

**LAND AT GRAVELEY LANE AND TO THE EAST OF GREAT  
WYMONDLEY  
APPLICATION BY AGR 4 SOLAR LIMITED FOR A SOLAR ARRAY WITH  
ASSOCIATED BATTERY STORAGE CONTAINERS AND ANCILLARY  
DEVELOPMENT**

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**OPENING STATEMENT ON BEHALF OF  
NORTH HERTFORDSHIRE DISTRICT COUNCIL**

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*References: 'CD' refers to Core Documents, 'SoCG' refers to the Statement of Common Ground*

**INTRODUCTION**

1. The application proposal seeks consent for the construction of a solar array with associated battery storage containers and ancillary development including means of access and grid connection cable in the Green Belt at land to the north and south of Graveley Lane between Great Wymondley to the west and the A1(M) to the east.
2. Following consideration of the application by the Council's Planning Control Committee on 17 November 2022, Members, in accordance with the recommendation of the Officer's Report, resolved to approve the application and grant permission subject to conditions. The application was subsequently referred to the Secretary of

State in accordance with the provisions of the Town and Country Planning (Consultation) (England) Direction 2021 on the basis of its status as inappropriate development in, and its impact on, the Green Belt. On 26 May 2023, the Secretary of State issued a direction under s. 77 TCPA 1990 that the application be referred to him instead of being determined by the Council.

3. At this call-in inquiry, the Council continues to support the proposal and will in due course invite the Secretary of State to grant planning permission for the development. The Council's reasons for supporting the proposal will be addressed by Mr Michael Robinson, who will provide evidence on planning matters and the overall planning balance.
4. These opening submissions provide an overview of the Council's case. They are structured having regard to the Inspector's identification of the main issues as follows:
  - a. The effect of the application proposal on the Green Belt, including whether it represents inappropriate development and its effect on the openness of the Green Belt;
  - b. The implications of the proposal for meeting the challenge of climate change;
  - c. The effect of the proposal on the character and appearance of the area including in relation to landscape and visual impact and heritage;
  - d. The Planning Balance including 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 of very special circumstances necessary to justify the development and whether the application proposal would be consistent with the Development Plan and other relevant policies.

## **MAIN ISSUES**

### **The effect of the application proposal on the Green Belt**

5. There is no dispute between the parties that the application proposal represents inappropriate development in the Green Belt.<sup>1</sup> As national planning policy

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<sup>1</sup> Para 4.1.2 of Main Proof of Evidence of Alistair Hoyle (CD156), para. 13 of Proof of Evidence of Jed Griffiths on behalf of the Joint Objectors Group (CD181).

acknowledges (para 151 NPPF), elements of many renewable energy projects will comprise inappropriate development. Paragraph 151 goes on to state that developers will “need to demonstrate very special circumstances if projects are to proceed”, which may include the “wider environmental benefits associated with increased production of energy from renewable sources”. There is no in principle objection on the part of national policy to renewable energy projects in the Green Belt but, as with all inappropriate development, they are required to meet the exacting requirement of the very special circumstances test.

6. As the evidence of Mr Robinson will explain, the impact of the application proposal in relation to the Green Belt will cause harm both to the openness and the purposes of the Green Belt to which the Council attributes substantial negative weight.<sup>2</sup>
7. In this regard, the Council’s position is not wholly consistent with that of the applicant in terms of the nature and extent of harm. The Council judges that the proposal will give rise to significant harm to the openness of the Green Belt both in spatial and visual terms. Although this would not be permanent and in respect of visual impact would diminish over time as planting is established, it would persist for a significant period. The Council attributes limited weight to the temporary nature of the proposal in the context of Green Belt harm.<sup>3</sup> As Mr Robinson’s evidence explains, the impact of the proposal as regards the purposes of the Green Belt is judged to constitute limited harm to purposes (a) (to check the unrestricted sprawl of large built-up areas) and (b) (to prevent neighbouring towns merging into one another) and significant harm to purpose (c) (to assist in safeguarding the countryside from encroachment).<sup>4</sup> The applicant’s assessment is that the level of harm to openness is lesser<sup>5</sup> and that the harm to purposes is restricted to purpose (c) and is limited in nature.<sup>6</sup>
8. Notwithstanding the different views taken by the Council and the applicant as regards the impacts of the proposal on the Green Belt, for the reasons that will be explained,

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<sup>2</sup> Paras. 6.7-6.36 of Main Proof of Evidence of Michael Robinson (CD173).

<sup>3</sup> Paras. 6.30-6.31 of Main Proof of Evidence of Michael Robinson (CD173).

<sup>4</sup> Paras. 6.21-6.23 of Main Proof of Evidence of Michael Robinson (CD173).

<sup>5</sup> Paras 4.3.5-4.3.7, 4.3.16-17, 4.3.27 of Main Proof of Evidence of Alistair Hoyle (CD156).

<sup>6</sup> Paras 4.3.8-4.3.15 of Main Proof of Evidence of Alistair Hoyle (CD156).

both parties agree that very special circumstances exist such that the harm to the Green Belt and any other harm is clearly outweighed.

### **The implications of the proposal for meeting the challenge of climate change**

9. As Mr Robinson's evidence will explain<sup>7</sup>, at a national level, there is a pressing need for a very substantial rollout of renewable power generation schemes of all kinds in order to meet the legally binding national target set by the Climate Change Act 2008 (as amended) to achieve net zero by 2050 and address the challenge of climate change. As the British Energy Security Strategy (April 2022) states, the Government expects a five-fold increase in solar deployment by 2035 with the current approximate capacity being 14GW.<sup>8</sup> A very substantial increase in solar development will be required to meet this expectation. Having regard to the applicant's assessment that it would produce the equivalent of the electricity demand from approximately 31% of the homes within the Council's administrative area, the Council considers that this development would make a very significant contribution to providing energy from a renewable source.<sup>9</sup>
  
10. At a local level, the Council declared a climate emergency in 2019. The Council has set itself the ambitious target of achieving a net zero carbon district by 2040, ten years earlier than the national target, as set out in its Climate Change Strategy 2022 to 2027 (CD65).<sup>10</sup> Despite receiving high levels of solar radiation and solar farms thus being a reliable source of renewable energy, North Hertfordshire presently only has two consented modest solar farms within the district, generating between them a maximum of 11MW.<sup>11</sup> It has consented no solar farm development since 2015. The proposal will thus provide electricity that will make a sizeable contribution to meeting the Council's local needs and net zero target as well as contributing towards national energy security and meeting the national net zero carbon target.

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<sup>7</sup> Section 8.0 of Main Proof of Evidence of Michael Robinson (CD173).

<sup>8</sup> P. 19, CD46.

<sup>9</sup> Para. 8.1.4 Statement of Common Ground (CD140).

<sup>10</sup> P. 11.

<sup>11</sup> Officer Report to Committee, paras. 4.5.34-36 (CD35A).

11. The Council's case is that the proposal is strongly supported by national and local policy regarding the deployment of renewable energy<sup>12</sup> and that very substantial and substantial positive weight should be accorded to its contribution towards renewable energy generation at a national level and meeting local needs respectively.

### **The effect of the proposal on the character and appearance of the area**

#### *Landscape and Visual Impacts*

12. The Council commissioned expert advice from the Landscape Partnership to review the applicant's LVIA<sup>13</sup> and to inform its views as to the landscape and visual impacts of the proposal. As explained in the evidence of Mr Robinson, although there are some differences between the conclusions of the assessment undertaken by the Landscape Partnership and the applicant, the findings are in broad alignment, with the Council tending to consider that there would be a somewhat higher level of adverse impact than the applicant. Specifically, the Council's view is that the proposal would result in moderate to major adverse impacts at the site and local scale in landscape character terms, and that improvements to the landscape character area would be achieved following decommissioning due to landscape mitigation measures.<sup>14</sup> As for visual impacts, the Council considers that significant adverse effects would occur in respect of views from part of the Hertfordshire Way and to the south of Great Wymondley (VP7 in the LVIA) in the early years of the operation of the development but that these would be effectively mitigated through planting such that the medium to long term effects would not be significant.<sup>15</sup> The Council considers that the landscape impacts would be localised.

13. Overall, the Council concurs with the view taken by Mr Hoyle on behalf of the applicant that the adverse landscape character and visual impacts of the proposal should be given moderate negative weight in the planning balance.<sup>16</sup> In finding

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<sup>12</sup> Including paragraphs 152, 158 of the NPPF, NPS EN-1 and EN-3 and the emerging drafts, and Policy SP11 of the North Herts Local Plan.

<sup>13</sup> The Landscape Partnership undertook an initial review of the LVIA in May 2022 and subsequently a review of the amended proposals put forward by the applicant in July 2022, which can be found at CD86a and CD86b respectively.

<sup>14</sup> Paras. 7.17-7.19, 7.25 of Main Proof of Evidence of Michael Robinson (CD173).

<sup>15</sup> Paras. 7.20-23 of Main Proof of Evidence of Michael Robinson (CD173).

<sup>16</sup> Para 4.4.4 of Main Proof of Evidence of Alistair Hoyle (CD156).

landscape harm caused by the proposal, the Council considers that this gives rise to some conflict with Policy NE2 of the Council's Local Plan, which seeks to avoid unacceptable harm to landscape character and appearance.

### *Heritage Impacts*

14. The Council and the applicant agree that the proposal would give rise to less than substantial harm at the lower end of the scale to a number of local designated heritage assets through development within their setting. The agreed list in the Statement of Common Ground<sup>17</sup> is:

- i) Graveley Hall Grade II Listed
- ii) St. Mary's Church at Little Wymondley Grade I Listed
- iii) Wymondley Priory Scheduled Monument
- iv) The Priory (dwelling) Grade I listed
- v) Tithe Barn at Wymondley Priory Grade II\* Listed
- vi) Barn and attached stable at Priory Farm Grade II Listed
- vii) Garden walls at the Priory Grade II Listed
- viii) Listed Conduit Head Grade II
- ix) Wymondley Castle Scheduled Monument
- x) Castle Cottage Grade II Listed
- xi) Wymondley Hall Grade II\* Listed<sup>18</sup>
- xii) Great Wymondley Conservation Area

15. The Council also identified that negligible harm would arise in respect of the Graveley Conservation Area in the Officer's Report.<sup>19</sup>

16. In reaching a judgement that the impact on designated heritage assets would constitute less than substantial harm, the Council has followed the advice provided by Historic England. Given its status as a statutory consultee and its specialist role in heritage matters, its views should be given considerable weight and only departed from for

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<sup>17</sup> Para. 2.1.13 (CD140).

<sup>18</sup> It is noted that the evidence of Ms Roy (Main Proof of Evidence paras. 7.15-7.16 (CD167)) indicates a change in approach from the SoCG regarding the effect on Wymondley Hall.

<sup>19</sup> Para. 4.5.98 (CD35a).

cogent and compelling reasons (*R (Hayes) v. York City Council* [2017] PTSR 1587 at [92]). The concerns raised by Mr Jackson and the Joint Objectors Group as regards the impact of the proposal on designated heritage assets must be viewed in this context. There is no reason to depart from the advice of Historic England in this case.

17. With regard to the impact of the scheme on archaeology, the Council recognises that the site, in the light of the conclusions of the applicant's geophysical survey and the advice received by the Hertfordshire County Council Archaeological advisor, has high potential for significant archaeological remains. The Council, on the advice of the HCC archaeological advisor, is content that the mitigation strategy put forward by the applicant and to be secured by condition, which includes substantial no dig areas in the locations of high potential and a commitment to post-determination trial trenching in parts of the remainder of the site, is appropriate and accords with relevant national and local policy.<sup>20</sup>

## **The Planning Balance**

### *Benefits and Harms*

18. With regard to harm, beyond the adverse impacts already identified in relation to the Green Belt, landscape and visual impact and heritage matters, the Council considers that harm arises in respect of the use of best and most versatile agricultural land for the development. As Mr Robinson will explain<sup>21</sup>, although the proposal will not result in the loss of BMV land given that the proposed conditions secure sheep grazing during the operation of the development, the loss of productivity/flexibility in terms of agricultural production should attract negative weight in the balance.
19. In relation to benefits<sup>22</sup>, beyond the very substantial and substantial positive weight attributed to the contribution made to renewable energy generation in general and in North Hertfordshire specifically, the Council also considers that positive weight should be attributed to the economic and energy security benefits (significant weight) of the proposal, the biodiversity net gain (moderate weight), the achievement of

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<sup>20</sup> Paras. 9.8-9.11 of Main Proof of Evidence of Michael Robinson (CD173).

<sup>21</sup> Paras. 10.1-10.8, 13.7 of Main Proof of Evidence of Michael Robinson (CD173).

<sup>22</sup> Paras. 13.9-13.11, 13.13 of Main Proof of Evidence of Michael Robinson (CD173).

betterment to local drainage and flood risk subject to the imposition of a suitable planning condition (limited) and the introduction of new permissive footpaths for the duration of the operation of the development (minor).

### *The Heritage Balance*

20. Paragraph 202 of the NPPF identifies that less than substantial harm to identified heritage assets must be weighed against the public benefits of development proposals. The Council's case is that the public benefits are cumulatively of sufficient weight to outweigh the low level of less than substantial harm to designated heritage assets.

### *Very Special Circumstances*

21. The Council considers that the impact of the proposal on the Green Belt would be substantial and harmful even though it would not be permanent. However, in this case, the Council considers that the Green Belt harm taken together with the other harms identified relating to landscape and visual impact, heritage and loss of agricultural land productivity, is clearly outweighed by the public benefits, taken as a whole but with particular regard to the climate change context and the need to accelerate deployment of renewable generation at a national and local scale. The effect of this is that it is the Council's view that the exacting requirement of the very special circumstances test is met on this occasion.

### *Whether the application proposal is overall in accordance with the development plan*

22. The Council considers that the proposal gives rise to some conflict with Policy NE2 of the Local Plan and Wymondley Neighbourhood Plan Policy GB1 in respect of landscape and Green Belt matters but that it otherwise accords with relevant policies of the development plan. Taking the development plan as a whole and considering the limited policy conflict, the Council's case is that the development is in accordance with the development plan and that material considerations do not indicate that permission should not be granted.

## **CONCLUSION**

23. For the reasons summarised above, and set out more fully in Mr Robinson's proof of evidence, it will be the Council's case that the application should be granted consent.

**CAROLINE DALY**

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**12 September 2023**