening, and the provision of landscaping, it is considered that the adverse effect would be localised. The proposed mitigation would be beneficial to the landscape and biodiversity. The 40-year lifetime of the scheme is a significant period. Following decommissioning of the solar farm there would be no residual adverse landscape effects. Therefore, there would be conflict with emerging Local Plan Policy NE2, which seeks to avoid unacceptable harm to landscape character and appearance, during the operation of the solar farm. Overall, therefore it is considered that the identified visual and landscape harm should be attributed moderate weight in the planning balance.

#### Impact upon the local highway network

- 4.5.131 There are currently gated field accesses that serve the two parcels of land from Graveley Lane, the southern parcel of land can also be accessed from Priory Lane, to the south west, although this access is from gated private land. Graveley Lane runs east/west and connects Great Wymondley with the B197 High Street at Graveley. For about 500m at the western end, Graveley Lane becomes known as Graveley Road.
- 4.5.132 Graveley Lane is a single carriageway two-way road that is subject to the National Speed Limit (60mph).
- 4.5.133 The existing field accesses on Graveley Lane would be upgraded to provide access to the site for construction and subsequent maintenance purposes.
- 4.5.134 A Transport Statement has been submitted with the application which identifies the anticipated transportation and highways matters associated with the proposed development. It assesses the traffic generation of the construction phase only, which would take about 36 weeks as once operational trips to the site would be limited to the occasional light goods vehicle for maintenance and would be very minor in nature.
- 4.5.135 During the first four weeks of construction there would be a maximum of 160 two-way vehicle movements per day, of which there would be up to 40 two-way HGV movements. For the remainder of the construction period (about 32 weeks) there would be a maximum of 128 two-way movements, including up to 8 two-way HGV movements per day. The Transport Statement identifies the visibility splays that would be required based upon speed surveys carried out and provides swept path assessment for a 16.5m long articulated lorry, which are the largest vehicles anticipated to require access to the site during the construction period.
- 4.5.136 Construction compounds would be provided within both parcels to either side of Graveley Lane to allow construction traffic to enter and exit the site in a forward gear. A construction management plan (CMP) can be required by planning condition that identifies, manages, and mitigates against the impacts of construction related traffic.
- 4.5.137 The Highway Authority sought further information from the applicant on access designs during construction and the longer term, and wider construction vehicle considerations, as well as the effects of glint and glare upon local highway users.
- 4.5.138 The applicant entered into extensive discussions with the Highway Authority to address their concerns. The Highway Authority made clear that the applicant needed to undertake a thorough site assessment to include an audit of the approach routes, with regular width measurements taken along it and provide a commentary as to how large HGVs can pass one another during construction.

- 4.5.139 The applicant submitted additional plans with commentary by e-mail to the Highway Authority which include spot measurements of the Graveley Lane carriageway width at regular intervals, and photographs. The majority of the approach route of Graveley Lane is greater than 6m, varying between 6.7m at the widest point – underneath the A1(M) bridge – to 6.1m. As such the Highway Authority consider that this section of Graveley Lane is adequate to allow HGVs to pass in opposite directions.
- 4.5.140 Over a circa 50m section covering the western end of the carriageway, it narrows down to around 4.8m. As such a passing bay is proposed along this section, and forward visibility from this bay has been provided by the applicant. This satisfies the Highway Authority that approaching drivers will have time to make a decision as to whether they need to slow down to let an oncoming vehicle pass by using this bay, or vice versa. This will result in the loss of grass verge during the construction period.
- 4.5.141 It is considered by officers that the loss of vegetation within the highway verge would be modest in relation to the overall planting proposed and would in any event be temporary during the construction period and the verge will be reinstated after construction works are complete.
- 4.5.142 Whilst the applicant states in the submitted Transport Statement that a maximum of 40 two-way movements per day will take place during construction, with an average of 8 two-way HGV movements the applicant indicated to the Highway Authority that experience from similar sites elsewhere in the UK suggests that movements are likely to be less.
- 4.5.143 In terms of glint and glare there would be no material difference for road users at a receptor height of 1.05 compared to 1.5m set out in the submitted assessment.
- 4.5.144 The Highway Authority no longer objects to the proposal subject to conditions.

Loss of Best and Most Versatile Agricultural Land

- 4.5.145 Guidance from Government stresses a preference to develop solar farms on brownfield or degraded land over greenfield land. Agricultural land is classified from Grade 1 to 4, with Grade 1, 2 and 3a being considered BMV agricultural land.
- 4.5.146 The Agricultural Land Classification submitted with the application shows that around 68% of the site is classified as Grade 3a and 32% as Grade 2 best and most versatile (BMV) agricultural land. As such the Site is considered BMV agricultural land in the context of the NPPF and NPPG.
- 4.5.147 Policy NE12 of the emerging Local Plan has been subject to proposed modifications through the examination process to state that proposals for solar farms involving the best and most versatile agricultural land will be determined in accordance with national policy. Paragraph 174 part b) of the NPPF requires consideration of the economic and other benefits of the best and most versatile

agricultural land. Footnote 58 of the NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

4.5.148 It is also notable that NPPG encourages the siting of large-scale solar farms on previously developed and non-agricultural land provided it is not of high environmental value.

4.5.149 The applicant states that there is unlikely to be a significant long-term loss of agricultural land quality as the solar panels would be secured to the ground by support table posts with limited soil impacts, which could be removed later. However, across the lifetime of the development, there would be a reduction in agricultural productivity over the whole development area with only sheep grazing.

4.5.150 Food security is an important consideration to be weighed in the planning balance. However, weighing in favour of the proposal is that the applicant proposes to improve the biodiversity potential of the application site through the provision of planting including trees, hedges, and grassland and this is a matter addressed in considering the benefits of the proposed development.

#### *Conclusion on loss of BMV Agricultural Land*

4.5.151 The proposed grassland has potential to be used for the grazing of sheep, which is viable in tandem with solar energy production. A condition is recommended to ensure that this is implemented in accordance with a grazing management plan. Therefore, the proposal would not result in the loss of BMV agricultural land as agricultural use would continue. In addition, the Site would eventually be able to be restored to full agricultural use with enhanced biodiversity.

4.5.152 Nevertheless, the proposal would result in a reduction of agricultural production on this site during the period of operation of the solar farm and moderate weight is attributed to this harm to agricultural production of the land.

#### Flood Risk and Drainage

4.5.153 In response to objections from the Environment Agency and the LLFA the applicant updated the submitted Flood Risk Assessment (FRA) and submitted a drainage Technical Note. The FRA was amended to include the route of the underground grid connection cable, which confirms that most of the grid connection route is within Flood Zone 1 (low risk of flooding) and that a 700m length is Flood Zone 3 (high risk of flooding). The amended FRA confirms that no excavated spoil would be temporarily stored in Flood Zone 3 and excavation would progress in approximately 100m lengths that would be backfilled the same day once ducting is installed. The applicant considers that the construction works within Flood Zone 3 would not increase the risk of flooding elsewhere.

- 4.5.154 The scheme has been amended to include attenuation ponds and detention basins and the Drainage Technical Note confirms that direct rainfall runoff modelling has been undertaken and the proposed attenuation would manage overland flow of surface water, which along with land management measures would reduce downstream flood risk compared to the existing situation.
- 4.5.155 Following the amendments, the LLFA and EA were reconsulted. The EA has withdrawn their objection. However, no response has been received from the LLFA.

*Conclusion on flood risk*

- 4.5.156 Based on the amendments and withdrawal of the objection from the EA and the absence of an objection to the amended scheme from the LLFA, it is considered that the proposal is acceptable from a drainage and flood risk viewpoint. Therefore, subject to the recommended conditions requiring the provision of the proposed drainage scheme that would reduce downstream flood risk compared to the existing situation, this weighs in favour of the proposal to a limited extent.

Noise

- 4.5.157 A Noise and Vibration Assessment was submitted with the application.
- 4.5.158 Regarding noise from the operation of the solar array from sources such as inverters and transformers, the submitted assessment finds that the maximum predicted noise contribution would be less than existing background noise levels.
- 4.5.159 There would be noise and disturbance generated during the construction of the solar arrays over an anticipated 36 weeks.
- 4.5.160 The PDA Statement, Section 3.2.5 states Construction hours will be:
- |                     |                      |
|---------------------|----------------------|
| Monday to Friday    | 07.30hrs to 18.00hrs |
| Saturday and Sunday | 08.30 to 18.00hrs.   |

Section 3.26 states deliveries and noise generating activities will only take place

Monday to Friday            07.30hrs to 18.00hrs

Saturday and Sunday      07.30 to 18.00hrs.

- 4.5.161 The Council's Environmental Health Officer notes the applicant's submissions and raises no objections subject to conditions relating to hours of operation, which are more restrictive than those proposed by the applicant, a construction management plan and submission of a plant report that demonstrates compliance with the source noise levels on which the submitted Noise and Vibration Assessment has been based.

### *Conclusion on noise*

- 4.5.162 The applicant confirms that the extended construction hours have been requested to ensure that the construction period is kept to a minimum and that specialist staff can work continuously when required at key stages of the installation. However, the applicant has indicated if the extended hours are not accepted by the Council, then work will be undertaken within the hours considered acceptable.
- 4.5.163 Officers consider that whilst there would be benefit in keeping the construction period to a minimum this would still be many weeks and the amenities of residents should be protected and hours of operation limited to those required by the Council's Environmental Health Officer. Subject to the proposed conditions officers consider that the noise impacts of the proposed development are neutral in the planning balance.

### Impact on biodiversity

- 4.5.164 An ecological assessment report by Avian Ecology was submitted with the application which provides an assessment of ecological effects in relation to the proposal. This involved a desktop study to identify any known features or species of ecological importance within a 2km search radius for all statutorily designated sites extending to 10km for internationally protected species.
- 4.5.165 A biodiversity net gain assessment was undertaken, which shows substantial net gains, which is addressed at Section 4.3 of this report.
- 4.5.166 A field survey of the site was undertaken to identify the habitats. Three breeding bird surveys and a Great Crested Newt survey were also undertaken.
- 4.5.167 There are several statutory designated sites within 5km of the site. However, given the distance the Assessment indicates that there will be no direct effect on habitats within any statutory designated sites. There were also several non-statutory designated sites within 2km of the application site, the closest is Gravely Hall Farm LWS some 350m to the east, beyond the A1(M). The Assessment states that due to distance and lack of impact pathways the proposal would not have a direct impact on the non-statutory designated sites.
- 4.5.168 The habitat survey on the site confirms that most of the site comprises arable field of low ecological value. The other habitats including field margins, hedgerows, trees and ditches provide higher biodiversity value.
- 4.5.169 The submitted Assessment stipulates that the construction of solar farms generally requires very low levels of direct and permanent land take and the direct loss of habitat is therefore small and will comprise low ecological value arable land.

- 4.5.170 The proposed access track would use existing field accesses and gaps in hedgerows where possible, minimising disturbance to hedgerows. There will be planting that would provide an overall biodiversity net gain.
- 4.5.171 Hertfordshire Ecology (HE) were consulted on this application and no objections in principle were raised. A condition is recommended to address the route of the cable through the Wymondley Transforming Station Local Wildlife Site, where a dig trench is proposed across the shortest section and then backfilled. HE also confirms that adequate boundaries should be retained against all hedgerows and woodland. It is acknowledged that the Ecological and Biodiversity Net Gain (BNG) reports predict considerable increases in ecological value, but HE considers these to be optimistic. A condition is recommended that requires the production of a BNG Plan.
- 4.5.172 It is noted that concerns have been raised by the Hertfordshire and Middlesex Wildlife Trust (HMWT). The scheme has been amended by the applicant seeking to address the concerns raised which included increasing buffer areas between solar panels and priority habitats such as hedgerows. HMWT raise no objections subject to a condition requiring a biodiversity net gain plan.
- 4.5.173 Concerns have also been raised by residents relating to the impact upon wildlife. The erection of fencing would restrict movement of wildlife.

#### *Conclusion on biodiversity*

- 4.5.174 Officers consider that subject to the recommended conditions the proposed development would not result in harm to biodiversity. The proposed Biodiversity Net Gains set out in the application are addressed further in addressing potential planning benefits. Overall, it is considered by officers that subject to recommended conditions, on balance, there would be no harm to biodiversity but net gains, which weighs in favour of the proposal.

#### Fire Risk

- 4.5.175 Several residents have raised fire risk, in relation to solar farms. There have been reported cases of fires at Solar Farms.
- 4.5.176 The British Research Establishment National Solar Centre (BRE NSC) was commissioned by the Department for Business, Energy and Industrial Strategy to lead a three-year study on fires involving solar photovoltaic (PV) systems. The BRE NSC consider that there is no reason to believe that the fire risks associated with PV systems are any greater than those associated with other electrical equipment.
- 4.5.177 The applicant has indicated that fire suppression systems will be in place in the buildings housing batteries and transformers.

4.5.178 The Hertfordshire Fire and Rescue service were consulted on this application no response has been received.

*Conclusion on fire risk*

4.5.179 There is no evidence to show that there would be a high risk of fire at the proposal. Given that fire suppression measures would be in place it is considered that the fear of fires occurring cannot form a basis for refusing planning permission and this matter does not weigh against the proposal but is neutral in the planning balance.

*Other matters*

4.5.180 **Alternative renewable energy sources** have been raised by residents objecting to the proposal. Several respondents consider that offshore wind energy production is a better means of generating renewable energy than solar farms. Officers consider that given the scale of such schemes and the amount of energy generated by them they make an important contribution to renewable energy production in the UK. However, such renewable energy schemes would not be able to contribute towards renewable energy production in North Hertfordshire and meet the Council's carbon zero aims for the District. Moreover, a good mix of renewable energy generation is desirable in meeting the needs of the district and the UK and solar farms are part of that mix. The ability to generate renewable energy from wind farms does not weigh against the ability to generate renewable energy from solar farms.

4.5.181 **Alternative locations for solar arrays** have been raised, and respondents have reiterated government guidance that sets out a preference for solar arrays to be located on previously developed land. However, the applicants have confirmed that there are no previously developed sites of the scale of the proposal within the district, where a solar farm could be delivered. It is possible to place PV panels on a small scale on individual buildings. However, this does not justify the refusal of planning permission for solar farms, given the current significant shortfall in renewable energy production in North Hertfordshire from such existing small-scale schemes.

4.5.182 Whilst the National Planning Practice Guidance set out a preference for locating solar farms on previously developed land and buildings, this does not equate to a sequential test whereby non-Green Belt land should be considered before considering land within the Green Belt. Paragraph 151 of the Framework is clear that developers need to demonstrate very special circumstances if projects are to proceed within the Green Belt and that such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. It does not require non-Green Belt land to be considered before considering sites within the Green Belt, or in other words that Green Belt sites be excluded in the site selection process. Whereas, physical restraints, such as access to the national grid or capacity limitations will influence the site selection process.



4.5.183 **Cumulative effect** of other solar farm applications being considered by the Council in the area, has been cited by several objectors. However, these applications have not yet been determined and it would be inappropriate to pre-judge the Council's determination of those applications.

#### 4.6 **Planning Benefits**

4.6.1 The applicant has put forward a case in the submitted Planning, Design and Access Statement that there is a compelling need for the proposed development and the grid connection constraints are material considerations that constitute 'very special circumstances', which clearly outweigh the harm to the Green Belt and any other harm and that as such the Proposed Development is acceptable.

##### Meeting the Challenges of Climate Change and Flooding

4.6.2 The applicant reiterates that the NPPF seeks to support renewable and low carbon energy and associated infrastructure and that to help increase the use and supply of renewable energy plans should provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily. The applicant also points out that paragraph 158 of the NPPF states that LPAs should not require applicants to demonstrate the overall need for renewable or low carbon energy. Nevertheless, the submitted Planning, Design and Access Statement sets out that need as part of the 'Very Special Circumstances' case.

##### Renewable Energy Generation

- 4.6.3 A solar farm of this scale would undoubtedly make a positive contribution to renewable energy, and it is salient to note that paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy. Nevertheless, a need has been identified to address Green Belt policy.
- 4.6.4 The Wymondley Neighbourhood Plan at paragraph 3.7 sets out that the plan has been developed with a view to move to a low carbon economy, referencing the three dimensions of sustainability.
- 4.6.5 The Government and the Council recognise that climate change is happening through increased greenhouse gas emissions and that immediate action is required to mitigate its effects.
- 4.6.6 The Climate Change Act 2008, as amended, sets a legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100%, Net Zero by 2050. Recently, the Government committed to reduce emissions by 78% compared with 1990 levels by 2025. The Clean Growth Strategy 2017 anticipates a diverse electricity system based upon the growth of sources of renewable energy.

- 4.6.7 National Policy Statements (NPS) are a material consideration for the determination of major energy infrastructure. This proposal falls just short of the 50Mw threshold for it to be classified as a major infrastructure project, which would fall for the Secretary of State to determine. However, it is considered that regard may be given to these. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. Whilst NPSs EN-1 and EN-3 do not refer to solar power as such, they nevertheless reiterate the urgent need for renewable energy electricity to be delivered. Draft updates to NPSs EN-1 and 3 confirm that as part of the strategy for the low-cost decarbonisation of the energy sector, solar farming provides a clean, low-cost source of electricity.
- 4.6.8 The Energy White Paper of December 2020 stipulates that setting a net zero target is not enough: it must be achieved, partly through how energy is produced and confirms that solar is one of the key elements of the future energy mix. In October 2021, the Government published the Net Zero Strategy: Build Back Greener which seeks the accelerated deployment of low-cost renewable generation such as solar.
- 4.6.9 The development has a capacity of 49.9Mw, which would generate a significant amount of electricity from a clean, renewable source. This would provide for a reduction of about 20,000 metric tonnes of carbon dioxide emissions and meet the energy needs of around 12,000 homes, which is comparable to the number of new homes planned in the emerging Local Plan or about 22% of existing homes within North Hertfordshire at the start of the emerging Local Plan period. In addition, Government data shows that the proposed scheme would more than double the installed renewable capacity in the District.
- 4.6.10 Further to this, the applicant makes the case that the National Grid Wymondley Substation requires additional generation inputs to allow it to manage flows due to the high demand in the area.
- 4.6.11 It is considered therefore that the proposed development would make a very substantial contribution to renewable energy generation in the District. This is a benefit to which it is considered very substantial weight should be attributed.

*Urgent Local Need*

- 4.6.12 The applicant sets out the case that there is urgent need for the development in this location.
- 4.6.13 The Council declared a Climate Emergency on 21<sup>st</sup> May 2019, and this is followed up with the publication of a Climate Change Strategy 2021-2026. As part of the Climate Change Strategy, the Council set the ambitious objective of achieving net zero across the district by 2040, which goes beyond Government targets, where net zero is targeted nationally by 2050.

- 4.6.14 Government data for electricity use within North Hertfordshire shows that in 2019 the district used a total of 506 GWh of electricity, and that in the same year only 52.6 GWh of electricity was generated in North Hertfordshire from renewable sources, which is just 10.4%. The National Grid indicates that nationally about 43% of our power comes from renewable sources.
- 4.6.15 The applicant considers that this is a significant deficit to make up to achieve the Council's ambitious objective of achieving net zero by 2040. Moreover, as the demand for electricity is likely to increase significantly the deficit will have increased since 2019 and is likely to grow through the period to 2040 if schemes such as the Proposed Development are not consented as a matter of urgency.
- 4.6.16 Based upon Government data, the Applicant also points out that about 57.4% of North Hertfordshire's renewable electricity currently comes from solar, if this were to be scaled up proportionately then an additional 260 MWh of renewable energy from solar photovoltaics would be required to meet the deficit of 453.4GWh. This discounts the fact that anaerobic digestion and landfill gas could not easily be scaled up to meet the other 42.6% which would be required.
- 4.6.17 The applicant points out that currently no energy is generated from onshore wind, hydro, sewage gas, municipal solid waste, animal biomass, plant biomass or co-firing and asserts that the only source other than solar that could be scaled up significantly to meet the electricity need in North Hertfordshire is onshore wind, which would not be without its own landscape and visual impacts. The applicant considers that large parts of North Hertfordshire are unsuitable for wind farms.
- 4.6.18 The Applicant states that the Proposed Development, almost double the existing renewable energy generation capacity in North Hertfordshire and make a significant contribution to the Council's objective to be net zero within the district by 2040.
- 4.6.19 It is considered that there is an identified and urgent need to increase renewable energy generation in North Hertfordshire.

*Need for a Green Belt Location*

- 4.6.20 The applicant states that it is an essential requirement for solar farms to be proximate to an existing substation which has the available capacity to import the required amount of power into the National Grid. In addition, schemes must be located close 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. The applicant considers that for a typical site, the maximum grid connection length before a scheme is no longer viable is approximately 4km from the substation, with costs increasing as distance from the substation increases within this 4km.

- 4.6.21 In this case, the applicant confirms that the grid connection route for the proposed development follows the local road network and is about 4km and therefore towards the upper limit in terms of maximum distance away from the substation.
- 4.6.22 In addition to grid connection, solar curtailment is a factor that affects location. Solar curtailment is the deliberate reduction in output below what could have been produced in order to balance energy supply and demand, which results in the loss of potentially useful energy. Curtailment can be addressed by building new power lines or storage, but this can be more expensive than letting surplus power go unused.
- 4.6.23 The applicant has presented evidence to show that there are two geographic areas within North Hertfordshire where there is capacity within the grid to accommodate a solar farm without significant solar curtailment. These are to the east and west of North Hertfordshire. Large portions of the west of the district are covered by Green Belt or the proposed extension to the Green Belt, with parts also within the Chilterns AONB. Whilst there is no Green Belt or AONB within the eastern part of the district, there is high quality landscape.
- 4.6.24 The appellant also presents evidence to identify a need to distribute solar farms in those areas where there is less solar curtailment for the efficient delivery of electricity and that if North Hertfordshire is to reach net zero both the east and west of the District will need to contribute towards providing clean renewable energy to the Grid and that small to mid-scale sites distributed across North Hertfordshire will need to come forward to deliver this, including several Green Belt locations.
- 4.6.25 The applicant confirms that a grid connection offer from National Grid has been secured for a 49.995MW solar farm to the Wymondley Grid. The applicant asserts that the availability of this grid connection and the immediate delivery 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.
- 4.6.26 Officers accept that that the applicant has presented evidence to justify a solar farm in this Green Belt location.

*Conclusion on renewable energy benefits*

- 4.6.27 Officers have considered and assessed the evidence and case presented by the applicant and agree that there is a clear and urgent need to substantially increase renewable energy generation in North Hertfordshire if there is to be any prospect of achieving Net Zero carbon emissions by 2030.
- 4.6.28 It is considered that the benefit arising from the generation of renewable energy by the proposed development, meeting the electricity needs of around 12,000 homes, is very substantial and that this is a planning benefit to which substantial weight can be attributed.

### *Wider Environmental Benefits*

- 4.6.29 The applicant identifies the following proposed environmental enhancements:
- Grassland within the perimeter/stock fencing suitable for sheep grazing that provide pollen and nectar for biodiversity;
  - Species-rich grassland between field boundaries and perimeter/stock fencing to contribute to enhancing hedgerow buffer zones for improved ecological connectivity;
  - Native-species woodland planning to provide visual screening, landscape integration and improved ecological connectivity;
  - New native species hedgerows for visual screening, ecological connectivity and landscape integration; and
  - Gapping-up of existing hedgerows.
- 4.6.30 The applicant considers that the enhancement would provide significant biodiversity gain of about 205% in habitat units and 102% in hedgerow units, well above the emerging national target of 10% and would also take the land out of intensive arable agricultural use and provide a net carbon benefit.
- 4.6.31 The applicant concludes that there are 'very special circumstances' which when considered cumulatively, are judged to clearly outweigh any harm to the Green Belt and that case law confirms that some factors that are quite ordinary in themselves can cumulatively become 'very special circumstances'.

### *Economic benefits*

- 4.6.32 There is a strong case for the economic benefits of the scheme, both in terms of the Government's aims in the NPPF to build a strong and competitive economy, but also in terms of the number of employees at the site during construction, operation, and decommissioning phases.
- 4.6.33 There would be clear economic and energy security benefits arising from a facility that can meet the electricity needs of around 12,000 homes and reduce the use of fossil fuels in the production of electricity.
- 4.6.34 In the circumstances it is considered that there would be economic benefits to which significant weight can be attributed in the planning balance.

### *Biodiversity*

- 4.6.35 The submitted Ecological Assessment confirms that biodiversity net gain (BNG) will be achieved, and the submitted Biodiversity Metric shows the extent of BNG. Whilst Herts Ecology consider that the net gains are optimistic, showing a net gain

of over 200%, Officers consider that there would be BNG in compliance with ELP Policy NE4, and more than the 10% net gain that will be required in the future by the Environment Act 2021. The delivery of BNG can be controlled by condition.

4.6.36 There will be some impact upon biodiversity by the proposal as set out in this report. However, on balance, it is considered that the net gains likely to be achieved weigh moderately in favour of the proposed development.

#### 4.7 Planning Balance and very special circumstances

4.7.1 As set out in this report, there are matters that weigh in favour and against the proposed development. The table below identifies the benefits and harms of the development and the weight attributed to these. Notwithstanding the weight attributed to different matters, some carry greater importance than others and whilst this will not be reflected in the table below, this is addressed in this section of the report.

Table 2 – Benefits and harms

<b>Issue</b>	<b>Effect</b>	<b>Weight</b>
Green Belt Openness	Harm	Significant
Green Belt Purposes	Harm	Moderate
Overall effect on the Green Belt	Harm	Substantial
Landscape and visual impact	Harm	Moderate
Heritage	Harm (Low level of Less than substantial)	Great
Loss of agricultural land	Harm	Moderate
Renewable Energy Generation	Benefit	Very Substantial
Urgent Local Need	Benefit	Substantial
Economic impact	Benefit	Significant
Biodiversity	Benefit*	Moderate*
Flood Risk/Drainage	Benefit*	Limited*
Noise/residential amenity	Neutral*	None*
Highway Safety	Neutral*	None*
Fire Risk	Neutral	None

\* subject to conditions

4.7.2 There is a circular argument for and against the proposal. The greater the renewable energy generation the greater the weight given to this as a material consideration, but with that comes the greater spatial and visual impacts. Notwithstanding the large scale of the proposal, the landscape impacts are relatively localised due to topography and existing landscaping, whereas the

renewable energy generation would be substantial compared to existing renewable energy generation in North Hertfordshire.

- 4.7.3 The proposed scheme is inappropriate development in the Green Belt; it does not meet the exceptions set out in paragraphs 149 or 150 of the NPPF. Paragraph 148 confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 4.7.4 Before addressing the overall planning balance in line with NPPF paragraph 148, the heritage balance shall first be considered, which also falls within the planning balance of any other harm.
- 4.7.5 The heritage balance set out in NPPF paragraph 202 confirms that it is necessary to weigh the low, less than substantial harm to the significance of the designated heritage assets, against the public benefits of the proposed development. It is considered that all the identified benefits above are public benefits. The development would generate a significant amount of renewable energy, which has been attributed very substantial weight as a planning benefit, given the statutory requirement to achieve zero carbon emissions, the environmental, economic, and social imperative to address global warming, the policy support for renewable energy, the declaration of a climate change emergency by this Council in 2019 and the limited renewable energy production in North Hertfordshire. As indicated earlier in the report there are currently two small solar farms and no wind farms within the District.
- 4.7.6 There are other public benefits including those relating to the economy and biodiversity. Nevertheless, great weight should be given to the conservation of designated heritage assets as required by the NPPF. However, it is considered that greater weight should be attributed to the clear public benefits in this instance and so there is clear and convincing justification for the low harm to the designated heritage assets. Therefore, it is considered that the proposed development would have an acceptable effect upon the significance of the heritage assets and would accord with emerging Local Plan Policies SP13 and HE1, Wymondley NP Policy NHE9.
- 4.7.7 Now turning to the overall planning balance in line with Paragraph 148 of the NPPF, the development would cause harm to the Green Belt due to its inappropriateness, loss of openness and conflict with a Green Belt purpose. However, the harm to the Green Belt would not be permanent, which is material given that the fundamental aspect of the Green Belt is not only its openness but also its permanence.
- 4.7.8 The NPPF requires substantial weight to be given to any harm to the Green Belt. The development would also result in moderate visual and landscape harm. The harm will not be permanent, albeit the 40-year life of the proposed development is

very long. There is no reason to believe that the site cannot be fully restored following decommissioning.

- 4.7.9 The other considerations include those that have been afforded weight as summarised at Table 2 above.
- 4.7.10 Climate change due to global warming and the imperative to reduce carbon emissions is addressed by planning policies. The generation of renewable energy forms an important part of the equation in achieving net zero carbon in the UK by 2050 and within North Hertfordshire by 2040. Other matters have arisen recently including concerns relating to energy security and significant rises in the price of gas and electricity.
- 4.7.11 When taken together, other considerations in this case clearly outweigh the harm that has been identified to the Green Belt and other harm that has been identified, particularly given that the proposed development would not be permanent. In the circumstances, looking at the application as a whole, very special circumstances are considered to exist to justify the development in the Green Belt as required by NPPF paragraphs 147 and 148, WNP Policy GB1, Policy LP Policy 2 and ELP Policy GB5.

*Conclusion on 'very special circumstances'*

- 4.7.12 Officers are of the view that there are material considerations that weigh in favour of the proposed development. It is considered that these material considerations together present 'very special circumstances' that clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm, taking account that the proposed development would not be permanent, and that the openness of the site would be restored following decommissioning of the solar farm restoration to full agricultural use.

**Overall conclusion**

- 4.8 The purpose of the planning system is to contribute to the achievement of sustainable development. Upon consideration of the social, economic, and environmental objectives of the planning system it is considered that the proposed development is sustainable and there is therefore a presumption in favour it and that planning permission should be granted subject to conditions.

5.0 **Climate Change Mitigation Measures**

- 5.1 Climate change has been addressed throughout this report and is a matter at the heart of this application in terms of the significant contribution the proposed development would make to renewable energy generation and the goal of achieving net zero carbon within the District by 2040 and within the UK by 2050.



6.0 **Pre-commencement conditions**

6.1 It is confirmed that the applicant agrees to the pre-commencement conditions that are proposed.

7.0 **Legal Implications**

7.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or where restrictive conditions are attached, the applicant has a right of appeal against the decision.

8.0 **Recommendation**

That planning permission is resolved to be **GRANTED** subject to referral to the Secretary of State for Levelling Up Housing and Communities and subject to the following conditions.

Standard Time Limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved plans

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

Noise

3. During the construction phase of the development hereby approved no activities shall take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs. There shall be no work at any time on Sundays and Bank holidays.

Piling shall only be undertaken between 09.00hrs and 17.00hrs Monday to Friday.

Reason: To protect the residential amenities of existing residents.

4. Prior to the installation of any noise generating plant, mitigation details / Plant Report shall be submitted to the Local Planning Authority to demonstrate compliance with the source noise levels detailed in Section 6.2.3 of Report Reference R21.0906/DRK dated 7 October 2021.

Reason: To protect the amenities of existing residents.

#### Decommissioning

5. The Local Planning Authority shall be notified in writing within 1 month of the date of first operational use of the development. The development hereby permitted shall be removed and the land restored to its former condition or a condition to be specified and agreed in writing by the Local Planning Authority on or before 40 years from the date of the first operational use of the development.

Reason: Approval of the proposal on a permanent basis would result in permanent loss of Green Belt land and conflict with Saved Policy 2 of the North Hertfordshire District Local Plan with Alterations 2007, Policy GB1 of the Wymondley Neighbourhood Plan and Policy GB5 of the emerging Local Plan.

6. No less than 1 year prior to the decommissioning of the development hereby approved, a detailed decommissioning plan shall be submitted to the Local Planning Authority for approval, which shall detail how the equipment is to be removed from the site and how the land will be restored. This shall be accompanied by a construction traffic management plan and environmental/biodiversity mitigation measures. The decommissioning and mitigation measures shall be carried out in accordance with the approved details.

Reason: The application site lies within the open countryside and Green Belt and it is important that once the development has ceased the openness of the site is restored and the site made available for full agricultural use.

#### Flood Risk and Drainage

7. No development shall take place until a detailed design of the surface water drainage of the site and a management and maintenance plan have been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the submitted Flood Risk Assessment by Weetwood, Final Report v1.3 dated May 2022 and Technical Note by Weetwood dated 30 May 2022

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased risk or flood on or off the site resulting from the proposed development. A pre-commencement condition is required as detailed drainage should be agreed before construction.

8. During installation of underground cables, no spoil or material shall be stored adjacent to Stevenage Road, within the extent of Flood Zone 3. This shall form part of the Construction Management Plan that shall be agreed in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Works shall be carried out in accordance with the agreed plan.

Reason: To ensure there is no loss of floodplain or impedance to flood water flows and no increase in flood risk elsewhere during construction of the development.

#### Ecology and Biodiversity

9. Prior to the excavation of trenches for cabling within Wymondley Transforming Station Local Wildlife Site (LWS) a soil management plan shall be submitted to and approved in writing by the Local Planning Authority which shall contain the following:
  - a) An ecological survey (in suitable season) of the route across the LWS to highlight any key issues;
  - b) Details relating to the lifting, storage and replacement of turves, including the season when this will take place; and
  - c) Proposed aftercare and management.The works shall be undertaken in accordance with the approved management plan.

Reason: To minimise impact upon the ecological and biodiversity interest of the Wymondley Transforming Station LWS.

10. No development shall commence (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
  - a) Risk assessment of potentially damaging construction activities,
  - b) Identification of biodiversity protection zones,
  - c) Practical measures to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timings of sensitive works to avoid harm to biodiversity features,
  - e) The times during construction when specialist ecologists need to be present on site to oversee works
  - f) Responsible persons and lines of communication
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person'
  - h) Use of protective fences, exclusion barriers and warning signs if applicable.

The CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure that before any development commences appropriate construction environmental management plan has been agreed to fully conserve and enhance ecological interests in accordance with Policies NHE 1 and 2 of the Wymondley Neighbourhood Plan and emerging Local Plan Policy NEx. A pre-commencement condition is required as it addresses construction works.

11. Prior to the installation of the solar arrays hereby approved, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:
  - a) Description and evaluation of features to be managed,
  - b) Ecological trends and constraints on site that might influence management,
  - c) Aims and objectives of management including how biodiversity net gain will be achieved,
  - d) Appropriate management options for achieving aims and objectives
  - e) Prescriptions for management actions,
  - f) Prescription of a work schedule (including annual work plan capable of being rolled forward over the operational lifetime of the development),
  - g) Details of the body or organisation responsible for implementation of the plan, and
  - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the development with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To conserve and enhance biodiversity including any protected species and their habitats.

#### Detailed Landscaping scheme

12. Prior to the first exportation of electricity from the development to the electricity grid full details of both hard and soft landscape proposals and programme of implementation shall be submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:
  - a) Proposed finished floor levels or contours
  - b) Wildlife access points in fencing
  - c) Hard surfacing materials
  - d) Proposed and existing functional services above and below ground
  - e) Planting plans
  - f) Written specifications of cultivation and operations associated with plant and grass establishment
  - g) Schedules of plants, noting species, planting

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

#### Trees

13. No construction shall take place until an arboricultural method statement with tree protection plan following the recommendations contained within BS 5837:2012 identifying measures to protect trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during site preparation, during construction, and landscaping operations.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality. A pre-commencement condition is required as the tree protection must be in place prior to construction works commencing.

#### Agricultural use

14. Within one year of the first operational use of the solar farm hereby approved, a Grazing Management Plan (GMP) shall be submitted to the Local Planning Authority. The GMP shall detail which parts of the site shall be used for the grazing of livestock, during which months of the year, and how the grazing is to be managed. The GMP shall not be carried out except in accordance with the approval. Any changes to the GMP during the lifetime of the permission shall be submitted to the Local Planning Authority for approval and shall not be carried out except in accordance with that approval. Within three years of the first operational use of the solar farm, the gazing of livestock shall commence on the site in accordance with the GMP.

Reason: To ensure that part of the site remains in agricultural use in accordance with policy NE12 of the emerging Local Plan.

#### Boundary treatment

15. Notwithstanding the approved details, no PV panels shall be installed until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design and type of boundary treatments to be erected. The boundary treatments shall be completed in accordance with the approved details prior to the first operations use of the solar farm and retained as approved thereafter.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

## Archaeology

16. Notwithstanding the submitted Archaeological Scheme of Investigation (WSI) by AOC Archaeology Group, project number 25806/80064, no development shall take place/commence until a revised WSI has been submitted to and approved by the local planning authority in writing and in accordance with the programme of work set out in the Archaeological Brief (P01/21/3380-2). The scheme shall include an assessment of archaeological significance and research questions; and:
- (1) The programme and methodology of site investigation and recording
  - (2) The programme for post investigation assessment
  - (3) Provision to be made for analysis of the site investigation and recording
  - (4) Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - (5) Provision to be made for archive deposition of the analysis and records of the site investigation
  - (6) Nomination of a competent person for persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: To safeguard the archaeological assets within the approved development boundary from impacts relating to works associated with the development and to ensure that proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development in accordance with policies contained in the National Planning Policy Framework and Policy HE4 of the emerging Local Plan. A pre-commencement condition is required because the investigation works must be undertaken before construction commences.

17. The development shall take place in accordance with the programme of archaeological works set out in the WSI approved under (A) above.

Reason: To safeguard the archaeological assets within the approved development boundary from impacts relating to works associated with the development and to ensure that proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development in accordance with policies contained in the National Planning Policy Framework and Policy HE4 of the emerging Local Plan. A pre-commencement condition is required because the investigation works must be undertaken before construction commences.

18. The development shall not become operational for the exportation of electricity until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI approved under condition 16 and the provision made for analysis and publication where appropriate.

Reason: To safeguard the archaeological assets within the approved development boundary from impacts relating to works associated with the development and to

ensure that proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development in accordance with policies contained in the National Planning Policy Framework and Policy HE4 of the emerging Local Plan. A pre-commencement condition is required because the investigation works must be undertaken before construction commences.

#### Permissive footpaths

19. Prior to the operational use of the solar farm hereby approved, a scheme relating to the proposed permissive footpaths shown on submitted drawing No. 3004-01-003 Rev E, shall be submitted to and approved in writing by the Local Planning Authority which shall include details of any surfacing, a schedule for delivery, signage, waymarks and interpretative panels relating to the proposal and footpaths and signage shall be implemented in accordance with the approved scheme.

Reason: In the interest of pedestrian access within and around the site.

#### External appearance

20. No structure shall be erected on site until detailed elevations and plan drawings and schedule of external finishes to be used has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate visual appearance in the interests of minimising impact on the landscape.

#### Highway Safety

21. Prior to the commencement of the development, detailed engineering drawings of the accesses as shown indicatively on drawing numbers 3004-01-D)4 and 3004-01-DO5 shall be submitted to and approved in writing by the Local Planning Authority. These shall include details of suitable hardsurface for at least the first 20 metres from the back edge of the carriageway and appropriate associated drainage, as well as visibility splays of 2.4m x 105m to the east and 2.4m x 148m to the west, within which there shall be no vertical obstruction between 0.6m and 2m. The accesses as approved by these plans shall be in place before commencement of the development.

Reason: To ensure accesses that are safe and suitable during construction, in the interest of the free and safe flow of public highway users. A pre-commencement condition is required because the construction access must be in place before the development commences.

22. Prior to the commencement of the development, detailed engineering drawings of the passing bay along Gravely Lane, as shown indicatively on drawing numbers 3004-01-D04 and 3004-01-D05 shall be submitted to and approved in writing by the Local Planning Authority. Thus shall include measures to demonstrate how the passing bay will not be parked up in by vehicles associated with the wider public. The passing bay as approved by these plans shall be in place before commencement of the development hereby approved.

Reason: To ensure the approach route is safe and suitable during construction, in the interest of the free and safe flow of public highway users. A pre-commencement condition is required because the passing bays should be in place before construction commences.

23. Before completion of construction, detailed engineering drawings shall be submitted to and approved in writing by the Local Planning Authority, which show revised designs to the two site accesses, reducing their width and providing suitable associated tighter kerb radii (to accommodate ongoing maintenance vehicles). Within 3 months of completion of construction, the revised access designs shall be in place.

Reason: To ensure access that are safe and suitable in the long term, in the interest of the free and safe flow of public highway users and the character and appearance of the area.

24. Before completion of construction, detailed engineering drawings shall be submitted to and approved in writing by the Local Planning Authority that show removal of the passing bay along Gravely Lane and full reinstatement of the grass verge/embankment and vegetation). Within 3 months of completion of construction, this bay shall be removed and full verge/embankment and vegetation reinstated as approved by these plans.

Reason: To ensure Graveley Lane is reinstated to a suitable environment in the long term, and in the interest of the free and safe flow of public highway users, character and appearance of the area and biodiversity.

**Proactive Statement:**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



## Informatives

1. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

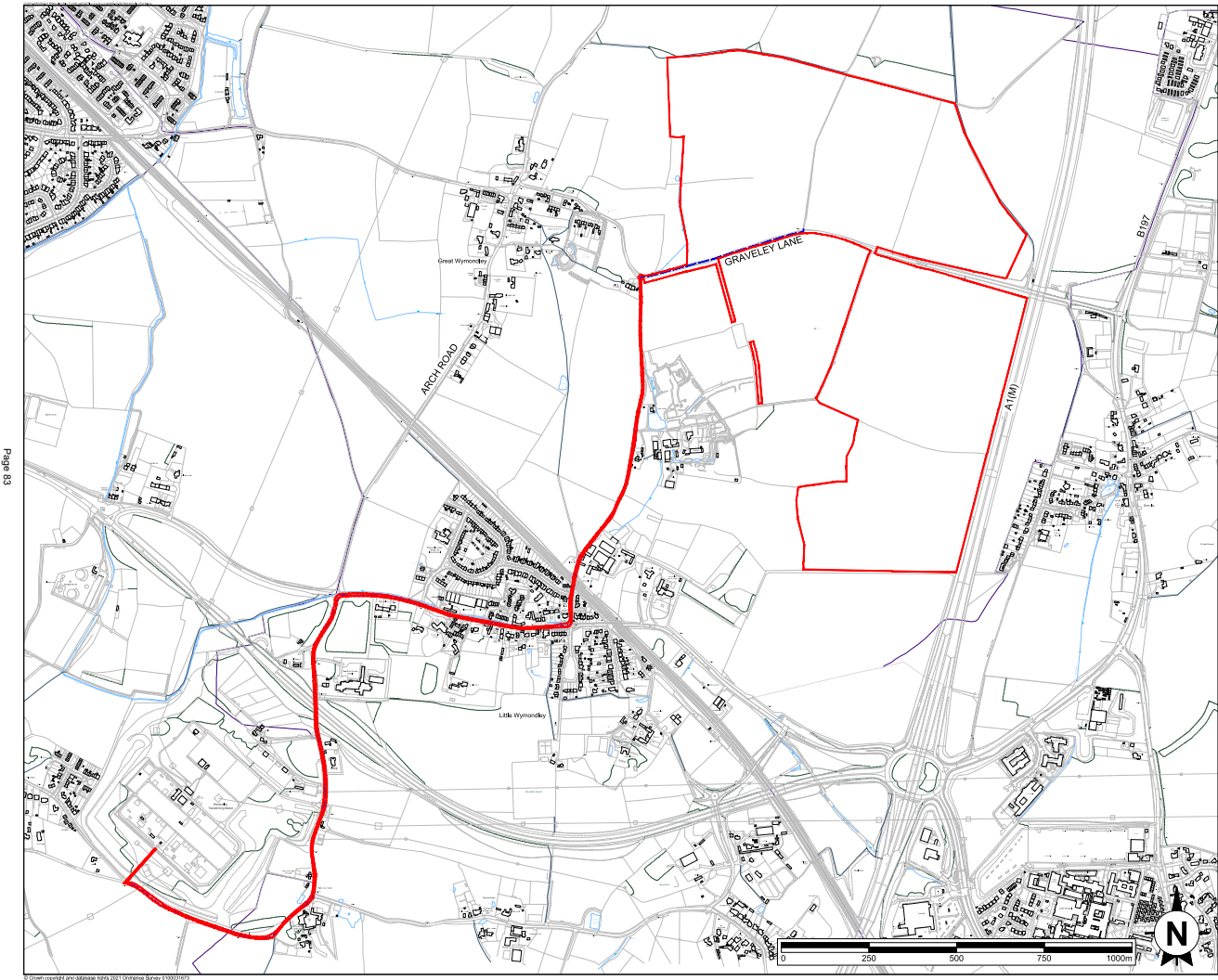
Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.

3. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

4. Where works are required within the public highway, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website. <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

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Fill in any figured dimensions - do not scale for construction purposes. If DIMENSION LINE.

Revision History	Date
1	10/11/21
2	14/12/21

Application Boundary (880,080m<sup>2</sup>)  
 Cable Route

site: AGR	
project: PRIDRY FARM SOLAR ARRAY	
drawing title: STATUTORY PLAN	
date: October 2021	sheet no: 3004-01-002
drawing number: 3004-01-002	scale: 1:5000000
author: 11/00000000	checked:
drawing title:	checked:

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## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
LETCWORTH GARDEN CITY  
ON THURSDAY, 17TH NOVEMBER, 2022 AT 7.30 PM

#### MINUTES

**Present:** *Councillors: Tom Tyson (Chair), Alistair Willoughby, Daniel Allen, David Levett, Sean Nolan, Simon Bloxham, Terry Tyler, Nigel Mason, Michael Muir Tony Hunter and Phil Weeder*

**In Attendance:** *Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer), Abigail Hamilton (Committee, Member and Scrutiny Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Tom Allington (Principal Planning Officer – Strategic Sites), Shaun Greaves (Senior Planning Officer), Thomas Howe (Planning Officer) and Andrew Hunter (Senior Planning Officer)*

**Also Present:** *At the commencement of the meeting approximately 34 members of the public, including registered speakers.*

#### 21 APOLOGIES FOR ABSENCE

*Audio recording – 0:52*

Apologies for absence were received by Councillors Val Bryant, Morgan Derbyshire and Ian Moody.

Having given due notice Councillor Nigel Mason will be substituting for Councillor Val Bryant and Councillor Michael Muir will be substituting for Councillor Morgan Derbyshire.

#### 22 MINUTES - 13 OCTOBER 2022

*Audio recording – 1:21*

It was noted by Councillor Michael Muir and Councillor Nigel Mason that they were present at the previous meeting but their names were not on the list of Councillors present.

Councillor Tom Tyson, as Chair, proposed and Councillor Daniel Allen seconded and, following a vote, it was:

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 13 October 2022 be approved as a true record of the proceedings and be signed by the Chair with the amendment that Councillor Michael Muir, Councillor Nigel Mason and Councillor Amy Allen are to be added to the list of Councillors present at the last meeting.

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#### 23 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 3:00*

There was no other business notified.

## 24 CHAIR'S ANNOUNCEMENTS

*Audio recording – 3:02*

- (1) The Chair welcomed those present at the meeting
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (3) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest need to be declared immediately prior to the item in question.
- (4) The Chair gave advice to the registered speakers on the speaking procedure and time limits
- (5) The Chair advised that there would be a comfort break if required

## 25 PUBLIC PARTICIPATION

*Audio recording – 4:53*

The Chair confirmed that the registered speakers were in attendance:

- Parish Councillor Paul Harding
- Caroline McDonnell
- Hugh Chatfield
- Derek Carter
- Councillor Richard Thake
- Phil Roden
- Tim Lee
- Parish Councillor Neil Burns
- Nicky Tribble
- Peter Calver
- Councillor Lisa Nash

## 26 21/03380/FP Land To The North And East Of Great Wymondley, Hertfordshire

*Audio recording – 5:33*

Shaun Greaves presented the report and gave a verbal presentation, which included:

- At 4.1.6 reference made to conduit heat at priory farm should read conduit head
- At 4.6.24 reference made to appellant and this should read applicant
- At 4.6.27 the year 2030 should read 2040
- The North Hertfordshire Local Plan 2011-2031 was adopted by full Council on the 8<sup>th</sup> November. This report was written before the adoption and therefore there are references to the superseded Local Plan. There are references to this at paragraph 2.6, 4.5.4 and 4.5.42 of the report. References are made to policies of the Emerging Local Plan in the report and significant weight is given to these in the report. As the Local Plan is now adopted, these policies are now attributed full weight. The planning balance is not materially affected and the officer recommendation is unchanged. The previous policies referred to in the report are now replaced by policies of the new Local Plan.

- The site is located within the green belt and references made to policy 2 of the superseded Local Plan is replaced by policy SP5 of the new Local Plan that refers to green belt. Therefore, where stated at paragraph 4.5.43 that the starting point for consideration of this application is policy 2, this is now policy SP5 of the new Local Plan
- Councillor Levett has pointed out a page is missing from the glint and glare assessment on the Councils website. This is in a section addressing aviation considerations. The full document was available within our internal system. The document including the missing page is now available on the Councils website.
- The submitted glint and glare assessment by Pager Power undertakes a high-level assessment. The nearest main airport is Luton Airport and is 11km to the south west of the application site. It is best practice to consider reflections towards pilots in the last two miles of final approach to the airport and the application site is well beyond that. In regards to air traffic control, close proximity to the aerodromes is a consideration. Given the distance involved, officers do not consider that this proposal would have significant impacts on aviation.
- The glint and glare effects on highway users have been carefully considered by the highway authority who have raised no objections to the proposal.
- With regards to drainage, we have received a late response from the lead local flood authority and the response and note has been circulated to Members. The LLFA are not raising an in principle objection to the proposal and whilst they have concerns relating to the proposed drainage strategy, these relate to matters that can be addressed and controlled by conditions. Therefore two additional conditions are proposed by the LLFA to replace condition 7 set out in the agenda
- The officer recommendation remains that permission is resolved to be granted subject to referral to the Secretary of State for Levelling Up Housing and Communities and conditions set out in the agenda as amended by the note that has been circulated.
  
- The location of the site is located to the east and north east of Great Wymondly, to both sides of Gravely Lane which runs down the middle. To the east is the A1 motorway with the village of Gravely beyond.
- The Hertfordshire way runs along the east and northern boundaries of the northern part of the site.
- The application site extends to 88 hectares including the route of the cable which extends from the solar farm to Wymondly substation which runs along Gravely Lane and Priory Road.
- The area the solar panels are proposed to be positions extends to about 85 hectares
- The panels are to be placed on a frame and post which are placed into the ground
- There are some areas that have been identified as locations of potential archaeological interest and solar panels on these areas will be placed on rafts so there will be no impact to the ground
- There are internal roads and tracks within the site and there are inverter and transformer stations and battery storage containers
- Deer stock fencing will be around the site.
- There will be hedgerow planting, tree planting and low maintenance pasture around the fencing
- The areas around the solar panels are to be grazed by sheep and beyond the fencing there will be species rich grassland. The details required would be controlled by suggested conditions
- There will be attenuation bonds and detention basins to serve the proposed development in terms of drainage.
- There will be 22 transformer inverters and 22 battery storage containers that will be located alongside the internal tracks

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- There will be 12m between the hedgerow and the stock fencing
- A cable trench will go along the road. Excavation will be done on a daily basis so there won't be large spoil areas in line with the Environment Agency concerns
- Accessors will be designed to accommodate larger vehicles but these will not be needed after construction has finished
- This is an application for a solar farm in the countryside and on the greenbelt
- The applicant has a professional representation
- If you grant permission, it must be referred to the Secretary of State as it is on the green belt
- The proposal is an inappropriate development on the greenbelt
- In terms of visual impact and landscape, this has been detailed in the report. The harm is localised, but in terms of the site and are it is significant harm
- The site is good quality agricultural land, however livestock grazing would still continue on the site
- The application is only for 40 years and the land will return to complete agricultural land after this time
- The proposal will provide a significant amount of renewable energy. The solar farm will provide energy for around 12,000 homes
- The Council has declared a climate emergency. The other solar farms in the area are relatively small
- There will be economic benefits
- On balance, officers consider that there are very special circumstances that outweigh any harm to the green belt

The following Members asked questions:

- Councillor Michael Muir
- Councillor David Levett
- Councillor Nigel Mason
- Councillor Alistair Willoughby
- Councillor Daniel Allen
- Councillor Tom Tyson

In response Shaun Greaves advised:

- CCTV cameras are on top of 4m high poles. This can be raised with the applicant during the discharge stage
- A basic landscaping scheme strategy has been submitted, but this can be looked at further in the conditional stage
- They would need planning permission again after 40 years. There is a condition proposed on the decommissioning of the solar farm after 40 years so it will have to return to agricultural land. If they wanted to extend this they would have to apply for planning permission again
- The matter of community grants isn't something we should consider. This is outside the framework. I am aware an offer has been made to the Parish Council from the applicant.
- It would be classified as predeveloped land but there is a condition of it requiring decommissioning and returning back to agricultural land. It is still a low form of agricultural use while it is in use as a solar farm. I wouldn't say 40 years is temporary, but it also isn't permanent and after 40 years it would return back to agricultural use as stated in the condition. It will have an impact on the green belt for 40 years but it won't be a permanent impact

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- There are many solar farms around the country and that is a risk with solar farms. This is an asset of the company. The planning permission goes with the land rather than the applicant and the conditions would still apply for the 40 years. Decommissioning could happen sooner if things such as technology changes happen
- There is no means of us requiring benefits to the community. Unlike housing requirements, there is no justification and any requirement for any contributions would not meet statutory requirements. An applicant may offer contributions to the local community and there has been a letter from the applicant to the Parish Council for a contribution.
- They could change things under the 40 years but would have to apply for planning permission
- The applicant proposed 40 years. Previous solar farms have proposed 25 years but that was based on the technology at the time. Now the technology has developed and solar farms can last 40 years. This isn't unique and many solar farms around the UK are like this
- We have made the declaration that we will achieve carbon net zero by 2040. To achieve this there will need to be significant renewable energy within the district, along with many other things. Renewable energy generation is around 10% in North Herts. Nationally, 40% of our energy is generated by renewable sources.

The Chair invited Paul Harding, Caroline McDonnell, Hugh Chatfield, and Derek Carter to speak against the application.

The objectors thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- After the reluctant vote of the Local Plan to approve green belt loss to housing. One week later we are faced with a vote to remove another 200 acres of green belt.
- In the Wymondly Neighbourhood Plan it states the Parish view of retaining the green belt. It has been stated the solar development is not permanent as it will be decommissioned however planning officers have provided case law that confirms that land use for development for 25 years must be accepted as lost to the green belt.
- There will be arable land lost to grain production. The AGR commission report states "This site comprises gently undulating land and fundamentally offers no restrictions to agricultural use and cropping potential". The site is grain producing grade 2 and 3A agricultural land and should be used for food production when food security is paramount in the nation's lives.
- The developers put forward establishing flower rich field margins around the perimeter to increase biodiversity but is already good management and is widely practiced with food crops
- There is a strong presumption in the national framework against developing solar on grade 2 and 3A land. There is no evidence that alternatives have been considered.
- There are better places to produce energy than using grade 2 and 3A land that should be kept in arable production
- The plans are of disproportionate scale. There will be landscape harm and it will be 4x the village size with 4m fencing and CCTV. It will damage the rural character and views from the village and local footpaths. There will also be notable glint and glare for some residents.
- There should be more work done on the plans fire and noise risks. Solar array fires are increasing frequent yet the plan has no input from the fire and rescue service. A fire engine can't easily manoeuvre on site. Plans do include a fire suppressant in the battery containers we saw earlier, however this is deceptive. A fire safety engineer spoke with the manufacturer of the gas suppressant who confirmed their suppressant



would be ineffective in batteries overheating. Vents release the suppressants to the atmosphere which is also polluting and potentially toxic.

- No consideration has been given to panels amplifying motorway noise to nearby residents.
- Access roads to the site suffer traffic in excess of their capacity already up to 160 HBD trips a day as proposed for almost a year would be crippling as minor roads are dug up for extensive cabling.
- The proposed site is a site of natural beauty with lots of wildlife and joins an important conservation area. The footpaths are frequented by many people. Site construction will result in destruction of wildlife. The CCTV, transformers and infrastructure will negatively impact the view from the footpath
- Solar power is targeted to be 8% of England's carbon neutral energy policy by 2050. If the latest technology panels were used in this case the 150,000 would produce over 70 megawatts and that is over 30% more than the applicant would be allowed. Is the scheme 30% larger than it needs to be or are the panels inefficient. We have reviewed other sites and this is the biggest land take to produce 50 megawatts.

The following Members asked points of clarification:

- Councillor Daniel Allen

In response to points of clarification it was advised:

- I can follow up the name of the company that was spoken to regarding the fire suppressant. The chemical does stop fire but isn't designed to stop the fire that would be caused by a battery overheating and thermal discharge in those instances

The Chair invited Councillor Richard Thake to speak against the application as a Member advocate

Councillor Thake thanked the Chair for the opportunity to address the Committee and gave a presentation which included:

- The Council has declared a climate emergency and we would like to contribute to non-carbon fuels
- The planning process is in place to protect and control but limit any damage that might be caused for the communities in which they live.
- Over a number of years I have been involved in the Local Plan process and professional officers have given advice on the weights that must be applied of the Government. The current administration has said that grad 2 and good quality grade 3A land are not where these should be built.
- The removal of agricultural land for the possibility of grazing isn't good enough
- I have serious doubts of the industry in terms of being honest about the true environmental impact of providing these arrays, running them and decommissioning them
- In 40 years time we have no control over the finances of the person running this to decommission this.

There were no points of clarification from Members

The Chair invited Phil Roden and Tim Lee to speak in favour of the application.

The supporters thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- North Herts declared a climate emergency in 2019 and have committed to becoming a net zero district by 2040.
- In response to national renewable energy targets, AGR have developed Priory farm solar array with the aim of supplying clean renewable energy.
- The key location criteria for any social solar farm is the availability of a grid connection point with sufficient capacity. Existing connection capacity in the UK and North Herts is limited.
- Recently National Grid have stated that they will need to build 7x as much infrastructure in the next 7-8 years than they've built in the last 32. This is to support the move to a net zero electricity system by 2035.
- This is a major investment programme and renewable energy developers are now having to wait 6-10 years to connect new developments. In contrast, Priory farm solar array can connect in 2024 and help decarbonise electricity network well in advance of the 2035 national target.
- The main planning constraint is the sites green belt location. 38% of the total area of North Hertfordshire is allocated as green belt and the proposed site represents just over 0.6% of this green belt land
- The lack of available grid connection points and the extensive nature of the green belt combined with areas of high landscape quality outside the green belt has led to renewable energy developments coming forward near the available grid connection points which are in the green belt.
- The applicants initial site search prioritised identifying land outside the green belt to minimise planning risk. However no other unconstrained viable sites could be secured and no alternative unconstrained connection points were available
- National planning policy does not preclude energy development in the green belt and there are numerous examples where renewable energy developments have been approved in the green belt based on special circumstances associated with national need and the climate change emergency.
- The key green belt consideration is the need to balance the very special circumstances against the harm. This planning balance is set out in section 4.7 of the Committee report and concludes that the special circumstances put forward outweigh the harms of the green belt in this instance.
- The UK government is committed to net zero by 2050 with the interim target of a net zero electricity system by 2035
- The British energy security strategy sets out that a five-fold increase in solar energy is required from where we are today.
- In advance of the recent COP27 conference Rishi Sunak said "we need to move further and faster to transition to renewable energy and I will ensure the UK is at the forefront of this global movement as a clean energy superpower"
- These are aligned with the Council climate change strategy. A key pillar of this is the Council committing to supporting both businesses and residents to switch to renewable energy.
- Only 10.4% of energy generation within the authority were from renewable sources in 2019 when the climate change emergency was announced. The authority hasn't consented any new commercial scale renewable energy projects since declaring the climate change emergency
- The solar farm would only occupy 0.2% of the district yet it would be able to supply almost 32% of the households in North Hertfordshire. This is a very significant contribution to the energy needs of the district and would move the authority a considerable way to becoming a net zero carbon district by 2040.
- This is given significant weight in the planning balance set out on pages 70-72 of the report.

- We are all experiencing spiralling energy costs as part of the current energy crisis and this is the main driver for the current high inflation levels and cost of living crisis.
- The solar farm electricity generation will be delivered at a lower levelized cost than any other generation technology and this will contribute significantly to reducing energy costs to consumers as renewables displace more expensive fossil fuel generation in the energy mix
- The applicant is also in discussion with energy supply partners to offer reduced tariffs to local communities when the solar farm is operational. These discussions are at an early stage but is something that is currently being piloted with communities in proximity to wind farms.
- The applicant presented the project proposals at an open meeting arranged by the Parish Council via zoom in January. In combination with statutory consultee responses this resulted in refinements to the proposals including removal of areas of solar panels, provisions of additional woodland and hedgerow planting to enhance screening, increase buffers to hedgerows and neighbouring footpaths with increased wildflower areas for greater biodiversity gains, identification of 'no dig' areas to preserve archaeology in situ, and provision of permissive footpaths to provide circular routes and enhanced public access to the area.
- Whilst it isn't a material planning consideration, the applicant has offered community benefit funds of £20,000 per year for the full 40-year life of the project totalling £800,000 to be used on local community environmental initiatives in recognition of the localised effects of the development.
- The applicant proposes to have further dialogue with the Parish Council and local community should planning permission be granted and this would inform the construction phase an additional mitigation measure that may come out of those discussions.
- We recognise that there has been flooding events to south of the site in recent years and this has been linked to water catchments which include the application site. Research has shown solar farms do not increase significantly surface water runoff, particularly if the areas below the solar panels are well vegetated with grassland.
- However a robust drainage strategy is being prepared. The overall effect would reduce peak runoff in the 1 in 30-year flood event by 30% compared to the current situation before development. This is a betterment over the current situation and reduces the likelihood of future flood events
- The details of the surface water management can be secured though a suitable worded condition and development would not proceed until this has been agreed with the LLFA.
- The applicant is committed to continuing agricultural activities within the solar farm through sheep grazing and the site would be restored to full agricultural use following decommissioning
- The UK is a food secure country and the biggest threat to food production and farm viability is the current energy crisis and climate change impacts. The proposed development would address both of these key pressures while supporting the existing farm business through diversification.
- The planning committee report sets out a clear and balanced consideration of the key planning and environmental issues. Your experienced planning officer has undertaken a very careful and considered balancing exercise and has concluded that there are material considerations that weigh heavily in favour of the application. These represent very special circumstances that clearly outweigh the harms to the green belt. The proposal is considered a sustainable development.

The following Members asked points of clarification:

- Councillor Tom Tyson
- Councillor Nigel Mason
- Councillor Alistair Willoughby
- Councillor David Levett
- Councillor Tony Hunter
- Councillor Daniel Allen

In response to points of clarification it was advised:

- There is a 50-megawatt maximum
- 12,000 households is based on the maximum energy consumption of all households and is the average households use. This solar farm would provide renewable energy for 36% of all North Herts houses annually.
- There is a 40-year lifespan for all panels. They may need to replace some of the battery cells as they have a shorter lifespan but the solar panels last for 40 years.
- Sheep grazing is a tried and tested method. AGR has a solar farm in Cambridge that have sheep grazing. Whilst growing crops underneath the solar panels is feasible it would require a much bigger area
- An offer has been made in writing from AGR to Parish Councils
- Technology has moved on. 25-year lifespans were linked to wind turbines. All solar farms have been 40-year lifespans due to the investment required. Manufacturers guarantee 40-year lifespans now, whereas before it was shorter
- The carbon payback is 6-10 years for the solar panels
- The 20,000 tonnes is comparing solar generation to gas generation
- The DCO threshold is over 50 megawatts. The inverter capacity limits how much it exports to 50 megawatts. The panels generation is limited to the grid connection
- The biggest threat to agriculture is energy
- There would have been a period of legal discussion with Parish Councils to ensure that there would be funding

Shaun Greaves reminded Members that although there has been mention of financial contributions to Parish Councils, no weight should be given to these in their decision making.

The following Members took part in the debate:

- Councillor David Levett
- Councillor Daniel Allen
- Councillor Tony Hunter
- Councillor Alistair Willoughby
- Councillor Michael Muir
- Councillor Nigel Mason

Points raised in the debate included:

- This is a subjective decision between the green belt and renewable energy. It is an inappropriate development on the greenbelt. It is also turning it into predeveloped land. This should be going to the Secretary of State due to the size of the development and the capacity potentially being greater.
- There were disagreements with the Local Plan for taking away the green belt, however the Local Plan says that there will be more green belt created. So taking away 0.6% isn't that big of an amount considering the amount of solar power created
- There are no special circumstances that warrant removal of the green belt as it is so important

- It is a difficult decision as it is environment vs environment. Unfortunately, we will have to make choices to remove some green belt to save the green belt in the future
- 2% more green belt is being created in the Local Plan, so losing this but won't have much difference. There is a solar farm on each side of a local runway and there has never been any reflection from solar farms while flying and it doesn't produce any glare
- We have an opportunity to do something about the climate emergency but it is at a cost

Councillor David Levett proposed to refuse permission for the reason that there has not been adequate demonstration of exceptional circumstances due to the harm it will create to the landscape. Councillor Terry Tyler seconded and, following a vote, the proposal was **LOST**

Councillor Daniel Allen proposed and Councillor Alistair Willoughby seconded and, following a vote, it was:

**RESOLVED:** That the application 21/03380/FP be **GRANTED** planning permission subject to the reasons set out in the report of the Development and Conservation Manager and the removal of Condition 7, to be replaced with two further conditions. Therefore the current Condition 9 would become Condition 10, with the other Conditions included within the report changing number accordingly. The additional conditions were:

“Condition 7:

No development including ground works and ground preparation works shall take place until a surface water drainage scheme, based on suitable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100-year + climate change critical storm will not exceed run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

1. A detailed response to the Letter from the LLFA dated 15 November 2022 which addresses the points of concern with the proposed surface water drainage scheme and overland flow management scheme.
2. Carry out any necessary amendments to the proposed surface water drainage scheme and hydraulic modelling for the overland management scheme for LLFA approval. Once the baseline information is agreed the following information should be provided;
3. Demonstrate an overall betterment of the existing pre-development overland flow paths for the 1 in 30-year event, ensuring the flow paths are maintained and not made worse for events above the 1 in 30-year event and up to the 1 in 100 year + climate change event.
4. Detailed engineered drawings of the proposed SuDS/flood risk mitigation features including their location, size, volume depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change event.
5. Detailed engineered drawings of all proposed discharge locations including headwall details, evidence of land ownership and relevant permissions. A condition survey of these specific locations should also be provided and any mitigation required should be carried out prior to development taking place.
6. Demonstrate appropriate SuDS management and treatment and inclusion of above ground features.

7. Provision of half drain down times for surface water drainage features within 24 hours.
8. Silt traps for protection of any residual tanked elements where appropriate.
9. Construction phase surface water and flood mitigation management plan.
10. Details of how the scheme shall be maintained and managed after completion including adoption of details.

Reason: To prevent the increased risk of flooding, both on and off site in particular to Priory Lane and Little Wymondley.

Condition 8:

Upon completion of the surface water drainage/flood management works for the site in accordance with the timing/phasing arrangements, the following shall be submitted to and approved in writing by the Local Planning Authority:

1. Provision of a verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme). The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure (during construction and final make up) and the control mechanism.
2. Provision of a complete set of built drawings for site drainage.
3. A management and maintenance plan for the SuDS features and drainage network.
4. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.”

**27 22/00982/FP Greenveldt Kennels , Luton Road, Kimpton, Hertfordshire, SG4 8HB**

*Audio recording – 2:00:29*

Andrew Hunter presented the report and gave a verbal presentation, which included:

- An extension of time has been agreed to the 22<sup>nd</sup> November
- Paragraph 4.3.26 reports should have the number 34.39% amended to 38.95% to reflect the figure in the energy strategy statement on its last page
- Following the adoption of the new Local Plan, the references to the 1996 previous Local Plan in the officer report have been removed and these changes are set out in an addendum to the officer committee report for this item and on the website.
- The site is a previous dog kennels business behind the dwelling which is at the front
- The business has now closed and the land has been cleared of most building structures and vegetation.
- The oak tree car repair garage to the east is the only neighbour and the rest of the site is enclosed by agricultural fields.
- There is a line of mature trees on the west boundary
- The nearest dwelling is approx. 300m away to the west
- The locality is a rural agricultural character and is in the green belt
- The proposal is for the redevelopment and change of use of the site to residential, involving the clearance of building structures and vegetation and the erection of three detached 4-bedroom bungalows each with pitched roofs, parking for the dwellings and visitors. There will be soft landscaping and the existing access will be widened.
- The existing site plan was before it had been cleared of the building structures

There were no questions from Members.

The Chair Neil Burns to speak against the application.

Neil Burns thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- In the last three years there have been three planning applications granted by the Council. First in 2000 was the conversion of a single stable block to provide a 4-bedroom house. The second in 2021 was the erection of two 3-bedroom and one 4-bedroom dwellings which this application seeks to replace. Thirdly, last week the Council granted permission for the extension of the existing dwelling at the front of the site by 100m sq. to be subdivided into two 4-bedroom dwellings.
- In 4.3.4 of the officers report which is inappropriate development, the application doesn't meet either of the two tests of nppf149g. firstly the proposal is not contributing to identified affordable housing needs. Secondly the proposal has an impact on the openness of the green belt.
- The proposed dwellings are now 4.7m in height, which is over twice the height of the existing buildings and significantly higher than that contained in the 2021 approved scheme. This increases the intrusion into the green belt
- The current application seeks to relocate the dwellings 20m further the south away from the existing house and public road. This is a far greater visual intrusion into the green belt
- The existing mature trees to the south east are removed in this scheme, reducing screening and increasing visual intrusion
- In 4.3.6 of the officer report, NHDC define land excluded from PDL as "land that has previously developed but where the remains of the permanent structure or fixed surface structures have blended into the landscape"
- If you refer to the aerial photographs, this was taken before the land was stripped and the existing buildings were substantially dilapidated and overgrown vegetation. The appearance of the site was mainly of grassland and wooded areas. This shouldn't be considered as previously developed land in NHDCs definition
- In 4.3.9 of the officers report, NHDC state the proposal is inappropriate development land unless very special circumstances exist. NHDC state that existence of a prior approved planning application is considered a VSC. The current application must be considered upon its content against the planning regulations and not granted simply because there was a previous approved application.
- This is substantially different to the one given permission in 2021.
- The applicant has made an application on the basis that the existing development was 1400m sq. this figure is incorrect, the actual size is only 50% of this. The post development is actually larger than the existing. In the evaluations, open areas were included in the calculation
- The area of the new scheme is agreed with NHDC that it is 30m sq. larger than the previous application and this should be a reason for not granted for an application for a greater extension of building area in the green belt
- In addition to the technical grounds against planning applications, the current proposal offers only 4-bed properties. If this is approved it will result in the site compromising entirely of six 4-bed houses. None of the needs of the Kimpton Parish housing survey would be met.

There were no points of clarification from Members.

The Chair invited Nicky Tribble to speak in favour of the application.

Nicky Tribble thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- This is a proposal for new housing stock which relates to an existing permission on the site for three dwellings
- The site has substantial history but the main focus of the approval is for three detached single-story dwellings which were approved in 2021
- In response to the Council's concerns for inappropriate development in green belt, the principal of the residential redevelopment of the site has already been agreed and supported by officers under the current permission
- This development could be implemented under the current permission. The applicant however purchased the site with the intention of making some minor changes to the layout, the form and the character of the development
- This revised proposal seeks to change the location of the access road which will now run along the west side of the site. This design change encouraged the retention and protection of the mature trees along the west boundary of the site.
- The new dwellings will occupy a similar position and orientation to the current permissions
- This revised scheme proposed 599 square meters of gross external area. The existing buildings on the site amount to approx. 1400 square meters.
- The reduction in the build enhances the character and appearance of the locality and results in a substantial improvement to the openness of the green belt
- The current permission provides a scheme which is minimal and modern in character and appearance. This scheme proposes traditional pitched roof and external materials which is more in keeping with the rural build styles found locally. The low-rise hip roofs will not extend above the maximum height which has already been agreed. The ridge height has not been increased
- The house types vary slightly in detail and add interest in development which includes alternative materials, brick detailing, and design detailing
- Careful attention has been paid to the street evaluation to create interest and add variety to the build form
- It is the applicant's intention to develop in a more in keeping style and form to enhance the green belt setting

There were no points of clarification from Members

The following Members asked questions:

- Councillor Nigel Mason

In response Andrew Hunter advised:

- The highest points of the dwelling is similar to that of the ridge height of the dwellings now proposed
- The two other applications mentioned by the objector are separate applications and comply with relevant policies
- There are only three dwellings proposed and falls under the national minimum threshold of affordable housing which is 11 dwellings
- The impacts on the area are comparable to the 2021 permission because these dwellings are only 30 square metres larger in terms of their footprint and they will be moved further away from the west boundary of the site which reduces their visibility from outside the site



The following Members took part in the debate:

- Councillor Alistair Willoughby
- Councillor Michael Muir
- Councillor Tony Hunter
- Councillor David Levett

Points raised in the debate included:

- There is a previous approval for a similar application. Currently the site is a dump so I don't think building houses will make it worse it will only make it better.
- Condition 8 mentions trees. I would like to see the gaps filled further with trees and some trees planted on the other side
- This is previous developed land and the previous application was granted so we can't refuse this application
- When this was approved last time we didn't have a 5-year land supply but now we do in the Local Plan, but because this was previous developed land we should grant it

In response to points raised, Andrew Hunter advised:

- The applicants can propose increased landscaping to increase trees. We can add an amendment to condition 8 to plant more trees.

Councillor Daniel Allen noted that the Member that called this item is not present.

Councillor Michael Muir suggested an amendment for Condition 8.

Councillor Daniel Allen proposed and Councillor Alistair Willoughby seconded and, following a vote, it was:

**RESOLVED:** That the application 22/00982/FP be **GRANTED** planning permission subject to the reasons set out in the report of the Development and Conservation Manager with an amendment to Condition 8 reading:

“Condition 8:

Prior to the commencement of the approved development, the following landscape details shall be submitted:

- a) which, if any, of the existing vegetation is to be removed and which is to be retained – including details of tree cutting
- b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
- c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed – hard surfaces shall be of porous materials, or provision shall be made to direct run-off water from the hard surfaces to a permeable or porous area or surface within the curtilages of the dwellings

d) details of any earthworks proposed

e) new tree planting to the west and east boundaries of the site, between the trees on the west boundary, and on the east garden boundaries of the approved dwellings. These trees shall be of native species, with details to be provided as part of b) of this Condition.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.”

**28 22/01920/FPH 14 Oakfields Avenue, Knebworth, Hertfordshire, SG3 6NP**

*Audio recording – 2:31:21*

Thomas Howe presented the report and gave a verbal presentation, which included:

- Omit the report references saved policies and the emerging nature of the Local Plan. My recommendation still stands
- There is an amendment to Condition 4 of Item 8 relating to the planting of a tree. There is some hoarding erected and some commencement of works related to extent permissions has occurred. It now should read “one replacement native semi-mature tree with a recommended girth of between 16-18cm must be planted in the front garden area of the property 14 Oakfields Avenue within one year of the date of this decision and should the tree die within five years of it being planted, the tree must be replaced in the following planting season”
- Two applications are being considered at the same address so I will only introduce the site once
- It is a detached bungalow to the north of Oakfields Avenue and is in a residential area of Knebworth
- It isn't listed or in the conservation area.
- There is a tree that has now been felled
- This application is looking to join up extant permissions with the emission of certain roof elements. A pitch has been erected to obscure and soften the flat roof.
- The garage is retained and the rear extension with bifold doors is joining up to the garage.
- The loss of the copper beech was strongly object to by neighbours and this tree was also considered to contribute to locality given its large size and pleasing crown. It was felled without being a breach of planning as it was not protected by a tree protection order and the site is not in a conservation area. A condition is attached to both applications requiring that a tree be planted in the front garden to replace the felled tree and contribute to the street scene.

The following Members asked questions:

- Councillor Alistair Willoughby

In response Thomas Howe advised:

- The Neighbourhood Plan does reference the design of the buildings. It is in traditional nature and is as expected for a dwelling of the size. It is my opinion but I believe it is the nature of the Neighbourhood Plan

The Chair invited Peter Calver to speak against the application.

Peter Calver thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- The two applications should be considered together as they are effectively a single development to this plot.
- It is surrounding a 1926 bungalow on all sides with flat roofed extensions is entirely out of character and sympathy with the existing building and surrounding properties
- Oakfields Avenue should be considered as a character neighbourhood whose origins are from the inspired Knebworth Garden Village project from the early 20<sup>th</sup> century.
- An image of this property can be seen in the original prospectus for the Knebworth Garden Village project
- The bungalow should be described as a building of special architectural interest and should be treated with respect
- The proposed plans will attach a large double garage to the front which will be detrimental to the street scenery
- Very little of the original structure would be visible, contrary to North Herts and Parish Council Local Plan policies. These policies state that the layout, design, existing features, and character of the surroundings must be considered. "Concern for the site and surroundings is equally, if not more, important for conversions. Single dwellings can have a disastrous impact on the street scene or building itself. Existing features should be retained as far as possible and development on sites and areas having established character will need careful consideration as to whether they are acceptable at all".
- Many surrounding properties have been developed over the years in sympathy to their origins and this should continue
- The statutory notifications for these applications were not originally displayed at the site by the applicant. It was only after objections were received, it was displayed with only a few days left for objections
- Planning extended time for objections but the notices were not updated at the site.
- Another extension was put forward and the planning officer attended the site to ensure the notices were displayed for the full period
- There was a felling of a significant 80-year-old beech tree on the boundary between 12 and 14.
- The previous application plans didn't include this tree and after informing Council planning the plans were amended to include the tree.
- There was an inspection with a view to imposing a TPO on the significant tree. The tree officer said, "the felling of this tree will be criminal". He rated the tree definitely meriting a tree preservation order and considered the tree to be in joint ownership between 12 and 14.
- The applicant in the signed declaration stated that no tree was to be felled and this was reaffirmed by emails.
- The application for the detached garage under the tree were refused because of the tree
- With no consultation, the beech tree was felled

The following Members asked points of clarification:

- Councillor David Levett

In response to points of clarification it was advised:

- I am house number 12 which is the bigger house

The Chair invited Councillor Lisa Nash to speak against the application as a Member advocate

Councillor Nash thanked the Chair for the opportunity to address the Committee and gave a presentation which included:

- There have been a considerable number of applications which have caused confusion to residents who feel they can't comment fully. This application should have been a single application
- This property is currently unoccupied and stands on the road in full view of neighbouring properties and street scene
- Oakfields Avenue was built in keeping with the garden village design which provides wide main avenues and large gardens, similar to Letchworth, and is protected
- This application disregards this approach as it is in conflict with the adopted neighbourhood plan.
- Oakfields Avenue is recognised as a character road in Knebworths neighbourhood plan.
- One objective of Knebworths neighbourhood plan is to retain the existing architectural character of the garden village which this proposal is contrary to.
- This proposal is not in keeping with the character of the property nor those surrounding it, which have pitched roofs.
- The large garage dominates the front of the property and is disproportionate to the size of the property itself and significantly forward of the building line.
- These features negatively impact the street scene for neighbouring residents
- This application is also contrary to NHDC policies 28 around house extensions and 57 residential guidelines and standards, by not retaining the shape and existing features of the property.
- It is contrary to the adopted Local Plan policy D2 due to the adverse effect on the character and appearance of the street scene
- The road have unique characteristics which should be protected
- Several neighbours were unhappy about the felling of the beech tree which was due to have a TPO put on it
- A new and complete planning application should be submitted which shows changes in the property to date and all proposed alterations which is in character to the street scene.
- I request two conditions are attached. The reinstatement to replace the tree that was felled to maintain the environment, and that due to the disproportionate size of the garage which is significantly forward of the building line, that permitted rights are moved and conversion to residential use should not be allowed

The following Members asked points of clarification:

- Councillor David Levett
- Councillor Tom Tyson

In response to points of clarification it was advised:

- All the other houses have been altered but have been in keeping with the character and were done before the Neighbourhood Plan which specifically mentions Oakfield Avenue
- The road is in the Neighbourhood Plan and is a recognised character road

The Chair invited Justin Reed to speak in favour of the application.

Justin Reed thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- The applicant was previously granted prior approval for the single-story rear extension with a depth of 5.32m and granted planning permission for a single-story side and front extension and conversion of a garage into a room.
- This application seeks to connect the two applications together.
- There have been points regards to established character, but there are a range of types of houses and there isn't an established character along the street.
- The difference between the two approved applications and this one is very slight in differences.
- The tree was felled in June and the planning officer has recommended an additional condition which requires the client to plant another tree. There was no breach as the tree didn't have a TPO. The tree doesn't form part of this application so there shouldn't be a condition added to it

There were no points of clarification from Members

The Chair invited Thomas Howe to respond:

- The design is sympathetic
- The neighbourhood plan does discuss Oakfields Avenue and views down. This is why previous applications were refused for a detached garage at the front.
- The frontage is still open and you can still see the majority of the design of the dwelling
- There is a lot of variation along Oakfields Avenue of bungalows and 2-storey dwellings.
- There were notices put up with correct expiry date to allow for full consultation
- The applicant can submit two applications, and they are detached from each other.
- The planting of a tree in the front garden would be a positive impact to number 14 and the wider area.

Tom Allington also responded:

- A condition to prevent the garage from being turned into a room was not imposed on the previous application so would be considered unreasonable to impose it now.
- Usually when we impose a condition like this it is to retain parking, but this site has ample parking in the front.

The following Members took part in the debate:

- Councillor Alistair Willoughby
- Councillor Daniel Allen
- Councillor Nigel Mason
- Councillor Michael Muir
- Councillor David Levett
- Councillor Simon Bloxham

Points raised in the debate included:

- The issue seems to be with the character however we have heard from a lot of people that it seems to be in line with the character of the street.
- The tree shouldn't have been removed

- The wording should be that the tree should be planted in the front garden not just on the property. With a tree of that size, will there still be ample parking at the front of the property for two vehicles
- Was there a pending TPO on the tree that was felled. We should make sure that the new tree doesn't get cut down too
- If there is a tree felled for a development we should have a policy as a Council to ensure they plant two trees rather than just one. A tree in the back garden can be planted as well as in the front
- The previous application was different
- We don't have proof that it was felled for planning reasons. I can't believe that in the next application there is the same wording so there could be two trees planted

In response, Tom Allington advised:

- Condition 4 has been updated. The tree should be planted within a year should this application be granted
- If the tree is to be planted in a similar place to the last tree, the driveway is big enough so there is enough space
- We are keeping the two applications separate and if both are approved then they would need to plant two trees. The main harm that was caused was the visual impact so planting a tree in the back garden won't do much to mitigate this

Thomas Howe also responded:

- There is wording to ensure the tree is planted in the front garden
- The previous application proposed two garages, we only allowed one

Councillor Alistair Willoughby proposed and Councillor Daniel Allen seconded and, following a vote, it was:

**RESOLVED:** That the application 22/01920/FPH be **GRANTED** planning permission subject to the reasons set out in the report of the Development and Conservation Manager with an amendment to Condition 4 reading:

"Condition 4:

One replacement native semi-mature tree with a recommended girth of between 16-18cm must be planted in the front garden area of the property 14 Oakfields Avenue within 1 year of the date of this decision. Should the tree die within 5 years of it being planted, the tree must be replaced in the following planting season.

Reason: In the interest of local amenity."

**29 22/01921/FPH 14 Oakfields Avenue, Knebworth, Hertfordshire, SG3 6NP**

*Audio recording – 3:10:15*

Thomas Howe presented the report and gave a verbal presentation, which included:

- The proposed extension is to the right side of the property and will have a flat roof

There were no questions from Members.

The Chair invited Peter Calver to speak against the application.

Peter Calver thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- The objections are equally balanced for this application
- The attaching of a flat roofed extension partly to the front side visible from the street, the character property is at odds with the original building and those surrounding it
- It should be sympathetic to the buildings around it and in respect to the character of the neighbourhood
- This application is designed to be part of the larger development so why wasn't it included in the previous application.
- The original bungalow doesn't exist as the rear extension has been demolished and the building has been gutted
- The applicant work started without consent

There were no points of clarification from Members.

The Chair invited Councillor Lisa Nash to speak against the application as a Member advocate

Councillor Nash thanked the Chair for the opportunity to address the Committee and gave a presentation which included:

- Many residents were unaware
- This application is contrary to the Knebworth Neighbourhood Plan
- It will have a massive impact on the street scene as it is not in keeping with surrounding properties
- It would have been better to have one complete plan that was sympathetic to the street scene and in line with policies.
- The front of the property will be a lot further forward than neighbouring properties
- It has a massive visual impact on neighbouring properties

There were no points of clarification from Members.

The Chair invited Justin Reed to speak in favour of the application.

Justin Reed thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- There is no established character along the street with properties varying in size and style.
- This proposal will be a front extension to create a uniform appearance.
- It is a relatively small addition and won't harm the visual impact of the site

There were no points of clarification from Members

The Chair invited Thomas Howe to respond:

- The setback nature of the dwelling and modest scale and visual impacts means it will not have a massive impact

The following Members took part in the debate:

- Councillor Alistair Willoughby

- Councillor Michael Muir
- Councillor Simon Bloxham
- Councillor Daniel Allen
- Councillor David Levett

Points raised in the debate included:

- We've just approved the visual of the building site so we can't refuse this
- It doesn't say what type of tree should be planted, I think it should state it is a Beech tree as that is what was removed
- We don't need two trees, we already have one now that replaces the other one
- If the tree is planted in the first condition and they build the second extension do they have to build both trees. If a second one is planted it should be placed in the back garden
- Sometimes you can't replace a tree with the exact same tree so having it as a native tree is better.

In response, Tom Allington advised:

- The condition says it should be a native tree, but this can be specified
- A replacement tree is important. These are two different applications for two different extensions. If they don't build on of the extensions then they will only have to plant one tree

Councillor Alistair Willoughby proposed and Councillor David Levett seconded and, following a vote, it was:

**RESOLVED:** That the application 22/01920/FPH be **GRANTED** planning permission subject to the reasons set out in the report of the Development and Conservation Manager

## 30 PLANNING APPEALS

*Audio recording – 3:24:48*

Tom Allington updated Members on Planning Appeals which included:

- We have five appeal decisions to report back
- The site at Croft Lane in Letchworth and this is now one of our allocated housing sites. This was recommended for approval by the officer and was overturned and refused by the Committee on the grounds that Croft Lane was too narrow for the levels of traffic.
- The appeal was dismissed but the inspector found that the reason given by the Council was acceptable and the impact of the traffic would be an unacceptable level. It was dismissed because the obligations in the unilateral undertaking had not been fully justified and therefore had not been found to be fully compliant.
- There are four other appeal decisions but they are not hugely noteworthy but I am happy to take questions

**REASON FOR DECISION:** To keep the Planning Committee apprised of planning appeals lodged and planning appeal decisions.

The meeting closed at 11.00 pm



**Thursday, 17th November, 2022**

Chair