

APPLICATION BY AGR 4 SOLAR LTD

Proposed solar array with associated battery storage containers and ancillary development including means of access and grid connection cable on land at Graveley Lane and to the east of Great Wymondley, Hertfordshire.

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Proof of Evidence of Michael Robinson BA (Hons) Dip TP MRTPI

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1.0 INTRODUCTION

1.1 Qualifications and Experience

1.2 My name is Michael Robinson. I hold a Bachelor of Arts Honours Degree in English Literature and Geography from Keele University and I also hold a Post Graduate Diploma in Town Planning from the University of Westminster and I am a Member of the Royal Town Planning Institute.

1.3 I am a planning consultant providing planning consultancy services for public and private clients.

1.4 I have over 35 years' planning experience in both the public and private sectors.

1.5 Over this period, I have advised on numerous development proposals in the context of planning applications, Development Plan preparation and appeals.

1.6 I received instructions to act on behalf of North Hertfordshire District Council, hereafter referred to as the Local Planning Authority (LPA), in respect of the call-in inquiry in early July 2023. I had no prior involvement with the application.

1.7 My evidence considers the planning merits of the development proposed in the application (hereafter the Proposal) when assessed against the Development Plan and relevant National Planning Policy including that within the NPPF. My evidence also takes account of a number of material considerations that I consider relevant to the determination of the Proposal. Given that the Proposal would be located within the setting of a number of listed buildings, my evidence also pays special regard, in accordance with the LPA's statutory duty under s. 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to the desirability of preserving a listed building and its setting.

1.8 Statement of Truth

1.9 I confirm and declare that to my knowledge and belief:

1.10 All matters contained in this document are an accurate and true record of all matters put forward.

1.11 My proof includes all facts I consider as being relevant to the opinions which I have expressed, and I have included in my proof all matters which would affect the validity of the opinions I have expressed.

1.12 I confirm that the opinions expressed are my true professional opinions and that I recognise my duty to the inquiry is to provide my honestly held professional view. The evidence that I shall provide for this inquiry has been prepared and given in accordance with the guidance of my professional institution.

- 1.13 Scope of my evidence
- 1.14 My evidence addresses the main and other issues identified by the Secretary of State (SOS) and the appointed Inspector in correspondence comprising:
- Secretary of State’s statement under rule 6(12) of the 2000 Rules contained in his letter dated 26th May 2023.
 - The Inspector’s case management conference pre-conference note and.
 - The Inspector’s note of case management conference held on 18 July 2023.
- 1.15 I shall consider the Proposal in relation to the adopted Development Plan (specifically the North Hertfordshire Local Plan 2011 – 2031 (CD38) and the Wymondley Neighbourhood Plan 2015 – 2031) and the provisions of the National Planning Policy Framework (NPPF 2021) as well as all other material considerations.
- 1.16 In accordance with the LPA’s resolution to grant planning permission for the development, I also consider the harm arising from the development together with the public benefits of the development and where in my judgement the overall planning balance lies.
- 1.17 In arriving at my overall conclusions, I have relied where appropriate upon the view of other professional experts within their particular areas of expertise who were consulted in connection with the application.

2. BACKGROUND TO THE APPLICATION

2.1 The Site and Surroundings/background

2.2 A full description of the Site and surrounding area is set out in the Statement of Common Ground (SoCG).

2.3 Description of the Development

2.4 A full description of the Proposal is set out in the SoCG.

2.5 Planning History

2.6 The planning history of the site is set out in the SoCG.

3. INSPECTOR'S MAIN ISSUES

3.1. The main issues identified at the Inspector's Case Management Conference Summary Note dated 24 July 2023, which reflect the SOS's reasons for calling in the application, are:

- Whether the proposal would represent inappropriate development in the Green Belt.
- The effect of the proposed development on the openness of the Green Belt.
- The implications of the proposal for meeting the challenge of climate change.
- The effect of the proposal on the character and appearance of the area.
- Whether the proposed development would be consistent with the Development Plan and other relevant policies.
- Whether the harm to the Green Belt, by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

3.2 I have sought to place particular focus on the main issues in my evidence.

4.0 PLANNING POLICY

4.01 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory position is repeated in para 47 of the NPPF. Planning applications that accord with an up-to date development plan are to be approved without delay (para 11 (c) of the NPPF).

4.02 North Hertfordshire Local Plan 2011-2031. A list of relevant policies for the Proposal are stated in the SoCG (CD 140).

4.03 Wymondley Neighbourhood Development Plan (2011-2031). A list of relevant policies for the Proposal are stated in the SOCG (CD 140).

4.04 The National Planning Policy Framework (2021). The following are particularly 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.

4.05 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 in particular identifying the planning considerations for solar photovoltaic farms.

4.06 Other Material Considerations

I consider that the National Policy Statements (and Draft Statements) for Energy and Renewable Energy Infrastructure for nationally significant infrastructure projects are relevant material considerations.

5.0 **PLANNING ASSESSMENT**

6.0. **GREEN BELT POLICY AND IMPACTS**

6.1. I consider that the Proposal is 'inappropriate' development in the Green Belt. There is no dispute between the parties on this matter as the applicant's statement of case at 4.2.2 (CD137) says "The Applicant accepts that the proposed development is inappropriate development in the Green Belt".

6.2. With regard to the development plan, NHLP Policy SP5c) states that the LPA 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. The Wymondley Neighbourhood Plan Policy GB1 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”.

- 6.3. In terms of national Green Belt policy, to which both relevant development plan policies refer, paragraph 147 and 148 of the NPPF state that inappropriate development in the Green Belt is, by definition, harmful, and LPAs should ensure that substantial weight is given to any harm to the Green Belt. Such development should not be approved except in “very special circumstances” ... “very special circumstances will only exist if the harm to the Green Belt by its inappropriateness, and any other harm, is clearly outweighed by other considerations”.
- 6.4. Paragraph 151 of the NPPF expressly refers to renewable energy projects in the Green Belt recognising that elements of many such projects may comprise inappropriate development and will need to demonstrate very special circumstances if projects are to proceed. It states that such “very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”. When dealing with planning applications for renewable and low carbon development it says “planning authorities should a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and b) approve the application if its impacts are (or can be made) acceptable (Paragraph 158(b)).
- 6.5. The North Hertfordshire Local Plan 2011-2031 (NHLP) does not identify land for solar farm /renewable energy generation use but NHLP Policy SP11 a) supports proposals for renewable and low carbon energy development in appropriate locations. At paragraph 4.144 of the Plan, it says “A balance needs to be struck between the beneficial outcomes of renewable energy, and any adverse impacts produced by the development itself”.
- 6.6. These national and local policies each highlight the need for very special circumstances and the importance of the balancing exercise between the benefits of renewable energy proposals and any adverse impacts.

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

- 6.7. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (NPPF Para 137).
- 6.8. In section 5 of the applicant’s Planning Statement (CD 2) it describes the methodology behind the LPA’s review of the Green Belt relied upon as part of its evidence base for the North Hertfordshire Local Plan, and at para 5.4.31 it says, “the Proposed Development has

been assessed for its potential harm to green belt purposes considering the same criteria used for the assessment of development Sites within the Green Belt Review”. I consider this approach to be reasonable.

- 6.9. The LPA’s Local Plan Green Belt Review July 2016 (CD 143) considered the contribution that specific parcels of land make to each of the five purposes of the Green Belt. At 5.4.20 and Table 5.3 of the applicant’s Planning Statement (CD2) it provides the Council’s GB assessment criteria, and at Table 5.3 at paragraph 5.4.29 it shows an extract from the Council’s GB Review that identifies the contribution the two land parcels affected, (Parcels 10c (Little Wymondley) and 14f (Willian)), make to the purposes of the Green Belt. In contrast to the applicants Planning Statement the Council’s GB Review (2016) (CD2) also includes a helpful assessment score for each of the purposes of the GB for each of the parcels *1 = Land making a limited contribution to GB purpose(s), 2 = Land making a moderate contribution and 3 = Land making a significant contribution*. The Green Belt review also considered the contribution made by larger parcels and the Site falls within parcels 10 and 14 at the large scale level and 10c and 14f at a more granular level.
- 6.10. The Council’s review concluded that both land parcels north and south of Graveley Lane overall make a significant contribution to Green Belt purposes (pg.34 Table 3.1 Green Belt Review Assessment Matrix – existing Green Belt sub-parcels (CD143).
- 6.11. The northern land parcel north of Graveley Lane is noted as making a significant contribution in terms of preventing the southwards expansion of Letchworth in the gap between Stevenage, Letchworth and Hitchin, and as 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.
- 6.12. The southern land parcel is north of the east coast mainline railway, bounded by the A1(M) and Graveley Lane and is noted 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 and makes a moderate contribution towards safeguarding the countryside from encroachment and a limited contribution towards preserving the special character of historic towns. The applicant has produced a site specific assessment using the same assessment criteria as the Green Belt Review and alongside a Landscape Visual Impact Assessment LVIA (CD 4). With respect to the Green Belt purpose a – (check the unrestricted sprawl of large built-up areas) the assessment, as set out in Table 5.4 of the Planning

Statement, concludes there is “very limited visual connectivity” and “therefore given the distance and limited intervisibility from surrounding towns and villages, it would not result in unrestricted sprawl”. It concludes “that whilst the Proposed Development would result in harm to this purpose of the Green Belt, this would be **limited harm** given the limited intervisibility and distance from the main urban areas”.

- 6.13. In respect of Green Belt purpose b – (To prevent neighbouring towns merging into one another) for similar reasons as for a, the applicant’s assessment concludes “the Proposed Development would not result in coalescence, the limited intervisibility between settlements and the Site, and that the existing perceived gaps between settlements would be maintained, there would be **no harm** to this purpose of Green Belt designation because of the Proposed Development”.
- 6.14. In respect of Green Belt purpose c – (To assist in safeguarding the countryside from encroachment) the applicant’s assessment concludes that the site proposal “conserves the existing landscape fabric by avoiding the removal of vegetation or the substantial alteration to any landform” and the Proposal “includes proposed woodland belts and hedgerows to integrate the solar farm by providing a robust landscape framework. This mitigation planting would restore and improve the existing landscape fabric which is in a declining condition. However, the applicant concludes that the Proposal would “would result in harm to this purpose of the Green Belt simply because of development of a greenfield Site, this would be **limited harm**”.
- 6.15. In respect of Green Belt purpose d – (To preserve the setting and special character of historic towns) it concludes “given the physical separation between the Proposed Development and historic towns / local conservation areas, and the very limited intervisibility between the Proposed Development and these areas, there would be **no harm** to this purpose of Green Belt”.
- 6.16. In respect of Green Belt purpose e (To assist in urban regeneration, by encouraging the recycling of derelict and other urban land) the applicant’s appraisal follows the LPA’s assessment criteria which remarks that “Re-use of previously developed land is achieved consistently through the application of Green Belt policy. Therefore no assessment is made against this criterion”.
- 6.17. The applicant is therefore of the view that there is limited harm to two purposes of Green Belt, checking the unrestricted sprawl of large built-up areas and safeguarding the countryside from encroachment, and that the level of harm is limited and “is considered not to result in overall harm to the integrity and function of the Green Belt” (para 5.4.35

Planning Statement CD2). I do note however that the applicant's statement of case differs slightly where at 4.2.11 it says s "it would not conflict with the purpose of restraining unrestricted sprawl and there would be no diminution of the purpose to prevent neighbouring towns from merging with each other. Thus, the proposed development accords the first two purposes". The Inspector may wish to understand more from the applicant about the apparent differences in conclusions on GB purpose a.

- 6.18. In assessing the application, the LPA's Officer Report undertook a similar exercise and concluded that the Proposal would result in limited harm to GB purposes a and b and significant harm to GB purpose c (table 1 Pg 46 CD35a). I note that the conclusions on harm to GB purpose c stated in para 4.5.77 and 4.5.78 of the Officer Report (CD35a) describes the harm to GB purpose c as 'moderate' which does differ from the conclusion in Table 1 which describes the harm as significant. I do not know the reason for this difference and will seek to clarify the issue with the relevant officer before I give evidence. However I report my own assessment below.
- 6.19. Given that the NPPF sets out that the Green Belt has a number of purposes, the site must be assessed in relation to these to understand its contribution. I consider that, as a matter of logic, an area of land making less of a contribution to the NPPF Green Belt purposes must have the potential to accommodate change to a greater degree than an area of land making a stronger contribution. This reflects the approach taken by the applicants and the LPA in their assessments.
- 6.20. Turning to the five key purposes of the Green Belt.
- 6.21. A – To check the unrestricted sprawl of large built-up areas. The LPA's GB review concluded that both parcels north and south of Graveley Lane play an important role in preventing the expansion of towns of Stevenage, Hitchin and Letchworth into the gaps which separate them. I agree with the LPA's review, the fields comprising the site form part of a wider area of largely undeveloped land between settlements. Whilst not physically abutting any large built-up areas, in my opinion this open agricultural land does contribute in part towards maintaining the gap between Stevenage, Hitchin and Letchworth. I accept that the location is already notably influenced by existing infrastructure including the A1 motorway, a railway line and other roads but in my opinion its undeveloped countryside character does contribute towards checking the expansion of nearby towns and villages.
- 6.22. Having reviewed the submitted LVIA I acknowledge that the site may not be very widely visible and with proposed landscape and hedgerow planting its visibility will diminish over time and result in strengthening of landscape and field structure, however in my opinion the

- Proposal would still result in a limited adverse effect on Green Belt purpose (a). I note that this also is the view of the LPA and the applicant (at least in its Planning Statement).
- 6.23. b – To prevent neighbouring towns merging into one another. For the same reasons as for GB purpose (a) I do consider the site together with other land in the vicinity does contribute towards the physical and visual separation of towns in the area. I acknowledge the applicant’s view that “the Site does not directly adjoin the boundary of any built-up area and maintains a physical separation from nearby towns and villages” (table 5.4 CD2) and that gaps between settlements would remain, however the quantum of intervening land maintaining a physical separation between nearby towns and village would reduce. In my opinion land need not be contiguous with a settlement to extend the settlement’s influence. Again, I consider that the proposed landscape mitigation as demonstrated in the LVIA and application plans will reduce the visual effects to a localised level and that other physical barriers such as rivers and roads will assist in maintaining separation between settlements in the area, but it is my opinion there would be a limited adverse effect on Green Belt purpose (b). This differs from the conclusions of the applicant who consider that it would cause no harm but I note that my opinion does accord with the view of the LPA – limited adverse effect.
- 6.24. c – To assist in safeguarding the countryside from encroachment. In my opinion the development would result in encroachment of the countryside as the site is currently open fields. The simple absence of built development on land and its agricultural appearance and use contribute significantly towards its countryside character. I acknowledge that the site may not be very widely visible and with proposed landscape and hedgerow planting its visibility will diminish over time and result in a strengthening of landscape and field structure, however in my opinion the Proposal will inevitably introduce significant forms of built development where there is currently none. In my opinion there would be a significant adverse effect on Green Belt purpose (c). My conclusion on the scale of harm to this GB purpose does not match that of the applicant but is aligned with the LPA conclusions (subject to my comments above in respect of the moderate as well as significant harm identified in the Officer’s Report).
- 6.25. d - To preserve the setting and special character of historic towns. The site does not border or sit prominently within the setting of any historic towns. It is close to Great Wymondley and Graveley and their respective conservation areas however the Heritage Impact Assessment (CD) and my own observations on site lead me to conclude that the physical separation and intervening landscape and physical features mean the site is sufficiently

- detached from any historic town/village such that it does not contribute greatly to the intimate character of the adjoining villages and their conservation areas and so in my opinion the development would have a neutral impact in terms of Green Belt purpose (d).
- 6.26. e - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The site is not urban land and so does not contribute to a reuse of urban land.
- 6.27. Having considered the purposes of the Green Belt and the impacts of the development on achieving each of those purposes I return to the aim of Green Belt Policy, to prevent urban sprawl by keeping land permanently open.
- 6.28. Openness can be assessed in both a spatial sense and a visual sense. From a spatial perspective the proposed solar arrays and other elements would introduce development into the area where there is currently no built development. This would diminish the spatial openness of the Green Belt although I acknowledge that there would still be open areas between and below the solar panels and within buffer zones and access routes and so the panels and associated structures would not represent continuous massing across the site in the same way that a building would. I have not measured the extent of the structures but the applicant considers the physical footprint of development would amount to only 3% of the site (para 5.4.46 CD2)but in my opinion it would still represent a loss of spatial openness across the site.
- 6.29. In my opinion the Proposal would also have adverse visual or perceptual effects on openness for those people living in and visiting/passing through the area. The applicant's Planning Statement is clear on this issue, at 5.4.50 it says "As set out in the LVIA: In the short-term, the Proposed Development would have an impact on the perceived openness of views at intermittent locations around the Site boundary through the introduction of solar panels and associated infrastructure into the foreground of views". I do however qualify my opinion and acknowledge the conclusions of the LVIA and the LPA's Landscape Consultant in its review of the LVIA (CD86a and 86b) in recognising that because of the site's topography and because of existing and proposed new landscape planting which will grow over time, the visual impact would be localised and will reduce over time. I also consider that over time where parts of the site could continue to be viewed from intermittent and more distant viewpoints, the Proposal will be absorbed into the wider landscape and its visual impact lessened.
- 6.30. I am also conscious that the Proposal is not permanent, it is for a 40-year period and whilst 40 years is a long time, the site would ultimately be returned to its current form and appearance but with additional landscape planting and its associated landscape benefits that is secured by the Proposal, remaining in place. With the removal of the solar panels and

other structures the Proposal would not result in a permanent loss of spatial or visual openness.

- 6.31. Forty years is however a long time and so in my opinion only limited weight should be given to its “temporary” nature.
- 6.32. I note that the LPA Officer’s Report to Committee (CD35a) says that the Proposal would be inappropriate within the Green Belt, and that there would be significant harm to openness and moderate harm to one of the purposes of the Green Belt. (Para 4.5.78).
- 6.33. In my opinion, as expressed in the paragraphs above the Proposal would be inappropriate within the Green Belt and there would be significant harm to the openness of the Green Belt both spatially and visually, and in my judgement there would be limited harm to purposes a and b and significant harm to purpose c of the Green Belt.
- 6.34. In accordance with paragraph 148 of the NPPF substantial weight should be attached to the totality of harm that would be caused to the Green Belt. I also consider that the Proposal would conflict with part of the WNP Policy GB1 in so far as it would impact on the openness of the Green Belt landscape close to Great Wymondley affecting the contribution it makes to the character of and eastern approach to the village. Compliance with the other part of WNP GB1 and NHLP SP5c and national policy depends on the judgement reached as to Very Special Circumstances which I consider later in my evidence.
- 6.35. I and the LPA consider that the fact that the proposed development would not be permanent means that the Green Belt harm also would not be permanent. This does temper the overall assessment of harm to the Green Belt. 40 years is however a long time, and I consider that only limited weight should be given to the temporary nature of the Proposal.
- 6.36. I consider 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 and that very special circumstances sufficient to clearly outweigh the harm by reason of inappropriateness and any other harm to the Green Belt are needed if the Proposal is to be permitted.

7.0 THE EFFECT OF THE PROPOSAL ON THE CHARACTER AND APPEARANCE OF THE AREA

- 7.1 NHLP Policy NE2 requires developments to respect the sensitivities of the relevant landscape character area, not cause unacceptable harm to the character and appearance of the surrounding area or the landscape character area, be designed and located to ensure the

future retention and health of important landscape features and to have considered the long-term management and maintenance of existing landscape features.

- 7.2 Policy NHE1 of the Wymondley Neighbourhood Plan requires planning applications, where appropriate to be accompanied by an assessment of the impact of the proposal on landscape character making reference to the relevant character assessment documents including the North Hertfordshire landscape study.
- 7.3 Chapter 15 of the NPPF, specifically paragraph 174a states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 7.4 The site does not form part of any designated landscape and is not a valued landscape in NPPF terms.
- 7.5 In accordance with the requirements of the Wymondley Parish Neighbourhood Plan Policy NHE1, the application is accompanied by a LVIA, which assesses impacts on landscape character as well as visual impacts and the Green Belt.
- 7.6 The LPA instructed landscape consultants, The Landscape Partnership (TLP), to review the applicant's LVIA. TLP's first report is dated May 2022 and is at CD86a. TLP also reviewed the amended proposals put forward by the applicant which responded to certain recommendations made by TLP in their first report. The review of amended proposals is dated July 2022 (CD86b). The revised landscape proposal is shown on the plan at CD24. The amendments made to the landscape scheme comprise:
- Increasing buffers between existing hedgerows, trees and woodlands from 6m to 12m with the increased buffers managed as species rich grassland and wildflower areas to increase biodiversity gains
 - 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, one parallel to Graveley Lane and one perpendicular to Graveley Lane creating potential for circular walking routes for the life of the Proposed Development.
 - Two new hedgerows added within the area north of Graveley Lane to link the existing truncated hedgerow to the wider field pattern.
 - Woodland copses added either side of the proposed site entrance to screen views into the site from Graveley Lane.

- Solar panels pulled back from Graveley Lane in the field nearest to Great Wymondley and additional woodland and hedgerow planting/gapping up along the western boundary towards Great Wymondley.

Landscape Character

- 7.7 The LVIA applies existing landscape character assessments produced at national, county and district level. The Site falls within a National Landscape Character Area (NCA 87: East Anglian Chalk), a Regional Landscape Character Type (RLCT) 13: Lowland Village Farmlands, and more locally the Hertfordshire Landscape Character Assessment (2003-04) and the North Herts Landscape Study (2011). The district study establishes that the Site is within the Arlesey / Great Wymondley LCA, (CD71). The key characteristics of the Arlesey / Great Wymondley LCA are large flat expansive arable landscape in the north, rolling arable landscape of large-scale fields in the south and with relatively few trees in the south and a core defined by the urban development of Letchworth and Hitchin. (pg 103 CD71).
- 7.8 The area of the Site is characterised by large arable fields and a gently undulating topography but with urbanising influences including the nearby A1 motorway, railway line and other more minor roads and lanes. The North Herts Study (CD71) describes the landscape of the area as “not rare and is exhibiting typical pressures associated with urban fringe use” (pg. 106). “Overall Arlesey-Great Wymondley is considered to be of low sensitivity, there is significant urban influence and numerous landscape detractors” (pg. 108 CD71). In referring to visual sensitivities the North Herts Study refers to views of the countryside from the settlements as “an important feature of the Character Area”, and “the small woodland copses and hedgerows to the south maintain the more enclosed historic character of the area” (pg 108). It says “in visual terms, Arlesey- Great Wymondley is considered to be low to moderate sensitivity. (pg 108 CD71) and in terms of landscape value to be of “low landscape value” (pg. 108a). It states the landscape capacity for large scale ‘open’ uses is considered to be low” (pg. 108b).
- 7.9 The Landscape Visual Impact Assessment (LVIA) which accompanies the application seeks to establish significant landscape character and visual effects resulting from the development during the construction phase, and operational phase.
- 7.10 It first seeks to establish baseline conditions to gain an understanding of the landscape and visual context of the site and it establishes Zones of Theoretical Visibility ZTV of the Proposal. At 4.4.3 of the LVIA (CD4) it says “the ZTVs indicate that there would be generally

limited visibility of the Proposed Development as a result of existing landscape features around the Site, and the influence of landform; however, there would be potential intermittent views from as far as the Chilterns AONB to the west” and at 4.4.4 it says “The principal visibility of the Site would be from Graveley Lane, short-sections of the Hertfordshire Way adjoining the Site, the A1 (M), and from the settlement edges of Great Wymondley and Graveley”.

- 7.11 The LPA’s Landscape Consultant, The Landscape Partnership (TLP), has reviewed the LVIA and has confirmed the extent of the study area acceptable (para 2.2.2 CD86a), the methodology used for the ZTVs and identification of representative viewpoints listed in Table 5.1 of the LVIA as “reasonable and appropriate” (para 2.3.6 CD86a). TLP was however, somewhat critical of the LVIA in that it relies on the published Landscape Character Areas referenced above at the larger and principally district scale, but it does not delve deeper to assess impacts at a finer more local and Site based scale.
- 7.12 At 3.2.6 of TLP review (CD36a) it says “The LVIA provides a list of relevant inherent sensitivities (from those on page 108 of the LCA). While the quoted sensitivities are all relevant to the LCA as a whole some are less relevant to the Site and its local context. In TLPs opinion there is a limited influence of urban areas and electricity pylons.”
- 7.13 TLP therefore undertook a finer more local scale of assessment which resulted in TLP expressing the opinion that the landscape value of the site and surrounds should be classed as of Medium Value rather than the Low overall landscape value (para 3.2.9 CD 86a) that the LVIA concludes. In my opinion TLPs approach here is reasonable as the magnitude of effects of a relatively smaller development on the character of a larger landscape character area may be diluted if assessed against the whole.
- 7.14 There are differences of professional opinion expressed in the LVIA and the TLP review. TLP consider that the LCA has medium rather than low sensitivity, and the site is of medium landscape value. At 5.2.16 TLP provide a summary table of differences (Table 1 CD 86a). At 5.2.16 it says “TLP agree with the LVIA that the effect on the character of the Application Site would be Moderate to Major and significant at Year 1 and Year 10. TLP consider that effect would extend to the local area to the west, south and north...there would be a relatively higher effect on LCA 216 Arlesey /Great Wymondley at Moderate adverse compared with the LVIA at Moderate to Minor at Year 1 and Year 10”.
- 7.15 I rely upon the professional judgement of the LPA’ consultants in this assessment who at para 2.3.3 of the review (CD 86a) note that “different practitioners' professional judgement

may result in differing conclusions about the levels of effect that may arise from the same proposals”.

- 7.16 The LVIA then seeks to assess the effects of the Proposal and refers to measures already incorporated into the design to mitigate against potentially adverse landscape and visual effects during construction and during the operational phase of the solar farm and ultimately the residual effects.
- 7.17 The LVIA and TLP agree that construction effects 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. I acknowledge these assessments.
- 7.18 When considering the operational phase at 5.3.11 the LVIA considers that the Proposal “would have a degrading influence in the short-term at a localised level. In the medium- and long-term the proposed mitigation planting around the Site would provide a greater level of landscape integration and improve the condition of declining features such as hedgerows.” At 5.3.13 it refers to the overall effect on landscape character to be moderate to minor adverse in both the short-term and long-term.
- 7.19 In contrast TLP consider “The proposed solar park would be a Moderate to Major and significant change to the current land use for c 40 years” (para 5.2.5 CD86a) and in considering landscape character at 5.2.12 say “TLP accept that the mitigation involving strengthened [sic] of existing hedges and introduction of new hedges and tree belts would reduce the adverse effect on character but still remain significant and adverse”. Given the magnitude of change that the Proposal entails I agree with the TLP assessment of on site and local character adverse effects.

Landscape Visual Effects

- 7.20 With regards to visual impacts from the identified View Points (VPs), TLP provide a useful Table 2 at pp. 18-19 (CD86a) which provides a summary of the differences in its assessment of impacts on receptors at the individual VPs to those reported in the LVIA. In general, where there are differences of opinion expressed, TLP conclude a slightly greater adverse effect. TLP and the applicant agree that there would be significant adverse visual effects in the short term at VPs 1-3 and 5. TLP also identify a significant adverse short term effect in respect of VP 7 to the south of Great Wymondley. Both the applicant and TLP agree that the effects on receptors at these VPs would reduce to levels below significant by year 10.

- 7.21 Section 7.0 of the LVIA outlines its conclusions. At 7.1.6 it acknowledges that “the introduction of the Proposed Development would increase the influence of built development across the Site, resulting in a moderate adverse effect, that tree belts and hedgerows would provide considerable screening, reducing the extent over which it would be perceived. It says the effect on landscape character would not be substantial beyond the site boundary. In terms of visual effects it acknowledges significant “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 Graveley Lane” (para 7.1.8) and says “the medium- to long-term visual effects to receptors along the Site boundary would reduce to levels which would not be significant” (7.1.9).
- 7.22 At 7.1.11 it says “The LVIA has therefore found that the medium- and long-term landscape and visual effects of the Proposed Development would be not significant and that long term landscape benefits would result following decommissioning due to the retention of proposed hedgerows and woodland belts that have established over the 40 year life of the project. These conclusions were reached before revisions were suggested and subsequently made to the scheme on the advice on TLP.
- 7.23 TLP’s opinion on the landscape character after the revisions shown on plan CD24 are that “TLP still consider that despite the changes to the proposals set out above (and which are all beneficial) there would still be significant adverse effects at the Local scale and Site scale on landscape character as set out in the May 2022 Review (Table 1 page 14)” and with respect to effects on visual receptors the Level of effect “for users of Graveley Road would reduce particularly where there are views to the east and west into the areas of proposed panels north of Graveley Road. The proposed reduction in solar panels to the west and inclusion of two areas of tree planting would help reduce the effects for these receptors. There would also be a reduction in the effect for receptors at Viewpoint 4 and 5 (Graveley Lane). The effects on receptors at other Viewpoints is considered unchanged and would include some significant visual effects at Viewpoints 1, 2, 3 (North Herts Way) and 7 (south Gt Wymondley) at Year 1.”
- 7.24 In my opinion the findings of the LVIA and the independent review by the LPA’s landscape consultants are, with the exception of professional judgement differences, in broad alignment. TLP tend to consider that there would be a higher level of adverse impact and the Planning Committee report (CD35a) at 4.5.130 reflects this. The Report concludes on the issue of landscape and visual impact by acknowledging the inevitability of some adverse impact but coming to the view that the adverse effect would be localised, the proposed

mitigation would ultimately be beneficial to the landscape with benefits to biodiversity in accordance with the aims of NHLP Policy NE4. After the decommissioning of the site there would be no residual adverse landscape effects. The Committee Report acknowledges that there is some conflict with NHLP Policy NE2 which seeks to avoid unacceptable harm to landscape character and appearance.

- 7.25 I agree with this assessment, in considering and comparing the professional advice contained in the LVIA, the advice of the TLP and the content of the Planning Committee Report together with my own observations on and around the site, I consider that the Proposal would have a moderate to major adverse impact upon the character of the landscape at the site and local scale and that this impact would be localised. In the long term, and after decommissioning of the solar farm I consider that the replanted and managed landscape would result in improvements to the landscape character area that without the Proposal might not otherwise be achieved. I therefore consider that the Proposal would conflict with NHLP Policy NE2, which seeks to avoid unacceptable harm to landscape character and appearance, but that the landscape character will be reinforced and ultimately enhanced as a result of mitigation measures and eventual decommissioning.
- 7.26 I have taken account of the fact that the site is not within a valued landscape as defined in the NPPF, that the Proposal would not be permanent and will continue in agricultural use alongside its solar farm operations and also following its decommissioning. I have also considered that the landscape works secured through a planning permission and controlled by planning conditions, will mitigate some harmful effects and result in some landscape character enhancements as acknowledged in both the LVIA and TLP Review documents. Overall, I consider that the identified landscape character and visual harm should be attributed moderate weight in the planning balance.

8.0 THE IMPLICATIONS OF THE PROPOSAL FOR MEETING THE CHALLENGE OF CLIMATE CHANGE

- 8.1 Before turning to the NPPF and development plan policies relevant to the consideration of a renewable energy scheme such as this, I consider the background context as regards the challenge of climate change and national and local approaches to achieving a net zero carbon future.
- 8.2 The Council has declared a Climate Change Emergency. It has set itself the ambitious target of achieving a net zero carbon district by 2040 (pg. 2 NHDC Climate Change Strategy 2022-

2027 CD 65a), which is 10 years sooner than the legally binding national target set by the Climate Change Act 2008 (as amended).

- 8.3 The Government's declaration of a climate emergency and its commitment to a fully decarbonised power system by 2035 and the National Planning Statement's (NPSs) and draft NPSs (CD 57 - 60) are material considerations. These recognise that to meet the Government's objectives and targets for net zero by 2050, significant large- and small-scale energy infrastructure is required. This includes the need to 'dramatically increase the volume of energy supplied from low carbon sources' and reduce the amount provided by fossil fuels (para 2.3.5). Solar and wind are recognised specifically in NPS Draft EN-1 (para 3.3.20) as being the lowest cost way of generating electricity and that by 2050, secure, reliable, affordable, net zero energy systems are 'likely to be composed predominantly of wind and solar' (para 3.3.20).
- 8.4 The pressing need for very substantial rollout of renewable power generation schemes of all kinds, and in particular, that of solar and wind power is recognised at the highest levels of Government if the targets set by the Climate Change Act are to be met. The UK Energy White Paper, powering our Net Zero Future (2020) (CD136), describes the severe costs of inaction.

"We can expect to see severe impacts under 3°C of warming. Globally, the chances of there being a major heatwave in any given year would increase to about 79 per cent, compared to a five per cent chance now. Many regions of the world would see what is now considered a 1-in-100-year drought happening every two to five years".

At 3°C of global warming, the UK is expected to be significantly affected, seeing sea level rise of up to 0.83 m. River flooding would cause twice as much economic damage and affect twice as many people, compared to today, while by 2050, up to 7,000 people could die every year due to heat, compared to approximately 2,000 today. And, without action now, we cannot rule out 4°C of warming by the end of the century, with real risks of higher warming than that. A warming of 4°C would increase the risk of passing thresholds that would result in large scale and irreversible changes to the global climate, including large-scale methane release from thawing permafrost and the collapse of the Atlantic Meridional Overturning Circulation. The loss of ice sheets could result in multi-metre rises in sea level on time scales of a century to millennia."

- 8.5 The weight to be given to the benefits of clean energy in any renewable energy generating proposal should be assessed on a case-by-case basis, however there is a very strong Governmental strategic commitment to decarbonise energy generation in the UK and internationally, and as a Local Authority, NHDC can help achieve carbon reductions through its local decision making.
- 8.6 UK electricity demand is expected to double by 2050 (page 24 British Energy Security Strategy (CD 46)). The Government expects a five-fold increase in solar deployment by 2035 (page 19 CD46) in order to meet national and international targets to reduce carbon emissions and mitigate the effects of climate change
- 8.7 The NPPF at paragraphs 152, 155 and 158 encourage the development of renewable and low carbon developments whilst the Government wants to accelerate the development of renewable and low carbon technologies.
- 8.8 The development would clearly make a very significant contribution to providing energy from a renewable source. On the basis of National Grid, OFGEM and Census data (8.1.4 of SoCG) the applicant calculates that the Proposal would produce the equivalent of the electricity demand from approximately 31% of the homes of the North Hertfordshire District Council area.
- 8.9 Both the existing and proposed National Planning Policy Statements state that they can be a material consideration in decision making on applications that both exceed, or sit under the thresholds for nationally significant projects, and Planning Practice Guidance on renewable and low carbon energy states that ‘in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology and critically, the potential impacts on the local environment, including from cumulative impacts.’ (Paragraph: 005 Reference ID: 5-005-20150618).
- 8.10 Proximity to a grid connection with available capacity is a technical requirement for a solar project and this site is approximately 4km from the Little Wymondley Substation, and the applicant has secured a 49.9MW grid offer to connect the Proposal if planning consent is secured (para 5.3.57 Planning Statement CD2). The applicant has stated that the cabling distance allows the Proposal to remain viable.
- 8.11 At a national level, the thrust of policy is unequivocal that to reduce carbon emissions we must rapidly scale up the deployment of clean power generation, and that solar power has a significant role to play in meeting our targets.

- 8.12 At a local level North Hertfordshire District Council has declared a climate emergency and whilst the NHLP does not allocate land for solar farm/renewable energy generation Policy SP11 a) supports proposals for renewable and low carbon energy development in appropriate locations. At paragraph 4.144 of the Plan, it recognises that “A balance needs to be struck between the beneficial outcomes of renewable energy, and any adverse impacts produced by the development itself”.
- 8.13 Draft national policy offers general support for solar that is co-located with other functions (including agriculture and storage) to maximise the efficiency of land use (para 3.10.2 Draft NPS EN 3 CD60). The Proposal is for both solar power generation and battery storage and continuing agricultural use.
- 8.14 The Planning Statement at 5.4.59 (CD2) reports Government data for electricity use within North Hertfordshire which shows that in 2019 households in 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 (5.4.60 CD2), which is just 10.4%. The National Grid indicates that nationally about 43% of our power comes from renewable sources (pg 38 Digest of UK Energy Statistics 2021 CD 50a)). If permitted this renewable energy scheme would almost double the existing renewable energy generation capacity in North Hertfordshire and would provide clean electricity serving the equivalent of approximately 31% of North Hertfordshire’s homes. It would therefore make a substantial contribution to renewable energy production and can be connected in 2024 if permitted (Statement from Phil Roden on behalf of the applicant at Planning Committee 17/11/23 Committee Minute (CD36)).
- 8.15 The Council’s Planning Control Committee gave very substantial weight to the generation of renewable energy on the Site in view of the Council’s declaration to be a carbon neutral district by 2040 (para 4.6.11 of Planning Committee Report CD 35a).
- 8.16 The LPA acknowledges that the Proposal will provide electricity that will make a contribution to the needs of the area and to the nations’ energy security and ability to meet its own renewable energy needs in accordance with local and national declarations of Climate Emergency and will help to meet the net carbon zero national target set by the Climate Change Act 2008 as amended.
- 8.17 I agree with that conclusion, in my opinion, these factors coupled with the timeliness of delivery with a construction period of approximately 36 weeks (para 3.2.3 Planning Statement CD2) and available grid connection offer, in this instance should be given very substantial weight in the planning balance , the Proposal will make an important

contribution towards cumulative local and national energy demand in response to declared climate emergencies.

9.0 HERITAGE IMPACTS

- 9.1 There are no designated heritage assets within the boundaries of the site. 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 as identified at para 2.1.13 of the Statement of Common Ground (CD140). Both the NPPF at para 199 and the NHLP at Policy SP13 state that great weight should be given to a heritage asset's conservation. Considerable importance and weight must attach to any harm to a designated heritage asset. Where harm to a listed building or its setting is identified, this engages a strong statutory presumption against the grant of planning permission.
- 9.2 Policy HE1 of the NHLP 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. Policy NHE9 of the Wymondley Neighbourhood Plan similarly requires proposals to comply with national policy and the development plan. Paragraph 202 of the NPPF states 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.
- 9.3 Statutory consultee Historic England HE considered the application proposals and conclude that "the proposed development would have some limited impact upon the setting of nearby heritage assets, and we judge that this would equate to a level of harm that would be less than substantial in NPPF terms" (Historic England 5th Jan 2022). HE notes that "all of the structures at the site would be single-storey in height and any intervisibility would be mitigated to some extent by way of existing hedgerows and when the proposed screen planting matures" and "We consider that intervisibility between the site and the various heritage assets is limited due to the local topography and existing vegetation, with only limited glimpses available from certain areas".

- 9.4 Since Historic England made its comments additional landscaping mitigation is now proposed, which in my professional opinion would reduce intervisibility between the site and heritage assets and subsequent impacts on heritage assets still further.
- 9.5 The LPA's Conservation Officer made no written comment on the application proposal nor in connection with this call-in inquiry, however I have spoken with the Officer, who is familiar with the application and the location. He has confirmed that he agrees with the conclusions expressed in para 4.5.100 of the Planning Committee Report, that there would be "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" (CD 35a).
- 9.6 The LPA expressed the view in the Officer's Report that the Proposal would cause less than substantial harm to the significance of the identified heritage assets, and that the less than substantial harm is at the lower end of the spectrum, specifically through development within their wider setting. This is confirmed in the Statement of Common Ground (para 2.1.13 CD 140).
- 9.7 I agree with these assessments, in my opinion the landform and presence of intervening landscape features such as trees and hedgerows reduces the impact on setting. In this case with the additional planting proposed, the intervisibility will further reduce. Whilst intervisibility between developments and heritage assets is not the only determining factor in setting, in my opinion the manner in which the historic assets and their settings would be experienced or appreciated by residents and visitors would not be substantially affected as a result of the development nor would their historic or architectural significance be substantially affected. Also, factoring in my assessment is that the Proposal is 'temporary' albeit for a period of 40 years, and its impacts on heritage assets are reversible. I therefore consider that any harm to the setting of heritage assets will be less than substantial at the lower end of the scale. In accordance with the requirements of NHLP Policy HE1 and Wymondley NP Policy NHE9 and paragraph 202 of the NPPF I weigh this harm, which I consider at the lower level of less than substantial harm, against the public benefits of the Proposal later in my evidence.

Archaeology

- 9.8 NHLP Policy HE4 says development proposals affecting heritage assets with archaeological interest will be granted provided applications a) be accompanied by appropriate desk-based assessments and where justified an archaeological field evaluation and b) demonstrate how

archaeological remains will be preserved and incorporated into the layout of development and c) where the loss of remains is justified, appropriate conditions are applied to ensure appropriate recording, reporting, publication and archiving of results.

- 9.9 The application includes a comprehensive Heritage Impact Assessment which indicates a high potential for archaeological remains. A further geophysical survey for the entire site was undertaken in November 2021, which indicated three concentrations of anomalies of archaeological origin, two smaller ones in the northwest and southeast of the survey area, covering roughly 1ha each, and a more substantial group in the central eastern part of the survey area which covers approximately 8ha (para 1.3 Archaeological Mitigation Strategy and Written Scheme of Investigation) (CD108). Consultation with the Hertfordshire Historic Environment Advisor has been carried out and a draft mitigation strategy is set out in the Written Scheme of Investigation. “The mitigation strategy includes provision for preserving any remains located within the three discrete areas of archaeology identified during the geophysical survey in situ via implementation of ‘no dig’ solutions and then undertaking a 3% trial trench evaluation across the remainder of the Site. It is envisaged that the 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” para 1.4 CD108).
- 9.10 I consider that the assessments accompanying the application satisfy the requirements of NHLP Policy HE4 and that conditions to preserve any archaeological remains affected by the Proposal can be imposed to allow for the proper investigation and recording of finds as advised by HCC.
- 9.11 My conclusions on the impact on archaeology is that it is neutral in the planning balance.

10.0 CONSERVATION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT

Agriculture

- 10.1 The application is accompanied by an agricultural land classification report (CD11). This confirms that the application site contains Grades 2 (32%) and 3a (68%) agricultural land and as a result is classified as best and most versatile (BMV) land. Whilst at a much larger scale Natural England’s Land Classification Map for Eastern England shows much of North Hertfordshire’s agricultural land is also classified as Grade 2 and 3 agricultural BMV land (Appendix MR ALC 1 East Region)

- 10.2 NHLP Policy NE12 relates to proposals for solar farms involving the best and most versatile agricultural land and says they will be determined in accordance with national policy. NPPF paragraph 174(b) requires that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Footnote 58 say “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”.
- 10.3 National Planning Practice Guidance seeks to prioritise the siting of large-scale solar farms on previously developed and non-agricultural land provided it is not of high environmental value, however it does not prohibit development on BMV land. In the May 2023 appeal decision APP/G2713/W/23/3315877 for a solar installation at Leeming, Hambleton District, (CD121) (as referred to in the LPA statement of case (CD138)) the Inspector addresses the issue of land quality in paragraphs 10 – 12. At paragraph 12 the Inspector says, "the Framework ... only indicates where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality (footnote 58). In addition, whilst the draft National Policy Statement for Renewable Energy (EN-3) (March 2023), seeks to avoid the use of BMV land where possible, it also indicates that land type should not be a pre-dominating factor in determining the suitability of the site location. Whilst this is a draft and relates largely to proposals that form part of the National Infrastructure regime, it still gives an indication of the government’s most recent thinking on this issue”. I consider that the Inspector’s assessment of the Government’s thinking applies equally to the Proposal.
- 10.4 In this instance I recognise that the site would continue to be used for agriculture alongside the solar arrays (sheep grazing). This is likely to lead to a reduction in agricultural productivity or flexibility with a less intensive form of farming, but it will continue to be used for agriculture alongside the solar farm use, the land will not be lost to agriculture.
- 10.5 Food security and reduced agricultural productivity is an important material consideration to be weighed in the planning balance however in my opinion the proposal would not result in the loss of BMV agricultural land as agricultural use would continue in tandem with the solar farm use. The site will be used for the grazing of sheep and a condition is recommended to ensure that this is implemented in accordance with a grazing management plan.
- 10.6 The applicant says that soil health will be benefitted by such a change and I note that this matter was again considered in the Leeming appeal. At paragraph 21 The Inspector says, “I

am satisfied from the evidence before me that resting the land from intensive agriculture would be likely to improve soil health by increasing the organic matter in the soil and improving soil structure and drainage, even if a return to arable farming would then start to reverse this improvement". She also said at para 22 "I note the concerns that the productivity and versatility of the land would be reduced. Nevertheless, the specific way agricultural land is used is not a matter that is subject to planning controls. As such, there would be nothing in planning terms to prevent the farmers using the fields that form the appeal site for the grazing of sheep at present or even leaving them fallow". I agree with this statement, there is no mechanism to determine how a farmer utilises agricultural land and what crops may be grown or livestock reared. However, I still consider that there would be some harm caused to the important matter of food production during the life of the Proposal (40 years) through limiting the available options for the use of the agricultural land to grazing only.

- 10.7 Conserving or enhancing the quality of soils on land accords with the aims of NPPF chapter 15. Whilst the proposal would likely result in a reduction of agricultural production during the period of operation of the solar farm periods of grazing the land, or of land laying fallow is likely to see improved soil quality in the long term and enhanced levels of biodiversity as required by NHLP Policy SP12 and Wymondley NP Policy NHE2. The Statement of Common Ground CD140 agrees that a significant biodiversity net gain will accompany the Proposal (CD34). After the decommissioning of the site it could be returned to arable use with enhanced biodiversity in place in the future. BMV land will not be lost as a result of the Proposal.
- 10.8 In these circumstances I agree with the LPA's conclusion that moderate weight is attributed to the harm with respect to agricultural productivity and flexibility of the land, and the Proposal accords with NHLP Policy NE12.

Ecology

- 10.9 With regards to the conservation and enhancement of biodiversity which is required by NPPF 174 d) and 180 d), NHLP Policy SP12 and Wymondley NP Policy NHE2 the Proposal does include as part of its design, measures to improve biodiversity and deliver net gains in biodiversity. The enhancements outlined in the application will considerably exceed the 10% bio-diversity net gain objective of upcoming legislation and accord with advice in NPPF 174d) and 180d).

- 10.10 Having reviewed the submitted ecological appraisal, site surveys and consultee comments and noted the landscaping revisions which amongst other things result in additional areas of diverse habitat creation. I agree with the LPA's assessment and conclusions with respect to ecology expressed in its report (paras 4.5.164 - 4.5.174 CD35a), subject to the recommended conditions the Proposal would not result in harm to biodiversity, rather there would be net gains, which weighs in favour of the Proposal.
- 10.11 I consider the Proposal will accord with NHLP Policy SP12 and Wymondley NP Policy NHE2 and accords with NPPF chapter 15 with respect to the creation of habitat and enhancement of biodiversity networks on the site and I attribute moderate positive weight to the biodiversity net gain that will be secured by the Proposal.

11.0 FLOOD RISK AND DRAINAGE

- 11.1 The proposed solar panels will be free draining. Rain falling on the land will instead fall on the panels, and then onto the grassland beneath. Differences in drainage characteristics are likely to be modest, however the LLFA was not satisfied with the initial Flood Risk Assessment and then still not satisfied despite the applicant providing a technical note and further information. The LLFA has suggested wording for "stringent conditions to secure an acceptable strategy" which require betterment. On the basis of these conditions being imposed, the LPA considers that these amendments along with the conditions will ensure betterment in terms of flood risk and drainage.
- 11.2 Discussions on drainage are ongoing and on the basis of the LLFA's conditions I consider that the Proposal will result in modest improvements to local surface water drainage conditions which accord with NHDP Policies NE7, NE8 and SP11b) and Wymondley NP Policies FR1 and FR2 and adds minor weight in favour of the Proposal.

12.0 OTHER MATTERS

Highways

- 12.1 The Highway Authority has stated that it does not wish to restrict the grant of planning permission subject to the imposition of conditions (para 3.14 CD35a) and its letter dated 14 October 2022. It is satisfied that with construction of a temporary passing place on Graveley Lane shown on Plan D04 (CD25) that two large heavy goods vehicles can pass. The level of vehicular activity during the construction phase is considered acceptable and the temporary

passing bay will be removed after the construction phase. The level of vehicle movements during the operational phase is very low. The County Highway Authority recommends that conditions be imposed on any planning permission.

- 12.2 I agree with the assessment on highway matters contained in the Planning Committee report between paragraphs 4.5.131 and 4.5.144 (CD35a).
- 12.3 The impacts upon the local highway network would be temporary during the construction of the Solar Farm and the impacts during its operational phase would be adequately controlled by conditions and the Proposal would accord with NHLP Policy T1. I consider that this matter is neutral in the planning balance.
- 12.4 The Proposal now also includes the creation of permissive paths parallel to Graveley Lane and at a right angle to Graveley Lane, connecting it to the North Hertfordshire Way outside of the northern edge of the site plan CD24. These new permissive paths, whilst inevitably impacted by their close proximity to the solar arrays and associated fences would create additional links to the existing right of way network and an additional traffic free circular route for the public where currently the public have to share the carriageway with vehicular traffic on Graveley Lane that will also “enhance public access to nature”, an objective of NPPF180 d). The Planning Committee Report refers to the permissive paths at para 4.4.1 (CD35a) and recommends a condition be imposed requiring amongst other things signage, waymarks and interpretative panels (condition 19). In my opinion these footpaths are an additional public benefit providing additional safe links to the right of way network that should carry minor weight in the planning balance as they increase options for recreational use of the countryside on safe paths that without the Proposal might not otherwise be achieved.

Noise

- 12.5 Regarding noise, I agree with the assessment on noise contained in the Planning Committee report between paragraphs 4.5.157 and 4.5.163 (CD35a).
- 12.6 I consider that the limited effects of noise during the construction phase can be adequately controlled by planning condition. Noise emanating from the site at its operational stage will be low, therefore, it is considered that this is a neutral matter in the planning balance.

Economic

- 12.7 The Officer’s Report considered that there would be economic benefits accruing from the Proposal, both in terms of the Government’s aims in the NPPF to build a strong and competitive economy, and also in terms of the number of employees at the site during construction, operation, and decommissioning phases (para 4.6.32 – 4.6.34 CD35a). There

would also be continuing agricultural use of the land with the consequent need for ongoing agricultural work and landscape maintenance. 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.

12.8 I agree with the Officer's Report that there would be significant economic benefits to which significant positive weight can be attributed in the planning balance (para 4.6.34 CD35a).

13.0 **BENEFITS AND HARM**

13.1 There are matters that weigh in favour and against the Proposal, which I consider as follows.
Green Belt

13.2 The harm to the essential characteristics of the Green Belt (NPPF paragraph 137) and the five purposes of Green Belts (NPPF paragraph 138) have been carefully assessed (paragraphs 6.22 – 6.37 above and table below).

Issue	Effect	Weight
Green Belt Openness	Harm	Significant
Green Belt Purposes	Harm	Moderate
Overall effect on the Green Belt	Harm	Substantial

13.3 Having regard to the impact on the spatial and visual openness of the Green Belt, the temporary nature of the proposed development, its high degree of remediability, the landscape mitigation that will accompany the development and the low levels of activity it will generate, I still consider the impact of the proposed development on the essential characteristics of the Green Belt to be significantly adverse.

Landscape

13.4 The landscape effects would be localised to the site and its immediate setting. Additionally, the fields would remain in agricultural use with field patterns reinstated and reinforced and the solar panels and associated installations shall be removed from the site on decommissioning after which the new hedgerow and tree planting would remain as a positive legacy of the Proposal with improved visual amenity of the area. In my judgement the landscape character effects would range between moderate harm in the short-term leading towards moderate benefit in the longer term.

13.5 Given the land form and relatively low height of the panels, any visual effects would also be localised. Complementing this is the protection and enhancement of vegetation around the

site, additional new screening and the softening of views from the wider landscape which will improve over the medium to long term.

Issue	Effect	Weight
Landscape and visual impact	Initial harm	Moderate
	Eventual benefit	Moderate

Heritage

- 13.6 In heritage terms, as I have explained at paragraphs 9.7 above, I consider that the Proposal would result in a low level of less than substantial harm to listed buildings in the vicinity of the site and to the Great Wymondley conservation area as a result of the adverse impacts to their settings.

Issue	Effect	Weight
Heritage	Harm (Low level of Less than substantial)	Great

- 13.7 With regards to impacts on Best and Most Versatile Agricultural Land I consider that moderate weight should be attributed to the harm with respect to reduced agricultural productivity of the land as the agricultural land will not be lost in the long term.

Issue	Effect	Weight
Loss of agricultural land/productivity	Harm	Moderate

Renewable Energy Generation

- 13.8 The proposed development will generate up to 49.995 MW of renewable energy, enough to displace 12,000 tonnes of CO2 each year and supply up to 31% of the homes in the North Herts District and assisting in moving low carbon generation towards the Council's and the Governments Targets for net zero carbon. Having regard to the climate change context and the urgent need to accelerate deployment of low-cost renewable generation in North Hertfordshire and nationally if there is to be any prospect of achieving net zero carbon emissions in the District and the Nation, I consider that very substantial and substantial positive weight should be accorded to the proposed development due to the contribution it would make towards the decarbonization of the UK's and North Hertfordshire District's energy production respectively and helping to ensure energy security.

Issue	Effect	Weight
Renewable Energy Generation	Benefit	Very Substantial
Urgent Local Need	Benefit	Substantial

Economic

- 13.9 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 and storage of electricity, and employment opportunities for the duration of the Site's construction, operation and decommissioning together with the continued use of the site for agriculture and ongoing maintenance. In the circumstances I considered that there would be economic benefits to which significant weight can be attributed in the planning balance.

Issue	Effect	Weight
Economic impact	Benefit	Significant

Biodiversity

- 13.10 There also appears to be no doubt that the Proposal will result in improvements to biodiversity on site. Biodiversity Net Gain (BNG) will be achieved, and the submitted Biodiversity Metric shows its extent at over 200% which will include several hundred metres of additional hedgerows, new woodland planting and grassland mixes.

Issue	Effect	Weight
Biodiversity	Benefit	Moderate

Flooding

- 13.11 On the basis that the LLFA's recommended planning conditions are applied to secure an acceptable drainage strategy for the Proposal representing betterment in terms of flood risk and drainage I consider limited positive weight can be attributed in the planning balance.

Issue	Effect	Weight
Flood Risk/Drainage	Benefit	Limited

Highways

- 13.12 The impacts upon the local highway network would be temporary during the construction of the Solar Farm and the impacts during its operational phase would be low and adequately controlled by conditions. I consider that this matter is neutral in the planning balance.

Issue	Effect	Weight
Highway Safety	Neutral	None

Permissive Paths

- 13.13 The Proposal includes the creation of several hundred metres of permissive paths parallel to Graveley Lane and at right angles to Graveley Lane, connecting it to the North Hertfordshire Way outside of the northern edge of the site. These new permissive paths would create additional links to the existing right of way network and an additional traffic free circular route for the public where currently the public have to share the carriageway with vehicular traffic on Graveley Lane. In my opinion this is a minor benefit that should carry minor positive weight in the planning balance as it increases options for recreational use of the countryside on safe paths.

Issue	Effect	Weight
Permissive paths	Benefit	Minor

Noise

- 13.14 Similarly, I consider that the impacts of noise on the local environment will be modest and controlled by planning condition and so will be neutral in the planning balance.

Issue	Effect	Weight
Noise/residential amenity	Neutral	None

The Heritage balance.

- 13.15 The NPPF is clear that when considering the impacts of development on designated heritage assets, great weight should be given to the asset's conservation. Considerable importance and weight should attach to any harm to a designated heritage asset. The Proposal engages the statutory duty set out in s. 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as to the desirability of preserving a listed building or its setting. Paragraph 202 of the NPPF and the relevant development plan policies set out that where a proposal would lead to less than substantial harm to a heritage asset or assets, that harm should be weighed against the public benefits of the proposal. I have given careful consideration to the heritage balance and consider that the identified public benefits shown above are cumulatively of sufficient weight to outweigh the low level of less than substantial harm to the identified heritage assets located in the vicinity of the site. On this basis, I consider that the Proposal is consistent with NPPF and development plan heritage policies.

Very Special Circumstances

- 13.16 The harm to the essential characteristics of the Green Belt and the five purposes of Green Belts have been carefully assessed. I consider the impact of the Proposal on the Green Belt to be substantial and harmful even though it would not be permanent.

- 13.17 The other harms that I have identified relate to landscape and visual impact, heritage and loss of agricultural land productivity.
- 13.18 I consider the benefits of the Proposal in terms of renewable energy production are very significant. It will generate up to 49.995 MW of renewable energy. Having regard to the climate change context and the urgent need to accelerate deployment of low-cost renewable generation I consider that very substantial positive weight should be accorded to the proposed development due to its short-term delivery timescale and the contribution it would make towards the decarbonization of the UK's energy production and energy security in the short and longer term. The Framework says that many renewable energy projects in the Green Belt will comprise inappropriate development and will need to demonstrate very special circumstances which could include the wider environmental benefits associated with the increased production of energy from renewable sources. The Chelmsford appeal case (reference APP/W1525/W/22/3300222) at CD 122, is useful to consider because it dealt with similar issues in a Green Belt location, for a similarly scaled solar and battery storage proposal, generating similar levels of electricity. It addresses this issue at paras 90 – 93 where the Inspector noted that the benefits of renewable energy were recognised in local and national policies and guidance in accordance with the Climate Changes Act 2008 (as Amended). The Inspector refers to Section 14 of the Framework, where it seeks to increase the use and supply of renewable and low-cost energy and to maximise the potential for suitable development whilst ensuring that adverse impacts are addressed satisfactorily. He referred to the delivery of such projects as being “fundamental to facilitate the country’s transition to a low carbon future in a changing climate” (para 91). He also referred to the requirements of grid capacity and a viable connection to operate (para 92). In the context of that appeal the Inspector concluded that the public benefits were “of sufficient magnitude to outweigh the substantial harm to the Green Belt and all other harm” and “and therefore the very special circumstances necessary to justify the development exist”. (para 93).
- 13.19 I have identified the other benefits of the Proposal in the benefits and harms section above including biodiversity enhancements and provision of additional permissive rights of way. When taken together, I consider that the benefits of the Proposal clearly outweigh the harm that has been identified to the Green Belt and the other harm that has been identified such that very special circumstances exist. For this reason, the Proposal in my view is consistent with national Green Belt policy as well as NHLP Policy SP5 and the first part of Neighbourhood Plan Policy GB1.

14.0 **PLANNING BALANCE AND CONCLUSIONS**

14.1 I have identified some conflict with NHLP Policy NE2 and Wymondley NP Policy GB1 in relation to landscape and Green Belt however I consider the Proposal accords with the other development plan policies, both in the NHLP and Wymondley NP that are relevant to the determination of the application. In conclusion, when read as a whole, I consider that the Proposal is in accordance with the development plan. I do not consider that material considerations indicate that permission should not be granted, and under s. 38(6) Planning and Compulsory Purchase Act 2004 I therefore invite the SoS to grant permission.

Appendices

Appendix MR ALC 1 East Region – Natural England Agricultural Land Classification Map East Region