Re: Planning Application Ref: APP/X1925/V/23/3323321

Re: Land at Priory Farm to the East of Great Wymondley, North Hertfordshire

Closing submissions on behalf of the Applicant

1. Introduction

1.1 The last 8 days of inquiry have provided the opportunity for a rigorous appraisal of the proposed development. Whilst there has been a tremendous amount of detail discussed, the overall position remains exactly as it was at the start of the inquiry. It is agreed between the Applicant and the Council that planning permission should be granted.

1.2 The Council planning officer who understands the development plan policies, the local area and all that is good about this corner of North Hertfordshire concluded that whilst there may be tension with some policies in the adopted Development Plan and NPPF, there are also compelling reasons to justify the grant of planning permission in the Green Belt. Equally, planning committee members accepted their professional officer's recommendation and resolved to grant planning permission.

1.3 As has been made clear throughout, the Applicant supports the conclusions in the planning officer's carefully articulated report and recommendation and the subsequent decision by elected members to approve the proposed development.

1.4 So far as the Applicant is concerned, this inquiry is about the acceptability of this solar array in the Green Belt. A number of important strands were brought together in the evidence of Mr. Collier regarding the site selection process and why the scheme is where it is. It would be all too easy to look at a plan such as Figure 5.2 and suggest that this solar farm should be outwith the Green Belt and hook into the Reed Primary substation. However, as has been demonstrated, Wymondley GSP is the only substation into which this scheme can connect. None of the identified primary substations can provide the capacity for a suitable connection to the grid for the proposed development. This is not an academic exercise. It is about getting much needed renewable energy generation built.

1.5 As identified in the Planning Statement, it could be possible to connect into the transmission132KV substations. These are identified in the Planning Statement at paragraph 5.4.73. There are two within North Hertfordshire and another four within 4 km of the district boundary. An application was made to National Grid for a tertiary

connection at Wymondley GSP. This is a specific type of connection for a project of this size and is not available at all transmission level substations. The reason for connecting at Wymondley GSP rather than other substations was for the type and viability of the 33KV/13KV connection. All other transmission level substations would have experienced high curtailment and even if there was capacity would have resulted in a disproportionate connection cost due to the connection voltage and location.

1.6 As Mr. Collier explained, a key point of difference for transmission connections is that they could be secured at that time without having identified a specific site. This meant that developers can secure the grid connection and then run a detailed site assessment across a number of sites, approach landowners and identify a site that is deliverable and available within an appropriate distance. As Mr. Collier also explained, a distance of 4 km is considered to be the maximum distance radially from the point of connection to a site. That is an industry standard area of search. Beyond that, the evidence was of an exponential increase in costs and complexity and the scheme would not be built.

1.7 Whilst in the process of securing the grid connection, the Applicant also engaged a land agent to work on land acquisition. The search criteria was set at 4 km with the need for a landholding large enough to accommodate a 49.9 MW solar farm which was reasonably distant from residential properties and which took due consideration of the usual planning constraints.

1.8 As Mr. Collier explained, there were a number of landowners that were interested in engaging with the project. Some were further to the west and closer to the AONB. Another site to the South was in talks with another operator who has now secured consent for a BESS scheme. As a result, the application site was chosen because it was available, deliverable, unconstrained at a high level appraisal and viable.

1.9 Accordingly, there is a compelling narrative for selection of the application site. It is worth noting the conclusions of Inspector Partington on this topic at the Scruton appeal (appeal reference number APP/G2713/W/23/3315877):

“**Alternative Sites**

27. I have not been provided with any evidence that indicates that there is any national or local policy requirement to carry out an assessment of alternative sites for solar farm developments. Nevertheless, the Appellant provided a sequential assessment. This

concluded that there were no sequential preferable sites in the area. Moreover, the Council have not put forward any brownfield or lower grade alternative sites.

28. It was suggested that the area of search in the assessment could have been wider and that it should have considered more than just the Leeming Bar substation. To this end the Parish Council drew my attention to some other appeal decisions where a more substantial catchment area was required. However, given the proposal is seeking to use the spare grid capacity at this sub-station, and bearing in mind the limited opportunities that currently exist for grid connections nationally, I consider it is, in this case, justified to only consider sites within an area that could also make use of this capacity, rather than capacity that may exist at other substations elsewhere. In addition, from the technical considerations set out by the appellant at the hearing regarding how connections to the substation need to be made, I consider that the area of search utilised in the appellant's assessment is reasonable."

1.10 Having demonstrated that there are no non-Green Belt alternatives, this case becomes principally one about the impact of a visually contained solar farm on the visual component of openness. Whilst JOG has raised a host of technical issues, all can be dealt with by way of planning condition or do not raise an impediment to the grant of planning permission at all.

1.11 The Applicant is at this inquiry because there is an immediate and pressing need for deployment of renewable energy generating infrastructure across the UK, which is intrinsically linked to the legally binding obligations to reach "net zero" by 2050. Every Council should seek to maximise renewable energy generation in its administrative area.

1.12 The proposed development would make a material and appreciable contribution to meeting the amended Climate Change 2008 targets. Central Government has emphasised through national planning policy that continued deployment of solar farms (and renewable energy technologies more generally) are a key part of the UK's transition to achieving a low carbon economy, switching to carbon free energy generation by 2035 and tackling Climate Change.

1.13 In May 2019 the Central Government formally declared a climate emergency and swiftly followed this with publication of the Energy White Paper (December 2020) and publication of the Net Zero Strategy (October 2021). Both emphasised the measures

required to transition to low carbon energy generation by 2035. Large scale solar was described as a “key building block” in the transition.

1.14 That desire to achieve these goals, in part through the deployment of large-scale ground mounted solar, is evident in recent decisions issued by Inspectors and the Secretary of State, including commercial scale deployment in the Green Belt. The decision at Canon Barns Road Appeal Ref: APP/W1525/W/22/3300222 is a good example of how Inspectors are now handling this balance.

1.15 In this case, based on the detailed evidence that it has called, the Applicant submits that the harm caused to the Green Belt by reason of inappropriateness and any other harm is limited. The benefits flowing from the scheme including renewable energy generation, legacy landscape enhancement, ecological enhancements and local economic benefits are sufficiently great to clearly outweigh such harm. As a result, the Applicant argues that Very Special Circumstances exist which would justify setting aside the usual presumption against allowing inappropriate development in the Green Belt.

2. Matters on which the Secretary of State wishes to be informed

2.1 The Planning Casework Unit, on behalf of the Secretary of State, wrote to the Applicant and the Council on 26th May 2023 to direct that, pursuant to section 77 of the 1990 Act, the application would be determined by him personally instead of being dealt with by the Local Planning Authority. The matters about which the Secretary of State wanted to be informed are as follows:

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

3. Decision making framework

3.1 At the time the planning application was prepared and the committee report was written the adopted Development Plan in force comprised the following documents:

i) Hertfordshire Minerals Local Plan adopted in 2007 (HCC);
ii) Hertfordshire Waste Core Strategy and Development Management Policies Document, 2012 (HCC);
iii) Hertfordshire Waste Site Allocations Document, 2014 (HCC);
iv) Saved policies from the North Hertfordshire District Local Plan No. 2 with Alterations adopted 1996 (NHDC); and
v) Wymondley Neighbourhood Development Plan (2011-2031) (Adopted 2018).

3.2 The North Hertfordshire District Local Plan 2011-2031 (NHDLP) was adopted on the 8th of November 2022 and replaced the saved policies of the previous plan. This was reported to the planning committee meeting and policies of the recently adopted local plan were given full weight in the decision-making process.

3.3 The Development Plan Policies relevant to determination of the planning application subject the Call-in inquiry are set out below:

North Hertfordshire District Local Plan 2011-2031 (CD39)

i) Policy SP1: Presumption in Favour of Sustainable Development
ii) Policy SP5: Countryside and Green Belt
iii) Policy SP11: Natural Resources
iv) Policy SP12: Green Infrastructure, Landscape and Biodiversity
v) Policy SP13: Historic Environment
vi) Policy D1: Design and Sustainability
vii) Policy D3: Protecting Living Conditions
viii) Policy D4: Air Quality
ix) Policy HE1: Designated Heritage Assets
x) Policy HE3: Non-Designated heritage assets
xi) Policy HE4: Archaeology
xii) Policy NE1: Strategic Green Infrastructure
xiii) Policy NE2: Landscape

xiv) Policy NE3: The Chilterns AONB
xv) Policy NE4: Biodiversity and Geological sites
xvi) Policy NE5: Protecting Open Space
xvii) Policy NE7: Reducing Flood Risk
xviii) Policy NE8: Sustainable Drainage Systems
xix) Policy NE12: Renewable and Low Carbon Energy Development

3.4 Of these, Policy SP5 and Policy NE12 are the lead policies. Importantly, both signpost the decision maker to national planning policy. There is agreement with the Council that in Policy NE12, only the first sentence relates to this type of project and the subsequent criteria do not. Even if they did, the Applicant has submitted evidence to deal with all of them.

Wymondley Neighbourhood Development Plan (2011-2031) (Adopted 2018) (CD40)

i) Policy NHE1: Landscape Character
ii) Policy NHE2: Biodiversity
iii) Policy NHE3: Wildlife and Ecology
iv) Policy NHE8: Landscaping Schemes
v) Policy NHE9: Historic Character and Heritage Assets
vi) Policy GB1: Green Belt
vii) Policy FR1: Flood risk
viii) Policy SLBE1: Business Development

3.5 In addition, the following evidence base documents are considered to be relevant:

i) NHDC Landscape Study 2011 (CD71);
ii) Hertfordshire Landscape Character Assessment – Hertfordshire County Council (2004) (CD70); and
iii) North Hertfordshire Local Plan 2011 – 2031 Green Belt Review Update 2018 (CD137)

Other material considerations

National Planning Policy Framework (September 2023)

3.6 The National Planning Policy Framework (NPPF) (CD56) policies considered to be of greatest relevance to determination of the planning application and which will be referenced in evidence are as follows:

i) Paragraph 11 – Presumption in Favour of Sustainable Development;
ii) Section 13 – Protecting Green Belt Land;
iii) Section 14 – Meeting the Needs of Climate Change;
iv) Section 15 – Conserving and Enhancing the Natural Environment, and
v) Section 16 – Conserving and Enhancing the Historic Environment.

3.7 Other documents which are relied on by the Applicant include the Planning Practice Guidance, National Policy Statements (and draft replacements) and multiple energy related documents, all of which of dealt with in the evidence.

4 Issues on which the Secretary of States wishes to be informed

Green Belt

4.1 In policy terms, all solar farms are inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposed development, is clearly outweighed by other considerations.

4.2 In terms of openness:

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

4.3 The fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. Openness has both visual and spatial qualities. From a spatial perspective, the proposed solar arrays would introduce substantial development into the area in terms of ground cover due to the quantity of arrays within the scheme. Furthermore, the associated access track, substation, inverter stations, fencing and CCTV facilities would result in additional built form that would further diminish the openness of the Green Belt spatially.

4.4 Nevertheless, as Mr. Mason and Mr. Hoyle explained, the proposed solar arrays would be relatively modest in mass and footprint and would be spaced out at regular intervals reducing the overall scale of the development. Furthermore, the scheme would be in place for a temporary 40-year period. It would then be fully demounted, and land returned to its former condition, at the end of its use. As such, whilst 40 years is a long period of time, it is not permanent. Therefore, the impact on the openness of the Green Belt would be reduced with the site ultimately reinstated to its former open character. Consequently, both spatially and visually, the proposed development would result in limited and temporary harm to the openness of the Green Belt.

Purposes of including land in the Green Belt

4.5 Paragraph 138 of the Framework defines the five key purposes of the Green Belt. There was some disagreement between the historic view of Mr. Griffiths and the other planning witnesses between the original purpose of the Metropolitan Green Belt. The Applicant's view is that development would not result in the extension of a large built up area, and given the distance and limited intervisibility from surrounding towns and villages it would not conflict with the purpose of restraining unrestricted sprawl and there would be no diminution of the purpose to prevent neighbouring towns from merging with each other. Thus, the proposed development accords the first two purposes.

4.6 As Mr. Hoyle readily accepts, the proposed development would introduce built development to a countryside location. However, the site adjoins the A1(M) and thus is in an area which is already degraded by urbanising influences. The proposed development is of a low height and would sit within the landscape framework such that once the proposed mitigation planting is established the proposed development would not be intrusive, and an appreciation of the landscape as countryside would still be possible. Therefore, whilst the proposed development would introduce built development to a countryside location, having regard to the site's context and

surrounding urbanising features, the nature of the development and mitigation proposed, harm in terms of encroachment into the countryside is limited.

4.7 The other two purposes, preserving the special character of historic towns and assisting in urban regeneration, are not relevant to the proposed development.

Other Harm

Landscape and Visual Harm

4.8 Somewhat unusually for a commercial scale solar farm inquiry, there is a high degree of agreement between the Applicant and the Council. Following consultation responses prepared by TLP, independent landscape consultants appointed to work on behalf of the Council, a response document was prepared (CD 33) which set out some additional mitigation measures. Mr. Mason was open in saying that the Applicant was grateful to TLP for what he considered to be improvements to the scheme.

4.9 Introduction of the proposed development would increase the influence of built development across the Site, resulting in a moderate adverse effect. However, the pattern of vegetation cover in the landscape around the Site is such that existing tree belts and hedgerows would provide considerable screening greatly reducing the overall extent over which the proposed development would be perceived as a new landscape characteristic. The effect on landscape character would not be substantial beyond the Site boundary, with a moderate to minor adverse effect, which would not be significant. Therefore, as Mr. Mason indicated, it is reasonable to conclude that landscape harm is limited.

4.10 There would be limited visibility of the proposed development due to its low height, existing screening around the Site, and the influence of landform. Indeed, the visual containment is highly unusual for a scheme of this size. In the short-term, major to moderate adverse visual effects would occur from parts of the Hertfordshire Way along the northern boundary of the northern part of the Site and from part of Graveley Lane which passes between the northern and southern parts of the Site. From each of these routes the adverse visual effects relate to where there are gaps in the existing boundary vegetation. In the long-term once the proposed mitigation planting has established the visual effects would reduce, and would be no greater than moderate adverse from a limited number of locations in close proximity to the Site. Therefore, it is reasonable to conclude that visual harm is limited.

4.11 By reference to a single photograph which was taken from a contrived location and which was so 'zoomed-in' that it bears no relation to what the human eye would perceive, Mr. Griffiths on behalf of JOG sought to argue that there would be an unacceptable impact on the AONB. The site visit will clearly demonstrate that such an assertion is untenable. The proposed development would have no adverse effect on the AONB and nor would it compromise any attempt to extend the boundaries of the AONB if that is what happens.

4.12 Long distance footpaths crossing through the study area are largely outside the ZTV and the Hertfordshire Way, whilst affected for a short length as it passes the east edge of the site, is otherwise not going to experience many views of the solar farm. There are no physical obstructions to the PROW network and no evidence of deterrence has been produced by JOG. The permissive paths proposed will enhance access to the Countryside for local people which is of significant benefit in the planning balance.

4.13 In terms of Policy NE2, the Applicant submits that the proposed development would accord with it.

Heritage

4.14 Passionate and widely read as he was, little of what Mr. Jackson had to say was helpful to the decision maker. By way of contrast, the evidence presented by Ms. Roy was calm, clear and to be preferred. As she explained, the submitted HIA considered appropriate desk-based sources. It included identification of all known remains as recorded in the Hertfordshire Historic Environment Record as well as identification of previously unknown remains through analysis of LiDAR data. The putative course of Roman roads in the vicinity of the site was also identified.

4.15 As per NPPF paragraph 194:

'The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.'

The HIA identified a 'High' potential for remains of prehistoric, Roman and medieval date. As per the criteria in Appendix 1 of the report a High potential is considered to apply where:

'The available evidence suggests a high likelihood for past activity within the site and a strong potential for archaeological evidence to survive intact or reasonably intact'

4.16 In recognition of the ‘High’ but uncertain potential, the HIA recommended that a non-intrusive geophysical survey be undertaken in the first instance to better define the archaeological potential of the application site. The gradiometer survey was carried out by experienced staff from AOC’s geophysical survey team. The report was prepared by Dr Kayt Armstrong an experienced geophysicist and acknowledged expert in the field of geophysics with an established international academic reputation for the development of solutions for survey in a wide range of environments. The survey was undertaken in accordance with recommended good practice as specified by Historic England and CIfA.

4.17 As the interpreted geophysics results (Figures 23-32, CD 32) show, the survey identified 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. All three anomaly groups potentially date from later prehistory through to the medieval period, on the basis of their spatial arrangement. The clarity of the results and the variety of features that can be identified within them lend confidence to the results, especially the conclusions that there are unlikely to be substantial features of archaeological interest aside from those mentioned that have not been detected.

4.18 Recognising that the geophysical survey has successfully identified a range of archaeological anomalies, three archaeologically sensitive areas have been defined and include a 12m buffer around the extent of the anomalies. The design of the development within the archaeologically sensitive areas will be achieved via ‘no dig’ solutions which has been secured by condition. For the avoidance of doubt the no dig solutions would avoid requirement to bury cables below ground and this will be reflected in an updated WSI to be submitted to the Historic Environment Advisor to North Hertfordshire Council.

4.19 As noted in the evidence of Mr Jackson the interpretation of archaeological features can be complex and can change based on discoveries and research. Part B of LDP Policy HE4 requires a developer to demonstrate ‘how archaeological remains will be preserved and incorporated into the layout of that development, if in situ preservation of important archaeological remains is considered preferable’ Preservation of the identified remains is considered preferable and indeed preserving these remains in situ will allow us to preserve them for future generations and future investigations.

4.20 Where hitherto unknown remains are concerned the provision detailed in the WSI for a 3% evaluation outside of the three archaeologically sensitive areas would provide a

means of ensuring preservation in situ or by record as appropriate of any significant buried remains thus identified.

4.21 Section 4 of the HIA subtitled ‘setting’ outlines how setting and harm was considered for the purposes of the submitted application. There is no formally prescribed method for the assessment of impacts on historic assets due to change in their settings but published good practice guidance from Historic England forms the basis for the approach that Ms. Roy has followed. The Historic England guidance GPA 3 document on setting explains how to apply the policies contained in the NPPF and associated PPG and states that:

“Setting is not itself a heritage asset, nor a heritage designation, although land comprising a setting may itself be designated. Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.”

“A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.”

4.22 Assessments of changes to setting should focus on significance. Ms. Roy’s approach to the assessment of changes to the setting of an asset has been focussed around whether such a change would reduce significance, that is, result in harm. Crucially, as per the definitions provided in of Historic England’s Conservation Principles Policies and Guidance document, harm should be defined as ‘a change for the worse’. As per the PPG, what matters in establishing whether harm is ‘substantial’ or not, relates to whether a change would seriously adversely affect those attributes or elements of a designated asset that contribute to, or give it, its significance. Further, within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.

4.23 Ms. Roy has applied a scale of 1 to 10 with ’10’ at the higher end of ‘less than substantial harm’ and close to the threshold of ‘substantial’ and ‘1’ is a negligible level of harm where a change for the worse is barely discernible and close to a ‘neutral’ effect or no harm. Her assessment of predicted impacts on the cultural significance of designated heritage assets is set out in her proof and is expressed in terms of the policy test on harm outlined in paragraph 202 of the NPPF.

4.24 As per the recommendation in Historic England Setting Guidance, a Zone of Theoretical Visibility (ZTV) that takes into account landscape artefacts such as trees, woodland and buildings is preferred. Core Document 107 (Figure 2) clearly demonstrates how visibility of the proposed development is limited across the landscape and specifically from the majority of designated assets located within 2km of the site. The ZTV is very helpful in demonstrating the limited visibility from the Great Wymondley Conservation Area. The Conservation Area Character Statement for Great Wymondley (CD 93) identifies key views and character photographs. None of these would feature or be impacted by the proposed development.

4.25 There would be only limited visibility of the proposed development from the church yard of the Grade II* Listed St Mary's Church at Little Wymondley. Similarly there would be limited visibility from the grounds of Wymondley Priory. There would be no visibility from Graveley. Of course, it is not all just about visibility. Accordingly, the HIA and Ms. Roy's evidence carefully considered the historic landholding relationships between the site and surrounding designated assets. This resulted in identification of less than substantial harm to the Gravely Farm assets and Great Wymondley Conservation Area owing to their historically documented relationships despite the fact that they would have little or no visibility of the proposed development.

4.26 Ms. Roy's assessment of less than substantial harm is largely in agreement with the conclusions of Historic England and NHC. Moreover, the less than substantial harm that is identified is at the lower end of scale in each case and should be weighed against the public benefits of the proposal.

Ecology

4.27 Subject to the imposition of appropriate conditions, no nature-focused consultee or organisation has objected to the application or raised substantive concerns, over the Proposed Development. Hertfordshire LEADS has considered the application twice including the latest BNG calculations, most recently on the 15th September 2023 did not object to the application. Natural England has not objected and following modest revisions to the landscape scheme, Hertfordshire and Middlesex Wildlife Trust did not object either. The Council's committee report concluded that subject to the imposition of recommended conditions, the proposed development would not result in harm to biodiversity and that, on balance, there would be net gains which weigh in favour of the granting permission.

4.28 The application site provides limited ecological value overall and what does exist is almost all restricted to boundary features which will be retained. The application site is a modern arable farm typical of the region. It comprises large, open arable fields bounded mainly by hedgerows. Some of the field margins are managed for wildlife under the government's CSS (agri-environment) scheme. The current ecological value of the application site is almost exclusively in its hedgerows, woodland and managed field margins. The open fields themselves offer very little by the way of refuge or food for wildlife and are intensively managed for food production, including the use of agricultural chemicals. A large majority of the application site is effectively sterilized for most wildlife through agricultural practice.

4.29 As Mr. Fearn gave evidence, the EAR was undertaken in accordance with best practice and that its conclusions are accurate. It was completed by suitably qualified and competent professionals and in accordance with best practice standards, namely BS42020 and guidance from the professional body CIEEM.

4.30 The EAR identified key habitats and the presence or likely presence of protected and notable species, along with the proximity to statutory designated sites for nature conservation. Field survey data was used to aid the design of the proposed development with the resultant layout avoiding hedgerows and woodland and incorporating wide (12m) field margins. As a result, even before any habitat creation is considered, the proposed development avoids impacts on the most valuable habitats and associated protected and notable species.

4.31 The proposed development would not adversely affect any statutory designated sites for nature conservation. Temporary impacts on the Wymondley Local Wildlife Site could not be avoided as the substation connection is entirely within the LWS; however, these will be limited to the digging of a temporary trench with subsequent reinstatement.

4.32 As with all developments there will be impacts on some species. Largely these will be limited to the construction phase; however standard good-practice measures secured by planning conditions will ensure legislative and policy compliance and minimise effects. Once construction is completed, populations of these temporarily impacted species will recover and with the habitat creation implemented, can be expected to strengthen.

4.33 The planning application included landscape proposals which mean that the scheme will include substantial areas of habitat creation and enhancement, in particular, new areas of grassland, native-species woodland and hedgerows. These habitats will increase the

ecological value of the application site for a large number of species and further strengthen ecological connectivity with the wider countryside. The cessation of the use of chemical application for crop production is also highly relevant; agricultural chemicals are a major source of invertebrate decline and so simply by stopping use of chemicals there will be benefits to the wider ecosystem.

4.34 Inevitably, those few bird species which rely on open fields will be unable to persist within the application site. Such species are, of course, entirely dependent on the cropping regime in any one year and can be lost where markets dictate other priorities; however the applicant has agreed to the delivery of a skylark mitigation plan which will ensure the local population of this species is secured for at least the next 30 years. The highest that Mrs. Hamilton seem to put it was that she had concerns that the creation of Skylark plots would be effective. Mr. Fearn does not agree and indicated that it was standard practice supported by the RSPB and that Defra continues to encourage their use. The Fox paper on Skylarks, relied upon by Mrs. Hamilton, also includes evidence of the success of such plots. amongst others. The condition requires a scheme for mitigation to be submitted to the Council for approval in writing and JOG will be invited to take part in the consultation process.

4.35 In relation to bats, Mrs. Hamilton relied very heavily on the recently published Tinsley paper from July 2023. This is an initial research paper which is suggesting that more work needs to be done to understand the potential impact of large scale solar farms on foraging bats. It is not policy and does not purport to set out development management considerations. Mrs. Hamilton was wrong to suggest that it concluded that solar farms had been shown to have an adverse impact on the conservation status of bats in general, let alone any particular type. The authors note a reduction in foraging activity over solar arrays for certain types of bats. What they do suggest is that:

“Where necessary, mitigation to support bats should be designed and activity should be monitored over extended periods. Mitigation may include, but is not limited to, reducing the density of panels within the site footprint, ensuring boundary habitat is maintained and improved in its area and diversity and ensuring appropriate planning to improve foraging resources for those species identified as being at risk from the development”.

The proposed development does just that; ensuring that boundary habitat, hedgerows and linear planting is maintained and improved. The Tinsley paper provides no justification for refusal of planning permission in this case.

4.36 To help demonstrate the impacts of the proposed development on biodiversity, the application includes a Biodiversity Net Gain (BNG) calculation, using the recently developed Metric Version 4.0 system. The BNG calculations show a very substantial BNG increase which far exceeds the requirements of both local policy (NE4, paragraph 11.8 of the North Hertfordshire Local Plan 2011-2031) and the NPPF. The predicted gain is also substantially above the forthcoming (November 2023) 10% requirement under the Environment Act 2021. As such, it is clear that the application accords with relevant local and national policy on biodiversity gain. Whilst Mrs. Hamilton was concerned about the metrication of biodiversity, that is the policy and soon to be law.

4.37 Accordingly, the proposed development will be beneficial for habitats and a large majority of species, both within the application site and the wider locale. Where objections to the proposed development on ecological grounds have been received, they have largely expressed concerns that wildlife populations will suffer, or that movements will be restricted due to fencing. The latter issue is commonly addressed through the installation of 'mammal gates' in security fencing and these are referenced in paragraph 7.7.21 of the submitted EAR.

4.38 In terms of wildlife populations, the literature submitted by Mrs. Hamilton only served to demonstrate the consensus that solar farms provide an opportunity for ecological enhancement. Evidence presented by both Mr. Fearn and Mrs. Hamilton highlights the positive relationship between wildlife populations and solar farms. This is unsurprising as, by and large, wildlife is not concerned about aesthetics; it requires shelter and food resources. Both of these will be improved at the application site for a large majority of species.

4.39 In terms of policy compliance, Mr. Fearn showed how the proposed development accords with relevant policies of the North Hertfordshire District Local Plan 2011-2013 and the National Planning Policy Framework. The proposed development fully accords with Policy NE4's requirement to deliver a measurable biodiversity gain and contribute to ecological networks. In terms of paragraphs 174 and 179 of the NPPF, the proposed development also complies. As a result, the scheme complies with national and local planning policy.

Transport

4.40 There is full agreement between the Applicant, Herts County Council and the Council regarding traffic and transport. Mr. Kendall was involved in discussing the scheme with

Herts CC at and early stage and considering the transport implications from the middle of 2022. His team oversaw production of Transport Statement.

4.41 As a result of those discussions, a number of matters were agreed including the relocation of the northern site access junction slightly to the east, the formation of a passing place on Graveley Lane, technical points on the level of visibility splays that should be achieved from and towards the site accesses and revised swept path assessment plans to demonstrate the site can be safely accessed.

4.42 Construction is the most onerous phase for a solar farm in traffic terms and will last around 36 weeks. As Mr. Kendall explained, in the first 4 weeks there would be 40 two-way HGVs + 120 two-way light vehicles (staff) per day. Volumetrically, that is equal to one additional vehicle movement every 4 minutes or so, on average. That would be imperceptible. In the following 32 weeks there would 8 HGVs + max of up to 120 two-way light vehicles (staff) per day. In the operational phase there are likely to be in the order of 1 to 2 visits per week in a light vehicle by a maintenance engineer, on average. The decommissioning phase would mirror the construction phase but with traffic more evenly spread out. These are robust assumptions based on 2 staff per vehicle. In reality, there are likely to be more staff per vehicle so there will be less staff traffic.

4.43 A single passing place will be located along the slightly narrower section of Graveley Lane just east of the northern site access, This will be big enough to allow two HGVs to pass and this measure is not needed elsewhere as the road is wide enough for 2 HGVs. The scheme also includes the construction of 2 junction bellmouths, at or adjacent to two existing field access points, to safely and satisfactorily accommodate the modest dev-related traffic. The passing place would be removed following construction and reinstated as a verge / natural habitat, and the geometry of site accesses would be reduced to resemble the existing agricultural accesses. A banksman would assist with deliveries at the accesses.

4.44 Construction activity would be limited to conventional working hours. This protects amenity, notwithstanding that there are no material sensitive receptors along the route.

4.45 All deliveries / HGVs to the site would be routed via the A1(M) Junction 9, via the A505, the B197 and Graveley Lane. This route avoids sensitive receptors in local settlements and congested areas.

4.46 Perhaps the most disruption will be experienced during the installation of the cable route. However, the roadworks will be phased and each phase will be much shorter than

construction on the main site, perhaps one to two weeks for each phase. They will be agreed as part of a separate consenting regime to planning (a section 50 licence) with the Highways Authority, as is the normal procedure for roadworks and laying of services. Diversions and suitable traffic management will be in place.

4.47 In relation to harm to the Green Belt, bearing in mind the limited traffic generation, the mitigation measures proposed, the temporary nature of construction traffic and the proposed controls to construction traffic, it would be “very limited”. Indeed, the Council consider the transport harm to be “neutral in the planning balance” in its Statement of Case.

4.48 The concerns of the local community are understood but are unwarranted. In response to the assertion that the local roads are busy, this is not really supported by the evidence. The submitted Transport Statement included the result of automatic traffic count surveys along Graveley Lane, which is of course the only part of the local road network on the periphery of the village that could conceivable be materially affected. This demonstrates that, on average, peak hour baseline traffic flows along Graveley Lane are much lower than the actual road carrying capacity at around 4 to 5 movements per minute on average. The development would not add materially to that. Most construction traffic would take place outside the peaks.

4.49 Implications flowing from the laying of an electricity cable would not justify the refusal of planning permission.

4.50 In terms of the operational traffic, this will vary slightly throughout the year as the maintenance demands of the site change through the seasons. Nonetheless, based on the operational experience of the Applicant, the site will likely generate one to two light vehicle movements per week on average, and probably no more than one to two movements per day at peak times. As such, the level of operational traffic would be imperceptible, particularly in view of the movements that could otherwise occur under the site’s existing agricultural use and the farm traffic that would otherwise take place.

Agricultural land

4.51 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.

4.52 The proposed development is a temporary form of development and the majority of the land beneath the solar panels would remain in agricultural use, through sheep grazing, for the 40-year operational life of the solar farm. After this, it would be returned to full

agricultural use following decommissioning. It is also recognised in the appeal decisions referenced above that removing land from intensive agricultural use for the life of the solar farm would improve soil health by increasing the organic matter in the soil and improving soil structure and drainage.

4.53 BMV agricultural land will not be permanently lost. Agricultural activities would continue throughout the operational period and full agricultural use could be recommenced following decommissioning. Whilst there may be limited harm associated with the temporary loss of versatility and function, there would be long-term benefits to soil health, soil structure and carbon sequestration. Overall, the Applicant considers there to be no harm to best and most versatile land.

4.54 Recent development management decisions have confirmed that there is no planning policy reason to refuse development because of the reduced flexibility of the land for food production during the operation of the solar farm. The Council has accorded moderate weight to the reduced food production consequence. However, in Mr. Kernon's view, very limited weight should be accorded to food production issues.

4.55 As a matter of principle and as a matter of analysis of harm there is no planning policy to require land to be used for food production; there is no food security crisis or concern; Government funds arable land conversions to grassland and is clearly not seeking increased food production as a consequence; the actual implications of retaining the site for food production are miniscule (119 tonnes per annum from a national production of 24 million tonnes of cereals); the benefits in terms of carbon sequestration, organic matter, reduced erosion, reduced compaction and improved biodiversity are substantial.

4.56 Mr. Kernon is a highly respected expert in this field. He gave clear evidence that he saw no reason why the agricultural land could not return to high quality production upon restoration. No evidence was produced by Mr. Griffiths on behalf of JOG to the contrary. As a result of Mr. Kernon's evidence, there are no agricultural related reasons to refuse planning permission for the proposed development.

Flood risk

4.57 There is now complete agreement between the Applicant, the Council and the LLFA. The submitted Flood Risk Assessment report assessed the risk of flooding to the site from all known potential sources. The assessment concluded that the main part of the site is not at risk of flooding from the sea and from rivers, is not at risk from reservoirs or

from canals, is at a negligible risk of flooding from groundwater and is, overall, at a Low-Very risk of surface water flooding.

4.58 The assessment indicated the presence of 4 no. overland flow pathways across the site, 2 across the northern part of the site and two across the southern part of the site. Detailed hydraulic modelling confirmed the presence of these pathways in the 1 in 30 event and greater and that the maximum depth of flooding for all pathways and events was less than 100 mm even during the 1 in 100 event (plus climate change). On a walkover survey Dr. Tilford was unable to identify any defined flow pathways on the site, with the exception of the one located in the north-west corner of the northern part of the site which correlates with a defined valley across the site. In reality though, the runoff is actually conveyed below ground in a pipe.

4.59 The panels, inverter/transformer containers, storage building, control building and battery storage containers are all raised above ground. The single switchgear building is not raised but is not located on a defined overland flow pathway. As such overland flow pathways would be unobstructed and surface water runoff would be able to pass freely beneath. In the ‘no dig’ areas, concrete sleds which run perpendicular to the panels would not impede flow.

4.60 The assessment also confirmed that part of the grid connection route, a 700 m length along Stevenage Road is located in land indicated to be at a high risk of flooding from Ash Brook (flood zone 3). The assessment confirmed that the cable installation works would not increase flood risk elsewhere because the cables would be laid within narrow trenches located in the highway and that relatively short extents of trenches would be excavated with re-instatement generally occurringwithin one week. It is agreedthat no spoil would be stored along Stevenage Road or along Priory Lane. This forms the subject of a separate note and is secured by specific mention in the condition.

4.61 Accordingly, the proposals accommodate overland flow across the main part of the site, the cable installation process would not increase the risk of flooding and the proposals would be safe from flood risk.

4.62 In relation to concerns raised by local residents, the principal source of flooding in Little Wymondley is Ash Brook. Ash Brook drains an area of approximately 14 sq km. Approximately 2 sq km of this catchment comprises land to the north-east of Little Wymondley, including the site; this sub-catchment is drained by an un-named watercourse often referred to as Priory Lane Stream. To provide context, the site itself constitutes approximately 5% of the Ash Brook catchment draining to Little Wymondley.

4.63 Little Wymondley has a history of flooding with reports of a number of flooding incidents between 1926-1956, in 1968, 1993, 2000/01, December 2013, February 2014, March 2016, December 2019, and January 2020. Following the February 2014 flood event, Hertfordshire County Council, as LLFA undertook an investigation into the flooding as required by Section 19 of the Flood and Water Management Act (2010). The findings of the investigation were presented in the Section 19 report (CD87). The Section 19 report states that both Stevenage Road and Priory Lane were closed by Hertfordshire Constabulary and that there was confirmed internal flooding of four properties and one commercial property.

4.64 The Section 19 report states that the catchment responds quickly to heavy and prolonged rainfall because the catchment comprises of clay which permits minimal infiltration. The flooding of 7 February 2014 was caused by a combination of heavy rainfall on 6/7 February, and a series of storms in the preceding two months. The Section 19 report identifies a number of factors that contributed to the flooding including blocked trash screens, blocked culverts, undersized culverts, blocked road gullies, overgrown and/or heavily silted open channels, runoff from fields, agricultural field drains, soil compaction due to farm machinery, ploughing of fields, vehicle bow waves and unmaintained water meadow at Corey's Mill.

4.65 The Section 19 report made a number of recommendations for the various risk management authorities, riparian landowners and Wymondley Parish Council. However, the report concludes that

"… there would not appear to be any simple course of action that would reduce the probability and impact of flooding to Little Wymondley. The potential for a flood alleviation scheme is limited due to the confined nature of the watercourses and cost benefit viability".

4.66 In 2015, Hertfordshire County Council commissioned a consultant to investigate the feasibility of options to alleviate flooding in Little Wymondley. The consultant reported its findings in August 2015. The findings of the report were generally consistent with the Section 19 Report. In respect of the Priory Lane, the report states that the drainage network is inadequate and undersized resulting in flood water being routed along Priory Lane, but "it is infeasible to provide a flood alleviation / arterial drainage type scheme that would prevent flooding of the village up to the typical design (1 in 100 + climate change) rainfall event".

4.67 Far from worsening the situation, the proposed development would contribute to a reduction in off-site flood risk. Published, peer reviewed research has shown that solar farms have a negligible effect on the hydrologic response; that is, runoff rates and volumes, if the pre-panelled and panelled sites comprise of grassland, but that runoff rates and volumes could increase significantly if the panelled site comprises of bare earth. In this instance, the opposite is true, i.e. the site is currently bare earth for a significant part of the year whilst the panelled site will comprise grassland. This in itself would be expected to significantly reduce peak runoff rates from the site.

4.68 In addition, the Applicant has developed a “belt and braces” approach whereby 3 no. surface based flood storage basins are proposed to store runoff from the panelled part of the site and 3 no. surface water attention basins are proposed to attenuate runoff from the access tracks and compounds. Rainfall infiltrating into the access tracks and hardstanding areas would be conveyed to Priory Lane Stream or to existing drainage ditches. Infiltration testing has confirmed that it would not be feasible to dispose of surface water runoff to the ground so this approach complies with the drainage hierarchy set out in para. 56 of the Flood Risk and Coastal Change section of the Planning Practice Guidance (CD64). The 3 no. surface water attenuation basins would store runoff with the outflow restricted by outlet control devices.. Overland flow generated from the panelled part of the site would be intercepted and stored in 3 no flood storage basins. Runoff would be released from the basins at a controlled rate to the receptors referenced above. The conservative approach taken would reduce peak runoff from the site by 14% for the present day 1 in 30 AEP event, and 3.5-5.0% for larger events, assuming that the site comprises grassland both prior to and after development. In reality, the betterment would be even greater because the site is bare earth for part of the year.

4.69 Whilst the drainage and overland flow management scheme will not eliminate downstream flooding, the proposals would reduce the peak runoff rates from the main site, thereby reducing peak flood flows in the Priory Lane Stream, along Priory Lane and hence in Little Wymondley.

4.70 In respect of national planning policy the submitted FRA report assesses the main part of the site to be at a Low-Negligible risk of flooding from all known sources. As such the development is in accordance with NPPF para 159 which states that development should be directed away from areas of highest risk. The site is located in Flood Zone 1 but is greater than 1 ha in extent. As such, the planning application was accompanied by a site-specific Flood Risk Assessment report, in accordance with NPPF para 167 of

the NPPF. The submitted evidence has demonstrates that the proposals would not increase flood risk elsewhere and incorporates sustainable drainage systems.

4.71 In respect of the North Hertfordshire District Local Plan (NHDLP), the site is located in Flood Zone 1 and at a Low-Negligible risk of flooding from all known sources, provides sustainable drainage systems and other appropriate measures that follow the drainage hierarchy, was accompanied by a site-specific Flood Risk Assessment report prepared in accordance with national guidance, has been designed such that flood risk elsewhere is not increased which is in accordance with Policy SP11 and Policy NE7. In respect of the Wymondley Parish Neighbourhood Plan (2015-2031), the application incorporates sustainable drainage systems, in accordance with Policy FR2.

Benefits

4.72 The other considerations that are relied on by the Applicant to outweigh the harm caused by reason of inappropriateness and any other harm are as follows:

i) The significant national need to reduce carbon emissions and address the global challenge of climate change, as set out in Section 4 of the Planning Statement (CD2);
ii) The urgent National need for renewable energy generation to achieve Net Zero by 2050 and a Net Zero electricity system by 2035;
iii) The significant local need to deliver on North Hertfordshire's declaration of a Climate Emergency and commitment to achieve a net zero District by 2040 as set out on page 8 of their Climate Change Strategy (CD65);
iv) The significant constraint posed by the extent of the existing Green Belt and AONB designations within North Hertfordshire, which limits the availability, and viability, of delivering renewable energy schemes outside of the Green Belt with a viable grid connection;
v) The wider environmental benefits associated with the landscape proposals which will deliver a significant biodiversity net gain well above the emerging national target of 10%; would reduce carbon emissions by taking the land out of intensive arable agricultural use; and will increase carbon sequestration in the soils and proposed vegetation;
vi) The reversibility of the proposed development, such that at the end of its operational phase when it is decommissioned, the land could be easily returned to its current use without any significant demolition or land remediation; and

vii) The availability of the grid connection at Wymondley, and the immediate deliverability of the Proposed Development in the context that North Hertfordshire has not consented a commercial scale renewable energy generation scheme since 2015.

Consistency with Policies on Climate Change and Flooding

4.73 Chapter 14 of the NPPF sets out that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It explicitly supports the development of renewable and low carbon energy and associated infrastructure, such as the proposed development.

4.74 Paragraph 155 of the NPPF sets out that the planning system should help increase the use and supply of renewable and low carbon energy such as the Proposed Development. Paragraph 158 sets out that applications for renewable and low carbon development are not required to demonstrate need and that even small-scale developments provide a valuable contribution to cutting greenhouse gasses. Paragraph 158 also sets out that local authorities should approve applications if impacts are (or can be made) acceptable.

4.75 There is no requirement to demonstrate a need for the proposed development. However, the significant shortfall in delivery of solar generation capacity in the context of the 70GW 2035 target should be given substantial weight in the planning balance.

4.76 NPPF Paragraphs 159 to 166 seek to direct development away from areas at risk of flooding. Where this is not possible, developments will need to pass the sequential and exception tests.

4.77 Paragraphs 167 and 169 of the NPPF require developments to ensure that flood risk is not increased elsewhere and that sustainable drainage systems should be used to achieve this outcome. The proposed development is in accordance with Chapter 14 of the NPPF in respect of directing development away from areas at risk of flooding and ensuring that flood risk is not increased elsewhere.

Consistency with Policies for Conserving and Enhancing the Natural Environment

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

4.79 NPPF Paragraph 174 seeks to contribute and enhance amongst other things:

i) Valued Landscapes, and
ii) The intrinsic character and beauty of the countryside.

4.80 In addition, Paragraph 176 seeks to conserve and enhance the scenic beauty of National Parks, the Broads, and Areas of Outstanding Natural Beauty (AONB). This includes development that might be outside the designated area but within their setting.

4.81 The proposed development would not have any significant effects on any 'valued landscape' as defined in the NPPF or on the setting of the Chiltern Hills AONB. In addition, it will be demonstrated that landscape and visual effects would be very localised and in the case of visual effects could be mitigated effectively within 5-10 years. Following decommissioning, there would be beneficial effects associated with the retention of hedgerow and woodland planting. Overall, the landscape and visual effects should be given moderate weight in the planning balance.

4.82 There would be no significant harm to nature conservation as a result of the proposed development but that there would be significant positive biodiversity gains during the operational life of the solar farm and beyond. As such, it can be concluded that the proposed development would not conflict with the NPPF Chapter 15 (as set out above). In addition, the Proposed Development would deliver significantly greater net biodiversity gains than required by the Environment Act (2021).

Consistency with the Development Plan for the Area

4.83 The lead issue in this case is compliance with Green Belt policy and whether harm caused by reason of inappropriateness and other harm is clearly outweighed by other benefits. Policy SP5 of the Adopted Local Plan states that the Council supports the principles of the Green Belt and will only permit development proposals in Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated. This is reflective of Green Belt policy in the NPPF. In this case, Very Special Circumstances will exist and Green Belt policy is

satisfied. Consideration of “any other harm” will include harm to matters such as landscape and visual amenity, highways, ecology and flood risk.

4.84 Policy NE12 or the NHDC Local Plan relates to renewable and low carbon energy. The policy states that proposals for solar farms involving the best and most versatile (BMV) agricultural land will be determined in accordance with national policy. Paragraph 174 advises that planning policies and decisions should enhance the local environment by recognising the economic and other benefits of Best and Most Versatile agricultural land. Footnote 58 provides that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Unlike many types of development that would result in the long-term irreversible loss of BMV land, solar farms will not lead to permanent loss of BMV as a resource for future generations. The proposed development accords with Policy NE12.

4.85 Policy SP11 of the NHDC Local Plan states that it seeks to meet the challenges of climate change and flooding by supporting proposals for renewable and low carbon energy development in appropriate locations. The suitability of the location of the proposed development has been demonstrated. The proposed development supports the aims of Policy SP11.

4.86 Policy NE2 and SP12 of the NHDC Plan and Policy NHE1 of the WNDP are relevant to landscape and visual matters. Policy NE2 provides the landscape criteria against which applications will be determined. If developments accord with them then such applications will be supported. A landscape and visual impact assessment was undertaken which has demonstrated compliance with all criteria in the Policy. The Applicant has demonstrated that the proposed development will respect landscape character, scenic beauty and locally sensitive features and would comply with Policy SP12. Turning to the WNDP, in accordance with Policy NHE1 the application has been accompanied by an assessment of the impact of the proposal on landscape character.

4.87 In terms of heritage, Policies HE1, HE2, HE3 and HE4 of the NHDC Local Plan and Policy NHE9 of the WNDP are relevant. The proposed development is likely to cause ‘less than substantial harm’ to the settings of some heritage assets and with the implementation of an archaeological mitigation strategy, harm to archaeology will be limited. Harm to heritage interests will of course be subsumed in the Green Belt compliance equation but on a stand alone basis, any harm to heritage would be outweighed by the wider benefits of the scheme and policy would be complied with.

4.88 There would be no significant harm to nature conservation interests as a result of the proposed development. Indeed, there would be significant positive biodiversity gains during the operational life of the solar farm and beyond. As a result, the proposed development would comply with policies NE4 of the NHDC Plan or Policies NHE2 and NHE3 of the WNDP.

4.89 Policy SP6 of the NHDC Local Plan requires applicants to provide assessments, plans and supporting documents to demonstrate the safety and sustainability of their proposals. The level of trip generation associated with the proposed development would not be significant in terms of the highway network capacity and would only take place over a limited and temporary period. Highway safety issues have been addressed to the satisfaction of the local highways authority. As a result, the proposed development accords with Policy SP6.

4.90 Drawing all of the policy strands together, the proposed development accords with Green Belt policy and as a result, accords with the development plan when read as a whole. As a result, the proposed development benefits from the statutory presumption in favour of development plan compliant development. There are no material considerations which would indicate that a different result should be reached.

5 Concluding remarks

5.1 The proposed development would be situated in the Green Belt. In a clear and compelling way, the Applicant has demonstrated that there are no suitable non-Green Belt alternatives and why the Point of Connection has to be at Wymondley GSP. Once that narrative is accepted, the planning question becomes one of balancing harm against benefits.

5.2 As the Applicant has demonstrated, the harm caused by reason of inappropriateness together with other harm relating to impacts on landscape and visual, heritage, ecology, highways, flood risk and use of BMV land would be clearly outweighed by other considerations. As a result, the proposed development would comply with national policy contained in chapter 13 of the NPPF and thereby comply with relevant policies in the adopted development plan which deal with protection of the Green Belt.

5.3 With regard to those other considerations, the proposed development would assist in delivering the need for renewable energy development in the context of the legally binding net zero target established by the Climate Change Act 2008 (2050 Target Amendment) Order 2019. A very ambitious sub-target for decarbonising the electricity

system by 2035 has been announced by Government and the proposed development would assist in achieving this sub-target.

5.4 National Grid ESO's Future Energy Scenarios (and associated data) make it very clear that the development of solar PV and other renewable energy sources needs to be accelerated to achieve this net zero target by 2050. The Climate Change Committee 2023 Report to Parliament (28 June 2023) clearly sets out that the UK is significantly off track to meet the Government's target of 70 GW by 2035. An average annual deployment rate of 4.3 GW is required to deliver 70 GW of solar by 2035 and current deployment is significantly below this level.

5.5 At a local level North Hertfordshire only generate c. 10% of their energy requirements from renewable sources and have not consented a commercial scale renewable energy project since 2015 (based on government data). To its great credit, elected members have done the right thing in this case and should be applauded for having done so. The Council declared a Climate Change Emergency and is seeking to do something about it.

5.6 If the Government is serious about its commitment to tackling the climate change emergency, action is required now to dramatically alter the current path of future greenhouse gas emissions within the district and nationally. That means actually getting solar farms built and not just talking about getting them built. As Mr. Collier clearly spelled out, the proposed development is financially viable and can be brought forward well in advance of 2035 to start delivering the reductions in CO_2 envisaged by legislation and national and local policy & strategy. This scheme will be built.

5.7 Based on the evidence it has called, the Applicant respectfully requests that the Inspector recommends to the Secretary of State that planning permission should be granted in the form in which it has been sought.

David Hardy (Partner) **22nd September 2023**

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