

# Public Document Pack

## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### PLANNING CONTROL COMMITTEE

THURSDAY, 24TH JULY, 2025

### SUPPLEMENTARY AGENDA

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

Agenda No	Item
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| 5. | <b><u>24/02889/FP LAND AT ROUNDWOOD, BACK LANE, GRAVELEY, HERTFORDSHIRE (Pages 3 - 12)</u></b> |
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REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Residential development of 281 dwellings and associated roads, parking, realignment of Back Lane, drainage, landscaping, open space, servicing facilities and associated works (as amended).

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| 6. | <b><u>24/02455/FP LAND OPPOSITE WYMONDLEY GRID STATION AND TO THE SOUTH OF SPERBERRY HILL, ST IPPOLYTS, HERTFORDSHIRE (Pages 13 - 22)</u></b> |
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REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Proposed solar farm measuring 35.5 hectares with associated battery storage and ancillary infrastructure.

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## Written Update 24 July Planning Committee Meeting

### Agenda Item 5 – 24/02889/FP – Land at Roundwood, Back Lane, Graveley, Hertfordshire

#### 1. Lead Local Flood Authority

Following publication of the committee report a consultation response has been received from the LLFA. Their response can be read in full on the website. They made the following comments:

***“The applicant has submitted a Technical Memorandum dated 23 May 2025 which follows a meeting held between the applicant and the LLFA on the 08 May 2025. The Technical Memorandum addresses comments previously made by the LLFA on the 01 April 2025. The LLFA is satisfied that the information provided covers the concerns previously raised by the LLFA in relation to the required drawings and the updated calculations using the correct parameters. The LLFA remains concerned around the half drain times of the attenuation basins. The Technical Memorandum provides an assessment of the basins with supporting hydraulic calculations to show that the basins can accommodate a 1% AEP flood event and a consecutive 5.9% AEP flood event. While this does not achieve the suggested consecutive 3.33% AEP flood event, the LLFA appreciates that storage has been maximised on site and that there are storage elements within the surface water drainage network that have not been included within these calculations.***

***Therefore, we have no objection subject to conditions being attached to any consent if this application is approved.”***

As such clause (A) can be removed from the recommendation in paragraph 6.0 of the committee report and the following conditions and informative are recommended:

#### ***“Condition 50***

***All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated 6 December 2024), this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any flood level and 150mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.***

***Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of North Herts Council.***

#### ***Condition 51***

***Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, Flood Risk Assessment (dated 6 December 2024) and Technical Memorandum (dated 23 May 2025) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the***

***agreed drainage scheme shall occur without prior written approval from the Local Authority.***

***Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF Policies of North Herts Council.***

***Condition 52***

***The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:***

***I. a timetable for its implementation***

***II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.***

***III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.***

***Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of North Herts Council***

***Condition 53***

***Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 51. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.***

***Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of North Herts Council.***

***Informative***

***For further advice on what we expect to be contained within the FRA and/ or a Drainage Strategy to support a planning application, please refer to the Validation List and Proforma on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx> this link also includes HCC's Flood Risk Management policies on SuDS in Hertfordshire. We do expect the Validation List to be submitted to the Local Planning Authority and LLFA to show you have provided all information and the Proforma to the LLFA to summarise the details of the proposed development.***

***Both FEH13 and FEH22 are currently accepted to support drainage modelling calculations. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded and therefore, use in rainfall simulations are not accepted."***

## **2. Errors in the report**

There is an error in the s106 table. Under "Highways – Strand 2" it should read as follows:

***"Strand 2 contribution of £1,918,106 (index linked). This Strand 2 contribution would be allocated to packages identified in the North Central Growth and Transport Plan (May 2022), route 2 of the adopted Stevenage Borough Council (SBC) Local Cycling and Walking Infrastructure Plan 2019 identified in the TA and upgrade of NCN 12 (PRoW Wymondley 001) and the interurban route between Stevenage and Hitchin identified in the NHDC LCWIP."***

This contribution was already, and remains, agreed by the applicant.

## **3. Conditions**

There have been some amendments to the wording of recommended conditions as set out below following discussion with the applicants. The changes are underlined.

### ***"Highways***

***3. No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:***

***i) Roads, footways.***

***ii) Cycleways.***

***iii) Foul and surface water drainage.***

***iv) Visibility splays***

***v) Access arrangements***

***vi) Parking provision in accordance with parking locations plan DES-716-110 Rev 3***

***vii) Loading areas.***

***viii) Turning areas.***

***Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).***

Specified that parking provision shall be in accordance with the parking locations plan, which is in accordance with the Local Plan standards.

- 4. Prior to the first occupation of the development hereby permitted the vehicular and active travel accesses shall be completed and thereafter retained as shown on Transport Assessment drawing numbers (PL101 Rev - , PL102 Rev - & PL103 Rev ) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.**

**Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).**

Condition 4 referred to plan PL108 in error so has been deleted from this condition.

***"Ecological Enhancements***

**16. No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee bricks, at a rate equivalent to one per unit, in buildings/structures and hedgehog holes in fences, as informed by the December 2024 Ecological Impact Assessment, has been submitted to and approved in writing by the local planning authority.**

**Reason: To conserve and enhance biodiversity in accordance with Policy NE4 of the North Hertfordshire District Local Plan 2011-2031."**

This is in response to the Northeast Herts Swift Group's request for a condition for the inclusion of integrated swift boxes at a rate of one per dwelling as recommended in the ecology assessment. We don't necessarily want a swift brick or bat brick in every home; they need to be located where they will be used so 'equivalent' has been used in the wording.

***"Land contamination***

**23. Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy (agreed under condition 22). Any such validation shall include responses to any unexpected contamination discovered during works.**

**Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990."**

Amended to refer to the report(s) done under condition 22.

***"Noise***

**25. The development shall be constructed in accordance with the submitted plans including the noise mitigation scheme as set out in the submitted MEC Ltd noise assessment report dated March 2025 (25521-ENV-0402 Rev B).**

**Reason: In the interests of protecting living conditions of future occupiers in accordance with Policy D3 of the North Hertfordshire District Local Plan 2011-2031."**

Corrected an error as condition referred to the original not revised report.

**"EV charging points plan**

**35. Prior to the first occupation of the development hereby approved details of siting, number and design of the Electric Vehicle Charging Points shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed prior to the occupation of each dwelling and permanently retained thereafter. Each of the proposed new dwellings shall have an Electric Vehicle (EV) charging point. Proposals should also be made for the provision of EV charging within other public parking areas of the proposed development.**

**Reason: To avoid obstruction of the footpaths and in the interests of good urban design/visual impact in accordance with Policy D1 of the North Hertfordshire District Local Plan 2011-2031."**

Replaced the word "incorporate" with "have" as is more appropriate, particularly for flats.

**"Cycle parking**

**36. No development shall commence until details of the cycle parking in accordance with DES-716-265-0 (Bins and Cycle Storage Plans and Elevations) and DES-716-110-3 Parking Location Plan have been submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shown shall accord with the guidance in LTN 1/20 on Cycle Infrastructure Design as a minimum unless local cycle parking standards are greater. The development or any phase of the development, whichever is the sooner, shall not be occupied until the cycle parking has been constructed and completed in accordance with the approved details and shall thereafter be kept free of obstruction and permanently available for the parking of cycles only.**

**Reason: To ensure the provision of cycle parking that meets the needs of occupiers of and visitors to the proposed development in compliance with the guidance in the Hertfordshire Place & Movement Planning and Design Guide and LTN1/20 on Cycle Infrastructure Design as a minimum, and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018) and in the interests of good urban design/visual impact in accordance with Policy D1 of the North Hertfordshire District Local Plan 2011-2031."**

Updated with corrected plan number.

**"Landscape Management Plan**

**27. No development above ground level shall take place until a landscape management plan, including long term design objectives, management**

***responsibilities and maintenance schedules and periods for all soft landscape areas (other than privately owned domestic gardens) together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall cover the management and maintenance of all areas of open space (to include parks, greenways, play areas, informal open space, semi-natural green space). Details to be submitted shall include:***

- a) Management organisation;***
- b) Details of landscape management and maintenance plans;***
- c) Details of planting, grass cutting, weeding and pruning;***
- d) Management of sustainable urban drainage features;***
- e) Inspection, repair and maintenance of all hard landscaping and structures;***
- f) Management, monitoring and operational restrictions; and***
- g) Maintenance and planting replacement programme for the establishment period of landscaping.***

***The landscape management plan shall be carried out in accordance with the approved details and timetable. The open spaces provided shall be retained for their intended purpose and in accordance with the approved management plan unless otherwise agreed in writing by the Local Planning Authority.***

***Reason: To ensure the longevity of the landscaping scheme and protect the visual amenity and character of the area, in accordance with Policies SP12, NE6 and GA1 of the North Hertfordshire District Local Plan 2011-2031.”***

Condition 27 and 49 combined to simplify arrangements for approval of details reserved by condition.

## **5. Local residents**

A representation was received from a resident of Mendip Way after the report was published. They raised concerns that in the Transport Assessment the proposed mitigation appears to suggest that residents and visitors could use parking spaces that are privately owned and paid for by flat owners on Mendip Way and Nevis Road. They understand that these spaces are the legal property of individual title holders, and the council does not hold any title or permission over them. Proposing the use of assets or rights owned by a third party, without the consent of the owner and without legal entitlement, raises concerns about the lawfulness of such a mitigation measure. The representation asks whether the Council is satisfied that the proposal included in the Transport Assessment, and now put forward for consultation, is lawful. If it is not, asked if the council withdraw or amend the proposal accordingly and refer the matter to the appropriate standards or legal committee for review. They understand that residents should not be asked to comment on, or support, proposals which may be based on measures that are potentially unlawful or unenforceable.

This is covered in the section 7 below.

A representation was received from a resident of Back Lane, Graveley. They reported that on Saturday 19<sup>th</sup> July 2025 a further car crash between two vehicles occurred outside their property, and one of the drivers was injured. They said traffic on Back



Lane is already dangerous and if the development goes ahead a 20mph limit would mitigate the risk to all road users, but there would still be the problem of insufficient passing places.

## **6. Weston Parish Council**

Following publication of the committee report a representation has been received from Weston Parish Council (WPC) in response to the re-consultation on amended plans and documents. This can be read in full on file and is summarised below:

WPC request that the following comments be taken into account:

1. The Transport Technical Note – Monitor and Manage does not meet the criteria set out in the NPPF. Highlight the following shortcomings:
  - a. A robust approach has not been taken to providing the pre-development baseline data for traffic flows.
  - b. There appears to be very little information regarding what will be monitored above and beyond vehicle movements.
  - c. It is essential that the applicants submit and gain approval for the database model that will be used throughout the project as a prerequisite for planning permission, taking into account GA2.
  - d. Believe that some mitigating measures should be implemented at the start of the development, to ensure that residents in Weston, Graveley and Great Ashby are not adversely impacted during the period when traffic volumes are increasing.
2. Emergency Access - A means should be found to legally prevent the emergency access described in the Transport Assessment document from ever being used for any vehicular purpose other than that proposed, suggest a ransom strip.
3. Back Lane passing places - The applicant has suggested that passing places could be introduced along Back Lane. They would have a negative impact on both Weston and Graveley by increasing the attractiveness the road to vehicles traveling to the north and west along Back Lane and adding to the urbanisation of a rural lane. If Highways are minded to introduce passing places, believe that sections of the road should formally be regarded as a single-track road with passing places with appropriate edging and signage.
4. Vehicle restrictions - The applicant suggest that Highways might be minded to impose restrictions on larger vehicles using Calder Way. WPC would be wholly supportive of such a move provided the same restriction applied to the whole length of Back Lane between Weston and Graveley.
5. Construction traffic – Disruption to local residents and users of Back Lane during construction. As a significant number of pupils at Weston primary school live in Great Ashby, it should be a condition of the development that construction traffic be banned from using or crossing Calder Way or Back Lane during school term times for at least 30 minutes before and after school start and end times. No construction traffic should use the approaches to the site along Back Lane between GA1 and Graveley or GA1 and Weston and suitable signage is required.
6. Construction Management Plan – should be produced and agreed before any planning consent is given.

7. Believe that the s106 estimate of £400k to cater for any fall-back intervention that may be pursued would be inadequate. Whatever sum that is agreed needs to account for inflation from now to the end of the Monitor and Manage period.
8. Solar panels should be included along with battery storage in all buildings.

The concerns Weston Parish Council have raised have been addressed in the additional Highways and Transport Addendum.

## **7. Highways and Transport Addendum**

These notes have been compiled in response to the recent objections received (in relation to the amended plans and documents, including the Technical Note – Monitor and Manage), from the following:

- Great Ashby Community Council
- Weston Parish Council
- Great Ashby Ward Cllrs

### **Monitor and Manage Approach**

The Highway Authority provided the following explanation as to why the Monitor and Manage approach is proposed. The Development Management/Implementation teams can only act if a development is shown to be negatively impacting on situation to a significant level and manage its specific impact. Through the Development Management process we are not allowed to have a development address an existing problem, we can only address a significant impact if it looks like manifesting, and thus the situation will be monitored to determine if there is a significant impact manifesting. Mitigation measures would not directly address existing problems, but could benefit existing residents.

A full monitoring system will have to be presented to the Councils to discharge the monitoring conditions. This will need to distinguish between through-traffic and traffic generated by the development.

Any of the potential mitigation measures may be implemented if monitoring demonstrates the need.

It would not be normal or legally defensible to require a detailed monitor-and-manage plan or construction management plan in advance of determining an application. The applicant will have to submit a comprehensive package of potential mitigations to discharge the Monitor & Manage conditions associated with any permission granted by NHDC, and the proposed triggers must be acceptable too.

The submitted Transport Assessment identifies no significant additional congestion that would require mitigation to make the application acceptable in planning terms. Providing mitigation beyond what is needed would make routes to the A1 via Weston or Graveley more attractive to drivers, exacerbating an issue that is already a concern for those villages. Agreed triggers would ensure that mitigation is implemented when, and only when, a significant impact of the development is observed.

### **Construction Traffic Management Plan**

To discharge their Construction Traffic Management Plan (CTMP) condition the applicant will have to present an answer to the Councils that we are happy with before they are allowed to proceed including:

- How the access point from Haybluff Drive across the existing Back Lane into the proposed site will be managed during the initial construction phase before a re-routed Back Lane has been constructed and is operational;
- Access for large construction vehicles, including a crane if required;
- Construction parking;
- That they will avoid construction traffic during school drop off and pick up times (this is a standard ask by the Council);
- May consider the impacts of GA2 dependent on the timings of the two developments. (At the moment the GA2 site does not have planning permission and there is not a current planning application.)

With regards to Weston Parish Council's concerns regarding construction traffic, these are noted and the applicant will have to provide a detailed Construction Traffic Management Plan (CTMP) in order to allow their CTMP condition to be discharged and for them to begin construction.

With regards to the suggestion that a Construction Management Plan should be produced and agreed before any planning consent is given, the Highway Authority have discussed it in detail (the requirement for a pre permission CMP) but considered that it would not be defensible beyond the current normal prior to construction condition for a CTMP which is enforceable.

### **Traffic and parking surveys**

With regards to the impact on local roads of a reduction of on-street parking provision, it is acknowledged that predictive modelling cannot reliably capture impacts. That is why the Councils have agreed the Monitor and Manage process with the applicant to monitor actual impacts and introduce proportionate mitigations as needed.

The Highway Authority consider that the May 2022 traffic surveys are sufficiently recent to be acceptable. It would be unreasonable to ask an applicant to repeatedly undertake fresh counts. Inaccuracy or uncertainty in the forecasting of future traffic volumes would be captured in the 'Monitor & Manage' process.

Regarding the scope, extent and timings of future parking and traffic surveys, this will need to be included in the detailed monitoring proposal the applicant would present to the Councils to discharge the monitoring condition.

A significant proportion of the parking provision in Great Ashby is in private parking courts, and therefore it is appropriate that the monitoring process includes these to build a complete and accurate picture of the whole parking situation.

### **S106 funding**

In addition to the £3,510,695.80 (index-linked) (Strand 1 and 2 contributions) secured for off-site transport and highway improvements, the Highway Authority is confident that the proposed sum of £400,000 (also index linked) is adequate to cover a range of additional mitigations, if needed, for Great Ashby, Weston, and Graveley.

### **Layout of the proposed development**

It is acknowledged that where the proposed extended Haybluff Drive is terminated at the point of the emergency service access to the proposed re-routed Back Lane, there is no formal turn-around. However, the road and verge cross-overs (which lead to private driveways) provide space for turning around. The Highway Authority is satisfied with this arrangement. Emergency services requiring access to Back Lane will be able to pass through (e.g. by unlocking demountable or folding bollards). Further iterations of the detailed design will be considered by the Development Implementation and Fire Department.

With regards to the allocation of visitor spaces across the site, it is expected that some visitors will use bays accessible from Back Lane when their destination is a dwelling to the east. The walking distances are not significantly greater than from visitor bays accessible from Haybluff Drive. For instance, the bays at the south end of Back Lane are closer to plots 21 and 22 than the space to the east of plot 19. Similarly for plots 174 and 175.

Please note that since receiving Great Ashby Community Council's comments, we have received a corrected parking locations plan (which is published on the website) which corrects typos in relation to plots 71 and 93 (please note that plot 130 is a mews style property with a parking space on the ground floor). All dwellings would have allocated parking spaces in line with the parking standards in the NHDC Local Plan and Supplementary Planning Document: Vehicle Parking at New Development. The re-routed Back Lane would be wider than the existing Back Lane, and would more easily accommodate tractors and horse boxes.

### **Emergency access**

The exact implementation of the modal filter will be agreed with the HCC Implementation team, under the appropriate legal agreements (S38 and S278), but it likely to employ a locked folding or demountable bollard that emergency services are able to unlock .

### **Potential mitigation measures**

With regards to Weston Parish Council's concerns regarding the potential provision of passing places along Back Lane, the parish council's consideration that providing such measures needlessly would only serve to make Back Lane and a route through Weston more attractive to the existing traffic is noted and agreed. The intervention is only a potential option at this stage, subject to the monitor and manage condition. If required following monitoring, Highways may be minded to impose restrictions on larger vehicles using Calder Way (except for access). Weston Parish Council's request that any such restriction is applied to the whole length of Back Lane between Weston and Graveley is noted.

## Written Update 24 July Planning Control Committee

### Agenda Item 6 - 24/02455/FP – Land Opposite Wymondley Grid Station and to the South of Sperberry Hill, Sy Ippolyts

#### 1. 22/03231/FP – Land North East of Wandon End Hertfordshire – Appeal Decision:

- NHC received the appeal decision for the above planning application on the 15<sup>th</sup> of July 2025.
- The proposal is for the *“Construction, operation and decommissioning of a solar farm with the capability to export and import up to 49.9MW of electricity at any time, comprising the installation of ground mounted fixed solar panels, associated energy storage and ancillary development including customer and DNO substation, inverter and transformer stations, fencing, security cameras, landscape planting and associated works including grid connection (amended plans).”*
- The appeal was allowed and planning permission granted.
- The inspector considered the site to be grey belt (a policy which did not exist when that application went to committee last year) on the grounds that the inspector considered that the site made a moderate contribution to purpose (a) (the area of disagreement between the parties) due to its containment by rural roads, being free from development and 'near' to a large built up area. the inspector therefore considered the site at Wandon End to comprise grey belt land; the development was therefore not inappropriate (paragraph 26 of the appeal decision). Limited weight was given to the 2016 Green Belt Review and update in 2018 due to its purpose and age, which pre-dates the latest NPPF and grey belt policy (paragraph 18 of the appeal decision).

#### 2. Wymondley Parish Council Second Objection Letter:

- A second objection letter from Wymondley Parish Council was received on the 12<sup>th</sup> of June 2025 in response to the applicants 'Updated Grey Belt Assessment' document.
- The letter contends that the land is not Grey Belt. The Officer report covers the Green Belt assessment.

#### 3. The agent has confirmed agreement to the pre-commencement conditions.

#### 4. In paragraph 4.5.64 of the officer report, it states that the Green Belt Review assesses sub-parcel 10a as having a 'moderate' contribution to purpose (a) of the paragraph 143 of the NPPF, a 'limited' contribution to purpose (b) and a 'limited' contribution to purpose (d). The Green Belt Review categorises sub-parcel 10a as having a 'significant' contribution to purpose (a), a 'significant' contribution to purpose (b), and a 'limited' contribution to purpose (d).

It should be noted that despite the change, paragraph 4.5.65 of the officer report states:

*“Whilst the Green Belt Review is noted, the PPG, as set out in paragraph 4.5.55 of this report, requires that an assessment should be made as to whether the “site” strongly contributes to the Green Belt purposes rather than the wider area as found within the North Herts Green Belt Review.”*

Further to the above, in paragraph 18 of the Wandon End appeal decision (noted above), the inspector refers to the status of the North Herts Green Belt Review and its relevance to their decision:

*“these reviews were undertaken to guide decisions as the LP was being developed and in particular to review the current boundaries of the Green Belt and assess potential development sites as it was recognised that the level of growth needed in the district would be unlikely to be accommodated on non-Green Belt land. Given their age, they were not giving consideration to whether land was Grey Belt or not and their assessment of the contribution of land to the purposes was not informed by the criteria set out in the PPG for this purpose. As such I give little weight to their findings.”*

The change to paragraph 4.5.64 does not change my overall recommendation for approval. The site is still considered grey belt and not inappropriate development in the Green Belt.

### **Updated List of Conditions:**

Below is the full list of suggested conditions. Conditions that have been altered are either highlighted in **red** or ~~struck through~~. Conditions added are highlighted in **green**.

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first exported from the solar panels to the electricity grid. Written notification of the first operation shall be given to the local planning authority within 30 days of the site becoming operational.

Reason: The proposal seeks permission for a temporary period only.

4. No development **approved by this planning permission** shall take place (including ground works or vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) should be informed by the 2024 Ecological Assessment and a pre-construction badger survey and include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to harm to biodiversity features.

- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To minimise the impact of the construction process on the biodiversity and ecology of the site, in line with Policy NE2 and NE4 of the Local Plan.

5. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.
2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.
3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan, as necessary.
4. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and maintenance plan in (3) shall be updated and be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 180, 189, 190 and relevant Environment Agency Groundwater Protection Position Statements.

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and has obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 180, 189, 190 and relevant Environment Agency Groundwater Protection Position Statements.

7. The development hereby permitted may not commence until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 180, 189, 190 and relevant Environment Agency Groundwater Protection Position Statements.

8. Piling or other foundation designs using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 180, 189, 190 and relevant Environment Agency Groundwater Protection Position Statements.

9. A) **No development approved by this permission** shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing and in accordance with the programme of work as set out in the Archaeological Brief (P01/22/0709/3). The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording.
2. The programme and methodology of site investigation and recording as required by the evaluation.
3. The programme for post investigation assessment.
4. Provision to be made for analysis of the site investigation and recording.
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
6. Provision to be made for archive deposition of the analysis and records of the site investigation.
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B) The **development** shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate."

Reason: To ensure the implementation of an appropriate archaeological investigation, recording, reporting and publication, and the protection and preservation of archaeological features of significance, in accordance with North Hertfordshire Local Plan Policy HE4 and Section 16 of the NPPF 2024.

- ~~10. The construction of the development shall only be carried out in accordance with the approved Construction Traffic Management Plan.~~

~~Reason: To minimise the impact of the construction process on the on local environment and local highway network in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan 4 (adopted 2018).~~

Reason for Removal: No condition requiring the production or approval of a CTMP. Construction traffic is covered in the CEMP condition (Condition 17 d)).



11. ~~The development shall only be carried out in accordance with the approved 'Glint and Glare Report/Plan.~~

~~Reason: To ensure the development does not produce any glint and glare impact on the drivers viewing and ability to drive safely on the nearby highway, in the interests of highway safety and amenity in accordance with Policy 5, 7 and 8 of Hertfordshire's Local Transport Plan 4 (adopted 2018).~~

Reason for Removal: The Glint and Glare Report is an assessment document that recommends no mitigation measures are required and therefore there is nothing to be "in accordance with".

12. **No development approved by this permission shall take place until** a Stage 1 Road Safety Audit (RSA) for the vehicle access proposals shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the recommendations, if any, shall only be carried out in accordance with the report.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4 (adopted 2018).

13. Evidence of detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration feature/s. Following this infiltration testing the drainage strategy for Plan A (to infiltrate) will be updated and submitted to the and approved in writing by the Local Planning Authority. If infiltration is not favourable, then Plan B (connection and discharge of runoff to a watercourse) will be implemented as per the Drainage Strategy (dated 22 October 2024, REF 14855).

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 173,175 and 180 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

14. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (December 2021) and Drainage Strategy (dated 22 October 2024, REF 14855), plus any updates as required by Condition **7** unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of North Herts Council.

15. Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected.

16. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 7. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of North Herts Council.

17. Full details of a construction and environmental management programme (CEMP) for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works or development (including any pre-construction, demolition or enabling works). The construction shall thereafter be carried out in complete accordance with the approved phasing programme unless otherwise agreed in writing by the Local Planning Authority. The CEMP shall include the following elements:

- a) hours of construction operations including times of deliveries and removal of waste;
- b) measures to minimise dust, noise, machinery and traffic noise impacts during construction;
- c) site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- d) the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- e) screening and hoarding details, to protect neighbouring residents;
- f) end of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228-1.2009 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority;
- g) wheel washing facilities for construction vehicles leaving the site;
- h) storage and removal of building waste for disposal or recycling;

Reason: To ensure the correct phasing of development in the interests of minimising disruption nearby residents during construction, minimising any environmental impacts, in the interests of highway safety and amenity.

18. **No development approved by this permission shall take place until a** landscape and ecological management plan (LEMP) **has been** submitted to, and approved in writing by, the local planning authority ~~prior to the commencement of the development~~. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.

- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To enhance biodiversity including any species and their habitats and in accordance with the NPPF and Policies NE4, NE12 and SP12 in the Local Plan.

- 19. No construction shall take place until an arboricultural method statement with tree and hedge protection plan following the recommendations contained within BS 5837:2012 identifying measures to protect trees and hedges to be retained, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during site preparation, during construction, and landscaping operations.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality in accordance with the NPPF and Policies NE2 and NE12 in the Local Plan

- 20. Prior to any above ground works, an Emergency Response Plan shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Hertfordshire Fire and Rescue Service. The Emergency Response Plan shall set out measures to facilitate safety during the construction, operation and decommissioning phases of the development, including protocols to manage a fire during the operation and decommissioning of the site.

Reason: To minimise fire risks and ensure the proposed development has adequate access to water supplies for in the event of an emergency in accordance with Policies D3 and NE12 in the Local Plan.

- 21. Notwithstanding the details submitted, prior to the installation of the solar panels, a landscaping scheme shall be submitted to, and approved in writing by, the local planning authority. The submitted scheme shall include but is not limited to detailed planting proposals to include planting locations and dimensions, species, densities, sizes, mixes and protection and for new planting areas, and hard surfacing materials. The landscaping of the site shall take place in accordance with the approved details and implementation programme. Any planting which within a period of five years of planting dies, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality in accordance with the NPPF and Policies NE2, NE12, D1 and SP12 in the Local Plan.

22. Prior to the first use of the development, details of the cleaning procedure for the panels shall be submitted to, and approved in writing by, the local planning authority. The details shall include but not be limited to the frequency of cleaning, volumes of water required, details of any detergents to be used and any required mitigation. The cleaning of the panels shall thereafter take place in accordance with the approved details.

Reason: To protect soil quality and so enable the reinstatement of its agricultural land quality following the cessation of the solar farm use of the land in accordance with the NPPF and policy NE12 in the Local Plan.

23. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

24. No development **approved by this permission** shall take place until a Soil Management Plan has been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved details. The soil management plan shall include:

- a) Measures to protect soils during development with reference to the guidance found in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites;
- b) A works programme showing how all soil handling and trafficking operations will be undertaken and which makes allowance for poor weather/ ground conditions stoppages;
- c) Details of how construction activities will be managed across the site to minimise impact on soils; and
- d) Details of appropriate equipment and methods for stockpiling, respreading and ameliorating of soil compaction in accordance with good practice techniques to minimise the risk of soil compaction.

Reason: To protect soil quality and so enable the reinstatement of its agricultural land quality following the cessation of the solar farm use of the land in accordance with the NPPF, Defra Guidance and policy NE12 in the Local Plan.

25. Within the first planting season following the completion of construction works, the **approved** landscaping and biodiversity proposals to be approved shall be implemented in full.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality in accordance with policies NE4, NE12 and SP12 in the Local Plan.

26. In the event that the development hereby permitted ceases to export electricity for a continuous period of 12 months at any time following the first operations (other than for operational reasons outside the operator's control), or within a period of 40 years

following the first operation, a Scheme for the decommissioning of the solar farm and its ancillary equipment, and how the land is to be restored, shall be submitted to the local planning authority for its written approval. The scheme shall include, but not be limited to the following:

- A programme for the completion of the decommissioning and restoration works,
- Make provision for the removal of the solar panels and associated above ground works approved under this permission.
- The management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period,
- An environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and
- Details of site restoration measures.

The solar farm, and its ancillary equipment shall be dismantled and removed from the site and the land restored to its extant use (agricultural) in accordance with the approved scheme and timescales set out therein.

Reason: The proposal seeks permission for a temporary period only and to ensure the site is appropriately decommissioned and the land is restored following its cessation as a solar farm. In the interests of highway safety and residential amenity and the aims and objectives of Policies T1 and D3 of the Local Plan.

27. Prior to the installation of any CCTV cameras, details of measures to restrict the camera movements around the boundary of the application site to prevent viewing towards residential properties ~~located in Tea Green, The Heath and Darley Road~~ shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the CCTV cameras shall be installed and retained in perpetuity in accordance with the approved details.

Reason: to protect the privacy of adjacent residential properties in accordance with Policy D3 of the Local Plan.

28. Prior to the First Export Date, a Grazing Management Plan (GMP) shall be submitted to the local planning authority for approval in writing. The GMP shall confirm which parts of the site cannot be used for the grazing of livestock. The GMP shall also define which parts of the site will be used for the grazing of livestock, during which months of the year, and what livestock are to be grazed there, and it shall set out details of how the grazing is to be managed. Within three years of the First Export Date, the grazing of livestock shall be implemented on the site in accordance with the GMP. Any changes to the GMP during the lifetime of the permission shall be first submitted to the Local Planning Authority for approval in writing prior to implementation on site and shall thereafter be carried out in accordance with the approved revised GMP.

Reason: To ensure that the agricultural use of Best and Most Versatile Agricultural land continues during operation to accord with policy NE12 of the Local Plan.

29. Before commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' must set out:

- o the phasing of construction and proposed construction programme.
- o the methods for accessing the site, including wider construction vehicle routing.

- o the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
- o the hours of operation and construction vehicle movements.
- o details of any highway works necessary to enable construction to take place.
- o details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- o details of any hoardings and how visibility splays will be maintained.
- o management of traffic to reduce congestion.
- o control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
- o the provision for addressing any abnormal wear and tear to the highway.
- o waste management proposals.
- o Provision of sufficient on-site parking prior to commencement of construction activities;
- o Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- o where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding and remaining road width for vehicle movements.

Reason: To minimise the impact of the construction process on the on local environment and local highway network in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).