



Priory Farm Solar Array

**Proposed development of a Photovoltaic
Solar Array on land at Priory Farm East of
Great Wymondley, Hertfordshire.**

**Planning Appeal Ref:
APP/X1925/V/23/3323321**

Closing Statement

**On behalf of The Joint Objectors Group
By Paul S Harding B.Sc. FRICS**

9th September 2023

Good morning, Sir

I trust your very major walk went well yesterday, mainly at least in the dry!

1. We reach the last day of the Inquiry and near the point we pass on the baton to you sir to make your recommendations to the Sec of state.

Before I sum up the views of the Joint Objectors Group, I would like to just offer some thanks. Firstly, to you Sir for affording us the opportunity to take a full part in this inquiry as a Rule 6 party and particularly for your fairness and tolerance as well as the razor-sharp eye for detail that you have brought to the facts and evidence. I would also thank your case officer Alison Dyson for her administration and Isabel Stones from CMS for her sterling work in maintaining such a useable and accessible data base for all the parties.

2. I would also thank Ms Daley and Mr Hardy for their tolerance (most of the time) as we have found our way through the procedural maze.

3. Also, to those who have supported me in the role that I have found myself playing here, our expert witness Jed Griffiths, our other speakers Liz Hamilton Jess Simpson and David Jackson. Behind the scenes many have contributed greatly but with particular thanks to Derek and Cherry Carter and Paul and Diane Kennady. Finally, to all those in our parish and beyond who have taken an active interest by attendance and watching on line. What will we all do next week.!!

4. I would start with just reiterate our stance throughout. The joint objector's group of the Great Wymondley Village Association and the Wymondley Parish Council represent local people and strongly oppose this application for the reasons outlined at the start of this Inquiry being the sheer scale of the Solar Array, its location in Green Belt, loss of openness and setting, the use of BMV agricultural land and the close proximity to exceptional heritage assets all leading to severe impacts and harm to the local community.

5. We have heard two weeks of evidence and there are large numbers of boxes of documents but ultimately this inquiry comes down to some very core principles some we are agreed others clearly not.

6. No one is disputing the harm to the green belt and a degree of harm to landscaping and openness. Other harms have differing views as does the question of whether the proposals meet the key test of whether the very high bar very special circumstances have been demonstrated. Well, AGR's team believe they have the Council believe they have but with a more balanced view and we consider that the balance remains against the very special circumstances for the reasons that our witnesses have outlined and which I will summarise.

Green Belt

7. Sir, we are all agreed that the proposed development is inappropriate in the Green Belt, as set out in paragraph 147 of the NPPF. A solar array is not one of the exceptions listed in paragraph 149 of the Framework. This application should not be approved unless very special circumstances exist. In paragraph 148, we are reminded that "very special

circumstances” will not exist unless the potential harm to the Green Belt, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

8. JOG believes that the Proposed Development would result in substantial harm to the Green Belt, which in the planning balance clearly outweighs the need for a solar array in this particular location. There are a range of other harms too, which I will refer to in this statement.

9. As I explained in my opening statement, JOG is not opposed to renewable forms of energy, but the sheer size and scale of this proposal is not appropriate in this particular location. Ms. Daly, for the District Council, advised you that the adopted Local Plan had provided for a net increase in Green Belt of around 40%. This has resulted from an additional area of Green Belt to the west. In this Inquiry, however, we are concerned with this particular development on this particular piece of Green Belt.

10. The planning witnesses at this Inquiry referred to the essential characteristics of the Green Belt which are their openness and their permanence. On the question of openness, there has been reference to the case of *Samuel Smith Old Brewery Tadcaster vs. North Yorkshire County Council* [2020] UKSC3. Two aspects of openness were considered – the visual and the spatial. It was determined that the visual quality of the landscape was not in itself an essential part of openness. From this judgment and others, it is clear that visual impact was a matter of planning judgment and common sense. In the case before you, sir, JOG maintains that the visual impact of the Proposed Development would be considerable, given the open nature of the site. We trust that you will have seen this on your site visit yesterday.

11. The spatial aspect of openness has been defined as an absence of built development. In this case, it is clear that the bulk of the site would be covered by the solar panels and associated infrastructure. During my questions to Mr. Hoyle, he agreed that the application was for development as defined in the Town and Country Planning Act 1990 (Section 55). As described by Mr. Griffiths in his evidence, “the openness of the Green Belt would be severely compromised by the solar panels, fencing, transformers, buildings and other bulky and unsightly equipment associated with the proposal. It would create an industrial landscape.” I trust that you will also have appreciated this point on your site visit yesterday.

12. The planning witnesses have considered the impact of the Proposed Development against the five purposes of the Green Belt, as set out in paragraph 138 of the NPPF. In his evidence, Mr. Griffiths provided you with a description of the evolution of the Green Belt in Hertfordshire and how its boundaries were determined. An understanding of this context, we believe, is vital to the determination of this application.

13. As Mr. Griffiths explained, the site lies within the London Metropolitan Green Belt. Hence purpose (i) is to check the outward sprawl of Greater London into Hertfordshire – to illustrate this Mr. Griffiths produced the “clawing hand” map. In exchanges with Mr. Robinson and Mr. Hoyle, it seemed to be agreed that there would be some impact on this purpose, but not beyond the generality of its application to all parts of the county.

14. The key issue then was the potential harm of the Proposed Development to Green Belt purposes (ii) and (iii). Turning to the first of these, there was a difference of view between the Council and the Applicant on the potential impact on preventing the neighbouring towns from merging into one another. In his proof, Mr. Hoyle (paragraph 4.3.11) swiftly concludes that the Proposed Development “accords with the first two purposes”. By contrast, Mr. Robinson had a more considered view in paragraph 6.23 of his evidence where he states that there would be “a limited adverse effect.”

15. JOG disagrees fundamentally with these views. In my opening address, I referred to an extract from the North Hertfordshire Local Plan Proposals Map, which was also appended by Mr. Griffiths to his proof. On this map was superimposed the application site, the Wymondley Sub-Station, and housing areas allocated in the Local Plan. This map showed very clearly the open gaps between Stevenage, Hitchin, and Letchworth, which the policy seeks to protect. The gap between Stevenage contains the excluded village of Little Wymondley, with an allocation of 312 dwellings as shown in the Local Plan. To the north, there is a wider gap towards Letchworth, but, as we have shown, the sheer size if the Proposed Development would fill about one third of this gap. It is our view that there would be a significant adverse effect on purpose (ii).

16. Turning to the third purpose, JOG appears to concur with the view of Mr. Robinson in his proof (paragraph 6.24) that there would be significant harm in terms of the encroachment on the countryside. By contrast, Mr. Hoyle stated that the harm would be limited, referring to the A1(M) and “urbanising factors”. JOG rejects this portrayal – the motorway is a legitimate use of land within the Green Belt. As Mr. Robinson and Mr. Griffiths have pointed out, there would clearly be encroachment on the countryside because the site consists of open fields. Again, this would have been very clear from your site visit yesterday.

17. Both Mr. Griffiths and Mr. Robinson referred to the North Hertfordshire Green Belt Review 2016, which was updated in 2018. It was agreed that the application site was divided between sub-parcels 10b and 14f of the Green Belt assessment. The results of the assessment confirmed that both of these parcels made a “significant” contribution to the Green Belt purposes. This reinforces JOG’s view that the Proposed Development would make a fundamental difference to the integrity of the Green Belt in this part of North Hertfordshire.

Temporary/ Permanent

18 One factor that seems to impact people’s views is whether the constructions should be deemed permanent JOG’s view is that its length of 40 years and degree of scale of construction makes it indeed permanent

19 This point has been acknowledged in a number of recent inspector decisions including for example Land at East Pelham Manuden s62A/2022/0011

“This would be highly contrasting industrial infrastructure that would be present for an extended period of around 40 years. This extended chronological span, together

with the scale and size of the proposal, would be perceived as permanent rather than temporary features within the landscape". (Note the site is smaller than ours)

20. Also, Mr Gareth Thomas stated in his refusal of the Swadlincote application Derbyshire APP/F1040/W/3313316

"It appears to me, as it has done to other Inspectors at appeals cited by the Council, that 40 years would indeed constitute a generational change".

It seems to JOG that a fair description is indeed perceived permanence given the generational period time

Site locational evidence

21. After the planning evidence presented by Mr Hoyle it became clear that many questions remained unanswered from the applicant in respect of the original scheme of investigation. Mr Collier therefore produced a paper and gave evidence.

22. He explained the process that AGR follow in establishing potential sites and explained the importance of the network connection and the limited options available to them given their search criteria. He particularly outlined the criteria AGR adopted as follows

- Network capacity
- A 4 KM maximum radius from a substation
- Low curtailment areas
- A capacity of 49.995 MW output
- 400m from homes
- No major obstacles to complicate the cable run
- Landowner willingness to negotiate
- Ideally single ownership site
- Transmission agreement

23. This clearly sets out a number of limiting factors reducing choice. Though it does not interestingly show any early analysis of matters such as Green Belt status, Agricultural land quality, heritage assets, local community, openness or visibility.

24. The first search according to the applicant focused them down to one primary site with one or two secondary possibilities.

25. Whilst following a certain logic what is wrong with the process that brings so limited outcomes.

26. Firstly, to JOG it seems that too many core criteria were adopted limiting the search by a size of output result meaning a needed capacity and land size. The 4KM restriction reduces options based on financial aspects that we are not a party to and cannot therefore take account of. We seem to understand that some schemes can go into the network via an existing cable route such as Swadlincote quoted yesterday and then transfer longer distances to the substation.

27. The search criteria did not seem to show any sensitivity to such things as BMV agricultural land, green belt, openness heritage etc. If it had maybe a solution on a smaller scale more appropriate for the site and surroundings may have been selected. Trying to shoehorn such a monster scheme into a small and important Green Belt area has caused the scheme to face many challenges that have made it unacceptable to the adjoining communities. Indeed, it also starts to fail on its original avowed criteria such as the distance from properties in this case Milksey cottages.

28. JOG is also concerned with a site allocation of some 88 hectares. We have from the outset questioned the scale of land required to provide the 49.95MW output as it is far greater than in many other locations. We have been told that the panels being used are the most economically viable for the profitability of the project as a whole. No evidence of this has however been provided and the Council sought no data. We do understand that as technology develops apace solar installations are becoming so much more efficient. For example, Bi-facial panels we understand cost 10% more but are 20% more efficient. Which could reduce the land used by 20%.

29. North Herts have two other applications in process one within the Parish known as Sperberry hill which is a 25MW solar Array on 35 Hectares of land and another at Bygrave where it has accessed a local substation with 53 hectares producing 40 MW

30. Is it possibly pertinent to compare scale on a MW per hectares basis. Why can both the other applications achieve .7 and .75 MW per hectares but this application achieves only .56MW per hectare. When scale and adjacency to the conservation area are a major concern, it is frustrating to see such a divergence between the sites. Is this due to layout, quality of panels or other factors we just don't know.

31. All this uncertainty and factors outside of the planning system brings into question what basis is it reasonable to consider the application as the facts outside the control of planning are the ones the applicant argues brings about the very special circumstances. This was disputed in the case of the appeal by Sawston Solar farm Limited the Inspector concluded that

“A connection to the national grid is an essential site requirement and the availability of a connection in the part of the network with capacity to accept the output is of assistance to the applicant but it does not bring a public benefit and adds no weight to the planning case for the proposals”.

32. The issue of relevance was also picked up by the inspector in the Manuden case

“Whilst an Alternative Sites Assessment (dated September 2022) has been submitted, this is limited by the reliance on an unsubstantiated distance of 4km point of connection with the electricity grid”.

33. From evidence provided by Mr Hoyle it seems that a robust brownfield investigation was not undertaken indeed the Councils brown field register was not even reviewed. Nor was roof top solar given any serious consideration even though it is becoming an ever increasingly important element of the Solar industry.

35. It also appeared from evidence from Mr Hoyle and Mr Kernon that no soil studies were undertaken on any other sites indicating an indifference to the importance of the BMV land in the equation. By referencing the appeal decision on Swadlincote CD188 the inspector in that case stated

“No soil survey work was completed other than the appeal site. This factor is a significant omission.”

36. These conclusions emphasize to me that the applicants' criteria and the national grid network should not be the overarching criteria that trump's all otherwise every application would be approved and it certainly is not

37. Renewable energy generation is an important criterion that rightly should carry weight as we aim to achieve our Net Zero target by 2050. It should not however ride rough shod over everything else and it must follow a rigorous path of investigation which it seems was only partially undertaken in this case.

Development Plans

38. Development plans were addressed by all the three planning experts. Reference was made to the Local Plan adopted on the 8th November 2022 as well as the Wymondley Neighbourhood Plan adopted in 2018.

39. It was accepted that the plans all reference the guidance within the NPPF particularly for example Para 4.61 of the local plan stating that proposals for future development within the green Belt will be considered against national policy.

This Policy SP (c) states that the council will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances exist. The bar to achieve very special circumstances being set very high.

It is common ground that the development is inappropriate development.

40. The Neighbourhood Plan is an important document put together by the Wymondley Parish Council Neighbourhood Plan Group. This document was compiled diligently by local people with reference back to the local community.

41. The Green Belt message is reinforced by reference to the Wymondley Neighbourhood Plan

When consulted in the Parish Survey 92% of the respondents identified Green Belt Issues as their primary concern as I read out in my opening statement

43. The one overriding matter when considering the Local Plan was that we find ourselves here embroiled in a major application that has no reference point in a relevant Plan. NHDC are in the process of considering three solar arrays this one another partially in our Parish at Sperberry Hill/Redcoats and one in Bygrave some 7 miles away.

44. Any one or all of these would make a very major impact on the whole of North Herts how it is perceived how it is enjoyed and people's desire to live here. The impact of this application when viewed from the A1M motorway will be probably the biggest and most in

your face solar Array between London and Edinburgh with some 30m car movements a year. North Herts will be defined by it maybe some will say good but my point is that it is without a thought through consulted Plan. That surely cannot be right.

45. The Council chose to declare a Climate emergency with a view to achieving net zero by 2040. Is it right that that should be its driver rather than the Governments overriding plan to target 2050. There is time for a proper Plan review with consultation and carefully reviewed options no need to knee jerk react to every application.

Landscape Character

46. It was acknowledged by all parties that the Proposed Development would have a harmful impact on the landscape and its character. The Council's Committee Report described the effect as "moderate", in the light of the applicant's Landscape and Visual Impact Assessment and the peer review by the Landscape Partnership. In his evidence, Mr. Mason described how the harm to the landscape could be mitigated by planting measures, which would conceal the site from public view, especially in Year 10 and beyond. Nevertheless, it is clear that the site could not be screened completely. It is very open in nature, as you will have ascertained from your site visit.

47. Both the applicant and the Council have pointed out that this is not a valued landscape in terms of planning policy. As Mr. Griffiths stated in cross-examination, it is important in terms of the local landscape character and contributes to the intrinsic value of the countryside. Both Mr. Griffiths and Mr. Robinson referred to the North Herts Landscape Study 2011, produced by the Landscape Partnership in 2011 (CD71), in which the application site was part of the Arlesey-Great Wymondley Landscape Character Area (LCA). Although the LCA as a whole was described as having a low-moderate sensitivity, it is significant that the historic settlement of Great Wymondley is cited as a prominent feature of the historic landscape pattern. It is also stated that "the expansive views from higher ground create a sense of space and openness". With regards to the application site, these characteristics can clearly be seen in the photographs provided in support of our case (CD184). In our view, the site is an essential part of the setting of Great Wymondley, which is "washed over" by the Green Belt. The Proposed Development is surely contrary to Local Plan policy NE2 which seeks to avoid unacceptable harm to landscape character and appearance – we say that the insertion of a solar array of 88 hectares is surely unacceptable.

48. We have also argued that the Proposed Development would be contrary to Policy NE3, which seeks to protect the Chilterns AONB and its setting. You will have been able to judge whether this should be given any weight following your site visits yesterday. Whatever your conclusions may be, the views that you will have seen, and the photographs produced by Mr. Mason will be a testimony to the success of policies on the AONB, the Green Belt, and countryside protection. These have produced the lasting image of a living and working rural landscape, of which agriculture is a key component.

Heritage and Archaeology

49. We presented evidence via a local resident with a lifelong interest and educational background in Archaeology and the maintaining and restoring of heritage assets.

50. Mr Jackson took us through the history of the Wymondley's emphasizing the very long and exceptionally preserved history in the village and its link to a landscape over two thousand years. In particular the field systems showed glimpses of Roman occupation right through to the medieval emphasized by Seebohm in his landmark research on the origins of the English village. This 19th century work also brought historian Professor Michael Wood to our village who concluding in his book 'Searching for the roots of England'.

"The finds in Great Wymondley open up one of the most intriguing and difficult questions – perhaps the single most important question- in British History. How much of the Celtic and roman past went into the Anglo-Saxon culture and identity".

This assertion was underlined when he visited the village and spoke at a dinner held at the barn that you visited yesterday, Sir

51. Mr Jackson went on to set out the history of the village and particularly its setting in a landscape which evolved from the earliest prehistoric agriculture.

52. It is also known that Roman remains indicating a Romano British settlement or outbuildings of a villa was discovered when the council houses were being built in the 1930's and further digs have been undertaken in the last couple of years relating to a house extension that revealed more finds on the site. The importance of the Roman road near to Graveley heading north south points to an obvious trade route which would have had people attracted to it. Hence it is not surprising that Site 2 & 3 on the Geo phys point to a possible ladder settlement.

54. Great Wymondley was important as a cross roads with farming estate in Anglo Saxon times and its ownership by either clergy or Anglo-Saxon kings even passed on to William the Conqueror.

55. By the Domesday in 1086 the land of Great Wymondley consisted of over 1500 acres encompassing all the land between the village and the historic Great North Road which itself was Roman or earlier.

56. The Augustine priory built close to the spring which has had a Victorian pumping house put on it was probably always important as a source of Spring water. Water was important for livestock and humans. There was a whole priory economy built around that valuable fresh water supply. The link in the later medieval landscape continues on with the motte and Bailey fortress erected during King Stephens reign. Not surprising the Roman, early Medieval, Norman, Plantagenet and Tudor are all now starting to crowd on top of each other.

57. Joining all the pieces together in this complex jigsaw singles Gt Wymondley and the Wymondley's as being exceptional in their richness of heritage. The Conservation area in part marks this out...but does not recognize the villages inextricable link to the lands around it.

58. The fact the developers' geophysics survey has shown up some very interesting and substantive indications of past human occupation over thousands of years, does not surprise us.

The ground hits at site 1 not far from the roman cemetery could be Prehistoric, bronze Age or a Roman farmhouse linked to a Roman settlement at Great Wymondley.

Ms Roy gave evidence not disputing the broad principles of the history of the settlement and went onto explain her methodology of investigation and protection. She did not disagree that the geo phys had pulled up very interesting results extending over twenty or more acres.

59. We note that the mitigation strategy produced by AOC is damage limitation, aptly illustrated by the no dig principle on the parts of the site which it appears might aid our understanding of our heritage greatly.

60. So it is that the 201 trial trenches methodology proposed on the rest of the site has raised considerable concerns due to the extensive investigation, glossing over what happens if 'significant finds' are made....that would lead to more digging. Trial trenching is by its very nature a starting point for more investigation and digging in archaeology.

61. This methodology will be a part of conditions and we would expect considerable input from the local archaeologist experts before a final agreed solution is established.

62. Back to Mr Jacksons presentation and moving to the built heritage he emphasised the importance of the settlement and the area with some 67 Listed buildings within 2km and of these 43 within less than 1 Km of the Solar Site. These include Three Grade One properties and 5 grade 2*. The Great Wymondley Properties are all set within the conservation area and washed over by the Green Belt. The importance of the heritage setting and landscape was emphasised by Mr Jackson and the acceptance of the principle that the approach to such assets is an important dimension. Whilst a number don't have direct views of the proposed Solar Array this in no way diminishes the importance of their wider setting.

63. The Priory which you visited yesterday is the closest property and as a scheduled monument it is our belief that the scale and adjacency of the Proposed development would harm its setting as well potentially its fabric.

64. So, in summary we have a very rich heritage we can be proud of which requires much deeper understanding. Our heritage is visual and contextual, joined up and in the case of Great Wymondley has for two thousand years been tied to the land. As a village and even individuals who own listed properties, we feel the importance in preserving our heritage for example raising £300k to preserve our 900-year-old Church.

65. Ms Roy contends that the proposals will cause harm but at a less than substantial level. If we are going to use the scale of harm proposed by Ms Roy, we feel that even at the less substantial end there is enough heritage assets to result in more significant weight.

66. JOG therefore contend this proposal would not only damage the settings heritage assets in their landscape but with the archaeology plan proposed would destroy much of the site.

Agriculture

67. Jed Griffiths presented on behalf of JOG on agriculture.

He made clear the Policy position from NPPF 174(b) where it states that planning policy and decision making should contribute to and enhance the natural and local environment.

“Recognising the intrinsic character and beauty of the countryside, and the wider benefits from the natural capital and ecosystems services – including the economic benefits of the BMV agricultural land”

68. So BMV land is considered to be Grade 1 2 and 3a. we have no Grade 1 in Hertfordshire so Grade 2 is our best.

69. The NPPG advises that Solar PV developments proposals should be focused on the lower grade 3b, 4 and 5. We have established from Mr Kernon that having undertaken soil samples on the land the split is 32% Grade 2 and 68% Grade 3 this is split between the north and south parcels

70. What became clear and is of great concern was that Mr Kernon did not put great value on the quality of the agricultural land and indeed our need to retain it for our food security. Whilst grade 2 land forms some 19% of Hertfordshire’s land use this is surely not a reason to dismiss its importance. The purpose of the definition of versatility is to have flexibility to change crops in the future to meet need and circumstance.

71. This attitude was clearly prevalent from the outset of the site selection as little was done to review grade 3 land to establish if any location could be found that would use the lesser grade 3b land. This is a subject that other Inspectors have referenced in recent cases particularly at Swadlincote Derbyshire

“Whilst collectively, the benefits arising from the appeal scheme are significant, the harm that would be caused by allowing the development of just below 50% of the site hectareage over a period of 40 years would be of greater significance”.

Ecology and biodiversity

72. Our ecology witness Mrs Elizabeth Hamilton pointed out in her proof of evidence (CD176) that biodiversity is a material consideration in all public decision-making pursuant to Section 40 of the Natural Environment and Rural Communities Act 2006, updated by the Environment Act 2021. She suggested that this duty should be taken more seriously, with an awareness of the species on any site which might be displaced or substantially diminished by development.

73. She said that as reported in January 2023 by the Office for Environmental Protection, between 2013 and 2018 there was a 17% decrease in the abundance of priority species, comprising part of a chronic decline of 82% between 1970 and 2018. Decisions taken on every site count to reverse the decline seen since 1970 and meet current targets.

74. She also pointed out that paragraph 179b of the National Planning Policy Framework requires plans to ‘promote the protection and recovery of priority species’, otherwise known as section 41 species.

75. Mrs Hamilton noted that within the Ecological Assessment Report (EAR)(CD7 App E) the Breeding Bird Survey found that 10 notable bird species were considered to be breeding within the site, of which nine are section 41 species, eight are ‘Red-listed’ species of

conservation concern and five are listed as species priorities within the Hertfordshire Local Biodiversity Action Plan (LBAP)(CD178). The EAR stated that of these species only skylark is a ground-nesting species typically associated with arable fields. Mrs Hamilton referenced CD223 which states (on page 47 of that document) that yellow wagtail and grey partridge are ground-nesting birds of open habitats. These species had territories recorded on the site in the Breeding Bird Survey.

76. Typically, the margins around solar arrays are used for vehicular access, as shown by the aerial view of the Shuttleworth Hall solar array at Gisburn in Lancashire included in Mrs Hamilton's evidence at Appendix B. This can be expected to cause disturbance and displacement to birds which nest in hedges and forage on the ground alongside such edge habitats, including yellowhammer (CD224), a section 41 species recorded as having nine territories on the site.

77. Mrs Hamilton disagreed with paragraph 4.7.12 of the EAR which concludes that the local breeding bird assemblage is unlikely to be adversely impacted by the proposed development. She said that in her opinion at least one and potentially several ground-nesting breeding species will be negatively impacted. This was particularly the case with skylark, a section 41 species and red-listed species recorded in the Breeding Bird Survey as having 19 territories (this figure was subsequently found to be reduced by four when the Appellant's ecology witness Mr Howard Fearn stated during cross-examination that part of the breeding bird survey was conducted on land outside the proposal site).

78. Mrs Hamilton referenced several sources which confirm that no skylark nests have been found within a solar array in the UK to date (CD110, CD223 and CD225). Mrs Hamilton went on to quote extensively from CD223 with regard to skylark compensation measures, from which it is clear that such measures require detailed knowledge of the proposed compensatory fields, including evidence of existing use by skylarks. In respect of the draft condition 21 Skylark mitigation (CD218, updated 18th September 2023) and CD219 Illustrative Skylark Plots Plan, dated August 2023 (both documents submitted to the Inquiry on 19th September 2023), Mrs Hamilton added to her evidence the following verbal comments:

- It was not clear whether there has been any survey work on the proposed fields to ascertain the presence of existing skylark territories, or the suitability of the fields,
- No written evidence had been presented for the management of the skylark mitigation measures proposed for the duration of the proposed solar array.
- It was clear from CD223 that skylark mitigation measures are not guaranteed to be successful. If in the future the proposals were found to be unsuccessful, skylarks which were expected to be displaced by the proposed solar array would not have been compensated for. This indicated that the proposed draft condition failed the test of reasonableness.

79. Mrs Hamilton noted that the EAR reported Hertfordshire Ecological Records Centre (HERC) records of seven species of bat within 2km of the site. The EAR also noted the presence of

potential bat roosts as well as commuting and foraging habitat within the site and nearby, with good connectivity to higher value habitat, and concluded that the site has moderate value bat foraging and commuting habitat. She also noted that all bats are European protected.

80. Given the likelihood that bats are using the site, Mrs Hamilton said that a recent research paper (CD230) is relevant. She noted that no bat surveys had been carried out and she was not aware of specific bat mitigation measures or lighting strategies for bat protection proposed by the Appellant.

81. Mrs Hamilton said that paragraph 4.7.10 of the EAR, suggesting that the arable fields would be replaced with species-rich wildflower grassland, is not correct: the majority of the area (78.15 ha) comprising the land within the security/stock-proof fencing, would be sown with a grass mixture with two varieties of just one broadleaved species – white clover, as described in paragraph 3.1.40 and Table 2.1 of the Planning and Design & Access Statement (DAS)(CD2). With much of proposed grazed 'diverse' pasture area under panels, the effects of shade, significantly reduced temperatures and dryer conditions may impact on the successful establishment of this proposed sward.

Flood risk and drainage

85. We accept that we have a flooding issue at the present time in Priory Lane and Stevenage Road. This is well documented in the Neighbourhood Plan section 8.

86. The applicant has now produced a scheme with some additions of ponds and attenuation basins that has finally received the approval of the Lead flood authority after a number of iterations. Whilst we are told that the scheme will bring marginal benefits there are unknowns including the impact of the major archaeological dig, the potential loss of land drains and the general introduction of a built environment of roads buildings etc. Such change brings risk and uncertainty to a situation that has no slack to the village downstream.

87. The Council and Applicant considers no harm and minor benefit. Having heard the evidence and the potential unknowns following the Archaeology and agricultural evidence we conclude on a more neutral position.

Transport

88. We have heard Mr Kendall's presentation and note his assertions on levels of vehicular movement and impacts from the proposed works and particularly the cable laying JOG was able to speak on Transport briefly and question Mr Kendall.

I will not dwell too long on this subject but would just reinforce the key points debated and then picked up in the paper put forward by the applicant. I also note and agree that there is significantly more to be covered under Conditions.

89. Laying the cabling down Priory Lane and along Stevenage Road will cause enormous problems. The location and height of the Little Wymondley railway bridge necessitates a number of vehicle movements down Priory Lane to Old Hall Farmyard every day. Disruption will be very damaging to local businesses and their financial viability. Working closely with

property owners, diversions and steel plates to allow access will all be important elements of the solution.

90.The same will be the case for the Priory wedding trade. Access must be retained for events or again trade and income will be lost.

Noise and Vibration.

92.In our evidence both Mrs Simpson and Mrs Hamilton raised the concern about noise. Mrs Simpson stated that the impact could be felt by those walking the paths, potentially nearby properties and those enjoying the Recreation Ground and working in the Community Orchard as well as the risk to nearby houses.

93.The potential for deflective noise has also been raised. The example from Todds Green was quoted where to shield a new housing estate from the A1M a large wall some 9 meters or so in height has been constructed. The impact has been to bounce the noise back onto Stevenage on the other side of the A1(M) magnifying the traffic noise, The matter remains unresolved with each party blaming the other whilst the residents suffer.

94.Our concern in terms of the Solar Array is that by removing much of the natural agricultural carpet and replacing it with 160,000 noise deflectors there is a risk of noise

95.Mrs Hamilton gave evidence based on her visit to Folly Farm Solar Array at Long Marston in Tring where she was able to hear a very audible sound from the inverters from a public footpath running by the site. She rightly raised the concern that with 22 inverters on this site some close to public footpaths particularly the Hertfordshire way we could experience significant noise disturbance. If that is the case it will have an impact on wildlife and particularly bird and bat populations.

96.In addition, there will be significant noise during the construction phases from the work to pile in the 32,000 posts. Working hours limitations have been included in Conditions but noise will be inevitable.

97.The Council in their assessment of harm weighted Noise as neutral with no weight. It is hard to be able to rationalise this assessment given the evidence that we have heard and the basic inevitability of building a vast industrial scale development. We consider there to be Harm and that harm will be initially substantial reducing one hopes to moderate

Fire risk

98.As you are aware Sir, we have from the outset raised concerns about fire risks coming from the battery storage units particularly. I referenced in my opening statement the result and follow up investigations following the Liverpool Fire. We have also tabled communication from the HCC in respect of fire risks.

99.With the Herts Way metres from the battery storage units as well as Great Wymondley Rec close by and a number of houses, this risk must be taken seriously.

The fire services say that they require dual access points to each part of the site, a perimeter road, dry system installation emergency water and hard standings. We are not saying that we will wish to see such a solution but we do need to be satisfied the risk is taken seriously. This is another matter which has been added to the conditions and one we feel strongly we would wish to review when the consultation exercise is complete.

100. What is quite clear is that with what we now know to be 100MW BESS on site these risks are very real. We have seen confirmation in the past couple of days that the Government shares that view and is planning on introducing the need for such facilities to require an industrial installations permit.

Community Harm

Mrs Simpson appeared on behalf of the community.

101. She explained that both professionally and as a mother she is passionate about the countryside our setting within it and all of our rights to be able to have peaceful enjoyment of the rural setting of the Parish we have chosen to live in. She was able to speak on behalf of the 90% of the village population who registered their objection to the application.

102. She spoke of her work with a fitness App which is working to improve the nation's health by encouraging regular exercise. She particularly referenced the importance of the Hertfordshire Way that everyone in the village access via the path at the top of the Rec. the importance was emphasised by Mrs Simpson for health, family time, walking running, cycling and dog walking. It also gives safe access to the Greenway around Letchworth so is a real route out of the village to the north, east and west. The roads from the village do not have paths so emphasising even more the importance of our footpaths and Herts way in particular. There is also a mental health benefit as explained by Mrs Simpson the views in the changing seasons and agricultural activity that are an intrinsic part of the experience of going into the countryside will be lost replaced by the monotony of a single unchanging vista of solar panels. This will as explained have a negative effect upon people's mental health and wellbeing

103. The fencing and CCTV were also referenced and are a grave concern.

104. One Parishioner came into my house as I sat writing this speech yesterday. This lady had been out running on the Herts Way and came straight to me rather emotional to make a plea. She had realised when running along the open country that the proposals put forward would involve enclosing the pathways with hedging and trees to obscure the Solar Array. This she rightly points out will create a very frightening proposition for women running alone, which many do, because of the feeling of enclosure which would adversely impact their safety and confidence to use the tracks. This is a hugely important point that must be taken account of but is at odds with the hide the panels policy and so difficult to reconcile. This proposition is of course made even worse when you consider the context of not only hedges but fencing as well.

105. This leads onto another point made by Mrs Simpson in term of the security concerns. We referred to communication from Herts police in respect of another Solar array where they say theft is becoming a major issue. Whilst we have agreed to protect our rights with

regard to fencing what this worrying trend does do is add to concern about children or lone people being on the footpaths with possible criminal types being drawn to the area.

Summary and Conclusions

107.As the Joint Objectors group of the Great Wymondley Village Association and the Parsih Council we strongly believe that the application should not be approved due to the harm that it will bring

In this application we have the perfect storm.

- Harm to Grade 2 and 3a productive agricultural land
- Harm to Green Belt land and purposes
- Harm to openness and visibility
- Harm to the setting for 67 listed buildings
- Harm to the conservation area
- Harm to Archaeology spanning thousands of years
- Harm to wildlife and the natural environment.
- Harm to public rights of way
- Harm to the community's safety and wellbeing
- All weighed against the benefit of clean energy production and storage.

108.We have seen and referenced above other cases where Inspectors have not allowed development for just one of the above harms and generally on sites smaller than the colossal 88 hectares proposed here. Here we have the complete set.

109.The argument put forward for the location is the need to produce the power locally. This is in our view not logical or the best use of our natural resources. The power will go into the National Grid. As the name suggests it is just that National. In the past no one has insisted we drill for gas or oil here or try to mine coal or site a nuclear power station so why the change of logic. What we have is high quality agricultural land being put to the best possible use to grow Wheat and Barley at a time when the world needs us to deliver and be versatile for future changing need.

110.Furthermore, due to socio-economic reasons we are also under great pressure to provide more houses and have had to accept the shrinking of our Green Belt in the Parish to potentially facilitate over 300 homes doubling the size of Little Wymondley. In addition, we as a Parish are already home to a major substation, main north-south train and road links That surely should not mean by default we have to be swallowed up by Solar Arrays so we end up as "Walled in Wymondley"

111.Each part of the country must do what it does best for the national good. For us it is house people close to their work and transport infrastructure and to grow arable crops.

We rest our case that this application should be turned down.

Thank you again Sir for your time your diligence and your impartial attention to detail.

Paul S Harding FRICS

21st September 2023

