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NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

THURSDAY, 14TH SEPTEMBER, 2023

SUPPLEMENTARY AGENDA

Please find attached supplementary papers relating to the above meeting, as follows:

Agenda No Item

7. **22/00741/FP LAND WEST OF ASHWELL ROAD, BYGRAVE, HERTFORDSHIRE, SG7 5EB** (Pages 3 - 6)

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER.

Ground mounted solar photovoltaic (PV) farm including battery energy storage; continued agricultural use, ancillary infrastructure, security fencing, landscaping provision, ecological enhancements and associated works (as amended).

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Location: LAND WEST OF ASHWELL ROAD, BYGRAVE, HERTFORDSHIRE, SG7 5EB

Proposal: Ground mounted solar photovoltaic (PV) farm including battery energy storage; continued agricultural use, ancillary infrastructure, security fencing, landscaping provision, ecological enhancements and associated works (as amended)

Application number: 22/00741/FP

Case Officer: Peter Bull

Amendments and corrections to report

- Paragraph 3.24 Herts Fire and Rescue – no response was received to three consultation requests in April 2022, June 2022 and September 2022.
- Paragraph 4.6.1 “At the local level, the Council declared a Climate Emergency and set a target of achieving zero carbon emissions in the district by **2040**”
- Paragraph 4.6.14 “Currently no energy is generated in the district from onshore wind, hydro, sewage gas, municipal solid waste, animal biomass or cofiring. **The anaerobic digester at Bygrave Lodge has an installed capacity of approximately 2.7MW.**”
- Paragraph 4.5.142 “**The Hertfordshire Fire and Rescue service were consulted on the application although no response was received. Officers consider that fire suppression systems in the buildings, housing batteries and transformers would be both reasonable and necessary. The applicant has confirmed that such measures will be installed and are happy to provide details in the event that permission were to be granted.**”

Update

- **The applicant** has confirmed that the grid connection capacity is available and energy deliverable as soon as the development is approved and constructed and is not subject to wider delays on the transmission network recently discussed in mainstream media. The precise connection route has not been decided yet. A 33kV underground cable will be installed from our solar site to the point of connection which is at Letchworth grid substation. This route has not been finalised yet but is entirely deliverable via a highways route. However, in order to minimise disruption, where possible, this cable will be buried in agricultural fields, or along highway verges. Any works in the highway would be timed to minimise disruption to traffic as highways guidelines. The route will be constructed in distinct phases during the same time period as the solar farm build out (30-35 weeks), timed so that the cable route is ready for export of clean energy from the solar farm once that is built.
- **Bygrave Parish Council** have sent an additional letter since the report was published requesting for conditions to be either amended or added in the event that Members resolve to grant planning permission. Details of this and officer responses (in blue) are set out below -

- 1) Working or deliveries and staff arrivals to be restricted to 8am and finish no later than 5pm

The Council's Environmental Health Officer has recommended a condition restricting hours for deliveries and noisy activities to 8.00 – 18.00 Monday to Friday, 8.00 – 13.00 Saturday and no deliveries on Sunday or bank holidays. These are considered to be reasonable and would be typical for construction projects.

- 2) Laying of grid connection cable prior to construction commencing

The grid connection route does not form part of this application and therefore such a condition would not be necessary, relevant to the development to be permitted, enforceable nor reasonable in all other respects.

- 3) Development to be operational site with 2 years

A condition of this nature would be unreasonable and unenforceable.

- 4) Post operational independent noise assessment

The Council's Environmental Health Officer has not recommended a post construction noise assessment as being necessary or reasonable. Any potential noise impacts post construction would be dealt with under Environmental Protection legislation. This would typically involve the Council undertaking its own noise assessment.

- 5) Increase size of non-developed strip on the southern edge and planting mature native trees to create an extension of Bygrave Woods from Upper Bygrave to the current Bygrave Woods, to the west of the public bridleway (Icknield Way).

The area in question lies outside of the application site although within the control of the applicant. Whilst additional tree planting in this location was not identified by the Council's Landscape consultant on visual or landscape grounds, if Members thought there was justification for this a condition could be included. However, as this area is intended to deliver biodiversity improvements, it may reduce the amount of such improvements. The condition 12 could be reworded to include a reference to "tree planting within land immediately south of the application site"

- 6) Create a new public footpath and bridleway allowing access along the newly planted southern edge from Upper Bygrave to Bygrave to the Icknield Way (at Bygrave Woods)

Rights of Way impacts and requests for new public access routes are addressed in the officer report at 4.5.106

- 7) Create a new public bridleway along the eastern perimeter from Upper Bygrave to Cat Ditch, providing a safer alternative for cyclists, horse-riders and pedestrians.

Rights of Way impacts and requests for new public access routes are addressed in the officer report at 4.5.106

- 8) Make it a condition of planning that PACE fully finance, through an escrow account, the cost of restoring the land for agricultural use (as now) when the site is decommissioned. This should include a provision that the amount set aside is periodically reviewed to ensure that the funds are sufficient for the intended purpose.

This is a temporary permission and conditions are recommended to address the decommissioning of the development. Planning permission runs with the land not with the developer and the planning system provide legislation for the enforcement of conditions. A

condition as suggested would not meet the tests of being necessary, enforceable or reasonable. This would not

9) Provide funding for a variety of community projects and subsidizing electricity for residents.

Paragraph 4.5.152 of the report which sets out the s106 tests. Funding for community projects are outside of the planning system in this instance and would need to be subject to discussions and agreement between the parish council and the applicant directly.

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