

NORTH HERTFORDSHIRE DISTRICT COUNCIL



28 March 2024

Our Ref Planning Control Committee 11 April 2024
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To: Members of the Committee: Councillors Val Bryant (Chair), Tom Tyson (Vice-Chair), Daniel Allen, Simon Bloxham, Mick Debenham, David Levett, Nigel Mason, Ian Moody, Sean Nolan, Louise Peace, Terry Tyler and Phil Weeder

Substitutes: Councillors David Barnard, Cathy Brownjohn, Sam Collins, Steve Jarvis, Ian Mantle, Michael Muir and Dave Winstanley

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCHWORTH GARDEN CITY**

On

THURSDAY, 11TH APRIL, 2024 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL
AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION
ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda

Part I

Item		Page
1.	APOLOGIES FOR ABSENCE Members are required to notify any substitutions by midday on the day of the meeting. Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
2.	MINUTES - 7 MARCH 2024 To take as read and approve as a true record the minutes of the meeting of the Committee held on the 7 March 2024.	(Pages 5 - 12)
3.	NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
4.	CHAIR'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
5.	PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.	

6. **23/01220/FP HOLBORN FARM, DANE END, THERFIELD, ROYSTON, HERTFORDSHIRE, SG8 9RH** (Pages 13 - 30)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Conversion of existing barn into one 4-bed dwelling including extensions, detached car port, widening of existing vehicular access, associated landscaping and parking following demolition of existing stable extension, car port and lean-to structure. (as amended by plan nos 301_R1, 302_R2, 3010_R1 _ 313_R1)

7. **APPEALS** (Pages 31 - 120)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

8. **CURRENT ENFORCEMENT NOTICES** (Pages 121 - 124)
INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION MANAGER

To advise the Committee of information setting out the quarterly update of the planning enforcement service.

9. **EXCLUSION OF PRESS AND PUBLIC**
To consider passing the following resolution: That under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that the following report will involve the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the said Act (as amended).

10. **CURRENT ENFORCEMENT ACTIONS** 125 -
INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION 128
MANAGER

To update Members on the active enforcement cases.

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY
ON THURSDAY, 7TH MARCH, 2024 AT 7.30 PM

MINUTES

Present: *Councillors: Val Bryant (Chair), Tom Tyson (Vice-Chair), Daniel Allen, Simon Bloxham, Mick Debenham, David Levett, Nigel Mason, Louise Peace, Michael Muir and Dave Winstanley.*

In Attendance: *Sedem Amegashie-Duvon (Trainee Solicitor), Susan Le Dain (Committee, Member and Scrutiny Officer), Shaun Greaves (Development and Conservation Manager), Alex Howard (Senior Planning Officer), Caroline Jenkins (Committee, Member and Scrutiny Officer), Kerrie Munro (Locum Planning Lawyer) and Tom Rea (Senior Planning Officer).*

Also Present: *At the commencement of the meeting approximately 10 members of the public, including registered speakers.*

178 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 30 seconds

Apologies for absence were received from Councillors Terry Tyler, Sean Nolan, Ian Moody and Phil Weeder.

Having given due notice Councillor Dave Winstanley substituted for Councillor Nolan and Councillor Michael Muir substituted for Councillor Moody.

179 MINUTES - 23 JANUARY 2024

Audio Recording – 1 minute 59 seconds

Councillor Val Bryant proposed and Councillor Tom Tyson seconded and following a vote it was:

RESOLVED: That the minutes of the meeting of the Committee held on 23 January 2024 be approved as a true record of the proceedings and be signed by the Chair.

180 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 45 seconds

There was no other business notified.

181 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 48 seconds

(1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.

- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair clarified matters for the registered speakers.
- (4) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.
- (5) The Chair advised that item 6 21/00541/OP had been deferred to a future meeting due to unresolved matters in relation to S106 obligations.

182 PUBLIC PARTICIPATION

Audio recording – 5 minutes 10 seconds

The Chair confirmed that the registered speakers were in attendance.

183 21/00541/OP LAND BETWEEN 134 AND 148 HIGH STREET, KIMPTON, HERTFORDSHIRE, SG4 8QP

Audio recording – 5 minutes 41 seconds

The Chair advised that this item was deferred to a future meeting due to unresolved matters in relation to S106 obligations.

184 23/00523/OP LAND EAST OF ASHMILL POULTRY FARM, HIGH STREET, BARKWAY, HERTFORDSHIRE

Audio recording – 6 minutes 3 seconds

The Planning Officer gave a verbal update and advised that a recent email received on 4 March regarding elements of public access had now been fully considered. It was also noted that the document dated 21 December 2023 was originally not on the Council website, but had recently been added.

The Planning Officer presented the report in respect of Application 23/00523/OP supported by a visual presentation consisting of photographs and plans.

The Chair invited Mr Sandy Gordon to speak against the application. Mr Gordon thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The area was a heritage point of historical interest.
- The new houses, even though set back, would cause a loss of privacy due to all rooms being next to the road. There is slight privacy to the rear of the properties.
- His whole garden would be overlooked by property 1, which backs onto his house. The field is 1 metre higher than his property, imposing on the area.
- The gable end of the new house would cause loss of light, mostly around midday and early evening.
- The area was good for wildlife and recently more wildlife had been witnessed including badgers, deer, foxes, bees nests, frogs toads and newts.
- Many concerns had been raised about the smell from the adjacent poultry farm.

In response to a point of clarification from Councillor David Levett, Mr Gordon confirmed:

- His house was a Grade 2 listed building.

- The odour from the poultry farm was strongest around 7 times per year when the area was fully cleared and the smell was worse on damp, rainy days, rather than in Summer.

The Chair thanked Mr Gordon for his presentation and invited Councillor Gerald Morris to speak against the application. Councillor Morris thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- It was considered the site was unsuitable and not in the local plan.
- Recently the area had been cleared of natural planting leaving a superficial cover to remain.
- This development was not necessary for North Herts housing needs, and Planning Officers had also objected.
- Previous applications for the Ashmill Poultry Farm site had been refused for similar reasons.
- There were concerns over the proximity of the Poultry Farm to local business, places of employment, and to where people will live.

The Chair thanked Councillor Morris for his presentation and invited Mr Shane Ahern, the applicant, to speak. Mr Ahern thanked the chair for the opportunity and provided the committee with a verbal presentation, including that:

- The site in Barkway was currently scrubland and had been earmarked for development.
- The development would consist of six houses, including one affordable home for key workers only.
- The site plan had been designed with heritage as a consideration by an expert and had been submitted with a written air quality guidance.
- The adjacent poultry farm was cleared and cleaned seven times per year. The odour from the farm was noted to be worse on hotter days and measurements showed a 25% acceptability.
- Previous applications included dwellings approximately 3 metres from the poultry farm. This current version included dwellings 60 to 70 metres from the farm.
- The homes in this development would be of a self-build style, allowing buyers to design their houses themselves.

The following members asked points of clarification:

- Councillor David Levitt
- Councillor Simon Bloxham
- Councillor Louise Peace
- Councillor Dave Winstanley
- Councillor Mick Debenham

In response to the points of clarification, Mr Ahern advised that:

- A full application and outline had not been taken, due to the principle of the site being agreed first.
- The houses on site would be self-build therefore people could design their own home and one property would be allocated for key workers and local residents to purchase.
- The delivery of self-build homes was a statutory obligation and 89 people had already registered.
- There would be an extensive play area and green space providing biodiversity net gain.

- Measurements of the odours from the poultry farm had been carried out over 3 days at approximately 25°C, however residents had noted that the odour was worse during wet weather.

Councillor Tom Tyson proposed that the application be refused, and Councillor Simon Bloxham seconded.

The following members took part in debate:

- Councillor Daniel Allen
- Councillor David Levitt
- Councillor Louise Peace
- Councillor Nigel Mason
- Councillor Simon Bloxham

Points raised in debate included:

- Concerns over legality of offering houses to key workers only
- The recommendation for refusal was not because of the odour from the poultry farm alone and also concerned the heritage and conservation of the site.
- The development was noted to be outside of the settlement boundary with the rear of properties facing the High Street.
- Due to the height of surrounding trees and visibility from the properties, it was felt that the development would have heritage impact upon the listed buildings.

Having been proposed and seconded, following a vote, it was:

RESOLVED: That application 23/00523/OP be **REFUSED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

185 22/02205/FP LAND ADJACENT TO ARNOLDS FARM, CHAMBERS LANE, ICKLEFORD, HERTFORDSHIRE, SG5 3YE

Audio recording – 52 minutes 20 seconds

N.B Councillor Mick Debenham declared a personal interest and left the Council Chamber at 20:22

The Chair advised that Councillor Louise Peace was to speak as a Member Advocate against this item and would therefore move to the public gallery and not take part in the debate or vote.

N.B Councillor Louise Peace moved to the public gallery at 20:22.

The Senior Planning Officer provided an update that:

- The comments from the Conservation Officer comments were now on the website, confirming no detrimental impact on the character.
- The nearby public house had no impact on the property development. There was sufficient separation from the site and the nearby farm, with scrub to the perimeter.
- The Lead Local Flood Authority (LLFA) had raised no objections and as the application was now for fewer than 10 units, there was no obligation to consult the LLFA.
- The site plan had been amended on the 5 March 2024.

The Senior Planning Officer presented the report in respect of application 22/02205/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor David Levitt
- Councillor Nigel Mason
- Councillor Dave Winstanley
- Councillor Daniel Allen
- Councillor Tom Tyson

In response to the points of clarification, the Senior Planning Officer advised that:

- In the past this site has had four appeals, all which have been dismissed.
- This development was no longer on Greenbelt land.
- This was the second recent development in Ickleford and there was concern about the infrastructure in a small village and whether this is at breaking point.
- Larger development sites were asked to look at the cumulative impact of the site. This did not apply to this site, which was seen as a “windfall site”.
- There was a transport assessment submitted with this application.
- Sustainable energy ground source heat pumps would be installed in properties.
- The site would generate traffic during peak hours. However, Highways had confirmed they had no concerns.
- The side of the carriage way would be widened with a footpath.
- The adjacent burial ground was protected under planning law and provided no concern to the development.

The Chair invited Parish Councillor Ray Blake to speak against the application. Parish Councillor Blake thanked the Chair for the opportunity and provided the committee with a verbal presentation including that:

- Residents were proud of this green setting, together with the nearby Plume of Feathers public house and cottages.
- The Local Plan had been adopted and the site was not consistent with national policy and contains much flora and fauna.
- The cemetery is a peaceful setting which would be compromised.
- There was insufficient room for exits and entrances to the development.
- The area contains many wildlife corridors and Chambers Lane itself was narrow in places. This would provide problems for emergency vehicles and on site HGV.
- The parking for the development was also considered insufficient.
- The sewage system in the area will find the addition of properties impossible. The area already floods after downpours.
- After the recent development at Bowmans Mill, it was considered that this site was not needed.

In response to the points of clarification from Councillor David Levett, Parish Councillor Blake advised that the adjacent burial ground was a recent burial site from 2010 onwards.

The Chair thanked Councillor Blake for his presentation and invited Councillor Louise Peace, as Member Advocate, to speak against the application. Councillor Peace thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The flood risk of the site appears low but rises to medium to high risk on Chambers Lane. A drainage plan should be confirmed for the area and permission should not be granted until information is available.
- The biodiversity report was out of date, and a new report had not been provided by the applicant. Biodiversity will be offset elsewhere, possibly Oughtonhead Common.

- Ickleford was considered a conservation area, with 2 listed buildings and burial ground adjacent to this development. The street scene will significantly change due to this application and it would have an impact on the conservation and heritage area.
- When development originated on this site, it was originally inside the green belt and has now been removed, but the land area itself has not changed.
- This application should be refused due to the heritage of the area, rather than the green belt status previously assigned to it.

In response to the points of clarification from Councillor Nigel Mason, Councillor Louise Peace advised that:

- There was a referendum on the Ickleford Neighbourhood Plan on 14 March 2024. The more developed the plan becomes towards its conclusion, the more weighting could be applied to it in considering applications.
- The Ickleford Neighbourhood Plan cannot contradict the Local Plan or National Planning Policy Framework.
- The Alleyfield burial ground is mentioned in Policy C2 of the Local Plan. This policy states that any existing facility would need to be provided elsewhere. The Trust managing the burial ground strongly object to moving the burial ground as the quality will be reduced.

The Chair thanked Councillor Peace for her presentation and invited Mr James Porter, as representative of the applicant, to speak in support of the application. Mr Porter thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The development was now inside the village boundary and outside the green belt.
- Chambers Lane is to be widened and a footpath added and access to buildings on Arnolds Farm site would be accessed from this route.
- Additional visitor parking had already been objected to and recommended to the parking numbers now in the final layout.
- Additional footpath access has not been included as it would not follow guidance as secured by design for new developments.
- A landscaping strip and emission of one house has reduced the density of the site.
- The biggest visual change is the removal of the hedge on Chambers Lane, increasing width and visibility. This followed the character of the area.
- The development comprised nine well designed houses, which would be a positive contribution to the village.

The following Members asked points of clarification:

- Councillor Dave Winstanley
- Councillor Tom Tyson
- Councillor David Levett

In response to points of clarification, Mr Porter advised that:

- In 2021 the area was an open field. Since then, the area was now teeming with wildlife. Although there was a shortfall on biodiversity net gain on site, a financial contribution had been discussed to offset this. An amount had been discussed but not finalised.
- It was confirmed that the separation between the site and the burial ground would be maintained by the tree hedge line and these would be added to.

In response to points raised the Senior Planning Officer advised that:

- The site had now been removed from the greenbelt.

- A heritage assessment had been carried out by an external consultant.
- The application had been discussed by the housing inspector.
- No objections have been raised by statutory consultees.
- Clarification was given to members that this covers biodiversity for the site.
- The study phase 1 had been carried out by the environmental health officer, with continuing issues.
- It was confirmed that Condition 11 should be revised to include three additional points.

Councillor David Levitt proposed the application be granted and Councillor Simon Bloxham seconded.

The following members took part in debate:

- Councillor Daniel Allen
- Councillor Nigel Mason
- Councillor David Levett
- Councillor Tom Tyson

Points raised in debate included:

- The resulting development would detract from the countryside feel of Chambers Lane. There were not many lanes left in this area.
- This area had not been identified for housing and consideration should be given as to whether a piece of land should be used solely as it is suitable. The natural diversity of this area cannot be moved elsewhere.
- It was felt there was no legal reason for refusal, as the site was within the settlement boundary and not on Greenbelt land.

Having been proposed and seconded and following a vote, it was:

RESOLVED: That application 22/02205/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

Condition 11 should be revised to include the following forwarding:

Prior to the first occupation of the development hereby permitted, surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the LPA in consultation with the Lead Local Flood Authority. Before any details are submitted to the LPA an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the LPA. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.*
- include a timetable for its implementation; and,*
- provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.*

Reason: To prevent surface water flooding

186 23/02802/LBC 26 - 28 HIGH STREET, GRAVELEY, HITCHIN, HERTFORDSHIRE, SG4 7LA

Audio recording – 1 hour 54 minutes, 45 seconds

N.B – Councillor Debenham returned to the meeting and Councillor Peace returned from the public gallery.

The Senior Planning Officer presented the report in respect of application 23/02802/LBC supported by a visual presentation consisting of photographs and plans.

There were no questions from members.

Councillor Tom Tyson proposed that the application be granted and Councillor Daniel Allen seconded and, following a vote, it was:

RESOLVED: That application 23/02802/LBC be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

187 APPEALS

Audio recording – 1 hour, 59 minutes, 45 seconds

The Development and Conservation Manager presented the report entitled 'Planning Appeals' and informed the Committee that a single storey appeal in Holwell had been dismissed.

RESOLVED: That the Committee noted the report.

The meeting closed at 9.30 pm

Chair

<u>Location:</u>	Holborn Farm Dane End Therfield Royston Hertfordshire SG8 9RH
<u>Applicant:</u>	Mr Brown
<u>Proposal:</u>	Conversion of existing barn into one 4-bed dwelling including extensions, detached car port, widening of existing vehicular access, associated landscaping and parking following demolition of existing stable extension, car port and lean-to structure. (as amended by plan nos 301_R1, 302_R2, 3010_R1 _ 313_R1)
<u>Ref. No:</u>	23/01220/FP
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 02/08/2023

Extension of statutory period: 12/04/2024

Reason for Delay:

Negotiations, amended plans and awaiting consultee responses and in order to present the application to an available committee meeting.

Reason for Referral to Committee:

In accordance with section 8.4.5 of the Council's Constitution

"The Planning Control Committee shall determine: (c) any other planning application, application for advertisement consent, listed building consent or conservation area consent where: (i) a statutory consultee has submitted a written opinion contrary to the recommendation of the Service Director: Regulatory and which is a valid material planning consideration in the opinion of the Service Director: Regulatory;"

The recommendation is contrary to the view of the Highway Authority, with details of such outlined in this report.

1.0 **Site History**

- 1.1 90/00434/1: Rear conservatory and pitched roof to two storey rear extension. Granted
- 1.2 99/01147/1LB: Replacement roofs on two stable blocks. Granted
- 1.3 21/03012/FPH: Single storey side extension following demolition of non-original side extension and non-original conservatory and external alterations. Granted

- 1.4 21/03013/LBC: Single storey side extension following demolition of non-original side extension and non-original conservatory. External and internal alterations. Granted

2.0 **Policies**

2.1 North Hertfordshire Local Plan 2011 – 2031

Policy SP1: Sustainable Development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP6: Sustainable Transport
Policy SP8: Housing
Policy SP9: Design and Sustainability
Policy SP11: Natural Resources and Sustainability
Policy SP13: Historic Environment
Policy T1: Assessment of Transport Matters
Policy T2: Parking
Policy CGB1: Rural Areas beyond the Green Belt
Policy CGB4: Existing buildings in the Rural Area Beyond the Green Belt
Policy D1: Sustainable Design
Policy D3: Protecting Living Conditions
Policy D4: Air Quality
Policy NE4: Biodiversity and Geological Sites
Policy NE7: Reducing flood risk
Policy NE8: Sustainable Drainage Systems
Policy NE9: Water Quality and Environment
Policy HE1: Designated Heritage Assets
Policy HE3: Non-designated heritage assets Policy HE4: Archaeology

2.2 **National Planning Policy Framework (December 2023)**

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed and beautiful places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

Neighbourhood Plan

There is no 'made' Neighbourhood Plan for Therfield Parish

3.0 **Representations**

3.1 **Therfield Parish Council** : Advises no formal objection or comment

3.2 **Hertfordshire Highways**: Comments in relation to amended plans and supplementary transport note (February 2024) - 'The Highway Authority under the current submission cannot support the application because it has failed to demonstrate a satisfactory policy and design-led approach to provide safe and suitable access for all particularly pedestrians and cyclists, contrary to Hertfordshire's Local Transport Plan (LTP4) policies 5 and 6 and also contrary to the principles of sustainable development contained in the NPPF, therefore the proposals represent a risk to highway safety'.

- 3.3 **Environment Agency:** Advises no objections on flood risk grounds. Recommends an informative.
- 3.4 **NHDC Senior Ecologist :** Advises a condition concerning a protected species licence.
- 3.5 **NHDC Conservation officer:** Advises no objection recommendation. The scheme will satisfy the provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011-2031. (Comments in relation to associated listed building application ref: 23/01221/LBC)
- 3.6 **NHDC Environmental Health:**
Land contamination – Recommends a standard land contamination condition
Air Quality – Recommends an EV condition and informative
Noise/Nuisance – Recommends a construction informative
- 3.7 **Herts & Middx Wildlife Trust:** Recommends a licence condition.
- 3.8 **NHDC Waste Services :** Provides general advice on waste management and storage / collection arrangements
- 3.9 **Site Notice / Adjoining occupiers:** No responses received
- 4.0 **Planning Considerations**
- 4.1 **Site and Surroundings**
- 4.1.1 The application site is situated on the east side of Dane End within the grounds of Holborn Farm House, a Grade II listed building. The site consists of a Grade II listed barn and associated extensions and hardsurfaced area located immediately to the south of Holborn Farm House.
- 4.1.2 The site is not located within a Conservation Area but is within the Rural Area Beyond the Green Belt. The site is located approximately 1500m to the southeast of Therfield village centre and similar distance from the village of Reed.
- 4.1.3 The site is partially within Flood Zone 3 due to the proximity of a watercourse on the opposite side of Dane End to the application site.
- 4.2 **Proposal**
- 4.2.1 The proposals, as amended, are for Full Planning Permission for the conversion of one barn to a dwelling house including the demolition of adjoining outbuildings at Holborn Barn, Holborn Farm.
- 4.2.2 The proposals include the demolition of adjoining buildings to the listed barn and the construction of a new single storey wing attached to the north elevation of the barn. Vehicular access would be via the existing access onto Dane End shared with Holborn Farmhouse.
- 4.2.3 The proposed dwelling would comprise 4 bedrooms, living area, kitchen/dining room and bathroom. The barn would have its own residential curtilage including garden area

created to the east and south. A car port would be constructed to the front of the barn to accommodate parking for two cars.

4.2.4 The proposed external materials for the barn conversion and extension are as follows:

- ☐ Clay plain tiled roof – refurbished
- ☐ Black painted timber cladding – refurbished
- ☐ Red brick – repointed in lime mortar and refurbished where required
- ☐ Timber framing
- ☐ Black painted timber cladding – refurbished and replaced where required
- ☐ Black corrugated metal cladding and black cappings
- ☐ Aluminium framed glazing
- ☐ Cast in situ concrete plinth

4.2.5 The application is supported by the following documents: -

- ☐ Planning Statement
- ☐ Design and access statement
- ☐ Heritage Impact Assessment
- ☐ Ecology Report and Bat Survey
- ☐ Tree Report
- ☐ Arboricultural Impact assessment
- ☐ Flood Risk assessment
- ☐ Transport Technical Note

4.3 Key Issues

4.3.1 The key issues for consideration are as follows:

- ☐ The Principle of Development
- ☐ The Impact on Designated Heritage Assets
- ☐ Sustainability
- ☐ Design and impact on the character and appearance of the area
- ☐ Living conditions and amenity of adjoining occupiers
- ☐ Landscaping and Ecology
- ☐ Highways, Access, and Parking
- ☐ Other Matters.

4.3.2 Principle of development

4.3.3 The site is in the Rural Area beyond the Green Belt in the adopted Local Plan. Policy SP5 states the Council will operate a general policy of restraint in Rural Areas beyond the Green Belt through the application of additional detailed policies. These policies are CGB1 and CGB4. Part d) of CGB1 is considered applicable, as the proposal relates to existing rural buildings. Policy CGB4 states that planning permission for the re-use, replacement or extension of buildings in the Rural Area beyond the Green Belt will be granted provided that:

b) Any existing building to be converted for re-use does not require major extension or reconstruction; c) The resultant building(s) do not have a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original building(s); and d) Any outbuilding(s) are sited as close as possible to the main building(s) and visually subordinate to them.

The proposal is considered to meet b), c) and d) above and therefore the proposed development is considered acceptable in principle

4.3.4 The impact on designated heritage assets

4.3.5 The heritage assets affected by this proposal are the barn itself (Grade II listed) and the adjacent Holborn Farmhouse (Grade II listed). The application is accompanied by a heritage statement and impact assessment.

4.3.6 The Heritage assessment sets out the historical significance of the barn to be converted and extended describing its evolution from a 5-bay threshing barn with further bays added due to increasing grain production on the farm. The requirements of the working farm necessitated further additions in the form of stables and shelter shed and lean-to. The barn has been greatly altered but large amounts of the eighteenth-century timber frame survive. The overall historical interest is given as moderate with low to moderate archaeological interest.

4.3.7 The assessment sets out the detailed proposals for the barn conversion and extension highlighting which parts of the barn have high significance (to be retained) and those parts which have low or neutral significance (to be removed). A full table is included in the assessment showing which elements are classed as minor and moderate positive and those proposals which are minor detrimental or neutral. Overall the principle and the detail design of the conversion and extension of the barn for residential use is considered consistent with good conservation practice.

4.3.8 The Council's Senior Conservation officer has assessed the proposals as follows:

The proposals are not considered to have a negative impact on the setting of the Farmhouse and the replacement buildings will still give legibility to a farmstead setting.

The demolition of existing later additions and the conversion of the historic barn are supported. The stable extension, carport and lean-to structure are later additions and although attached to the historic barn are not in themselves of significance in terms of fabric and design.

The proposed replacement structures are designed to be subservient and in keeping in terms of design and materiality, although samples will be required (see condition).

The conversion barn is supported. Although there is some loss of historic fabric and a raising of the ridge these interventions are not considered sufficient to raise an objection.

The glazing of existing openings should include timber shutter doors to retain an agrarian appearance. It is noted that in drawing 310-PR north elevation the opening at 7 is glazed but no timber shuttering is proposed. This needs clarification/justification.

In addition the proposed new window opening for the bathroom should be reduced in size to a single window/rooflight again to avoid over domestication of this barn structure.

Internally the interventions are supportable as there is a high degree of reversibility and will not be attached to the historic timber structure. Further information is required on the proposed new floor in the barn and the method and materials for external insulation. (See condition)

Landscaping plans should avoid the use of timber fencing to delineate any new boundaries. The use of different hard landscaping materials is preferable.

The conversion should secure the long-term viability of the barn and that is of paramount importance and the current proposal with reference to above comments are considered to secure that requirement.

- 4.3.9 In summary the Conservation officer supports the proposals subject to conditions on matters of details such as materials and landscaping.
- 4.3.10 Paragraph 205 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). In this case the proposal would remove 20th century additions to the original threshing barn that have been assessed in the heritage statement as having neutral and / or detracting significance. The removal of these elements are assessed as having between major and minor positive impact on the heritage significance of the historic barn. The more detailed alterations to the barn are assessed as having between a neutral or minor detrimental effect. The minor detrimental effects relate to new openings / rooflights and new doorways. Overall though the proposed conversion and extension works retain the important features of heritage significance of the listed barn.
- 4.3.11 Sustainability
- 4.3.12 The overarching purpose of the planning system is to contribute to achieving sustainable development, as stated in Section 2 of the NPPF. This is considered against the three objectives of sustainable development, the economic, social, and environmental objectives.
- 4.3.13 Firstly, in terms of the economic objective, the proposed development would see the delivery of jobs during the build/construction phase which is a modest benefit.
- 4.3.14 Secondly, in terms of the social objective, this would add an additional dwelling to the districts housing figures which could be delivered in a relatively short space of time, which is a modest benefit.
- 4.3.15 In terms of the environmental objective, it is acknowledged that future occupiers of this proposal would be reliant on private vehicles for the majority of their needs. This issue is covered in more detail in the section below on highway matters however the site is only a relatively short distance from two nearby category 'A' villages both of which have primary schools and some local facilities. Paragraph 83 of the Framework states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. This proposal, in providing a residential use for a redundant building has the potential to meet this objective.
- 4.3.16 More importantly however the proposal would represent the optimal viable use of a heritage asset and would re-use a redundant building and enhance its setting thus meeting two of the bullet points of paragraph 84 of the Framework.
- 4.3.17 The proposal will incorporate sustainable building features, such as an EV charging point and a condition is recommended to secure other low carbon and energy reducing features in the construction and operational phase of the development. Overall, these environmental benefits are deemed appropriate relative to the scale of development proposed.

4.3.18 As such, it is considered that the proposal accords with the three strands of sustainability and attributed due weight in the planning balance.

4.3.19 Design and impact on the character and appearance of the area

4.3.20 Policy D1 of the Local Plan states that planning permission will be granted for development proposals that respond positively to the sites local context and create or enhance the public realm. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context.

4.3.21 The proposal would result in the removal of non-original features attached to the historic barn and provide a sensitive refurbishment of the internal spaces maintaining where possible original spaces and timber framing. The new northern wing and car port are single storey with low roofs designed to be subservient to the host building respecting its original agricultural use and courtyard setting. The original form of the listed building would be clearly legible and enhanced with the removal of a significant footprint of unsympathetic 20th century additions. A combination of traditional and contemporary materials are proposed with the aim of creating a dwelling that compliments the vernacular of the listed building and sensitively differentiates old from new.

4.3.22 The barn is prominent in views from Dane End however the sensitive conversion and extension works will enhance its setting and maintain the rural character of the lane. Works to the exiting access are limited with only minor cutting back of the hedgerow to achieve adequate sightlines. The proposed development is therefore considered to respond positively to local context, in accordance with Policies SP9 and D1 of the Local Plan.

4.3.23 Living conditions and amenity of adjoining occupiers

4.3.24 Policy D1 of the Local Plan states that, amongst other things, development proposals should meet or exceed the nationally described space standards. Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.

4.3.25 The proposal largely deals with alterations to an existing barn and replacing existing extensions with smaller low-rise additions. The use would be compatible with the adjoining residential use of Holborn Farm House and unlikely, given a single residential unit use, to result in any undue noise and disturbance to the occupiers of the Farm House. There are no other immediately adjoining neighbours that would be affected by the proposal. As such, the scheme will not give rise to any materially adverse impacts upon the reasonable living conditions and well-being of neighbouring properties. This is in accordance with Policies D1 and D3 of the Local Plan.

4.3.26 The proposed dwelling at approximately 290 sqm would exceed the minimum nationally described space standards for a 4 bedroom/8-person property (127 sqm), would have sizable rear private amenity space, and would see all habitable rooms achieve suitable levels of natural light. It is therefore my view that the proposal would not result in any harm to the reasonable living conditions and well-being of future occupiers.

4.3.27 Landscaping and ecology

4.3.28 The detailed landscaping matters will be the subject of a landscaping scheme pre-commencement condition, which will consider which trees/hedgerows are to be retained and where new planting will be proposed to deliver measurable gains in biodiversity. This condition will also cover the boundary treatments that will create the new residential curtilage and subdivide the host and proposed properties.

4.3.29 The proposal is accompanied by a bat survey and emergence and bat activity survey. The surveys have shown three common pipistrelle *Pipistrellus pipistrellus* day roosts, and a Brown Long-Eared *Plecotus auratus* maternity roost with six individuals recorded. Mitigation and compensation for the disturbance to bats is provided for in the bat survey report and these include two types of bat boxes. A Natural England Protected Species Licence (NEPSL) is required and the applicant will be required to demonstrate that this has been obtained via a condition prior to any works starting on site.

4.3.30 This proposal is a 'small site' for the purposes of Biodiversity Net Gain (BNG), which does not come into force until April 2024. Therefore, the scheme does not need to provide a BNG of 10%. Instead, given the scale of development proposed, the suitably worded pre-commencement condition that covers a landscaping scheme, including the retention and provision of new landscaping where appropriate, would deliver net gains in biodiversity.

4.3.31 In view of the above there are considered to be no objections to the landscaping and ecology matters under this application, in accordance with Policy NE4 of the Local Plan.

4.3.32 Highways, access and parking

4.3.33 Hertfordshire Highways have raised concerns with regard to this proposal in their updated comments received in February in response to the applicants Transport Note.

4.3.34 The Highway Authority's concerns can be summarised as follows:

- ☐ The site is not considered acceptable for intensification of use by residential development in such a location because it is not viable for access by non-car transport modes and is therefore contrary to all local and national policies and guidance's, in particular NPPF which seeks new development to provide safe and suitable access for all, and to create safe and secure layouts minimising conflicts between traffic and pedestrians.
- ☐ Pedestrian route to the development access must also consider the needs of those with small children, pushchairs and those with reduced mobility, including visually impaired people and people using wheelchairs or mobility scooters (Equalities Act).
- ☐ Residential developments should be delivered in the most sustainable locations, connectivity is maximised, the need to travel is minimised, and safe and direct walking and cycling routes are provided.

4.3.35 The concerns of the Highway Authority are acknowledged however the proposal is for a single residential dwelling unit to replace buildings that were once used as part of a

working farm which would have generated significantly more vehicular and pedestrian movement. The number of additional traffic movements generated by the single dwelling would be negligible (i.e. 4, two – way vehicular movements per weekday).

4.3.36 The applicant has described in the Transport Note how the scheme is acceptable in highway terms having regard to the follow:

- ☐ The proposal is small scale with one new dwelling
- ☐ The access is safe in terms of pedestrian and vehicular visibility (drivers travelling on Dane End are able to see vehicles exiting the site access at a distance of 75 metres (from the north) and 82 metres (from the south)).
- ☐ Dane End is regularly used by walkers, cyclists and horse riders
- ☐ The carriageway in Dane End has no significant gradient that would make it difficult for people with mobility issues to navigate
- ☐ There is a network of public footpaths in the locality including footpaths directly linking Dane End to Therfield village
- ☐ Vehicle speeds in Dane End are between 20 – 25mph
- ☐ The width of Dane End carriageway (between 3.5m – 5m provides good visibility for motorists and sufficient passing space.
- ☐ There are community transport options available for people with permanent disability

4.3.37 The NPPF states at paragraph 109 that *‘Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.’* However, in this regard it is considered that the provision of one dwelling cannot be deemed significant in scale and paragraph 109 does explain that transport solutions will vary between urban and rural areas.

4.3.38 The NPPF also states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and that where there are groups of smaller settlements, development in one village may support services in a nearby village. In this case there is other residential development nearby including at Hay Green and Therfield. In addition, whilst the NPPF seeks to avoid isolated homes in the countryside, there are several exceptions to this approach, two of which would be relevant to this proposal if it was considered to be in an isolated location. The first exception relates to a development that would represent an optimal viable use of a heritage asset and the second is where a development would re-use redundant or disused buildings and enhance its immediate setting, which would be the case in this instance on both matters.

4.3.39 The location of the site does present an opportunity to walk or cycle to nearby facilities in Therfield or Reed both of which are category ‘A’ villages. This proposal will also include the availability of high-speed broadband for home working and shopping and the proposed installation of electric vehicle charging points are further options which will reduce the reliance on petrol and diesel cars.

4.3.40 Overall the proposed dwelling would be only marginally less accessible to local services than nearby dwellings including those in Hay Green. The limited scale of the

development means that the number of car journeys would not be significant and given the proximity of a range of services in Therfield and Reed and slightly further afield in Royston, the majority of journeys are likely to be short.

- 4.3.41 In taking account all of the above, it is considered that the proposal would be reasonably located in terms of access to local services and facilities and would facilitate sustainable modes of transport in a manner commensurate to its scale and location. The concerns of the Highway Authority are therefore not considered to be justified or sufficient to refuse planning permission on highway grounds in this instance.

4.3.42 Other matters

- 4.3.43 The majority of the application site lies within Flood Zone 1 with only the site frontage and Dane End being within the more vulnerable to flooding area (Zone 2 and 3). The hard-surfaced area within the former farmyard site will be reduced by the introduction of gardens at the rear of the barn and therefore there will be reduced impact with respect to surface water run-off. The height of the application site relative to the adjacent drainage ditch on the opposite side of Dane End is such that there would be no risk to flooding. It should be noted that the Environment Agency have not objected to the proposed development in terms of flood risk.

- 4.3.44 The proposed development, by virtue of its limited scale would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with the criteria set out in Policy D1 'Sustainable Design' of the North Hertfordshire Local Plan 2011-2031 and Section 14 - 'Meeting the challenge of climate change, flooding and coastal change' of the NPPF 2023.

4.3.45 **Conclusion and planning balance**

- 4.3.46 The site is located within the Rural Area Beyond the Green Belt but close to villages that provide local services (such as schools, pub, churches, village halls). The development would contribute in modest way to the Council's housing supply and would enhance local services. The proposal would be in compliance with Policy CGB4 of the Local Plan and the re-use and extension of buildings in the Rural Area Beyond the Green Belt, and paragraph 84 (c) of the NPPF which allows for the housing development in the countryside that would re-use redundant or disused buildings and enhance its immediate setting.

- 4.3.47 The proposal would enhance and conserve a heritage asset (i.e. the Grade II listed barn) and secure its long-term future in conformity with Policy HE1 of the Local Plan and the guidance set out in Section 16 of the NPPF. This aspect of the scheme can be given considerable weight.

- 4.3.48 The dwelling has been designed with a mix of traditional and contemporary features which respect the historic setting of the barn and the setting of the nearby Farm House and also has regard to the rural setting of the area. As such, the proposal is deemed in accordance with Policies SP9 and D1 of the Local Plan and Section 12 of the NPPF. This should be given moderate weight.

- 4.3.49 The proposal is a small site that will deliver measurable gains in biodiversity, in accordance with Policy NE4 of the Local Plan

- 4.3.50 The proposal is considered acceptable in terms of parking provision and highway safety having regard to the low level of traffic on Dane End and the low number of

traffic movement generated. The proposal would comply in general terms with Policies T1 and T2 of the Local Plan.

4.3.51 This application was submitted before December 2023. Therefore, under the provisions the exemption from the requirement to identify a 5-year supply of deliverable housing sites does not apply to this application. It is estimated that the current housing supply is about 3.5 years and consequently in this case the tilted balance set out at paragraph 11 (d) of the Framework applies. It is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.

4.3.52 Overall, taking all matters into account the proposal complies with the Local Plan and the NPPF as a whole and the application is recommended for approval, subject to conditions.

Alternative Options

None applicable

Pre-Commencement Conditions

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

5.0 Legal Implications

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

6.1 That planning permission be **GRANTED** subject to the following conditions:

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. Details and/or samples of materials to be used on all external elevations and the roof

of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. The method of external insulation to include materials to be used, hereby granted planning permission, shall be submitted to and agreed, in writing, by the Local Planning Authority before any works are commenced. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building to which this consent relates and to comply with Policies SP13 and HE1 of the North Hertfordshire Local Plan 2011 to 2031

- 5.
- (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of written information allowing a preliminary environmental risk assessment to be undertaken, which allows the creation of a Conceptual Site Model which indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites), with a view to determining the presence of contamination likely to be harmful to human health, and the built and natural environment.
 - (b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
 - (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
 - (ii) The results from the application of an appropriate risk assessment methodology
 - (c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.
 - (d) This site shall not be occupied, or brought into use, until:
 - (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
 - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
 - (e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

that safeguards human health, the built and natural environment and controlled waters.

6. No works are in any circumstances to commence unless the local planning authority has been provided with either:
 - o a licence issued by Natural England authorizing the specified activity/development to go ahead; or
 - o a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure that works do not result in adverse impacts to protected species. To comply with Policy NE4 of the North Herts Local Plan 2011 - 2031

7. Prior to occupation, the proposed new dwelling, shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality. To comply with Policy D4 of the North Herts Local Plan

8. The development hereby permitted shall be carried out in accordance with the recommended mitigation and enhancements set out in the submitted ecology report by Cherryfield Ecology dated January 2023 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of nature conservation and to comply with Policy NE4 of the North Herts Local Plan 2011 – 2031

9. Prior to the first occupation of the dwelling hereby approved a scheme of sustainable energy saving measures to be incorporated into the dwelling shall be submitted to, and approved in writing by, the Local Planning Authority and implemented on site.

Reason: To address the climate emergency in accordance with Local Plan Policy D1 of the North Herts Local Plan

10. Prior to the relevant phase of works full details of all hard and soft landscaping measures, including boundary treatment, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the setting of the listed building to which this permission relates and to comply with Policies SP13 and HE1 of the North Hertfordshire Local Plan 2011 to 2031

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Environmental Health informatives:

Construction phase:

During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

During the change of use phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

Prior to the commencement of demolition of the existing buildings, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.

EV charging informative:
EV Charging Point Specification:

A charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.
- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>
- o UK Government is intending to issue legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov consultation response.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- o on or within 8 metres of a main river (16 metres if tidal)
- o on or within 8 metres of a flood defence structure or culvert including any buried elements (16 metres if tidal)
- o on or within 16 metres of a sea defence involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- o in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

EA Advice for Applicant Flood resistance and resilience

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings, and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance.

Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction
<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

CIRIA Code of Practice for property flood resilience
https://www.ciria.org/CIRIA/Resources/Free_publications/CoP_for_PFR_resource.aspx

British Standard 85500 - Flood resistant and resilient construction
<https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686>

Signing up for flood warnings

The applicant/occupants should phone Flood line on 0345 988 1188 to register for a flood warning or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email, or text message. Anyone can sign up.

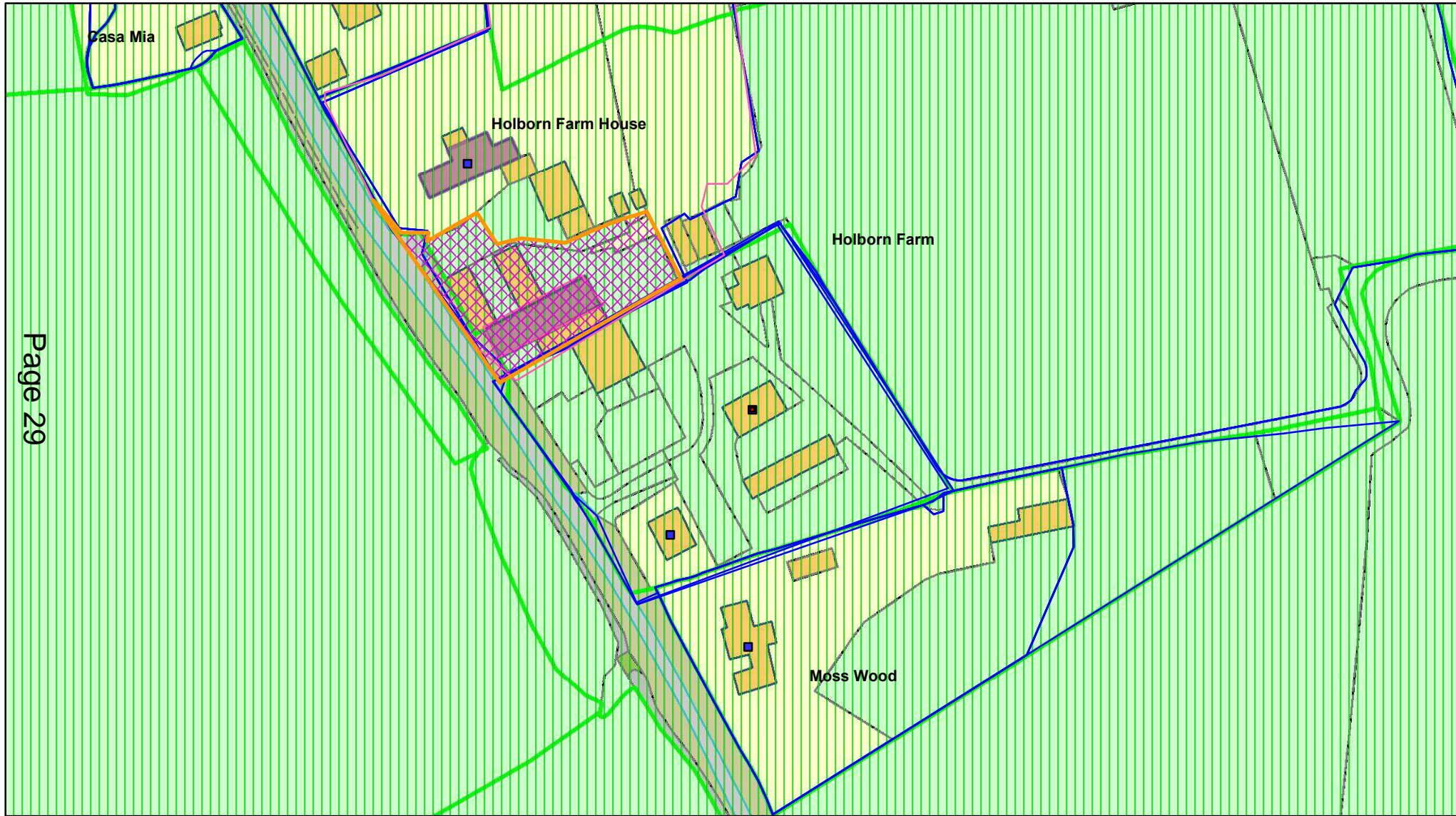
Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, their families, and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>. To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what to do after a flood, visit <https://www.gov.uk/after-flood>.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

23/01220/FP Holborn Farm, Dane End, Therfield, Royston, Hertfordshire, SG8 9RH



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PLANNING CONTROL COMMITTEE

DATE: 11 April 2024

PLANNING APPEALS LODGED

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Bampleton Properties Ltd	19 March 2024	Erection of one 1-bedroom dwelling	Land Adjacent To 7 Butterfield Barley SG8 8FD	23/01967/FP	Written Representations

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PLANNING CONTROL COMMITTEE

DATE: 11 April 2024

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
AGR 4 Solar Limited	Proposed solar farm measuring 88 hectares with associated battery storage containers, transformers stations, storage buildings, fencing etc including means of access (amended plans received 30.05.2022).	Land To The North And East Of Great Wymondley Hertfordshire	21/03380/FP	Planning Permission Granted on 11 March 2024	Secretary of State (Called in Application)	<p>The Secretary of State considered whether there were material considerations which indicate that the proposal should be determined other than in line with the development plan.</p> <p>Weighing in favour of the proposal is the production of renewable energy which the Secretary of State considers carries substantial weight, including the wider environmental benefits associated with increased production of energy from renewable sources, as set out in paragraph 156 (formerly 151) of the Framework and the contribution which the proposals make to the generation of sufficient electricity to meet the requirements of about 31% of the homes in the District; the BNG contribution which carries significant weight, and the deliverability of the scheme which is afforded significant weight. Further to this are the positive benefits arising from the reduction in flood</p>

						<p>risk and contribution to permissive footpaths, to which moderate weight is afforded and from the reversibility of development and economic benefits from employment, which carry limited weight.</p> <p>Weighing against the proposal is harm to the Green Belt which carries substantial weight, harm to heritage which carries great weight and uncertainty about mitigation for displaced Skylarks which carries moderate weight. Further to this, harm is found to the impact on views from Graveley Lane and the Hertfordshire Way which carries considerable weight, to the landscape of the site and its immediate surroundings which carries significant weight and to the effect on landscape character area which carries moderate weight.</p> <p>The Secretary of State has considered paragraph 208 (formerly paragraph 202) of the Framework. He considers that the public benefits of the proposal do outweigh the less than substantial harm to the designated heritage assets and therefore, in his judgement, the Framework's heritage balance is favourable to the proposal.</p> <p>The Secretary of State has</p>
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						<p>considered paragraph 153 (formerly paragraph 148) of the Framework. He considers that the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations, and therefore considers that very special circumstances exist.</p> <p>Overall, in applying section 38(6) of the Planning Compulsory Purchase Act 2004, the Secretary of State considers that the overall accordance with the development plan and the material considerations in this case indicate that permission should be granted.</p>
Bampleton Properties Ltd	Erection of one 2-bedroom dwelling (as amended by plans received 16th June 2023 and 18th July 2023).	Land Adjacent To 7 Butterfield Barley Hertfordshire SG8 8FD	23/01088/FP	Appeal Dismissed On 18 March 2024	Delegated	<p>The Inspector stated that the proposal would conflict with Policies HE1 (Designated Heritage Assets), SP9 (Design and Sustainability) and D1 (Sustainable Design) of the North Hertfordshire Local Plan 2011- 2031 which together, and amongst other matters, state that new development should be well designed and located and respond positively to its context, and that the benefits of development proposals that would lead to less than substantial harm to the significance of designated heritage assets</p>

						should be weighed against such harm. It would also conflict with Chapters 12 and 16 of the Framework, which highlight the importance of high-quality buildings and places and that great weight should be given to the conservation of heritage assets.
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Appeal Decision

Site visit made on 19 January 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2024

Appeal Ref: APP/X1925/W/23/3327637

The Gables, High Street, Barley SG8 8HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Bampleton Properties Ltd against the decision of North Hertfordshire District Council.
 - The application Ref is 23/01088/FP, dated 3 May 2023, was refused by notice dated 26 July 2023.
 - The development proposed is construction of Carriage House at 7 Butterfield to create a 2-bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In reaching this decision, I have had regard to the revised version of the National Planning Policy Framework ('the Framework') which was published on 20 December 2023, and I have sought the parties' comments upon it. Accordingly, no party has been prejudiced by me doing so.

Main Issues

3. The main issues are:
 - the effect of the proposal upon the character and appearance of the area, including Barley Conservation Area ('the CA'), and;
 - the effect of the proposal upon the living conditions of occupiers of 7 Butterfield ('No 7') with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site is an area of grassland, shrubbery, trees and hardstanding located at the southern edge of a modern development of eight properties. Although the development is modern, it has a vernacular character. The western edge of the development, including the appeal site, forms the western edge of Barley, with open countryside beyond.
5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a Conservation Area, that special attention is paid to the desirability of preserving or enhancing the character or appearance of the area.

6. The CA includes much of the village, including the appeal site. Its significance, insofar as it relates to this appeal, is derived from the loose organic grain of the settlement, interspersed with areas of mature trees and landscaping, along with the number of buildings of vernacular design and materials. This loose grain means that the settlement has an open character, with gaps evident between many buildings.
7. The proposal would introduce an additional dwelling to a modern housing development which wraps around two sides of a central paddock which contains a large tree. The appeal site is located at the end of the access road to this development.
8. The design of the proposed dwelling would be similar to examples of outbuildings and converted barns within the village and would make use of vernacular design and traditional materials. In this sense, it would assimilate with its surroundings.
9. However, although the appeal site is located away from the historic core of the village, the wider housing development reflects the character of the village inasmuch as the gaps between and around buildings within it are noticeable and represent a continuation of the loose grain of the settlement.
10. The appeal site currently provides a modest buffer between the wider development and other dwellings around it, and allows views between them, as well as limited views over open countryside to the west. As well as maintaining a sense of openness, this assists in integrating the more modern development into its surroundings.
11. The introduction of the proposed dwelling in a location at the end of the access road of the wider development would lead to the area having a less open character and it would effectively book-end the modern development. Therefore, despite its design and appearance as a converted outbuilding, the proposal would lead to the wider development having a more contained character than at present, and as a result would erode the existing sense of openness of the CA.
12. Therefore, the proposal would lead to less than substantial harm to the significance of the heritage asset. Paragraph 208 of the Framework states that where a development would lead to less than substantial harm to a heritage asset, this harm should be weighed against the public benefits of the proposal.
13. The proposal would represent a modest contribution towards the supply of deliverable housing sites in the area. Having regard to Paragraph 60 of the Framework, which sets out the Government's objective of significantly boosting the supply of homes, this is a moderate benefit of the scheme. Although the appellant has highlighted that the proposal would provide a modest home within a village where there is a shortage of small dwellings, there is no substantive evidence before me to support this. I therefore afford this little weight in favour of the scheme.
14. Additionally, the proposal would lead to some temporary economic benefits during the period of construction, along with longer term economic benefits upon occupation. Given the scale of the proposal, I afford these further benefits minor weight in favour of the scheme. The use of energy efficient construction methods is a further benefit of the scheme, but as there is only limited

evidence before me in relation to how this would be achieved, I afford it very minor weight in favour of the proposal.

15. Weighed against these benefits, is the harm that I have identified to the character and appearance of the CA. Paragraph 205 of the Framework states that great weight should be given to the conservation of heritage assets. Accordingly, I conclude that the benefits of the proposal would not outweigh this harm.
16. The proposal would conflict with Policies HE1, SP9 and D1 of the North Hertfordshire Local Plan (NHLP) which together, and amongst other matters, state that new development should be well designed and located and respond positively to its context, and that the benefits of development proposals that would lead to less than substantial harm to the significance of designated heritage assets should be weighed against such harm. It would also conflict with Chapters 12 and 16 of the Framework, which highlight the importance of high-quality buildings and places and that great weight should be given to the conservation of heritage assets.

Living Conditions

17. The appeal site is slightly raised in comparison to 7 Butterfield which presents a gable elevation to the appeal site. The proposed dwelling would be set towards the eastern extent of the appeal, and would present a front elevation which would be viewed across the front gardens and driveways of 7 Butterfield and its attached neighbours. The garden area of the proposal would be adjacent to the rear garden of 7 Butterfield.
18. The proposal is designed such that it would not be a large building, and even taking account of the minor difference in levels, it would not appear as an excessively large structure in comparison to No 7. Additionally, the areas to the front of the proposal would be retained as visitor parking and part of the road serving the development. This would provide a degree of stand-off between the proposal and the front garden and driveway of No 7. The proposed dwelling would not appear as overbearing or lead to a sense of enclosure when viewed from the areas to the front and side of No 7.
19. The garden area of the proposal would have a closer relationship with the rear garden of No 7. However, again having regard to the levels within the appeal site, I nevertheless conclude that the minor differences in levels and the overall generous size of the garden of No 7 mean that this relationship would also not appear as overbearing such that it would lead to an unacceptable loss of outlook.
20. The proposal would not harm the living conditions of the occupiers of no 7 with particular regard to outlook. It would therefore be in accordance with NHLP Policy D3, which amongst other matters, states that planning permission will be granted for development proposal which do not cause unacceptable harm to living conditions. It would also conflict with Chapter 12 of the Framework, which states that planning decisions should create places that have a high standard of amenity for existing and future users.

Other Matters

21. I have been referred to an approval¹ for new residential development elsewhere within Barley, adjacent to a listed building. However, I have been provided with no details of this proposal or the circumstances of its approval. Furthermore, from the evidence which is before me, the circumstances of the two proposals would appear to differ in terms of context. Accordingly, this is not a determinative factor in reaching my decision.
22. The Council has not raised objections relating to the effect of the proposal upon the occupiers of nearby properties which specific regard to privacy, effects on parking or with regard to landscaping. Even if I were to agree that the proposal was acceptable in these regards, the absence of harm weighs neither for, nor against the proposal.
23. I have had regard to the representations of interested parties, however as I am dismissing the appeal in any event, it has not been necessary for me to address them further within my decision.

Conclusion

24. Although I have concluded that the proposal would not lead to harm to the living conditions of occupiers of nearby residential properties, the proposal would lead to less than substantial harm to a designated heritage asset. For the reasons given above, it would conflict with the development plan when read as a whole.
25. Having regard to all matters raised, there are no material considerations, including the Framework, which would indicate taking a decision other than in accordance with the development plan in this case.
26. Therefore, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR

¹ 18/03295/FP



Department for Levelling Up,
Housing & Communities

Phil Roden
Well House Barns
Bretton
Chester
CH4 0DH

Our ref: APP/X1925/V/23/3323321
Your ref: 21/03380/FP

11 March 2024

By email only
Philliprod@axis.co.uk

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY AGR 4 SOLAR LTD
LAND AT GRAVELEY LANE AND TO THE EAST OF GREAT WYMONDLEY,
HERTFORDSHIRE.
APPLICATION REF: 21/03380/FP**

This decision was made by Simon Hoare MP, Parliamentary Under Secretary of State for Local Government, on behalf of the Secretary of State

1. I am directed by the Secretary of State to say that consideration has been given to the report of Richard Clegg BA(Hons) DMS MRTPI who held a public local inquiry which sat for 7 days between 12 to 22 September 2023 into your clients' planning application for the following development: Proposed solar array with associated battery storage containers and ancillary development including means of access and grid connection cable on land at Graveley Lane and to the east of Great Wymondley, Hertfordshire, in accordance with application Ref. 21/03380/FP, dated 6 December 2021.
2. On 26 May 2023, this application was called in for decision by the Secretary of State by a direction, made under Section 77 of the Town and County Planning Act (TCPA) 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the application be refused. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, but disagrees with his recommendation. He has decided to grant planning permission. The Inspector's Report (IR) is attached. All references to paragraph numbers, unless otherwise stated, are to the IR.

Matters arising since the close of the inquiry

4. A revised version of the National Planning Policy Framework (the Framework) was published on 20 December 2023. The Secretary of State referred back to parties on 17 January 2024. At the same time the updated versions of National Policy Statements (NPS) EN-1 and EN-3 were referenced back for parties to comment on. A list of representations received in response to this letter is at Annex A. These representations,

and responses to them, were circulated to the main parties. The responses covered a range of issues, including, among other matters, the increased emphasis on the requirement for renewable energy, and that this policy statement referred to Nationally Significant Infrastructure Projects (NSIPs) of 50MW or more, which this application is not, and the amendments in relation to Best and Most Versatile (BMV) agricultural land. The Secretary of State has taken these representations into account when reaching his decision. Conclusions on specific matters are set out below. The IR contains paragraph references to the previous version of the Framework; this decision letter refers to both the old and the new paragraph numbers, where these are different.

5. Provisions relating to mandatory Biodiversity Net Gain (BNG) have been commenced for planning permissions granted in respect to an application made on or after 12 February 2024. Permission granted for applications made before this date are not subject to mandatory BNG.

Policy and statutory considerations

6. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
7. In this case the development plan consists of the North Hertfordshire Local Plan (2011-2031), the Wymondley Parish Neighbourhood Plan (2015-2031) and the Hertfordshire Minerals Local Plan Review (2002-2016). The Secretary of State agrees with the Inspector at IR5.1 that the Hertfordshire Waste Core Strategy and Development Management Policies Document, and Hertfordshire Waste Site Allocations Document are not relevant to the application proposal. The Secretary of State considers that relevant development plan policies include those set out at IR5.2-5.8.
8. Other material considerations which the Secretary of State has taken into account include the Framework and associated planning guidance (the Guidance), plus the other publications listed at IR5.9.
9. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

Emerging plan

10. The emerging Hertfordshire Mineral and Waste Local Plan 2040 is at consultation stage. The Local Planning Authority (LPA) has consulted upon a draft version of the Plan and are currently reviewing those comments.
11. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. As the emerging plan is at an early stage, the Secretary of State affords it very limited weight in the determination of this application.

Main issues

12. The Secretary of State agrees that the main issues are those set out by the Inspector at IR 12.1.

Green Belt

13. The Secretary of State agrees with the Inspector and parties that the proposal represents inappropriate development in the Green Belt (IR12.2).
14. For the reasons given in IR12.3-12.4, the Secretary of State agrees with the Inspector that the proposal would have an adverse impact insofar as the spatial aspect of openness is concerned (IR12.3), and would result in a significant loss of openness, both spatially and visually, in the Green Belt (IR12.4).
15. For the reasons given at IR12.6-12.9 the Secretary of State agrees that the introduction of development onto the site, would be harmful to purposes of the Green Belt (a) to check the unrestricted sprawl of large built-up areas, (b) to prevent neighbouring towns merging into one another, (c) assisting in safeguarding the countryside from encroachment and (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
16. Policies SP5 of the Local Plan and GB1 of the Neighbourhood Plan refer to the need to demonstrate Very Special Circumstances (VSCs), and to ensure compliance with Government Green Belt policy respectively. Paragraphs 152-153 (formerly 147-148) of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in VSCs. VSCs will not exist unless the potential harm to the Green Belt and any other harm resulting from the proposal, is clearly outweighed by other considerations. The Secretary of State has gone on to consider these matters. His conclusion on whether VSCs exist, and therefore on whether the application complies with Policies SP5 and GB1 is set out at paragraph 39 below.

Climate Change and Energy Security

17. As a renewable energy scheme, the Secretary of State finds that the proposal accords with Local Plan policy SP11(a). The Secretary of State notes that the proposal would have a 49.995MW export capacity during peak operation (IR4.1) representing an important contribution to the Government's expectation of a five-fold increase in solar deployment by 2035 (IR12.13), and that the District and County Councils both declared a Climate Emergency in 2019 (IR12.14). He further notes that planning permission has only been granted for two solar farms in North Hertfordshire: that both are small with generating capacities of 6MW and 5MW, and that no permission has been granted since 2015 (IR12.15). Local Plan Policy SP1 looks to ensure sustainable development in North Hertfordshire, and specifically refers to providing the necessary infrastructure required to support an increasing population. Like the Inspector in IR5.5, the Secretary of State concludes that Policy SP1 lends support to the application proposals.
18. With regard to the weight to be attached to the development's contribution towards renewable energy targets, the Secretary of State disagrees with the Inspector's conclusion at IR12.16 that these carry significant weight (IR12.16). Rather, he considers that, for the reasons given in paragraph 17 of this letter, plus the generation of sufficient electricity to meet the requirements of about 31% of the homes in the District (IR12.15), and the significance of that contribution towards moving away from reliance on fossil fuel sources of energy, that substantial weight should be afforded to this benefit. .

Character and Appearance

19. The Secretary of State agrees that although the site is considered to be of low sensitivity in landscape terms and to have low-moderate visual sensitivity, its open views would be sensitive to the introduction of further urbanising features (IR12.18). He further agrees that there would be no alteration to the field pattern, and the proximity of the motorway reduces the susceptibility to change (IR12.19). For the reasons given at IR12.19 the Secretary of State agrees that there would be a moderate adverse impact on the landscape character area, both following construction (year 0) and when planting had become established (year 10).
20. The Secretary of State agrees that additional planting would be a positive contribution to the character of the site and its environs (IR12.21). He further agrees that the replacement of large arable fields would represent a major and adverse change to the landscape of the site and given the scale of development, planting would not materially lessen the impact on the local landscape (IR12.21). He agrees that the proposal would not recognise the intrinsic character and beauty of the stretch of countryside to the east of Great Wymondley. For the reasons given at IR12.22 the Secretary of State agrees that the proposed development would not adversely affect the setting of the Chilterns National Landscape approximately 5.3km to the west.
21. For the reasons given at IR12.23 the Secretary of State agrees that in the short-term the introduction of the solar farm would have major to moderate adverse effects from parts of the Hertfordshire Way and Graveley Lane. For the reasons given in IR12.24, the Secretary of State agrees that when planting becomes established it would not compensate for the restriction of views across the open fields of the site from Graveley Lane and the Hertfordshire Way. For the reasons given in IR12.25-12.28, the Secretary of State agrees with the Inspector that the sensitivity of users of the A1(M) is low (IR12.25). Further to this, he agrees that from Graveley Road and the nearby castle remains in Great Wymondley, only heavily filtered views towards the site are available, and planting would restrict these even further and that from western edge of Graveley, the development would have a negligible effect (IR12.27). He also agrees that planting reduces levels of harm to minor for the footpaths described in IR12.26. Like the Inspector, he considers that the proposed development would have a damaging effect on the character and appearance of the area, and it would therefore be contrary to Local Plan Policies SP12, NE2 (IR12.29) and D1, which requires proposals to respond positively to their local context (IR12.64).

Habitats and Biodiversity

22. For the reasons given at IR12.30-12.34, the Secretary of State finds concern with the certainty over the mitigation proposed for displaced skylarks and agrees with the Inspector's conclusion that this carries moderate weight against the proposal (IR12.38).
23. The Secretary of State finds the delivery of BNG of 205.96% in habitat units and 102.29% in hedgerow units (IR12.37) would be a significant positive contribution resulting from the development. He therefore agrees with the Inspector's conclusion at IR12.38 that this carries significant weight.

Heritage Assets

24. For the reasons given at IR12.40-12.45, the Secretary of State agrees with the Inspector at IR12.45 that the proposal would detract from the setting of Great Wymondley Conservation Area (GWCA) and the scheduled monument of Great Wymondley Castle,

with the harm to the GWCA at the upper end of the less than substantial harm spectrum and to the castle at the lower end.

25. The Secretary of State has carefully considered the reasons given at IR12.46-IR12.49 in relation to the grade I listed Wymondley Priory, however he disagrees with the Inspector's assessment at IR12.49 that the proposal would cause serious harm to the setting of the scheduled monument, together with that of the grade I listed priory and the grade II* listed nearby tithe barn, and less than substantial harm to the contribution which setting makes to their significance. As set out at IR12.48 the intervisibility between the priory and the application site is limited, and the proposed planting would restrict this further. The Secretary of State considers that the proposed development retains visual separation between the priory complex and the farmland setting would remain as a result of the proposed development, as would the ability to appreciate the contribution of that setting to the significance of the priory complex. He therefore concludes that there would be a moderate level of harm to the setting of the scheduled monument. Like the Inspector concludes at IR12.48, the Secretary of State agrees concern does not extend to the conduit head due to its concealment by existing trees and whose relationship with the main complex across open farmland would remain distinct.
26. For the reasons given at IR12.50-12.51, the Secretary of State agrees with the Inspector that the proposed development would not materially affect the setting of the grade II* listed St. Mary's Church and the grade II listed buildings at Graveley Hall Farm.
27. As per paragraph 205 (formerly 199) of the framework, at IR12.89 the Inspector assigns great weight to the collective harm to all the Heritage Assets and concludes the proposal would conflict with Local and Neighbourhood Plan policies. The Secretary of State notes out of the four groups of heritage assets, the Inspector finds no material effect to two groups. The Secretary of State notes the Inspector's analysis of paragraph 208 of the Framework (formerly paragraph 202) and the Inspector's assessment of the public benefits of the scheme at IR12.87-88. The Inspector does not find conflict with Local Plan policies HE3 and HE4, relating to heritage, with which the Secretary of State agrees. Local Plan policy SP13 explains that, when considering the impact of development on the significance of a designated heritage asset, great weight will be given to the asset's conservation and the management of its setting. Local Plan policy HE1 requires less than substantial harm to the significance of a designated heritage asset to be assessed against the public benefits of the development proposed, mirroring the heritage test set out in paragraph 208 (formerly paragraph 202) of the Framework. He has returned to this matter at paragraph 38 below.

Agricultural Land

28. For the reasons given at IR12.55-12.61 the Secretary of State agrees that the proposed development would be consistent with the provisions of paragraph 180(b) (formerly 174) of the Framework. Like the Inspector, the Secretary of State agrees the proposal would enable agricultural use of the land to continue through grazing.
29. Footnote 62 of the Framework, concerning the importance of the availability of agricultural land used for food production has been given further consideration in relation to this application. The Secretary of State upholds his opinion that the proposed development would be consistent with paragraph 180(b) (formerly 174) of the Framework and finds the updated Footnote 62 to have limited bearing on the application.

Site Selection

30. The Secretary of State notes the Inspector's concerns set out at IR12.77 and his conclusion that the site selection exercise does not provide clear support for the development of the solar farm on the application site. He has carefully considered the assessment of six extra-high voltage substations, and six 132kV substations, plus the applicant's evidence at IR7.1 and 7.2 concerning engagement with other potential sites to the west and south. He disagrees with the Inspector's conclusions in this regard and in his judgement, he considers that the selection of the application site followed a robust and reasonable approach to site selection.
31. Further to this, the Secretary of State agrees with the Inspector for the reasons given at IR12.79 and IR12.88 that the scheme's availability and deliverability and the urgency of addressing the climate crisis, are matters which lend significant support to the proposal, and he considers these matters attract significant weight.

Other benefits or disbenefits to be weighed in the planning balance

32. The Secretary of State agrees that the economic benefits arising from employment (IR12.86) and the reversibility of the development (IR12.88) should be taken into account and considers they should hold limited weight.
33. Furthermore, the Secretary of State agrees that the reduction in flood risk (IR12.68) and the provision of permissive paths (IR12.85) should carry moderate weight.

Planning conditions

34. The Secretary of State had regard to the Inspector's analysis at IR12.87, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 56 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 56 of the Framework and that the conditions set out at Annex B should form part of his decision.

Planning balance and overall conclusion

35. For the reasons given above, the Secretary of State has found that the application is in conflict with Local Plan policies SP12, NE2 and D1 in relation to impact on landscape and character. With regard to heritage, the Secretary of State, like the Inspector finds that there is compliance with Policy HE3 and HE4, however given his findings with regard to the heritage balance set out at para 38 below, he also finds, unlike the Inspector, that the proposals are compliant with policies SP13 and HE1. He also finds the application to be compliant with local policies relating to biodiversity, BMV land and flooding. The Secretary of State also finds that the proposal is in accordance with Policy SP5 and NP Policy GB1 given that he deems (in para 39 below) that there are VSCs which outweigh the harm to the Green Belt. Given his findings in respect of Green Belt and heritage matters above, and his overall conclusions in respect of the scheme, the Secretary of state also concludes that the scheme complies with Local Plan policies SP11(a) and SP1. Taking into account his conclusions set out above, the Secretary of State has concluded that overall, the application is in broad compliance with the development plan taken as a whole. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in line with the development plan.
36. Weighing in favour of the proposal is the production of renewable energy which the Secretary of State considers carries substantial weight, including the wider environmental

benefits associated with increased production of energy from renewable sources, as set out in paragraph 156 (formerly 151) of the Framework and the contribution which the proposals make to the generation of sufficient electricity to meet the requirements of about 31% of the homes in the District; the BNG contribution which carries significant weight, and the deliverability of the scheme which is afforded significant weight. Further to this are the positive benefits arising from the reduction in flood risk and contribution to permissive footpaths, to which moderate weight is afforded and from the reversibility of development and economic benefits from employment, which carry limited weight.

37. Weighing against the proposal is harm to the Green Belt which carries substantial weight, harm to heritage which carries great weight and uncertainty about mitigation for displaced Skylarks which carries moderate weight. Further to this, harm is found to the impact on views from Graveley Lane and the Hertfordshire Way which carries considerable weight, to the landscape of the site and its immediate surroundings which carries significant weight and to the effect on landscape character area which carries moderate weight.
38. The Secretary of State has considered paragraph 208 (formerly paragraph 202) of the Framework. He considers that the public benefits of the proposal do outweigh the less than substantial harm to the designated heritage assets and therefore, in his judgement, the Framework's heritage balance is favourable to the proposal.
39. The Secretary of State has considered paragraph 153 (formerly paragraph 148) of the Framework. He considers that the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations, and therefore considers that VSCs exist.
40. Overall, in applying s.38(6) of the PCPA 2004, the Secretary of State considers that the overall accordance with the development plan and the material considerations in this case indicate that permission should be granted.
41. The Secretary of State therefore concludes that planning permission for the application should be granted.

Formal decision

42. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby grants planning permission for a solar array with associated battery storage containers and ancillary development including means of access and grid connection cable, in accordance with application Ref. 21/03380/FP, dated 6 December 2021.

Right to challenge the decision

43. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the TCPA 1990.
44. A copy of this letter has been sent to North Hertfordshire Council, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

L. Thomas

Decision officer

This decision was made by the Parliamentary Under Secretary of State for Local Government, Simon Hoare MP, on behalf of the Secretary of State, and signed on his behalf

Annex A Schedule of representations

Representations received in response to the Secretary of State's reference back letter of

Party	Date
Joint Objector's Group – Jed Griffiths	28 January 2024
Axis (on behalf of the applicant)	31 January 2024

Representations received in response to the Secretary of State's recirculation letter of

Party	Date
North Hertfordshire Council	7 February 2024
Joint Objector's Group – Jed Griffiths	12 February 2024

Annex B List of Conditions

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

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans/drawings:
 - i) Drawing No. 3004-01-001 Rev B – location plan
 - ii) Drawing No. 3004-01-002 Rev B – statutory plan (location plan)
 - iii) Drawing No. 3004-01-003 Rev F – general arrangement (site plan)
 - iv) Drawing No. 3004-01-012 Rev F – landscape proposals
 - v) Drawing No. 3004-01-004 – illustrative PV frame and panels
 - vi) Drawing No. 3004-01-005 – indicative inverter-transformer station
 - vii) Drawing No. 3004-01-006 – storage building
 - viii) Drawing No. 3004-01-007 – control building
 - ix) Drawing No. 3004-01-008 – switchgear building
 - x) Drawing No. 3004-01-009 – battery storage container
 - xi) Drawing No. 3004-01-010 Rev A - indicative deer/stock fencing, access track and CCTV
 - xii) Drawing No. 3004-01-011 – typical cable trench
 - xiii) Drawing No. 3004-01-D04 – proposed passing place and junction visibility splays
 - xiv) Drawing No. 3004-01-D05- forward visibility splays
 - xv) Drawing No. 3004-01-ATR03 - swept path assessment – northern access
 - xvi) Drawing No. 3004-01-ATR01 Rev D - swept path assessment construction phase.

Reason - To provide certainty.

- 3) Notwithstanding condition No 2, no development (excluding demolition, tree protection works, groundworks/investigations) shall take place until details (including layout, materials, colour and finish) of the following have been submitted to and approved in writing by the Local Planning Authority:
 - i) solar panels and frames.
 - ii) CCTV columns.

iii) Satellite communication dish and column.

iv) Location of ancillary buildings, and details of equipment and enclosures

The development shall be carried out in accordance with the approved details and maintained thereafter.

Reason: To protect the character of the area.

- 4) Within 1 month of the date of first export of electricity to the National Grid (the date of first export) confirmation shall be given in writing to the Local Planning Authority of the same. The development hereby permitted shall cease on or before the expiry of a 40 years period from the date of first export. The land shall thereafter be restored to its former condition in accordance with a scheme of decommissioning work and an ecological assessment report detailing site requirements in respect of retaining ecological features.

The scheme of decommissioning work and the ecological assessment report shall be submitted to and approved in writing by the Local Planning Authority no later than 39 years from the date of first export and subsequently implemented as approved.

Reason - For the protection of the Green Belt and in accordance with the time limited nature of the application.

- 5) In the event that the development hereby permitted ceases to export electricity to the grid for a continuous period of 12 months at any point after the date of first export (other than for operational reasons outside of the operator's control), a scheme of early decommissioning works (the early decommissioning scheme) and an ecological assessment report detailing site requirements in respect of retaining ecological features (the early ecological assessment report) shall be submitted no later than 3 months after the end of the 12 months non-electricity generating period to the Local Planning Authority for its approval in writing. The approved early decommissioning scheme and the approved early ecological assessment report shall be implemented in full in accordance with a timetable that shall be set out in the early decommissioning scheme.

Reason - The use and associated buildings and structures are not in accordance with national and local policy for the protection of the Green Belt. The use and associated buildings and structures should therefore be removed as soon as possible if the solar farm is no longer required.

- 6) No development shall take place (including demolition, ground works and vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The CEMP shall include details of the following:
- i) A timetable for the construction works.
 - ii) The control and management of noise and dust during the construction phase.
 - iii) On-site waste management.
 - iv) A risk assessment of potentially damaging construction activities.

- v) Identification of biodiversity protection zones.
- vi) Physical measures and sensitive working practices to avoid or reduce impacts during construction (which may be provided as a set of method statements).
- vii) The location and timing of sensitive works to avoid harm to biodiversity features.
- viii) The times during the construction period when specialist ecologists need to be present on site to oversee works.
- ix) Responsible persons and lines of communication.
- x) The role and responsibilities on site of an ecological clerk of works or similar competent person.
- xi) The use of protective fences, exclusion barriers and warning signs.
- xii) Soil management across the site.
- xiii) A flood management plan, which shall include a requirement for the contractor to sign up to the Environment Agency flood warning service, and which shall set out the actions to be taken in the event that a flood alert and/or flood warning is received from the Environment Agency (including a requirement that no new trenches are excavated until the Environment Agency has issued an All Clear).
- xiv) Construction and storage compounds, and post-construction reinstatement of these areas.

The development shall be implemented in accordance with the approved CEMP throughout the construction period.

Reason – To safeguard the living conditions of nearby residents, to ensure that construction works do not have a harmful environmental effect, and to ensure that there is no obstruction to flood water flows and no increase in flood risk elsewhere during construction of the development.

- 7) During the installation of underground cables, no spoil or material shall be stored adjacent to Stevenage Road, Little Wymondley within the extent of flood zone 3, nor along any part of Priory Lane.

Reason: To ensure that the storage of spoil and other material does not impede flood water flows nor increase flood risk during construction of the development, and to comply with Policy NE7 of the North Hertfordshire Local Plan 2011-2031.

- 8) No development shall take place until a construction traffic management plan (CTMP) has been submitted to, and approved in writing by, the local planning authority. The CTMP shall include details of the following:
 - i) Construction vehicle numbers, type and routeing.
 - ii) Access arrangements onto the site.
 - iii) Traffic management measures

- iv) Areas designated for car parking, loading/unloading and vehicle turning.
- v) Wheel washing facilities.
- vi) Arrangements for the cleaning of site entrances, internal site tracks and the adjacent public highway.

The development shall be implemented in accordance with the approved CTMP throughout the construction period.

Reason - In the interest of highway safety, to safeguard the living conditions of local residents, and to ensure that construction traffic does not have a harmful environmental effect.

- 9) No development shall take place until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The LEMP shall include the following:
- i) Description and evaluation of features to be managed.
 - ii) Ecological trends and constraints on the site that might influence management.
 - iii) The aims and objectives of management.
 - iv) Appropriate management options for achieving aims and objectives.
 - v) Prescriptions for management action.
 - vi) A work schedule, including an annual work plan capable of being rolled forward over five-year periods to a minimum period of 30 years from the date of first export of electricity to the grid.
 - vii) Details of the organisation responsible for implementation of the plan.
 - viii) Ongoing monitoring and remedial measures.
 - ix) Details of species selected to achieve target habitat conditions as identified in the biodiversity metric 4.0 and stated and marked on plans.
 - x) Measures to safeguard wildlife, in accordance with paragraphs 4.7.1-4.7.46 of the Ecological Assessment Report ref AxisL-043—1480.
 - xi) Details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured.
 - xii) The means by which contingencies and/or remedial action will be identified, agreed and implemented in order that the development delivers the biodiversity objectives of the approved scheme.

The development shall be carried out in accordance with the approved LEMP.

Reason - To ensure the delivery of measurable biodiversity net gain.

- 10) No development shall take place until a fire risk management plan (FRMP) has been submitted to, and approved in writing by, the Local Planning Authority. The FRMP

shall include details of battery management, response to fire at the development, and emergency vehicle access.

Reason - To manage fire risk and ensure public safety.

- 11) No external lighting shall be installed on the site before a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be designed in accordance with the advice on lighting set out in the Institute of Lighting Professionals (ILP) (2023) Guidance Note 8/18: Bats and Artificial Lighting in the UK- Bats and the Built Environment Series. BCT London (or any successor document). The lighting shall be installed in accordance with the approved scheme.

Reason: To prevent light pollution, to protect the character of the area, and to avoid harm to bats.

- 12) Notwithstanding any details submitted, no development shall take place until details of hard and soft landscaping (the landscaping scheme) have been submitted to, and approved in writing by, the local planning authority. The landscaping scheme shall include details of the following:

- i) A timetable for implementation of the scheme.
- ii) External hard surfacing materials.
- iii) Means of enclosure.
- iv) Proposed and existing services above and below ground.
- v) Soft landscape works including planting plans, written specifications for cultivation and other operations associated with plant and grass establishment, and schedules of plants including species, plant sizes and proposed numbers or densities.
- vi) Finished levels and contours.

The landscaping shall be implemented in accordance with the approved scheme and timetable. Any tree or shrub which forms part of the approved landscaping scheme, and which, within a period of 5 years from planting, fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be agreed with the local planning authority.

Reason – To safeguard the character and appearance of the area.

- 13) Notwithstanding the submitted Archaeological Mitigation Strategy – Written Scheme of Investigation (WSI) by AOC Archaeology Group, ref 25806/80064, no development shall take place until the pre-development actions specified in a revised WSI, which has been submitted to and approved in writing by the local planning authority, have been completed. The scheme shall include:

- i) The programme and methodology of site investigation and recording.
- ii) Identification of the no-dig areas.

- iii) The programme for post investigation assessment.
- iv) Arrangements for analysis of the site investigation and recording.
- v) Arrangements for publication and dissemination of the analysis and records of the site investigation.
- vi) Arrangements for archive deposition of the analysis and records of the site investigation.
- vii) Nomination of a competent person or organisation to undertake the works set out within the revised WSI.

The development shall take place in accordance with the programme of archaeological works set out in the approved WSI.

Reason –To safeguard and to ensure the investigation and recording of archaeological assets within the site.

14)No excavation activities shall be undertaken within the no-dig areas identified in the revised WSI.

Reason - To safeguard archaeological assets within the site.

15)During the construction phase of the development hereby approved no construction activities shall take place outside the following hours: Monday to Friday 08:00-18:00, and Saturdays 08:00-13:00. No construction activities shall take place at any time on Sundays or bank holidays, and piling shall only be undertaken between 09.00 and 17.00 Monday to Friday.

Reason: To protect the living conditions of local residents in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

16)No noise generating plant shall be installed before details of such plant and any mitigation measures, which demonstrate compliance with the source noise levels detailed in Section 6.2.3 of the Noise Impact Assessment reference R21.0906/DRK dated 7 October 2021, have been submitted to, and approved in writing by, the Local Planning Authority. The plant shall be installed in accordance with the approved scheme.

Reason: To protect the living conditions of local residents in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

17)No development, including ground works and ground preparation works, shall take place until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The submitted surface water drainage scheme shall include:

- i) Methods to ensure that surface water run-off generated from the development site does not exceed run-off rates from the undeveloped site for the corresponding rainfall event up to and including 1 in 100 years + climate change critical storm.

- ii) Methods to ensure that the scheme provides betterment in respect of the pre-development overland flow paths for the 1 in 30-year event.
- iii) A condition survey of the 285m culvert that crosses the northern part of the site.
- iv) Retention of the existing overland flow pathways across the site free of obstruction.
- v) Detailed drawings of the attenuation basins including location, size, volume, depth, inlet and outlet features, connecting pipe runs and all calculations and modelling to ensure that the scheme caters for all rainfall events up to and including the 1 in 100 year plus climate change event.
- vi) Detailed drawings of all proposed discharge locations, including headwall details, and evidence of land ownership with evidence of any required third-party permissions.
- vii) Run-off quality treatment.
- viii) Provision of half drain down times for surface water drainage features within 24 hours.
- ix) Silt traps for protection of any residual tanked elements.
- x) Arrangements for maintenance and management of the scheme.
- xi) A timetable for implementation of the scheme.

The development shall be carried out in accordance with the approved scheme and timetable.

Reason – To ensure adequate drainage provision and to avoid an increased risk of flooding, both on and off the site.

18) No development shall take place until a scheme of interim and temporary drainage measures during the construction period have been submitted to, and approved in writing by, the local planning authority. The scheme shall provide full details of the responsibility for maintaining the temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. Construction shall be carried out in accordance with the approved scheme.

Reason - To ensure adequate drainage provision and to prevent flooding and pollution offsite.

19) No electricity shall be exported to the National Grid, until, upon completion of the surface water drainage/flood management works for the development hereby permitted, the following documents have been submitted to and approved in writing by the Local Planning Authority:

- i) Provision of a verification report, including evidence demonstrating that the approved construction details and specifications have been implemented in

accordance with the surface water drainage scheme. The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structures (during construction and final make up) and the control mechanism.

- ii) Provision of a complete set of built drawings for site drainage.
- iii) A management and maintenance plan for the sustainable drainage features and drainage network.
- iv) The management and maintenance plan for the sustainable drainage features and drainage network shall be implemented as approved.

Reason - To ensure adequate drainage provision and to avoid an increased risk of flooding, both on and off the site.

20) No excavation of trenches for cabling within Wymondley Transforming Station Local Wildlife Site (LWS) shall take place until a soil management plan has been submitted to and approved in writing by the Local Planning Authority. The soil management plan shall include the following:

- i) An ecological survey of the route across the LWS.
- ii) Details relating to the lifting, storage and replacement of turves, including the season when this will take place.
- iii) Proposed aftercare and management.

The works shall be undertaken in accordance with the approved management plan.

Reason - To minimise the impact upon the ecological and biodiversity interest of the Wymondley Transforming Station LWS in accordance with Policy NE4 of the North Hertfordshire Local Plan 2011-2031.

21) No development shall take place until an arboricultural method statement identifying measures to protect trees and hedgerows to be retained, has been submitted to, and approved in writing by, the local planning authority. The statement shall include a tree and hedgerow protection plan and measures to protect trees and hedgerows during site preparation, construction, and landscaping operations.

Reason - To protect trees and hedgerows, and to safeguard the character and appearance of the area.

22) No development shall take place until a skylark mitigation strategy has been submitted to, and approved in writing, by the local planning authority. The skylark mitigation strategy shall include details of the following:

- i) Identification of the proposed area for the implementation of mitigation.
- ii) Details of how the area will be managed.
- iii) Arrangements to secure the delivery of proposed measures, including a timetable of delivery; and a management and monitoring plan for a period of not less than 5 years

from the date of first export of electricity to the grid. Ecological monitoring reports should be submitted to the Local Planning Authority in year 2 and year 5 of the plan.

- iv) Identification of persons responsible for implementing the measures included in the strategy.

The development shall be carried out in accordance with the approved strategy and timetable, and the mitigation measures shall be retained for the lifetime of the development.

Reason – To provide alternative foraging and nesting opportunities for skylarks displaced from the application site.

- 23) No electricity shall be exported to the National Grid until a grazing management plan (GMP) has been submitted to and approved in writing by the Local Planning Authority. The GMP shall detail which parts of the site shall be used for the grazing of livestock, during which months of the year, and how the grazing is to be managed. Within three years of the date of first export, the grazing of livestock shall commence on the site in accordance with the GMP. The approved GMP shall be implemented thereafter. Any changes to the GMP during the lifetime of the permission shall be submitted to the Local Planning Authority for approval in writing and shall not be carried out except in accordance with the approved revised GMP.

Reason - To ensure that agricultural use continues on the site.

- 24) No electricity shall be exported to the National Grid until a scheme relating to the proposed permissive footpaths shown on submitted drawing No. 3004-01-003 Rev F has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of surfacing, a timetable for implementation, signage, waymarks and interpretative panels relating to the proposal. The footpaths shall be implemented and made available for public use in accordance with the approved scheme and timetable.

Reason - To enhance pedestrian movement within and around the site.

- 25) No development shall take place until detailed engineering drawings of the accesses, as shown on plans ref 3004-01-D04 and 3004-01-D05, have been submitted to, and approved in writing by, the Local Planning Authority. The drawings shall include details of hardsurfacing for at least the first 20 metres from the back edge of the carriageway and associated drainage, and visibility splays of 2.4m x 105m to the west and 2.4m x 148m to the east, within which there shall be no vertical obstruction between 0.6m and 2m. No other development shall take place until the site accesses arrangements have been constructed in accordance with the approved drawings.

Reason – In the interest of highway safety.

- 26) No development shall take place until detailed engineering drawings of the passing bay on Graveley Lane, as shown on plans ref 3004-01-D04 and 3004-01-D05 have been submitted to, and approved in writing by, the Local Planning Authority. The drawings shall include measures to demonstrate how the passing bay will be prevented from being used for parking purposes. No other development shall take place until the passing bay has been provided in accordance with the approved drawings.

Reason – In the interest of highway safety and the free movement of traffic.

27) Within 3 months of completion of construction, both accesses shall be modified in accordance with detailed engineering drawings which have been submitted to and approved in writing by the Local Planning Authority. The revised designs shall reduce the width of both site accesses and provide associated tighter kerb radii to accommodate ongoing maintenance and agricultural vehicles.

Reason: To ensure the provision of an appropriate standard of access for the operational development and to protect the character and appearance of the area.

28) Within 3 months of completion of construction, the passing bay on Graveley Lane shall be removed, and the verge/embankment and vegetation reinstated, in accordance with detailed engineering drawings which have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area and in the interest of biodiversity.



Report to the Secretary of State for Levelling Up, Housing & Communities

by Richard Clegg BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Date 11 December 2023

TOWN AND COUNTRY PLANNING ACT 1990 NORTH HERTFORDSHIRE DISTRICT COUNCIL

APPLICATION BY AGR 4 SOLAR LTD

Inquiry opened on 12 September 2023

Land at Graveley Lane and to the east of Great Wymondley

File Ref: APP/X1925/V/23/3323321

File Ref: APP/X1925/V/23/3323321

Land at Graveley Lane and to the east of Great Wymondley, Hertfordshire.

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 26 May 2023.
- The application is made by AGR 4 Solar Ltd to North Hertfordshire District Council.
- The application Ref 21/03380/FP is dated 6 December 2021.
- The development proposed is described as 'a photovoltaic solar array on land at Priory Farm to the east of Great Wymondley, North Hertfordshire'.
- The reason given for making the direction was that the Secretary of State decided, in the light of his policy on calling in planning applications, that the application should be called in.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application:
 - a) The extent to which the proposed development is consistent with Government policies for protecting Green Belt land as set out in the National Planning Policy Framework (NPPF) (Chapter 13);
 - b) 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);
 - c) 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);
 - d) The extent to which the proposed development is consistent with the development plan for the area; and
 - e) Any other matters the Inspector considers relevant.
- The inquiry sat for seven days: 12-15, 19, 20 & 22 September 2023.
- Site visits took place on 21 & 22 September 2023.

Summary of Recommendation: That planning permission be refused.

1. Procedural Matters

- 1.1 The Joint Objectors Group (JOG), comprising Great Wymondley Village Association and Wymondley Parish Council, served a statement of case in accordance with Rule 6(6) of the Town and Country Planning (Inquiries procedure) (England) Rules 2000, and it took a full part in the proceedings of the inquiry. Together with the Applicant and the Local Planning Authority (LPA) it is a main party in the consideration of this application.
- 1.2 A case management conference was held on 18 July 2023 to consider the ongoing management of the case and arrangements for the inquiry. There was no discussion of the merits of any parties' cases at the conference. A note of the meeting (core document 139 (CD139)) was posted on the website for the inquiry, which can be accessed via the following link: [Solar Farm Public Inquiry North Herts Council \(north-herts.gov.uk\)](https://www.north-herts.gov.uk/solar-farm-public-inquiry) . The website includes all core documents.
- 1.3 On the application form, the location of the site is given as *Priory Farm, Graveley Lane, Great Wymondley*. At the case management conference, it was agreed that the site should be referred to as *Land at Graveley Lane and to the east of Great Wymondley*, and I have identified it accordingly in the application details above.
- 1.4 It was also agreed at the case management conference that the proposal should be described as *a solar array with associated battery storage containers, and*

ancillary development including means of access and grid connection cable, and I have considered the application on this basis.

- 1.5 The statement of common ground between the Applicant and the LPA (CD140) identifies the plans which were considered by the LPA. The location plan (CD13) only shows a short section of the cable route, whereas it is clear from the planning and design & access statement¹ and the statutory plan (CD14) that the full length of the cable route to Wymondley sub-station forms part of the application site. The submitted plan of the construction phase swept paths at the site accesses from Graveley Lane (CD28) had not been updated with the revised access configuration on the north side of the road, as shown on the site plan (CD16) and the plan of the revised northern access arrangements (CD27). Revised plans were submitted during the inquiry by the Applicant to address these discrepancies (CDs 208 & 217): there was no dispute from other parties that the revised plans correctly show the proposed scheme. I am satisfied that no prejudice would be caused to any party by taking the revised plans into account in considering the application, and I have proceeded accordingly.
- 1.6 The site plan (CD16) shows two surface water attenuation basins, whereas in evidence to the inquiry, the Applicant's flood risk witness proposed three such basins (CD163, para 4.32). It is suggested by the main parties that, should planning permission be granted, a surface water drainage scheme would be required by means of a condition. That scheme would include details of attenuation basins. Moreover the main parties, including the JOG, had the opportunity to discuss the proposed surface water drainage arrangements at the inquiry. I do not consider that the proposed change would materially alter the proposal nor that any prejudice would be caused by taking it into account in my consideration of the proposed development.
- 1.7 On drawing ref 3004-01-D04 (CD25), the plan which shows the southern access junction visibility splays includes a note which incorrectly refers to the 2.4m x 105m splay envelope as being to the east of the junction. It is clear from the plan that this splay envelope is on the west side of the junction.
- 1.8 On 5 September 2023, shortly before the inquiry was due to open, the Government issued a revised version of the NPPF (CD56). The revised NPPF was drawn to the attention of the main parties, and it is this version which I have taken into account in my consideration of the application.
- 1.9 The Chilterns Area of Outstanding Natural Beauty (AONB) has been referred to in documents for this case and was mentioned at the inquiry. On 22 November 2023, all AONBs became known as national landscapes. Consequently, I have referred to The Chilterns AONB as The Chilterns National Landscape in this report. The policy status of the area is unchanged
- 1.10 The matters on which the Secretary of State particularly wishes to be informed refer to Chapter 14 of the NPPF. The content of this chapter concerning coastal change is not relevant to the application, and I have framed my main considerations accordingly (below, para 12.1).

¹ CD14, para 2.1.1.

- 1.11 This report contains a description of the site and its surroundings, an explanation of the proposal, identification of relevant planning policies, details of agreed matters, and the gist of the submissions made at the inquiry and in writing, followed by my conclusions and recommendation. Sections 7 - 10 set out the material points of the parties' cases, and do not form part of the conclusions. Lists of possible conditions, appearances and inquiry documents are appended.

2. The Site and Surroundings

- 2.1 The main part of the site comprises two large parcels of land to the north and south of Graveley Lane, a minor road which runs between Great Wymondley and Graveley. On the east side of this land is the A1(M) motorway, and Priory Lane leads south from the western end of Graveley Lane to Little Wymondley.
- 2.2 The site lies in an area of countryside between the towns of Letchworth Garden City, Hitchin and Stevenage, where the two large parcels form part of a more extensive area of gently undulating agricultural land, including fields in arable use. The small settlements of Great Wymondley and Graveley are nearby: Great Wymondley is a short distance to the west of the main part of the application site, whilst Graveley is situated on the east side of the A1(M). Little Wymondley is about 600m to the south-west of the southern parcel of the site, and the cable route passes along roads through this settlement to the sub-station at Wymondley Transforming Station which is further to the south-west. The transforming station is contained by Wymondley Transforming Station Local Wildlife Site (LWS)². The Chilterns National Landscape is about 5.3km to the west³.
- 2.3 There are a large number of heritage assets in the vicinity of the site⁴. Great Wymondley Conservation Area includes several listed buildings, and to the south is the main part of the scheduled monument of Wymondley Priory: a detached part of the monument – the Conduit Head – is situated within a field about 70m to the west of the southern parcel of the application site. There is evidence of a Roman settlement between Great Wymondley and the site⁵, and archaeological remains have been found on and around the land.
- 2.4 The application site amounts to about 88ha, the majority of which (84.7ha) is contained in the parcels of land to the north and south of Graveley Lane. This land slopes down in a westerly and south-westerly direction from about 110m above Ordnance Datum (AOD) to about 90m AOD⁶. It is currently cultivated as arable fields, with hedgerows and groups of trees on field boundaries. In terms of land quality, 32.2% is grade 2 and 67.8% is sub-grade 3a⁷, categories which are recognised in the NPPF as being included in the best and most versatile (BMV) agricultural land. The Applicant has submitted an extract from Natural England's Likelihood of BMV maps, which also identifies much of the land in the surrounding area as having a high likelihood of falling within the BMV category⁸.

² CD7, paras 4.2.5 & 4.2.6.

³ CD140, para 2.1.5. The location of the AONB is shown on the maps at CDs 211 & 212.

⁴ CD5 -Heritage Impact Assessment – see plans at figures 2-5 and site gazetteer at appendix 2.

⁵ CD2, para 2.1.13.

⁶ CD140, para 2.1.7.

⁷ CD169, para 3.4.

⁸ CD169, para 3.2 and insert 2.

A long-distance footpath – the Hertfordshire Way – runs along the northern and north-eastern boundaries of the northern parcel of farmland. The site also includes the cable route along roads through Little Wymondley to the sub-station, and two strips of land along field boundaries to the west of the southern parcel. With the exception of about 700m of the cable route along Stevenage Road which is in flood zone 3, the site is in flood zone 1⁹.

3. Planning History

- 3.1 My attention has not been drawn to any previous relevant planning applications on the appeal site.

4. The Proposal

- 4.1 The proposed development is described in the statement of common ground and shown on the submitted plans¹⁰. It would have the capacity to export up to 49.995MW of electricity to the National Grid during peak operation¹¹. Solar panels would extend in arrays across the large fields which comprise the north and south parcels of the site. A geophysical survey identified three concentrations of anomalies of archaeological origin¹². These have been used to define archaeologically sensitive areas where the panels would be installed using a no-dig method¹³. Elsewhere the panels would be mounted on posts driven into the ground.
- 4.2 A number of inverter/ transformer stations and battery storage containers would be located alongside access tracks within the two parcels, and a control building, a storage building, and a switchgear building would be positioned close to the access to the northern parcel. Access to both parcels would be taken directly from Graveley Lane: to the southern parcel by an upgraded field access, whilst a new access would be formed to the northern parcel. Tree and hedgerow planting would be undertaken within and around the site, and a 12m buffer would be established around the perimeter of the fields to encourage an increase in biodiversity. Planting would also take place on the two strips of land to the west of the southern parcel. Stock fencing to a height of 2.1m would be erected around the arrays and set back from the buffer strips and boundary planting, and close circuit television cameras (CCTV) would be mounted on 4m high posts on this part of the site.
- 4.3 The drainage scheme proposed for the site includes three surface water attenuation basins and three surface water detention basins to hold water from the access tracks and hardstandings and from the panelled part of the site respectively. At the inquiry, the Applicant's flood risk witness confirmed that, notwithstanding their differing names, all the basins were intended to attenuate surface water flow.

⁹ CD6, section 4.2 and figure 5.

¹⁰ CD140, section 3. The submitted plans are listed in table 3.1, with amendments to the location and northern access swept path plans as referred to in para 1.5 of this report.

¹¹ CD156, para 2.3.3.

¹² CD167, paras 4.4-4.6.

¹³ The no-dig areas are shown on both the general arrangement and landscape plans (CDs 16 & 24). An example of the installation of solar panels without ground penetration is shown in CD213.

- 4.4 The output from the solar panels would be connected to the grid at Wymondley GSP sub-station by a cable running underneath Graveley Lane, Priory Lane, Stevenage Road, Blakemore End Road and Sperberry Hill.
- 4.5 The application seeks permission for an operational life for the development of 40 years, following which it would be decommissioned and the site restored¹⁴. During operation of the solar farm, the land within the stock fence would be used for the grazing of sheep, and a condition was suggested by the Applicant to secure this intention¹⁵.
- 4.6 Permissive footpaths would be provided as part of the scheme. On the northern parcel, a path would be formed along the western and southern boundaries, with the latter extending across land at the eastern end of the site to join the Hertfordshire Way. In addition a footpath would be provided on the southern side of Graveley Lane from its junction with Priory Lane and Graveley Road to a point opposite the south-west corner of the northern parcel.

5. Planning Policies and Guidance

The Development Plan

- 5.1 The Development Plan comprises the North Hertfordshire Local Plan 2011-2031 (CD39a, adopted 2022), Wymondley Parish Neighbourhood Plan 2015-2031 (CD40, adopted 2018), Hertfordshire Minerals Local Plan Review (CD241, adopted 2007), Hertfordshire Waste Core Strategy and Development Management Policies Document (adopted 2012), and Hertfordshire Waste Site Allocations Document (2014)¹⁶. The two waste development plan documents are not relevant to the appeal proposal.

The Local Plan

- 5.2 With the exception of a short length of the cable route in Little Wymondley, the application site is in the Green Belt¹⁷. Policy SP5 makes clear that development proposals within the Green Belt should only be permitted where very special circumstances have been demonstrated. Natural resources and sustainability are the subject of Policy SP11 which, amongst other provisions, supports proposals for renewable and low carbon energy developments in appropriate locations. The solar arrays would be installed on BMV agricultural land (above, para 2.4): Policy NE12 says that proposals for solar farms on such land are to be determined in accordance with national policy.
- 5.3 Policy SP12 includes a commitment to respect landscape character, scenic beauty, and locally sensitive features, particularly in relation to The Chilterns AONB (National Landscape). Other parts of the policy concern the protection of designated nature conservation sites, with priority given to international and national sites ahead of local sites, and seeking to ensure measurable net gains for biodiversity. Proposals should not cause unacceptable harm to the character and appearance of the surrounding area or the landscape character area (Policy NE2), and permission should only be granted for proposals affecting the setting

¹⁴ CD140, para 3.1.2.

¹⁵ CD218, suggested condition 22.

¹⁶ CD140, para 5.1.1.

¹⁷ See the Local Plan Policies Map for Hitchin, Letchworth Garden City and Baldock, CD39d.

of the AONB (National Landscape) if they at least conserve its special qualities, distinctive character and biodiversity, amongst other considerations. Policy NE4 reiterates the requirement for all development to deliver measurable net gains for biodiversity.

- 5.4 A series of policies concerns the historic environment. Strategic Policy SP13 explains that, when considering the impact of development on the significance of a designated heritage asset, great weight will be given to the asset's conservation and the management of its setting. In accordance with Policy HE1, proposals affecting designated assets or their settings will be permitted where, amongst other considerations, they lead to less than substantial harm to the asset's significance and this harm is outweighed by the public benefits of the development. Where harm would be caused to a non-designated asset, permission should only be granted if a balanced judgement has been made which assesses the scale of harm or loss of significance (Policy HE3). Archaeology is addressed by Policy HE4: proposals should demonstrate how archaeological remains will be preserved and incorporated into the layout if in situ preservation is considered preferable.
- 5.5 Other policies of relevance include SP1, SP6, D1, and NE7. Policy SP1 supports proposals which provide the infrastructure required to support an increasing population, and Policy SP6, which is concerned with sustainable transport, requires, amongst other measures, applicants to demonstrate the safety of their proposals. Policy D1 requires proposals to respond positively to their local context, and Policy NE7 stipulates that development is located outside flood zones 2 and 3 where possible and is designed to ensure that the risk of flooding is reduced and not increased elsewhere.

The Neighbourhood Plan

- 5.6 The Neighbourhood Plan includes a number of policies of relevance to the proposed development. Policy GB1 concerns the Green Belt: proposals should comply with Government policy and not impact negatively in terms of visual impact on the openness of the Green Belt landscape. Where appropriate, applications should be accompanied by an assessment of their impact on landscape character (Policy NHE1).
- 5.7 Policy NHE2 requires that, where appropriate, proposals are supported by measures to ensure net gains in biodiversity, and Policy NHE3 stipulates that proposals affecting designated sites should comply with the relevant European, national and local policy requirements. Under Policy NHE8, appropriate native species are expected to be used in landscaping schemes. Proposals affecting heritage assets and their settings must comply with national planning policy and the Development Plan (Policy NHE9). Policy FR1 is concerned with flood risk, and makes clear that proposals which would result in an increase in risk will not be supported.

The Minerals Local Plan Review

- 5.8 A large part of the site falls within a minerals safeguarding area for sand and gravel shown on the policies map for the emerging Hertfordshire Minerals and Waste Local Plan 2040. Minerals Policy 5 is concerned to prevent mineral sterilisation. Extraction is encouraged prior to other development where any significant mineral resources would otherwise be sterilised, and development

proposals will be resisted within areas of potential mineral resource which would prevent future extraction unless certain circumstances apply.

National planning policy and guidance

5.9 I have had regard to national planning policy and guidance contained in the NPPF and Planning Practice Guidance (PPG). The National Policy Statement (NPS) for Energy (CD57) and that for Renewable Energy Infrastructure (CD58) are of relevance to the proposal, and, whilst their weight is limited, I have also taken into account the draft NPSs on these subjects (CDs 59 & 60). The British Energy Security Strategy (BESS) expects a fivefold increase in the deployment of solar capacity from 14 gigawatts (GW) in 2022 (to 70GW) by 2035¹⁸.

6. Agreed Matters

6.1 A signed statement of common ground (CD140) between the Applicant and the LPA sets out matters agreed by those parties. Matters agreed include the following:

- The farmland within the site is a mixture of grade 2 and grade 3a land.
- The site is not covered by any statutory landscape or ecological designation, and it does not constitute a valued landscape as referred to in paragraph 174(a) of the NPPF.
- Field boundaries are defined by established hedgerows which limits visibility from Great Wymondley, sections of the Hertfordshire Way and sections of Graveley Lane.
- The proposal would cause less than substantial harm, at the lower end of the spectrum, to the significance of the following designated heritage assets, through development within their settings:
 - i) Graveley Hall, grade II listed building
 - ii) St Mary's Church, Little Wymondley, grade II* listed building
 - iii) Wymondley Priory, scheduled monument
 - iv) The Priory, grade I listed building
 - v) Tithebarn at Wymondley Priory, grade II* listed building
 - vi) Barn and stable at Priory Farm, grade II listed building
 - vii) Garden walls at The Priory, grade II listed building
 - viii) Conduit Head, grade II listed building
 - ix) Wymondley Castle, scheduled monument
 - x) Castle Cottage, grade II listed building
 - xi) Wymondley Hall, grade II* listed building
 - xii) Great Wymondley Conservation Area

¹⁸ CD46, page 19.

- Construction work would take place between 0800 and 1800 from Monday to Friday and between 0800 and 1300 on Saturday. Piling would be undertaken between 0900 and 1700 from Monday to Friday.
- Those Development Plan policies considered relevant.
- North Hertfordshire District Council and Hertfordshire County Council have both declared a climate change emergency.
- The LPA has not granted planning permission for a commercial renewable energy generation scheme since 2015.
- The capacity of the development (49.995MW, above para 4.1) would meet the needs of about 17,756 homes, which is about 31% of the homes in North Hertfordshire and would provide for a reduction of about 20,289 cubic tonnes of CO₂ emissions annually.
- The proposal would produce a biodiversity net gain of over 205% in habitat units and 102% in hedgerow units.
- The harm to the Green Belt and any other harm is clearly outweighed by other considerations, including the wider environmental benefits of the scheme, and very special circumstances exist in this case.

7. The Case for the Applicant

Introduction

- 7.1 Wymondley GSP is considered to be the only substation into which this scheme can connect. Site identification takes account of the availability of substations which would not be constrained by solar curtailment, that is action by National Grid to reduce the output of solar energy generation to balance energy supply. Six extra high voltage (EHV) substations were identified in areas of low-moderate curtailment and where there may potentially be Grid capacity. However each is subject to constraints in terms of the physical size and capacity of the substation itself (as opposed to the grid), and/or the limitations imposed by an urban location, the level of disruption likely to be involved in establishing a connection, and the cost of the cable route¹⁹. Details relating to the technical capacity of substations are set out in the supplementary table for Grid connection and site identification submitted at CD233.
- 7.2 It is potentially possible to connect to National Grid 132kV substations, of which six were identified²⁰. The reason for connecting at Wymondley GSP rather than other substations is the type and viability of the connection. It is likely that all other connections would have resulted in a 132kV connection, which is substantially more expensive, and is generally only viable for connections above 50MW²¹. Four kilometres is considered to be the maximum distance radially from the point of connection to a site, and the area of search was set at that dimension²². Beyond that, the evidence was of an exponential increase in costs

¹⁹ The substations are shown on figure 5.2, and details of the constraints are set out in para 5.4.76 of CD2 and para 1.9 of CD232.

²⁰ CD2, para 5.4.73.

²¹ CD232, 2.4 & 2.5.

²² CD232, para 3.1.

and complexity and the scheme would not be built. A number of landowners were interested in engaging with the project. Some were further to the west and closer to the National Landscape. A site to the south was the subject of discussions with another operator who has now secured consent for a battery energy storage system. A connection offer for Wymondley has been secured, and, if planning permission is granted, it is expected that the solar farm could be connected to the grid by 2025-26. In contrast, the current lead-time for connection following a new request is 46 months²³. As a result, the application site was chosen because it was available, deliverable, unconstrained at a high-level appraisal and viable. There are no non-Green Belt alternatives for the proposed development.

- 7.3 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. The proposed development would make a material contribution to meeting the amended Climate Change 2008 targets. Central Government has emphasised through national policy that continued deployment of solar farms is a key part of the UK's transition to achieving a low carbon economy, switching to carbon free energy generation by 2035, as set out as a commitment in the Net Zero Strategy of 2021²⁴, and tackling climate change.

Green Belt

- 7.4 It is acknowledged that 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. The solar arrays would introduce substantial development 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. Nevertheless, the 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 years period. It would then be fully demounted, and the land returned to its former condition. 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.
- 7.5 The proposal would accord with the first two purposes for including land within the Green Belt²⁵, and the last two are not relevant to the application. The 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 would be of a low height and would sit within the landscape framework, such that once the proposed mitigation planting was established it would not be intrusive. Harm in terms of encroachment would be limited.

²³ Connection times were given in oral evidence by Mr Collier.

²⁴ CD44, page 94.

²⁵ The purposes for including land in the Green Belt are set out in paragraph 138 of the NPPF.

Landscape and visual harm

- 7.6 The proposal 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 is such that 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, and landscape harm would be limited.
- 7.7 There would be limited visibility of the proposed development due to its low height, existing screening, and the influence of landform. In the short-term, major to moderate adverse visual effects would occur from parts of the Hertfordshire Way along the northern boundary of the site and from part of Graveley Lane. From these routes the adverse visual effects relate to 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.

Heritage

- 7.8 The Heritage Impact Assessment identified a high potential for remains of prehistoric, Roman and medieval date within the site²⁶. A subsequent geophysical survey identified three concentrations of anomalies of archaeological origin²⁷. The design of the development within the archaeologically sensitive areas would be achieved by a no dig solution which would be secured by condition²⁸, and which would avoid a requirement to bury cables below ground. Where unknown remains are concerned, the provision detailed in the written scheme of investigation (WSI) for a 3% evaluation outside the three archaeologically sensitive areas would provide a means of recording or ensuring preservation of any significant buried remains in place.
- 7.9 Insofar as designated heritage assets are concerned, visibility of the proposed development would be limited across the landscape and specifically from the majority of designated assets located within 2km of the site²⁹. The zone of theoretical visibility which takes account of existing features demonstrates limited visibility from Great Wymondley Conservation Area. The Conservation Area Character Statement for Great Wymondley (CD 93) identifies key views and character photographs, none of which would be adversely affected by the proposed development. There would be only limited visibility of the proposed development from the churchyard of the grade II* listed St Mary's Church at Little Wymondley. Similarly, there would be limited visibility from the grounds of Wymondley Priory. The historic landholding relationships between the site and surrounding designated assets were also considered. This resulted in identification of less than substantial harm to the Graveley Farm assets and Great Wymondley Conservation Area.

²⁶ CD5, paras 5.2.7, 5.3.8, 5.4.7.

²⁷ See figures 23, 29, 30 & 32 in CD32.

²⁸ The intended no dig areas are shown on the general arrangement plan, CD16.

²⁹ CD107 zone of theoretical visibility and designated heritage assets, figure 2.

Ecology

- 7.10 Subject to the imposition of appropriate conditions, no nature-focused consultee or organisation has objected to the application or raised substantive concerns. The current ecological value of the site is almost exclusively in its hedgerows, woodland and managed field margins. The open fields offer little by the way of refuge or food for wildlife, and are intensively managed for food production, including the use of agricultural chemicals.
- 7.11 Field survey data was used to aid the design of the proposed development with the resultant layout avoiding hedgerows and woodland and incorporating 12m field margins. The scheme would include substantial areas of habitat creation and enhancement, in particular new areas of grassland, native species woodland and hedgerows. These habitats would increase the ecological value of the application site for a large number of species and further strengthen ecological connectivity with the wider countryside.
- 7.12 There would be impacts on some species. Largely these would be limited to the construction phase; however standard good-practice measures secured by planning conditions would ensure legislative and policy compliance and minimise effects. Once construction is completed, populations of these temporarily impacted species would recover and with the habitat creation implemented, can be expected to strengthen. Inevitably, those few bird species which rely on open fields would be unable to persist within the application site. Skylark is a ground-nesting species which prefers open habitats, and the breeding bird survey had estimated 15 territories or pairs of skylarks within the application site³⁰. There is little evidence of nesting by skylark occurring within solar farms, and the development would potentially displace this activity³¹. Such species are, though, entirely dependent on the cropping regime in any one year, and can be lost where markets dictate other priorities. Moreover, the Applicant has agreed to a condition requiring the delivery of a skylark mitigation plan³² which would ensure that the local population of this species is secured for at least the next 30 years.
- 7.13 With regard to bats, the boundary habitat, hedgerows and linear planting, which provide support for these species would be maintained and improved. Gaps or mammal gates would be installed in the perimeter fencing to allow small mammals to move into and out of the site³³.
- 7.14 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.
- 7.15 The application includes a biodiversity net gain (BNG) calculation, using the recently developed Metric Version 4.0 system (CD237). The BNG calculations show a substantial BNG increase, 205.96% in habitat units and 102.29% in

³⁰ Paragraph 3.5.2 of the Ecological Assessment Report (CD7) refers to 19 pairs of skylarks. The Applicant's ecology witness explained that this figure included four pairs within the wider survey area which extended beyond the application site – see figure 6 of CD7.

³¹ Oral evidence by the Applicant's ecology witness.

³² See possible condition No 21 in CD218 and the illustrative skylarks plots plan at CD 219.

³³ CD7, para 4.7.21.

hedgerow units, which would be substantially above the forthcoming 10% requirement under the Environment Act 2021³⁴. The proposed development accords with the requirement in Policy NE4 of the Local Plan to deliver a measurable biodiversity gain and contribute to ecological networks, and with paragraphs 174 and 179 of the NPPF.

Transport

- 7.16 Construction is the most onerous phase for a solar farm in traffic terms and would last around 36 weeks. In the first 4 weeks there would be 40 two-way heavy goods vehicle (HGV) and 120 two-way light vehicle (staff) movements per day³⁵. Volumetrically, that is equal to one additional vehicle movement every 4 minutes or so, on average, and would be imperceptible. In the following 32 weeks there would be 8 two-way HGV and up to 120 two-way light vehicle (staff) movements 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. All deliveries and HGV movements to the site would be routed via the A1(M) Junction 9, the A505, the B197 and Graveley Lane. This route would avoid sensitive receptors in local settlements and congested areas.
- 7.17 Perhaps most disruption would be experienced during the installation of the cable route. However, the roadworks would be phased, and each phase would be shorter than construction on the main site, perhaps one to two weeks in length. They would be agreed as part of a separate consenting regime (a section 50 licence) with the Local Highway Authority, and diversions and traffic management measures would be in place.

Agricultural land

- 7.18 The proposal 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 years operational life of the solar farm. After this, it would be returned to full agricultural use following decommissioning. Removing land from intensive agricultural use for the life of the development would improve soil health by increasing the organic matter in the soil and improving soil structure and drainage, a consideration acknowledged in a recent appeal decision for a solar farm which included the use of arable land³⁶.
- 7.19 Whilst there may be limited harm associated with the temporary loss of versatility and function of the farmland, there would be long-term benefits to soil health, soil structure and carbon sequestration. Overall, there would be no harm to the best and most versatile land.
- 7.20 There is no planning policy to require land to be used for food production; there is no food security crisis or concern; the Government funds arable land conversions to grassland, and is not seeking increased food production as a consequence; the actual implications of retaining the site for food production would be modest (119 tonnes per annum from a national production of 24

³⁴ CD237, page 7, headline results.

³⁵ CD10 Transport Statement, tables 4.2 & 4.3.

³⁶ CD121, para 21.

million tonnes of cereals³⁷), whereas the benefits in terms of carbon sequestration, organic matter, reduced erosion, reduced compaction and improved biodiversity would be substantial.

Flood risk

- 7.21 The main part of the site has a low - very low risk of surface water flooding. The flood risk assessment indicated the potential presence of four overland flow pathways across the site³⁸. Detailed hydraulic modelling indicates that the maximum depth of flooding for all pathways and events would be less than 100mm even during the 1 in 100 year event (plus climate change)³⁹. The panels, inverter/transformer containers, storage building, control building and battery storage containers would all be raised above ground. The switchgear building would not be raised, but it would not be located on a defined overland flow pathway. As such overland flow pathways would be unobstructed. In the no dig areas, concrete sleds which run perpendicular to the panels would not impede flow.
- 7.22 A 700m length of the cable route along Stevenage Road is located in land indicated to be at a high risk of flooding from Ash Brook (flood zone 3). The cable installation works would not increase flood risk elsewhere because the cables would be laid within narrow trenches located in the highway and relatively short lengths of trenches⁴⁰ would be excavated with re-instatement generally occurring within one week. It is agreed that no spoil would be stored adjacent to Stevenage Road or on Priory Lane⁴¹, and that a requirement to this effect should be included in a condition concerning a construction management plan.
- 7.23 Little Wymondley has a history of flooding, with reports of incidents between 1926 and 1956, in 1968, 1993, 2000-01, 2013, 2014, 2016, 2019 and 2020⁴². The principal source of flooding is Ash Brook, and the main part of the site falls within the catchment of this watercourse. The site is currently bare earth for a significant part of the year, whilst the panelled site will comprise grassland. This is expected to significantly reduce peak runoff rates. Moreover six basins would store surface water, which would be released at a controlled rate. Peak run-off from the site would be reduced by 14.3% for the present-day 1 in 30 year event, and 3.6-4.8% for larger events, assuming that the site comprises grassland both prior to and after development⁴³. The actual betterment is expected to be greater because the site is bare earth for part of the year. The proposal 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.

³⁷ CD169, paras 6.18 & 6.19.

³⁸ CD6, section 4.3 and figures 6 & 7.

³⁹ CD31, para 14.

⁴⁰ 50-100m, Technical Note 01 – Assessment of Grid Connection Route Cable Laying Process, para 17 (CD216).

⁴¹ CD216, paras 29 & 30.

⁴² CD40 Neighbourhood Plan, para 8.6; CD87 Flood investigation Report – Little Wymondley – Hertfordshire CC, section 2.

⁴³ CD163 Dr Tilford's proof, tables 1 & 2.

Benefits

7.24 Other considerations relied on to outweigh the harm caused by inappropriateness and any other harm are:

- i) The significant national need to reduce carbon emissions and address the global challenge of climate change.
- 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 2040⁴⁴.
- iv) The significant constraint posed by the extent of the existing Green Belt and AONB (National Landscape) designations within North Hertfordshire.
- v) The wider environmental benefits associated with the landscape proposals which would deliver a 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 would increase carbon sequestration in the soils and proposed vegetation.
- vi) The reversibility of the proposed development, such that the land could be easily returned to its current use.
- vii) The availability of the grid connection at Wymondley, and the deliverability of the 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

7.25 Chapter 14 of the NPPF supports the development of renewable and low carbon energy and associated infrastructure, such as the proposal. 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. 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 in the BESS should be given substantial weight in the planning balance. The proposed development is in accordance with Chapter 14 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

7.26 The proposed development would not have any significant effects on any valued landscape or on the setting of The Chiltern Hills National Landscape. In addition, landscape and visual effects would be 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

⁴⁴ CD65A, page 11.

woodland planting. Overall, the landscape and visual effects should be given moderate weight in the planning balance.

- 7.27 There would be no significant harm to nature conservation as a result of the proposed development, but there would be significant positive biodiversity gains during the operational life of the solar farm and beyond. As such, the proposed development would not conflict with Chapter 15 of the NPPF.

Consistency with the Development Plan

- 7.28 The solar farm would not lead to permanent loss of BMV land, and the proposed development accords with Policy NE12. Policy SP11 of the Local Plan supports proposals for renewable and low carbon energy development in appropriate locations, and the suitability of the location of the proposed development has been demonstrated. A landscape and visual impact assessment has demonstrated compliance with criteria in Policy NE2 of the Local Plan. The impact of the proposal on landscape character has been assessed in accordance with Policy NHE1 of the Neighbourhood Plan, and the proposed development would respect landscape character, scenic beauty and locally sensitive features and would comply with Policy SP12 of the Local Plan. Any harm to heritage would be outweighed by the wider benefits of the scheme, and there would be compliance with Policies HE1, HE2⁴⁵, HE3 and HE4 of the Local Plan and Policy NHE9 of the Neighbourhood Plan. There would be significant biodiversity net gain and the development would comply with Policy NE4 of the Local Plan and Policies NHE2 and NHE3 of the Neighbourhood Plan. Highway safety issues have been addressed to the satisfaction of the Local Highway Authority, and the proposed development accords with Local Plan Policy SP6. Drawing all of the policy strands together very special circumstances would exist and Policy SP5 of the Local Plan concerning the Green Belt would be satisfied. The proposed development accords with Green Belt policy and as a result, accords with the Development Plan when read as a whole.

Conclusions

- 7.29 The point of connection to the grid has to be at Wymondley GSP, and there are no suitable non-Green Belt alternative locations for the development. The harm would be clearly outweighed by other considerations, and the proposal would comply with Green Belt policies in the Development Plan and the NPPF. Action is required now to dramatically alter the current path of future greenhouse gas emissions within the District and nationally. The proposed development would be built. It is requested that a recommendation be made for planning permission to be granted.

8. The Case for the Local Planning Authority

Green Belt

- 8.1 The proposal would be inappropriate development in the Green Belt, and it would give rise to significant harm to openness in both spatial and visual terms. The introduction of development into an area of land where currently there is none would diminish the openness of the Green Belt. However the extent of the

⁴⁵ Policy HE2 is concerned with heritage assets at risk. It is not referred to in the statement of common ground (CD140) as a relevant Development Plan policy.

spatial effect would be moderated to some extent by the open areas between and under the solar panels and the various landscape buffer zones. In relation to the visual impact on openness, this adverse impact would relate principally to an intermittent range of views around the site but, in accordance with the analysis undertaken by the Applicant's Landscape and Visual Impact Assessment (LVIA, CD4) and the LPA's consultants, this impact would in time be mitigated by the proposed planting. The LPA recognises the lengthy operational period, and this is why it gives little weight to the temporary nature of the proposal.

- 8.2 A review of the Green Belt in 2016 (CD143) considered the contribution that specific parcels of land made to the purposes of the Green Belt. The land to the north of Graveley Lane is included in sub-parcel 14f and the land to the south in sub-parcel 10c. Both these sub-parcels were assessed as making a significant contribution to the purposes of the Green Belt⁴⁶.
- 8.3 The impact of the proposal in relation to the purposes of the Green Belt is judged to constitute limited harm to purposes (a) (to check the unrestricted sprawl of large built-up areas) and (b) (to prevent neighbouring towns merging into one another), as well as significant harm to purpose (c) (to assist in safeguarding the countryside from encroachment). As the LPA considers that the very special circumstances test is made out, it does not consider that the proposal conflicts with NPPF Green Belt policy or Local Plan Policy SP5. It does however consider that there would be some conflict with Wymondley Neighbourhood Plan Policy GB1, which defers to national policy but further states that development proposals should not impact negatively on Wymondley Parish, particularly in terms of visual impact on the openness of the Green Belt landscape.
- 8.4 There has been a net gain in Green Belt in North Hertfordshire following the adoption of the Local Plan of approximately 4,000 hectares, resulting in the Green Belt coverage of the district rising from about 38% to about 47%. This is due to the substantial area of new Green Belt around Offley and Whitwell added through Policy SP5(b).

The challenge of climate change

- 8.5 The draft NPS EN-3 is a material consideration in the determination of this application and an articulation of the most up-to-date Government thinking on issues relating to solar development. It confirms the Government's commitment to sustained growth in solar capacity to ensure that progress is made to meeting net zero emissions⁴⁷. It describes solar as being a key part of the Government's strategy for low-cost decarbonisation of the energy sector⁴⁸, aligning with the Energy White Paper's (December 2020, CD136) description of solar as one of the key building blocks of the future generation mix⁴⁹. The draft NPS also recognises the important role that solar has to play in delivering the

⁴⁶ CD143, table 3.1. An update to the Review was produced in 2018 to take explicit account of the effect of proposed development on the visual dimension of openness in addition to the spatial dimension. The assessment that sub-parcels 10c and 14f make a significant overall contribution to the purposes of the Green Belt was unchanged (CD135, table 2).

⁴⁷ CD60, para 3.10.1.

⁴⁸ CD60, para 3.10.1.

⁴⁹ CD136, page 45.

Government's goals for greater energy independence and it expresses support for solar development that is, as here, co-located with other functions such as agriculture to maximise the efficiency of land use⁵⁰. The draft NPS refers to the BESS objective that the Government expects a five-fold increase in solar deployment by 2035 with the current approximate capacity being 14GW.

- 8.6 Having regard to the assessment that the solar farm would meet the equivalent of the electricity demand from approximately 31% of the homes within North Hertfordshire (above, para 6.1), the LPA considers that this development would make a very significant contribution to providing energy from a renewable source. The proposal is strongly supported by national and local policy regarding the deployment of renewable energy, and very substantial and substantial positive weight should be accorded to its contribution towards renewable energy generation at a national level and meeting local needs respectively.
- 8.7 The absence of the site's allocation in a development plan for solar or other renewable energy development is not an impediment to permission being granted. It is usual for local planning authorities to consider and approve proposals for development that have not been specifically allocated in a development plan. There is an imperative at a national level for the speedy delivery of renewable energy and no requirement that it only be delivered on allocated land.

The character and appearance of the area

- 8.8 There would be significant landscape harm in that the proposal would result in moderate to major adverse impacts at the site and at a local scale in landscape character terms, but improvements to the landscape character area would be achieved following decommissioning due to landscape mitigation measures. There would be some significant adverse effects in respect of views from parts of the Hertfordshire Way in the early years of the operation of the development, but these would be effectively mitigated through planting such that the medium to long term effects would not be significant. The adverse landscape character and visual impacts of the proposal should be given moderate negative weight in the planning balance. Although the proposal is not in landscape terms unacceptable overall, the harm gives rise to an element of conflict with Policy NE2 of the Local Plan, specifically criterion (b).

Habitats and biodiversity

- 8.9 There has been no objection to the proposal from any nature conservation organisation or consultee. Following the submission of a revised biodiversity net gain assessment based on the updated metric, Hertfordshire Landscape, Ecology, Archaeology, Design & Sustainability (LEADS) service has confirmed its advice that it has no ecological objections subject to the imposition of conditions (CD220). The LPA accepts its advice that the *predicted biodiversity net gain is ambitious but, in principle can be achieved*, and that a BNG well in excess of the Government's proposed minimum requirement of 10% would be delivered and that impacts on biodiversity do not represent a fundamental constraint on the proposed development. The matters about which the JOG is concerned are

⁵⁰ CD60, para 3.10.2.

appropriately addressed by conditions, which would require further details to be submitted and agreed by the LPA in due course.

Heritage assets

- 8.10 The LPA's, the Applicant's and Historic England's views⁵¹ as to the heritage impact of the proposal are in broad alignment. It is agreed between these parties that the proposal would give rise to less than substantial harm at the lower end of the scale to a number of local designated heritage assets through development within their setting. The position of the JOG's witness that there would be substantial harm to a large number of assets is an outlier, and very limited weight should be afforded to this evidence, in contrast to the views of the other main parties and Historic England.
- 8.11 The potential archaeological significance of the site is not in dispute. It is recognised, in the light of the conclusions of the Applicant's geophysical survey and the advice received from the Hertfordshire County Council Archaeological advisor, that the site has high potential for significant archaeological remains. The LPA, on the advice of the County's archaeological advisor, is satisfied that the mitigation strategy put forward by the Applicant to be secured by condition, which includes substantial no dig areas in the locations of high potential and trial trenching across 3% of the remainder of the site, is appropriate and accords with relevant national and local policy⁵².

Agricultural land

- 8.12 The most recent government thinking on best and most versatile agricultural land is that expressed in draft NPS EN-3, which states that land type should not be a predominating factor in solar site selection. It also states that where possible, brownfield, contaminated and industrial land should be used and that poorer quality land should be preferred over higher quality land, avoiding the use of BMV land where possible⁵³. Although the Written Ministerial Statement from 2015 refers to compelling evidence being required for solar farms to be located on BMV land, this is now rather aged and a number of documents have been produced by the Government since then, including several revisions of the NPPF and the draft NPS EN-3, which do not prohibit solar development on good quality agricultural land.
- 8.13 The Applicant's agricultural witness explained that grade 2 and 3a land is not rare in the local area. Importantly, this proposal would not result in loss of BMV land given that a proposed condition would secure sheep grazing during the operation of the development. The LPA does consider that negative weight should be attributed to the loss of productivity and flexibility in terms of agricultural production, but does not consider that the proposal is inconsistent with policy or guidance on the use of BMV land. However, this matter should only attract limited negative weight in the light of the Applicant's evidence regarding the scale of contribution to cereal production in a national context presently made by the site (above, para 7.20).

⁵¹ Historic England's consultation response is summarised in the LPA's report (CD35a) at para 3.9.

⁵² CD35a, para s 3.23.1, 3.23.2, & 4.5.107-4.5.110. CD173, paras 9.9 & 9.10.

⁵³ CD60, para 3.10.14.

Other matters

- 8.14 As the Applicant's flood risk witness explained (above, para 7.23), given that the main part of the application site currently comprises bare earth for part of the year, the change to grassland in itself would be likely to reduce run off rates. Moreover, the scheme includes six basins for the storage areas for the storage of surface water, which would ensure a betterment in terms of the run-off from the site and a marginal betterment within Little Wymondley, having regard to the fact that the site is only a small contributing part to the catchment that causes flooding in the village. These measures would be secured by conditions. The LPA is also satisfied with the suggested conditions to manage flood risk in relation to the cable laying work⁵⁴.
- 8.15 National policy and guidance does not set a sequential test whereby non-Green Belt land must be considered before Green Belt land for solar farms. The LPA's report on the application noted that constraints, such as access to the National Grid or capacity limitations, were likely to influence the site selection process⁵⁵. This is consistent with the subsequently published draft NPS EN-3, which describes the capacity of the local grid network to accept the likely output as *critical to the technical and commercial feasibility of a development proposal*⁵⁶. It also reflects the Applicant's site selection process which, due to network capacity, curtailment issues, and substation constraints, landed upon the connection to Wymondley Substation as the deliverable and achievable option within the area. The development would provide economic benefits through employment opportunities during construction, operation and decommissioning.

The planning balance

- 8.16 The proposal would cause harm to the Green Belt, an adverse landscape and visual impact, heritage harm and harm through the loss of flexibility/productivity of BMV agricultural land. In relation to benefits, very substantial and substantial positive weight should be attributed to the contribution made to renewable energy generation in general and in North Hertfordshire specifically, significant weight to the economic and energy security benefits of the proposal, moderate weight to biodiversity net gain, limited weight to the achievement of betterment to local drainage and flood risk, and minor weight to the introduction of new permissive footpaths for the duration of the operation of the development.
- 8.17 The public benefits are cumulatively of sufficient weight to outweigh the low level of less than substantial harm to designated heritage assets. The Green Belt harm, taken together with the other harms identified, is clearly outweighed by the public benefits taken as a whole, but with particular regard to the climate change context and the need to accelerate deployment of renewable generation at a national and local scale. The effect of this is that the very special circumstances test is satisfied.
- 8.18 The proposal gives rise to some conflict with Policy NE2 of the Local Plan and Neighbourhood Plan Policy GB1 in respect of landscape and Green Belt matters,

⁵⁴ CD216, paras 29-33.

⁵⁵ CD35a, para 4.5.182.

⁵⁶ CD60, para 3.10.35.

but it otherwise accords with the relevant policies of the Development Plan. It is the LPA's view that the application should be approved.

9. The case for the Joint Objectors Group

Green Belt

- 9.1 It is agreed that the proposed development would be inappropriate in the Green Belt. This application should not be approved unless very special circumstances exist. The proposed development would result in substantial harm to the Green Belt, which clearly outweighs the need for a solar array in this particular location.
- 9.2 The JOG is not opposed to renewable forms of energy, but the sheer size and scale of this proposal is not appropriate in this particular location. The visual impact of the development would be considerable, given the open nature of the site. It is clear that the bulk of the site would be covered by the solar panels and associated infrastructure.
- 9.3 The site lies within the Metropolitan Green Belt, and there would be some impact on purpose (a) to check the outward sprawl of Greater London into Hertfordshire. The key issue is the potential harm to Green Belt purposes (b) and (c). The Policies Map shows the open gap between Stevenage, Hitchin, and Letchworth, which the Local Plan seeks to protect. The proposed development would fill a large part of this gap, and there would be a significant adverse effect on purpose (b). The site consists of open fields, and there would be significant harm in terms of encroachment on the countryside. In the Green Belt Review 2016 the application site was divided between sub-parcels 10b and 14f. An assessment confirmed that both of these parcels make a significant contribution to Green Belt purposes. This reinforces the JOG's view that the development would make a fundamental difference to the integrity of the Green Belt in this part of North Hertfordshire.

Temporary or permanent development

- 9.4 The JOG considers that in view of its life of 40 years and scale of construction, the development should be viewed as permanent. This point was acknowledged in the decision by an Inspector on an application for a solar farm at Manuden in Uttlesford⁵⁷, and in an appeal decision for ground mounted solar panels at Swadlincote, Derbyshire⁵⁸.

Site location

- 9.5 It seems that too many criteria were adopted which led to limited outcomes in the search for a site. The 4km distance from a substation reduces options based on financial aspects to which the JOG was not a party. It is understood that some schemes can enter the network via an existing cable route and then operate with a longer distance to the substation. The search criteria did not seem to have shown any sensitivity to such matters as BMV agricultural land, Green Belt, openness, and heritage. If they had, a solution on a smaller scale, which would have been more appropriate, may have been selected.

⁵⁷ CD144, para 18.

⁵⁸ CD188, para 48.

- 9.6 The JOG has questioned the amount of land required to provide the 49.955MW output, which appears greater than in other locations. As technology develops solar installations are becoming more efficient. For example, it is understood that bi-facial panels cost 10% more but are 20% more efficient, a consideration which could reduce the land used by 20%. It is understood that two other proposals in North Hertfordshire involve a 25MW array on 35ha and a 40MW array on 53ha. These would both achieve more MW per hectare than the application.
- 9.7 It seems that a robust brownfield investigation was not undertaken, nor that serious consideration was given to roof-top solar panels. The JOG also questions whether soil studies were undertaken on other sites. Renewable energy generation is an important criterion that should rightly carry weight as efforts are made to achieve the net zero target by 2050. It should not however disregard other matters and it must follow a rigorous path of investigation.

Development plans

- 9.8 The proposal is a major application that has no reference point in a relevant plan. The Council chose to declare a climate emergency with a view to achieving net zero by 2040 (7.24(iii)), but it is questioned whether that should be a driver rather than the Government's overriding plan to target 2050. There is time for a plan review with consultation and options.

Landscape character

- 9.9 The proposed development would have a harmful impact on the landscape and its character. The site is very open in nature and could not be screened completely. In the North Hertfordshire and Stevenage Landscape Character Assessment, the site falls within the Arlesley-Great Wymondley Landscape Character Area which refers to expansive views from higher ground creating a sense of space and openness⁵⁹. This characteristic can be seen in photographs showing the application site⁶⁰. The site is an essential part of the setting of Great Wymondley, which is washed over by the Green Belt. The development is contrary to Local Plan Policy NE2 which seeks to avoid unacceptable harm to landscape character and appearance.

Heritage and archaeology

- 9.10 Great Wymondley has a long history, linked to the landscape over two thousand years. In particular the field systems have shown glimpses of occupation from Roman times through to the medieval period, and the importance of the Roman road near to Graveley points to a trade route. Hence it is not surprising that the Applicant's geophysical survey suggests a possible ladder settlement⁶¹. Great Wymondley was important as a crossroads with a farming estate in Anglo Saxon times. The Augustine priory was built close to a spring, and there was a whole priory economy built around that valuable fresh water supply. In the later medieval period the motte and bailey fortress was erected. Great Wymondley is exceptional in its richness of heritage, and is inextricably linked to the lands around it.

⁵⁹ CD71, pg 108.

⁶⁰ In CD184.

⁶¹ CD32, paras 6.7-6.13 and figures 29 & 30.

- 9.11 The archaeological mitigation strategy proposed by the Applicant is considered to involve damage limitation. A no dig principle is intended on parts of the site which might aid understanding of the area's heritage. Elsewhere, trial trenches have raised concerns as to what would happen if significant finds are made.
- 9.12 Great Wymondley and the surrounding area are important in terms of built heritage: there are many listed buildings within 2km of the application site and several within Great Wymondley Conservation Area⁶². Their landscape setting is an important consideration. The Priory is a scheduled monument, and the proposal would harm its setting. Even if the proposal would cause less than substantial harm, this would carry more significant weight than suggested by the Applicant.

Agriculture

- 9.13 The site comprises BMV agricultural land. It is important to retain good quality land for food security. Versatile land enables flexibility to change crops in the future to meet changing needs. Little seems to have been done to establish if a location could be found comprising 3b land.

Ecology and biodiversity

- 9.14 Typically, the margins around solar arrays are used for vehicular access⁶³. This can be expected to cause disturbance and displacement to birds which nest in hedges and forage on the ground alongside such edge habitats, including yellowhammer, which is listed as a rare and threatened species under section 41 of the Natural Environment and Rural Communities Act 2006⁶⁴.
- 9.15 There is also concern about ground-nesting species, particularly skylark. No skylark nests have been found within a solar array, and compensation measures require detailed knowledge of the fields proposed for use⁶⁵. It is not clear whether there has been any survey work on the proposed fields to ascertain the presence of existing skylark territories, or the suitability of the fields: no written evidence has been presented for management of the mitigation measures, and skylark measures are not certain to be successful.
- 9.16 The Ecological Assessment Report referred to records of seven species of bat⁶⁶. The report also noted the presence of potential bat roosts as well as commuting and foraging habitat within the site and nearby, with good connectivity to higher value habitat, and concluded that the site provides moderate value bat foraging and commuting habitat. However no bat surveys had been carried out and the JOG is not aware of specific bat mitigation measures or lighting strategies for bat protection proposed by the Applicant.
- 9.17 It is not correct that the arable fields would be replaced with species-rich wildflower grassland: the majority of the area (78.15ha) comprising the land within the security/stock-proof fencing, would be sown with a grass mixture

⁶² CD5, paras 6.2.3 & 6.2.4 and figure 2.

⁶³ Reference was made to an aerial photograph showing this arrangement at a solar array in Gisburn, Lancashire; CD176, appendix B.

⁶⁴ CD7, para 3.5.2.

⁶⁵ See CD223, Blithe spirit: Are skylarks being overlooked in impact assessment? by H Fox.

⁶⁶ CD7, paras 3.5.6-3.5.9.

with two varieties of just one broadleaved species – white clover⁶⁷. With much of the proposed grazed pasture under the panels, the effects of shade, significantly reduced temperatures and dryer conditions may impact on the successful establishment of this proposed sward.

Flood risk and drainage

9.18 There is a problem of flooding in Little Wymondley on Priory Lane and Stevenage Road. It is argued that the scheme will bring marginal benefits, but there are unknowns, including the impact of the major archaeological dig, the potential loss of land drains, and the general introduction of a built environment of roads and buildings. Such change would bring risk and uncertainty to the situation downstream. Whilst the LPA and the Applicant consider there would be no harm and minor benefit, the JOG adopts a more neutral position.

Transport

9.19 Laying the cable down Priory Lane and along Stevenage Road would cause problems. Disruption would be very damaging to local businesses and their financial viability. Working closely with property owners, diversions and the provision of steel plates to allow access would all be important elements of the solution.

Noise and vibration

9.20 There is concern that noise from the site, for example from inverters, would cause disturbance to people using nearby footpaths, the recreation ground and community orchard, potentially local residents, and wildlife. There would be significant noise during construction. In addition JOG is concerned that the panels would deflect noise from traffic on the A1(M).

Fire risk

9.21 There is concern about fire risk, particularly from the battery storage units. A condition is proposed to address this matter, and JOG would wish to be consulted on any details submitted in accordance with such a condition.

Community harm

9.22 Local residents benefit from peaceful enjoyment of the rural setting and use of the Hertfordshire Way. Views in the changing seasons and agricultural activity that are an intrinsic part of the experience of going into the countryside would be replaced by the monotony of a single unchanging vista of solar panels. This would have a negative effect upon people's mental health and wellbeing. The fencing and CCTV are also of concern.

9.23 Proposals would involve enclosing the pathways with hedging and trees to obscure the solar array. The feeling of enclosure would create a very frightening proposition for women who use the paths for running alone, and would adversely impact their safety and confidence. Additionally, there is concern about the prospect of theft from the solar farm and the consequent security implications.

⁶⁷ CD2 Design and Access Statement, para 3.1.40 and table 2.1.

Conclusions

- 9.24 The development would cause harm to productive agricultural land, harm to the Green Belt, harm to openness and visual amenity, harm to the setting of listed buildings, harm to Great Wymondley Conservation Area, harm to archaeology, harm to wildlife and the natural environment, harm to public rights of way, and harm to the community's safety and wellbeing, all to be weighed against the benefit of clean energy production and storage.
- 9.25 The community has had to accept the shrinking of the Green Belt in the Parish to potentially facilitate over 300 homes, doubling the size of Little Wymondley. In addition, the Parish is already home to a major substation and main north-south train and road links. That should not mean that it has to accommodate the solar arrays. The application should be turned down.

10. Written Representations

Responses to notification of call-in

- 10.1 The CPRE Hertfordshire is concerned that the proposal would result in industrialisation of the landscape. Ground-mounted solar energy installations should not be permitted in protected areas such as Green Belt. Previously developed land is more suitable for such development, and roof-mounted installations are also an alternative to use of the open countryside. The proposal would represent definitional harm to the Green Belt, and would remove openness and harm visual amenity. The period of operation of forty years is not considered to be a temporary period. Other concerns relate to the effect on BMV farmland, harm to wildlife, noise and security fencing. The fencing would remove traditional pathways for animal movement. There are several other proposals for ground-mounted solar installations in Hertfordshire, and consideration should be given to the cumulative effect of these schemes. Very special circumstances to support inappropriate development in the Green Belt have not been demonstrated.
- 10.2 The Friends of The Hertfordshire Way refer to the loss of visual amenity from the proposal, which would have a significant impact on enjoyment when walking on the route. In addition, Green Belt land and good quality farmland should be maintained.
- 10.3 North Hertfordshire Archaeological Society resubmitted an earlier objection to the application in which it referred to an inadequate level of information, with particular mention made of the absence of a geophysical survey and trial trench evaluation reports⁶⁸.
- 10.4 The principle of the development is supported by North Herts & Stevenage Green Party. The proposal would contribute to attaining net zero, would benefit the soil, and planting would mitigate the visual impact. Conditions should be imposed to ensure farming continues on the site, that the land remains available for agriculture when the solar farm is decommissioned, and to achieve a minimum 10% biodiversity net gain. There is concern about the extent of CCTV installations and that the development would place restrictions on the movement of wildlife.

⁶⁸ The report of a geophysical survey was subsequently submitted in support of the application (CD32) (para 7.8).

- 10.5 Councillor Riches-Duit is a member of Wymondley Parish Council. She supports renewable energy and, whilst agriculture can cause damage to the land and wildlife, a solar farm has environmental benefits.
- 10.6 Fifteen individual objections were submitted at this stage. Objections refer to harm to the character and appearance of the area, the loss of openness in the Green Belt, noise, flood risk, the possibility of alternative arrangements for generating solar energy, traffic disruption caused by laying the cable, prematurity given improvements in efficiency of the technology, conflict with policies in the Local Plan and the Neighbourhood Plan, and the harmful effect on wildlife, archaeological remains, heritage assets, and agricultural land. Several objectors make the point that they do not object to the principle of renewable energy proposals. Should planning permission be granted, there is a suggestion that conditions should be imposed relating to working hours and requiring approval of work plans.

Responses prior to call-in

- 10.7 Representations submitted prior to call-in are summarised in the LPA's report on the planning application⁶⁹. In addition to Wymondley Parish Council (which is part of the JOG), the CPRE Hertfordshire and the North Hertfordshire Archaeology Society, a number of other organisations submitted representations prior to call-in of the application. Graveley Parish Council expressed concern about traffic movement through the village. Following submission of the amended landscaping plan, the Herts & Middlesex Wildlife Trust raised no objection subject to a condition requiring a plan to achieve biodiversity net gain.
- 10.8 Initially the application generated 171 individual objections, a letter of objection with a list of 44 names, and a petition with 25 signatures. A further 20 objections were received following the submission of revised plans. The objections included similar concerns to the written representations put forward following call-in. Additionally, six representations were made in support of the application. These responses referred to the contribution of the development to achieving net zero and meeting future energy demand, and expressed the view that the site is relatively remote from housing and that it would be easily returned to farmland. Supporters also commented that there would be no effect on flooding, and no increased effect on wildlife.

11. Possible Conditions

- 11.1 Possible conditions were discussed at the inquiry. A schedule, prepared by the Applicant in the light of earlier discussions, covers the following matters: final details of the scheme, duration and decommissioning, construction implications, ecology, fire safety, lighting, landscaping, archaeology, noise, drainage, trees, agricultural use, rights of way, and highway safety (CD218), and suggested conditions in relation to ecological matters were submitted during the inquiry by Hertfordshire LEADS (CD220).

⁶⁹ CD35a, section 3.

12. Conclusions

References to earlier paragraphs in this report are in square brackets [].

Main considerations

12.1 Having regard to the call-in direction and the representations submitted, I have identified the following main considerations in this case:

- (i) The effect of the proposed development on the Green Belt.
- (ii) The implications of the proposal for meeting the challenge of climate change.
- (iii) The effect of the proposal on the character and appearance of the area.
- (iv) The effect of the proposed development on habitats and biodiversity.
- (v) The effect of the proposal on heritage assets.
- (vi) Whether the proposal would be consistent with policies and guidance concerning the use of agricultural land.
- (vii) Whether the proposed development would be consistent with the Development Plan and other relevant policies.
- (viii) The effect of other considerations on the overall planning balance.

The Green Belt

12.2 Both the Local Plan (Policy SP5) and the Neighbourhood Development Plan (Policy GB1) refer to national planning policy when considering proposals for development in the Green Belt. The proposal for the solar array with battery storage containers and associated development does not fall within any of the categories of development which are not inappropriate in the Green Belt, set out in paragraphs 149 and 150 of the NPFF. Paragraph 151 makes specific reference to renewable energy schemes, making it clear that elements of many such projects will comprise inappropriate development when located in the Green Belt. It is common ground between the main parties that the proposal would be inappropriate in the Green Belt [7.4, 8.1, 9.1], and I have no reason to take a different view.

12.3 The array would extend across the fields which comprise the greater part of the site (84.7ha of a total of 88ha), and the associated buildings would be positioned alongside and between blocks of panels [2.4, 4.1, 4.2]. Although the panels would be set in from field boundaries, and there would be space for access tracks, offsets in relation to a gas pipeline on the eastern part of the site, and some areas of landscaping, the proposal would result in the loss of the existing extensive open fields. Space between the rows and below the panels would effectively be contained within the blocks. The proposal would have an adverse impact insofar as the spatial aspect of openness is concerned.

12.4 The panels would be relatively low structures, with a maximum height of 3m. Most of the other structures would be a similar height or slightly lower, although the switchgear building would be about 3.9m tall. Hedgerows and tree cover around the northern and southern parcels of the site is not continuous, and following construction the solar development would be apparent from a number

of local viewpoints, particularly on The Hertfordshire Way which runs along the northern boundary, and from the western part of Graveley Lane which is at a similar level to the adjacent fields. It would also be visible, albeit fleetingly, from the A1(M) which runs close to the eastern site boundary [2.1]. As part of the proposal it is proposed to strengthen planting around the two parcels, and to establish two strips of cover to the west of the southern parcel [4.2]. Over time, the planting proposed would provide screening and limit views of the development. However planting would not prevent awareness of the presence of the development, particularly after leaf fall. There would be a visual impact on openness, and in this respect the proposal would conflict with Policy GB1 of the Neighbourhood Plan. I find that the introduction of the proposed development across these extensive fields would result in a significant loss of openness, both spatially and visually, in the Green Belt.

- 12.5 The purposes for including land in the Green Belt are set out in paragraph 138 of the NPPF. The LPA's reviews assessed the contribution which parcels and sub-parcels of land make to Green Belt purposes [8.2]. The land to the north of Graveley Lane is included in sub-parcel 14f and the land to the south in sub-parcel 10c. Purpose (a) is to check the unrestricted sprawl of large built-up areas. Green Belt in Hertfordshire was originally designated as part of the Metropolitan Green Belt around London [9.3]; however sub-parcels 14f and 10c are within a tract of open land which lies between Hitchin, Letchworth Garden City and Stevenage, and the reviews consider the sub-parcels in relation to these towns. Given their relationship to these towns and the distance from London, I agree with this approach.
- 12.6 Whilst the land within the application site does not abut the built-up areas of any of the towns, it forms an integral part of sub-parcels which do adjoin Letchworth and Stevenage. Moreover the southern part of the site is only a short distance from the north-west edge of Stevenage. As such, the open fields to the north and south of Graveley Lane make an important contribution to checking the outward expansion of the nearby towns, and the proposed development would cause significant harm to this purpose of the Green Belt.
- 12.7 Between Hitchin and Stevenage the Green Belt is only about 2.4-3km wide, and is somewhat deeper between Letchworth and Stevenage. Development of the application site would weaken the Green Belt, with a reduction in the amount of open land between these towns. The Green Belt reviews refer to sub-parcel 14f as playing a critical role in the separation of Letchworth and Stevenage, and sub-parcel 10c as playing a critical role between Hitchin and Stevenage. I consider that this assessment is equally applicable to the fields of the application site, given their aggregate size and position between nearby towns in this part of the Green Belt. Consequently the proposal would result in significant harm to purpose (b), to prevent neighbouring towns merging into one another.
- 12.8 The installation of the solar array across the fields of the application site, notwithstanding the retention of certain open areas, would introduce a large development onto open land. The proposal would represent substantial encroachment into the countryside, contrary to purpose (c) in paragraph 138 of the NPPF. Whilst the intended landscaping would limit visibility, it would not lessen the extent of the physical encroachment.

- 12.9 I agree with the Applicant and the LPA that there would be no conflict with purpose (d) to preserve the setting and special character of historic towns. Great Wymondley is close to the site and has several heritage assets, but it is a small settlement, and is not covered by the ordinary meaning of a town. The site is sufficiently removed from the historic parts of nearby towns to have any adverse effect on their character and setting. Purpose (e) encourages the recycling of derelict and other urban land: most development proposals within the Green Belt would run counter to this purpose.
- 12.10 I conclude that the proposal would amount to inappropriate development in the Green Belt, that it would result in a significant loss of openness, and conflict with several of the purpose of including land in the Green Belt. The operational life of the development would be 40 years [4.5]. Although it is intended that the land would be returned to its former condition after that period, 40 years is a considerable length of time, and the fixed period does not diminish my concern about the harm to the Green Belt. In accordance with paragraph 148 of the NPPF, the harm to the Green Belt carries substantial weight.

Climate change and energy security

- 12.11 Paragraph 152 of the NPPF makes clear that the planning system should support the transition to a low carbon future in a changing climate. The Climate Change Act 2008 (as amended) imposes a statutory requirement for the level of greenhouse gas emissions in the UK to be reduced to net zero by 2050⁷⁰. Subsequently, in its Net Zero Strategy and in response to the Sixth Carbon Budget, the Government has set out an indicative pathway to net zero which would involve a 78% reduction in emissions by 2035⁷¹. The Overarching National Policy Statement (NPS) for Energy (EN-1) refers to a commitment for the UK to receive 15% of its total energy (across the sectors of transport, electricity and heat) from renewable sources by 2020, and an ambition to largely decarbonise the power sector by 2030, pointing to the need for new renewable energy projects to come forward urgently in consequence⁷². Subsequently, the Net Zero Strategy of 2021 set out a commitment to achieve carbon free energy generation by 2035 [7.3], and the draft version of EN-1 reiterates the need to increase the supply of clean energy from renewables⁷³.
- 12.12 The Government has also published an amended version of EN-3, the NPS for Renewable Energy Infrastructure. Whilst this is the latest version of EN-3, it is a draft NPS, and accordingly carries only limited weight. Nevertheless, it makes clear that solar generation is a key part of the Government's strategy for low-cost decarbonisation of the energy sector, and that it also has an important role in delivering goals for greater energy independence⁷⁴.
- 12.13 Solar generation is also recognised as having a key role by the BESS of 2022, which aims to boost domestic sources of energy to achieve greater security. As part of the Strategy, a five-fold increase in solar deployment from 14GW to 70GW capacity is sought by 2035 [5.9]. The solar farm would make an

⁷⁰ The Act was amended by The Climate Change Act (2050 Target Amendment) Order 2019, CD43.

⁷¹ CD44, figure 12.

⁷² CD57, para 3.4.5.

⁷³ CD59, para 2.3.6.

⁷⁴ CD60, paras 3.10.1 & 3.10.2.

important contribution to this additional capacity, with battery storage enabling electricity supply to the grid to reflect periods of higher and lower demand.

- 12.14 The Council declared a climate emergency in 2019. A climate change strategy seeks to achieve carbon neutrality for the Council's operations by 2030, and a net zero carbon district by 2040, amongst other objectives [7.24(iii)]. Hertfordshire County Council declared a climate emergency in the same year⁷⁵. It is not clear that the proposed development would be of direct assistance in reducing the carbon footprints of the operations of the two local authorities, but it would undoubtedly make a significant contribution in progressing towards net zero emissions in both the District and the County.
- 12.15 Paragraph 158(a) of the NPPF explains that applicants should not be required to demonstrate the overall need for renewable energy. However, it is the undisputed evidence of the Applicant that planning permission has only been granted for two solar farms in North Hertfordshire: that both are small with generating capacities of 6MW and 5MW, and that no permission has been granted since 2015⁷⁶. At paragraph 158(a), the NPPF points out that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. In this case, it is agreed between the Applicant and the LPA, and not disputed by the JOG, that the development east of Great Wymondley would generate sufficient electricity to meet the requirements of about 31% of the homes in the District [6.1]: that would be a significant contribution towards moving away from reliance on fossil fuel sources of energy.
- 12.16 There is an urgent need to generate electricity from renewable sources in order to meet national and local targets concerning carbon neutrality, and to contribute to addressing the global challenge of climate change. Solar energy is acknowledged by the Government as having a key role in achieving decarbonisation of the energy sector, and also in achieving greater security of supply. These are factors which carry significant weight in support of the application. Chapter 14 of the NPPF provides support for proposals which would assist in addressing the challenge of climate change, and paragraph 158(b) advises that applications for renewable development should be approved if their impacts would be acceptable.

Character and appearance

- 12.17 The North Herts Landscape Study (CD71) is based on the Hertfordshire Landscape Character Assessment (CD70), including additional content on sensitivity and capacity together with certain additional guidelines. As such, the more recent district level study provides the appropriate point of reference for landscape character.
- 12.18 The site lies within the Arlesley- Great Wymondley Landscape Character Area, which extends around much of Letchworth and to the south towards Stevenage. In the south of the character area, where the site is located, the key characteristic is identified as a rolling landscape of large-scale fields and with relatively few trees. Reference is made to the pressure of urban areas, electricity pylons and transport infrastructure, including the A1(M) and the

⁷⁵ CD55, minutes 6.11 & 6.13.

⁷⁶ CD156, Mr Hoyle's proof of evidence, para 4.4.38.

railway, and to expansive views from higher ground. It is considered to be of low sensitivity in landscape terms and to have low-moderate visual sensitivity. I note, though, that the Assessment comments that the open views would be sensitive to the introduction of further urbanising features.

- 12.19 The parcels of land to the north and south of Graveley Lane reflect the character of the southern part of the landscape character area. There would be no alteration to the field pattern, and the proximity of the motorway reduces the susceptibility to change. Nevertheless, the proposal would introduce built development across a substantial area, projecting through the open landscape. Planting would strengthen the field boundaries and provide some areas of additional cover. It would not, however, minimise the extent of the change to the landscape. I agree with the LPA's review that there would be a moderate adverse effect on the landscape character area, both following construction (year 0) and when planting had become established (year 10)⁷⁷.
- 12.20 I have also considered the effect of the proposal on the landscape of the site and its immediate surroundings. This area of countryside does not benefit from any designation, nor has it been identified as a valued landscape in terms of paragraph 174(a) of the NPPF. That does not mean that it has no value, and it is clear from the written representations [10.6] and the evidence of the JOG at the inquiry [9.22] that members of the local community appreciate and make use of the countryside which includes the appeal site.
- 12.21 The strengthening and extension of existing hedgerows and the planting of additional trees would contribute positively to the character of the site and its environs. However this is a large site, extending across much of the open land between Great Wymondley and Graveley. The replacement of large arable fields, which are characteristic of the wider countryside would represent a major and adverse change to the landscape of the site, the influence of which would extend for some distance around it. As the planting around and within the site matured its beneficial effect would increase, but, given the scale of the development, that would not materially lessen the impact on the local landscape. Contrary to paragraph 174(b) of the NPPF, the proposal would not recognise the intrinsic character and beauty of the stretch of countryside to the east of Great Wymondley.
- 12.22 The higher land of The Chilterns National Landscape is about 5.3km to the west [2.2], and is apparent from locations around the site, for instance viewpoints 3 and 9 in the Landscape & Visual Impact assessment (LVIA). At this distance, and taking into account the relatively low height of the panels and other structures, I do not consider that the proposed development would adversely affect the setting of the National Landscape.
- 12.23 I turn now to consider the visual effects of the appeal proposal. The Applicant acknowledges that in the short-term the introduction of the solar farm would have major to moderate adverse effects from parts of the Hertfordshire Way and Graveley Lane [7.7]. Both of these routes adjoin the site, and they afford views of and over the large fields. At its eastern end, views from Graveley Lane are restricted as the road runs at a lower level than the adjoining land, and elsewhere and in places along the Hertfordshire Way, hedgerows and trees

⁷⁷ CD86a, para 5.2.8.

provide some screening. This is limited in extent, though, and the expanse of open land encompassing the application site is readily apparent. It is clear that the Hertfordshire Way is a well-used recreational route, which provides the opportunity to view the site for some time when the large fields are passed at walking pace. Receptors on this route are appropriately identified as having high sensitivity in the LPA's review⁷⁸.

- 12.24 Once the hedgerows and tree belts in the landscaping scheme became established, the impact of the development within the site would be reduced to an extent, but planting would not prevent awareness of the presence of the development, particularly after leaf fall. Moreover, the proposed planting would not compensate for the restriction of views across the open fields of the site from Graveley Lane and the Hertfordshire Way. This is a harm to which I accord considerable weight. Accordingly, insofar as the effect on character and appearance of the area is concerned, I do not regard the retention of the proposed landscaping beyond the intended life of the solar farm as a benefit of the scheme.
- 12.25 Both the north and south parcels can be seen from the A1(M), although views of the latter are more restricted because of level differences. Traffic on this road is generally travelling at speed and in consequence only fleeting glimpses of the site are possible. In any event, I anticipate that users of this major road are principally concerned with their journey and not appreciation of the countryside. Accordingly their sensitivity to the development is low.
- 12.26 To the south-west, on the public footpath which runs between Priory Lane and Great Wymondley, arrays on the site would be distinct features beyond the fields of the foreground, as shown in the year 0 photomontage from viewpoint 7, and would have a major adverse effect. To the north, from the public footpath which descends to join the Hertfordshire Way at the north-east corner of the site (viewpoint 9), vegetation only permits a much more restricted and partial view of the arrays. To the extent that these features would encroach into a rural view there would be a moderate level of harm. In both cases, the planting proposed would provide effective screening without unduly curtailing views, and the level of harm would reduce to minor.
- 12.27 From Graveley Road and the nearby castle remains in Great Wymondley, only heavily filtered views towards the site are available, and planting would restrict these even further. From viewpoints 10 and 11 on the western edge of Graveley, the development would have a negligible effect due to the intervening landform and the presence of the motorway. In this gently rolling landscape, the development would not be prominent in views further from the site.
- 12.28 The development is intended to be reversible, with the various structures removed after 40 years, and the land returned to full agricultural use. Whilst I do not question the current intention of the Applicant, there is inevitably some uncertainty about the circumstances which will have a bearing on the future of the land in 40 years time. In any event, the removal of the solar farm after this period and restoration of the site does not alter my concern: harm to the character and appearance of the area would ensue for a prolonged period.

⁷⁸ CD86a, para 5.3.2.

12.29 The proposed development would have a moderate - major adverse effect on the landscape, with the greatest harm to the landscape of the site and its immediate surroundings, harm to which I attach significant weight. There would also be harm to visual amenity; the adverse impact on views from the Hertfordshire Way and Graveley Lane merits considerable weight, even taking into account the establishment of planting. Some additional harm would also be caused to visual amenity, principally in the short-term, from certain viewpoints to the south-west and north of the site. I conclude that the proposed development would have a damaging effect on the character and appearance of the area, and that in this respect it would conflict with Policies SP12 and NE2 of the Local Plan, and paragraph 174(b) of the NPPF.

Habitats and biodiversity

12.30 The representations cover a number of species. It became apparent from the discussion at the inquiry that the principal areas of disagreement concern the effect of the proposal on ground nesting birds, particularly skylarks, and on bats.

12.31 The scheme includes a 12m buffer around the perimeter of the fields with the express intention of providing opportunities for wildlife and improving ecological connectivity [4.2]. However the loss of the open fields would affect skylarks which are ground nesting birds⁷⁹. Whilst this species may use solar farms for foraging, it was acknowledged by the Applicant's ecology witness that there was little evidence of nesting occurring within solar farms, and that the development would potentially displace this activity [7.12]. The breeding bird survey had estimated 15 territories or pairs of skylarks within the application site [7.12].

12.32 In response, the Applicant has proposed mitigation in the form of skylark plots, to provide additional foraging opportunities in nearby fields, and to be secured by a condition [7.12]. It is clear from the material referred to at the inquiry that this form of mitigation may be successful for skylarks. Part of the area proposed for the provision of the plots was included in the breeding bird survey; however the remaining area was not and the overall extent of use by skylarks in the prospective receptor area is unknown. In the absence of additional survey work and an assessment of the capacity of the additional land, it is not clear that appropriate mitigation could be provided for skylarks within the vicinity of the application site. The Applicant suggested that bird species which require open fields could be affected if the cropping regime were to change [7.12]. There is no indication that the fields which constitute the site would be taken out of arable use if the proposed development were not to proceed, and the baseline position, recorded in the Ecological Assessment Report and against which the proposal should be assessed, includes the presence of the ground-nesting skylark.

12.33 The JOG expressed concern that no survey of bat activity had been undertaken, notwithstanding reference to potential bat roosts in the Ecological Assessment Report [9.16]. The report points to the use of hedgerows, trees, woodland and ditches in providing foraging and commuting habitat for bats, and, although the JOG's ecology witness referred to some species foraging across open arable land, she acknowledged that bats do use linear and wooded

⁷⁹ CD228, page 1.

habitats. As part of the proposed development, linear features in the form of hedgerows and tree cover would be strengthened, which should support bat activity in the area. A condition is suggested which would require approval of any external lighting, to be designed taking into account advice in relation to bats. Given that the development would provide relatively broad buffer strips alongside strengthened field boundaries, I consider that the approach to bats is proportionate, and that the absence of a bat survey is not a shortcoming of the application.

- 12.34 The blocks of solar panels would be surrounded by security fencing. Concern has been expressed by the CPRE that this fencing would constitute a barrier to the movement of animals [10.1]. That consequence has been anticipated in the Ecological Assessment Report, which explains that gaps or mammal gates would be installed in the perimeter fencing to allow small mammals to move into and out of the site [7.13]. This measure could be included in a landscape and ecological management plan, which it is suggested should be the subject of a condition if planning permission were granted.
- 12.35 Wymondley Transforming Station is contained by the LWS, and would consequently be crossed by the cable route [2.2]. The LWS is a former gravel pit, the raised banks of which support coarse calcareous grassland with scrub invading slowly from the edges⁸⁰. Access to the station requires the formation of a trench across the LWS: the trench would be approximately 0.9m wide and up to 1.5m deep. It would be backfilled, and no above ground infrastructure would be installed. The County Ecology Service has suggested a condition requiring a soil management plan; it is intended that this would ensure that layers of soil would be replaced in their previous position. Subject to the imposition of such a condition, no objections have been received from consultees to the effect of the development on the LWS, and I do not consider that the disturbance caused would amount to material harm.
- 12.36 There is no dispute between the Applicant and the JOG that the field margins are of greater ecological value than the arable fields overall. Species rich grassland buffers are proposed along field boundaries, hedgerows would be strengthened, and grassland would be established between and below the arrays. In addition, an area of species rich grassland is proposed at the south-west corner of the northern parcel and another on the eastern side of the northern parcel. The JOG points out that, although the Ecological Assessment Report refers to species rich grassland replacing the arable fields, this area would be sown with a mixture with two varieties of one broad-leaved species [9.17]. I note that the landscape proposals identify these areas as low maintenance pasture and not species rich grassland⁸¹.
- 12.37 Nevertheless, the proposal would result in a net gain in biodiversity across the site. Applying the latest version of the biodiversity calculator (CD237) gives an increase of 205.96% in habitat units and 102.29% in hedgerow units [7.13]. Whilst the County Council has commented that this level of gain is ambitious, it also acknowledges that in principle it could be achieved [8.9]. More importantly, the level of increase would be substantially above the forthcoming level of 10% which would be required under the Environment Act 2021.

⁸⁰ CD7, Ecological Assessment Report, table 3.2.

⁸¹ CD24, Landscape proposals plan.

12.38 I conclude that the proposal would enhance biodiversity, delivering a net gain, in accordance with Policy NE4 of the Local Plan. A landscape and ecological management plan would be instrumental in securing biodiversity net gain, and a condition could be imposed to this end. With this safeguard, the proposal would comply with Policy NHE2 of the Neighbourhood Plan. I am satisfied that the proposal would also be consistent with paragraph 180(d) of the NPPF, which makes clear that opportunities to improve biodiversity should be integrated into the design of developments. I give significant weight to the biodiversity net gain which the proposal is expected to deliver. Whilst the proposal would minimise the impact on Wymondley Transforming Station LWS in accordance with paragraph 174(d) of the NPPF, I am concerned that there is insufficient certainty about the mitigation proposed for displaced skylarks. That is a negative feature of the proposal to which I accord moderate weight.

Heritage assets

12.39 The heritage impact assessment considered the proposal in relation to the setting of four groups of designated heritage assets: Great Wymondley Conservation Area and the designated assets within it, the scheduled monument of Wymondley Priory with its associated structures, St Mary's Church (grade II*) at Little Wymondley, and Graveley Hall Farm (grade II) and its associated structures. I have adopted the same approach.

Great Wymondley designated heritage assets

12.40 The conservation area encompasses the small village of Great Wymondley, which is encircled by the surrounding open countryside. It extends along the roads which meet at the two junctions towards its northern end, and contains a number of listed buildings. In the quadrant between Arch Road and Graveley Road is the grade I listed church of St Mary the Virgin, which is a focal point of the settlement. The significance of the conservation area derives in part from the architectural and historic interest of the heritage assets within it and their interrelationships. As a rural settlement, the open landscape in which Great Wymondley is situated is also of importance. Historic maps included with the Applicant's Heritage Impact Assessment reveal changes in field boundaries within the site between the eighteenth century and the present-day⁸². However the fields remain in agricultural use, and, together with other nearby farmland, assist in the appreciation of Great Wymondley as a small rural settlement set in an open landscape. In this way, the setting of the conservation area makes an important contribution to the significance of this heritage asset.

12.41 The eastern point of the conservation area, at Milksey Cottages, is only about 150m from the northern parcel of the application site. Although the distance is short, hedgerows and tree cover along Graveley Road and elsewhere within the village restrict views of the fields within the application site. As additional planting became established, particularly on the western side of the northern parcel and within the strips to the west of the southern parcel, that position would be reinforced. However the role of the open landscape in contributing to the setting of the conservation area is not dependent upon views into or out of Great Wymondley, and I note that in Historic England's Good Practice Advice in

⁸² CD5, figures 6-8.

Planning Note 3, the surrounding landscape is listed as a separate attribute to views⁸³.

- 12.42 The development would represent a major change to the setting of the conservation area, encroaching substantially into the open farmland to its east. Given the scale of the proposal, Great Wymondley would no longer be a village immersed in a rural landscape. That change would be apparent from Graveley Lane and Priory Lane and nearby footpaths. Whilst the planting of trees and the strengthening of hedgerows would, over time, lessen visibility of the solar arrays, the presence of the development would nevertheless be apparent in filtered views and gaps, such as that indicated in the year 10 photomontage from viewpoint 7 and at the site accesses. Moreover the curtailment of open views across the site due to planting (above, para 12.24) would in itself adversely affect the setting of the conservation area.
- 12.43 St Mary's Church, which dates from the 12th century, has a central position within the conservation area. It is well enclosed by tree cover, with only glimpses of the tower visible across the landscape. The immediate setting of the church is provided by the churchyard and nearby buildings, and its relationship with other heritage assets would be unchanged. I do not consider that the proposed development would have any material effect upon its setting. I have reached the same view in respect of the other listed buildings within Great Wymondley. Their settings are less extensive than that of the conservation area, and, in the case of these individual buildings, their separation from the application site and the presence of intervening cover are sufficient to avoid harm from the development outside the village.
- 12.44 I turn now to the scheduled monument of Great Wymondley Castle. The earthwork remains of this motte and bailey castle are situated on the eastern side of the conservation area on an elevated piece of ground. The Applicant's heritage consultant comments that it was likely designed to look over the surrounding landscape, and as a local stronghold I expect that it was intended to dominate the immediate locality. In view of that historic role, I consider that the setting of the castle extends onto the open land on the east side of the village. Despite the restricted intervisibility with the application site, the encroachment of the solar arrays onto the open land on this side of Great Wymondley would diminish the traditional relationship of the castle with the surrounding landscape, and thereby detract from the contribution which setting makes to its significance.
- 12.45 For the reasons given above, I conclude that the proposed development would detract from the setting of Great Wymondley Conservation Area and Great Wymondley Castle and would thereby conflict with Policy SP13(a) of the Local Plan and in consequence Policy NHE9 of the NDP. Having regard to paragraph 202 of the NPPF, this would represent less than substantial harm to the significance of these heritage assets. Insofar as the conservation area is concerned, given the significant change to its rural setting I place the harm towards the upper end of the spectrum. The castle is enclosed to the west by the village and is a relatively modest structure, and the harm caused would be towards the lower end of the scale of less than substantial harm.

⁸³ CD91 page 11, Assessment Step 2 checklist.

Wymondley Priory

- 12.46 Wymondley Priory is situated on Priory Lane, about 250m to the west of the southern parcel of fields within the application site. The priory was originally an Augustinian monastic establishment dating from the 13th century. Following dissolution, the priory church was converted to a manor house⁸⁴. The house is a grade I listed building and the nearby tithe barn is a grade II* listed building. These buildings are located within a moated precinct, beyond which are low earthworks marking components which were associated with the priory. Another barn and garden walls at the Priory are grade II listed buildings. To the east is the detached site of the conduit head, which was the source of the water supply for the priory, the remains of which are a grade II listed building. The site of the priory (including the conduit head) is a scheduled monument, but the manor, the above ground remains of the priory and most of the farm buildings (except the grade II* barn) are excluded from the scheduling⁸⁵.
- 12.47 The Applicant's heritage witness acknowledges that the spatial relationship between the priory and the outlying earthworks and the diversity of components present offer valuable insights into the religious and economic lifestyles of monastic communities. Land in the southern part of the application site lies within the historic landholding of the priory⁸⁶, and the extent of the farmland to the east of the priory serves as a reminder of the functional link that existed between the priory complex and the application site. This land forms part of the setting of Wymondley Priory and makes an important contribution to the significance of this group of heritage assets, in particular to the scheduled monument itself, and to the listed priory and the listed tithe barn⁸⁷ as key components of the priory complex.
- 12.48 Intervisibility between the priory and the application site is limited, and the proposed planting would restrict this further. That said, the extent of the development on the southern parcel of the site would diminish the relationship between the priory complex and its farmland setting and the ability to appreciate the contribution of that setting to the significance of the priory complex. My concern does not extend to the detached conduit head which is almost entirely contained by trees, and whose relationship with the main complex across open farmland would remain distinct.
- 12.49 Notwithstanding my finding in respect of the conduit head, I conclude that the proposal would cause serious harm to the setting of the scheduled monument, together with that of the listed priory and the listed tithe barn, and less than substantial harm to the contribution which setting makes to their significance. In consequence there would be conflict with Policy SP13(a) of the Local Plan and Policy NHE9 of the NDP.

⁸⁴ CD98, The Priory official list entry.

⁸⁵ CD100, Wymondley Priory official list entry.

⁸⁶ CD5, para 6.2.17.

⁸⁷ The Heritage Impact Assessment (CD5) refers to the tithe barn as an early post-Dissolution barn (CD5, para 6.2.13). However, the official list entry (CD99) explains that the building was erected for the prior and community of Wymondley Priory.

St Mary's Church, Little Wymondley

12.50 The church is a modest structure dating from the 12th century when it was associated with Wymondley Priory⁸⁸. It is a grade II* listed building, and, having regard to its connection with the Priory and the detailed list description, I agree with the Applicant's heritage witness that its significance lies primarily in its historic and architectural interest. The church stands in an elevated position in Little Wymondley, about 600m from the south-west corner of the southern parcel of the application site. There are only limited glimpses of the church from the eastern part of the site, and of the site from the church. Moreover, the church is positioned to the south of more modern buildings in Little Wymondley beyond which is a railway line. It does not have a strong relationship with the application site, and I conclude that the proposed development would not materially affect its setting.

Graveley Hall Farm

12.51 Graveley Hall Farm is a grade II listed building within Graveley Conservation Area. Associated barns, farm buildings and a boundary wall are also grade II listed buildings. The Heritage Impact Assessment explains that, historically, much of the southern part of the application site was included within the holding of the farm, which was part of the Priory estate⁸⁹. However the relationship with that land was substantially diminished by the construction of the A1(M) motorway which runs to the west of Graveley, and there is no intervisibility with the application site. Due to the presence of the motorway, the historical association of Graveley Hall Farm with the application site cannot be readily appreciated, and I conclude that the proposed development would not materially affect the setting of the listed buildings there.

Archaeological remains

12.52 It is common ground between the main parties that there is a high potential for archaeological remains to be present within the site [7.8, 8.11, 9.10]. As expected by paragraph 194 of the NPPF, the Applicant has undertaken an appropriate assessment and evaluation of the site. The Heritage Impact Assessment refers specifically to the prospect of prehistoric, Roman and medieval remains [7.8]. A geophysical survey has identified three concentrations of anomalies of archaeological origin. In order to safeguard remains in these areas, it is proposed that panels would be installed employing a no-dig solution, being mounted on concrete sleepers with cable runs being above ground [7.8]. The JOG referred to the possibility of remains being adversely affected by compression, but there is no specific evidence to substantiate this concern.

12.53 Elsewhere a series of trial trenches would be dug, covering 3% of the site, and it is intended that a revised written scheme of investigation would specify the arrangements for this exercise, in addition to specifying the no-dig areas [7.8]. A condition is suggested which would require the submission of a revised written scheme of investigation and to prevent development of the solar farm until actions to protect archaeological interests have taken place. I am satisfied that

⁸⁸ CD5, Heritage Impact Assessment, appendix B site 22.

⁸⁹ CD5, para 6.2.7.

with the safeguard of such a condition, the proposed development would not adversely affect archaeological interests in the parcels of land to the north and south of Graveley Lane. There would be no conflict with Policy HE4 of the Local Plan or Policy NHE9 of the NDP.

Other heritage assets

12.54 There are a number of other heritage assets, both designated and non-designated within the surrounding area⁹⁰. None have a relationship to the application site such that their settings would be adversely affected by the proposed development.

Agricultural land

12.55 The fields where the solar arrays would be installed are recognised as being BMV agricultural land [2.4]. The Applicant argued that BMV land is not a rare resource, pointing to information from Natural England which estimates that it amounts to about 42% of farmland in England⁹¹.

12.56 Notwithstanding the proportion of farmland included in grades 1-3a, national planning policy requires that particular attention should be given to this higher quality land. Paragraph 174(b) of the NPPF explains that both planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other measures) recognising the economic and other benefits of BMV land. PPG on Renewable and low carbon energy includes specific reference to large scale solar farms: paragraph 5-013 encourages the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. Where greenfield land is proposed for use, consideration should be given to whether the use of agricultural land is necessary, whether poorer quality land has been used in preference to land of higher quality, and whether the proposal allows for continuing agricultural use where applicable.

12.57 The application does not seek to replace the agricultural use of the site, but for agricultural use to continue alongside the solar farm. The land around and below the panels would be sown with grass and used for the grazing of sheep [7.18]. Although the presence of the panels would prevent rainfall from reaching the ground below, the Applicant's agricultural witness explained that water would travel laterally through the ground. There is nothing before me to indicate that grass cover would be unable to be established on the developed site, nor that the height and position of the solar panels would prevent the land being grazed by sheep. The Applicant had no objection to a condition requiring approval of a grazing management plan, which would set out arrangements for the continuing agricultural use of the land.

12.58 Grazing by sheep would occur around the solar arrays, and would be prevented by stock fencing from extending to the perimeter buffer strips and the areas in the northern parcel proposed to be planted as species-rich grassland. Some field margins are subject to a countryside stewardship scheme: the Ecological Assessment Report records these margins as 5-6m

⁹⁰ The location of heritage assets is shown on the plans at figures 2-4 of the Heritage Impact Assessment, CD5.

⁹¹ CD170, Appendix 2 to Mr Kernon's proof, Natural England Technical Information Note TIN049, page 2.

wide⁹², approximately half the width of the proposed perimeter buffer strips. The evidence before me indicates that the extent of the site which is not currently in agricultural use is somewhat smaller than that which would be taken out of agricultural use by the development. Consequently, whilst there would be a slight reduction in the area of BMV which would be farmed I do not consider that that would be sufficient to constitute material harm.

12.59 The LPA referred to lower productivity and flexibility from use of the fields for sheep grazing as opposed to arable farming [8.13]. However there is no policy support for this position. Accordingly a reduced level of food production and the associated issue of food security are not matters which count against the application to a significant degree. On the other hand the Applicant's evidence that the removal of land from intensive agricultural use for a period of time would improve soil health and structure was not disputed by any specific evidence.

12.60 My attention has been drawn to a decision dismissing an appeal for solar panels in Swadlincote, Derbyshire on a site of which almost half of 34ha was classified as BMV land (CD188). In that case the Inspector concluded that the appellant had failed to demonstrate that there was no land of a lesser agricultural quality available within the study area. The site assessment exercise was also criticised in a decision refusing planning permission for a solar farm at Manuden (CD144). I consider arguments relating to site selection in this case below (paras 12.75-12.78), but, although the JOG queried whether enough had been done to establish if a location could be found comprising 3b land [9.13], there is no substantive evidence to contradict that of the Applicant that there is a high likelihood that much of the land in the locality falls into the BMV category [2.4].

12.61 The proposal would enable agricultural use of the land to continue, and there is no evidence of sufficient non-agricultural land or land of lower quality being available. Any reduction in productivity of the application site is counterbalanced by the benefit to soil condition resulting from a break in intensive agricultural production. I conclude that, due to continuing agricultural use, the proposed development would be consistent with the provisions of paragraph 174(b) of the NPPF and paragraph 5-013 of PPG concerning BMV land: in consequence it would comply with Policy NE12 of the Local Plan.

The Development Plan

The Local Plan

12.62 The proposal is inappropriate development in the Green Belt, and compliance with Policy SP5 is contingent upon such development being justified by very special circumstances. That is a matter which I consider in my overall conclusions.

12.63 As a renewable energy scheme, Policy SP11(a) provides support in principle for the development, as does Policy SP1 concerning the provision of infrastructure to support the population. The policy includes a caveat that such development should be in appropriate locations. Appropriate locations are not

⁹² CD7, para 3.4.3.

defined in the supporting text, but I have found that the development of the solar farm on the land at Graveley Lane would not only be inappropriate due to the Green Belt designation but would also cause harm to the character and appearance of the area and to the setting of Great Wymondley Conservation Area, Wymondley Castle and the scheduled monument, listed priory and listed tithe barn at Wymondley Priory. Whilst other considerations have to be considered against such harm in my conclusions, that harm itself indicates that in the first instance the application site is not an appropriate location for the development proposed.

- 12.64 The proposal would not have a material effect upon the setting of The Chilterns National Landscape. It would nevertheless cause harm to the character and appearance of the surrounding area, and in consequence there would be conflict with Policies SP12, NE2 and D1.
- 12.65 There is an extensive range of designated and non-designated heritage assets in the area. The development of the solar farm would not have a direct effect upon any designated assets and non-designated archaeological assets could be safeguarded by mitigation measures including no-dig areas and trial trenching. However harm would be caused to the setting of Great Wymondley Conservation Area, Wymondley Castle and designated heritage assets at Wymondley Priory. In accordance with Policy SP13 great weight should be given to the management of their setting, but compliance with Policy HE1 necessitates a balance between the less than substantial harm to the assets' significance and the public benefits of the development, a matter I consider below (paras 12.88 & 12.89). Measures are proposed to safeguard archaeological remains in accordance with Policy HE4, and there would no adverse effect on the setting of non-designated heritage assets, securing compliance with Policy HE3.
- 12.66 In accordance with Policy NE4, there would be a measurable net gain in biodiversity, and the effect on the LWS at Wymondley Transforming Station would not cause material harm. The proposal would also comply with Policy NE12 since it would be consistent with national policy in respect of its effect on BMV land. The scheme would satisfactorily address transport implications, and it would not result in a reduction in highway safety contrary to Policy SP6.
- 12.67 Part of the route of the cable run is in flood zone 3 on Stevenage Road [2.4]. It is common ground between the Applicant and the JOG that there is a history of flooding in Little Wymondley [7.23, 9.18]. Floodwater has entered properties and extended along parts of Priory Lane and Stevenage Road. As the cable would be buried beneath the road, the completed works would not increase flood risk. To avoid a potential obstruction to the movement of water from excavated material, it is intended that this would not be stored on either Priory Lane or adjacent to Stevenage Road [7.22]. The cable would be essential infrastructure, required in this location to connect the arrays to the grid. It would not give rise to any additional flood risk and the development overall would reduce flood risk elsewhere, and consequently it would comply with the exception test in paragraph 164 of the NPPF.
- 12.68 The fields where the solar arrays would be installed are at low risk of flooding, and their installation here would be consistent with part (a) of Policy NE7, and the sequential test set out in paragraph 162 of the NPPF. Most structures on the

site would be raised off the ground and would not impede overland movement of water, as required by part (g). The grassed surface would have a lower rate of run-off than the bare earth which is present for part of the year, and the scheme includes six attenuation basins which would restrict run-off from the site. Modelling indicates that the development would lead to a reduction in surface water run-off from the site. As the site is within the catchment of Ash Brook which is the principal source of flooding in Little Wymondley, a modest reduction in off-site flood risk is expected to result. No increase in flood risk should result from the development, in line with paragraph 167 of the NPPF. Conditions could be imposed to prevent the storage of excavated material on Priory Lane or adjacent to Stevenage Road, to secure the surface water drainage scheme, and a flood management plan as part of a more extensive construction environmental management plan. The proposal would comply with Policy NE7 and the approach to flood risk in Chapter 14 of the NPPF.

The Neighbourhood Plan

12.69 The solar farm would erode the openness of the Green Belt, due not only to its physical presence but also to its visual impact. Policy GB1 also refers to compliance with national policy. The proposal would be inappropriate development in the Green Belt, and compliance with the NPPF, and therefore Policy GB1, is contingent upon such development being justified by very special circumstances. As mentioned above (para 12.62), that is a matter which I consider in my overall conclusions.

12.70 The application was accompanied by a landscape and visual impact assessment as required under Policy NHE1. Although I have found that there would be a harmful effect on the character and appearance of the area, that is not a matter which brings the proposal into conflict with the specific provisions of the policy.

12.71 Insofar as heritage assets are concerned, Policy NHE9 defers to the Development Plan and national policy. Compliance with Policy HE1 of the Local Plan necessitates a balance with the public benefits of the development, as prescribed in paragraph 202 of the NPPF, a matter I consider below (paras 12.88 & 12.89). Similarly, Policy NHE3 defers to local policy in respect of local wildlife sites, and I have found compliance with Policy NE4 of the Local Plan.

12.72 As there would be a net gain in biodiversity, a slight betterment with regard to flood risk, and the opportunity for native species to be used in landscaping, the scheme would comply with Policies NHE2, FR1, and NHE8.

The Minerals Local Plan Review

12.73 Although part of the site falls within an area which has been identified for the safeguarding of sand and gravel reserves [5.8], this resource would not be sterilised since the proposal seeks permission for a temporary period of 40 years. Consequently there would be no conflict with Minerals Policy 5.

The Development Plan as a whole

12.74 The proposal would not conflict with the relevant policy in the Minerals Local Plan Review, and it would comply with several policies in both the Local Plan and the Neighbourhood Plan. However, even though there is support in Policy SP11 of the Local Plan for the principle of renewable energy development, the

site is not an appropriate location, and there is also conflict with policies concerning the character and appearance of the area. Important policies concerning the Green Belt and heritage assets require consideration to be given to other matters. I deal with those balancing exercises in my overall conclusions where I also conclude on the Development Plan as a whole.

Other considerations

i) Site selection

12.75 The inquiry heard that an initial step in site selection is to avoid those areas with a high level of curtailment, where the export of electricity is susceptible to being prevented during periods of high generation. Six EHV sub-stations were identified as having the potential for connection on the basis of their association with areas of low to moderate curtailment [7.1]. Small size and capacity are limiting factors at most of these sub-stations, and difficulties due to an urban setting, disruption to residents, and the cost of the cable route are referred to in respect of four EHV substations [7.1].

12.76 Six 132kV substations were also identified, but only Wymondley GSP offers the type of connection sought [7.2]. The alternative 132kV connections elsewhere would be considerably more expensive, and it is the undisputed evidence of the Applicant that generally this arrangement is only viable for connections in excess of 50MW⁹³. A site for the arrays was sought based on connection at Wymondley, within a maximum radial distance of 4km [7.2]. Virtually all of the land within this distance from Wymondley substation and outside the built-up areas of Hitchin and Stevenage lies within the Green Belt. The application site is within this search area and is technically unconstrained.

12.77 It is self-evident that costs will increase with distance from the point of connection, but whilst the Applicant refers to a maximum distance of 4km for projects of this size having regard to viability [7.2], there is no clear evidence to demonstrate that that is the case. Similarly, South Hitchin EHV substation is not included in the supplementary table which provides information on substation capacity [7.1], and there is no detailed information to substantiate concerns about constraints there. In the absence of more substantive evidence on these matters, it is not clear that the site selection exercise was so tightly constrained that there is no alternative location outside the Green Belt for the proposed development. My finding that the status of the application site as BVM land does not count against the proposal (above, paras 12.60 & 12.61) is insufficient to outweigh these considerations.

12.78 On the information before me, I conclude that the site selection exercise does not provide clear support for the development of the solar farm on the application site.

ii) Deliverability

12.79 The appeal site is available and deliverable. If planning permission is granted, it is expected that the solar farm would be connected to the grid by 2025-26. In contrast, the current lead-time for connection following a new request is 46 months [7.2]. An alternative scheme could, therefore, take up to two years

⁹³ CD232, para 2.5.

longer to come on stream once a proposal had been prepared. Given the urgency of addressing the climate crisis, that is a matter which lends significant support to the proposal.

iii) Noise

12.80 The JOG expressed concern about noise from equipment on the site, and also the possibility that the panels would deflect traffic noise from the A1(M). The noise and vibration assessment reported on sound monitoring and predicted noise levels from the battery store, inverters, and transformers. It found that the noise from maximum site operations during both day and night time would be below the representative background sound level, and would have a low impact⁹⁴.

12.81 In a consultation response addressing noise, the Council's Environmental Health Officer only identified a potential for noise nuisance to arise during the construction period, and recommended conditions to restrict working hours and require adherence to a construction phasing and environmental management programme (subsequently referred to as a construction environmental management plan) which would include measures to minimise noise. With these safeguards in place I do not consider that the proposal would harm the living conditions of local residents.

iv) Transport implications

12.82 Once operational, the solar farm would generate little traffic. The Applicant indicated that there would be 1-2 visits per week using a light vehicle, a matter which was not disputed by other parties. Traffic movement would be greater during the 36 weeks construction period, involving heavy goods vehicles in addition to lighter vehicles [7.16]. Even so the additional number of movements would be modest, and deliveries and HGVs would be routed from the motorway to the east [7.16], thereby avoiding the villages of Great Wymondley and Little Wymondley. The routing of construction traffic could be included within a construction traffic management plan, secured by condition. At a point on Graveley Lane where the carriageway is narrower a passing bay would be formed to avoid disruption to the free movement of traffic. Conditions could be imposed to secure both the formation of the passing bay, and its removal once construction had been completed.

12.83 The JOG referred to the potential for disruption on Priory Lane and Stevenage Road during works to lay the cable. It is expected that some temporary road closures and diversions would be necessary. The works within the carriageway and associated traffic management measures would be subject to a separate consenting regime and would require approval by the local highway authority [7.17]. They are not a reason to resist the grant of planning permission.

v) Fire risk

12.84 Hertfordshire Fire Service has advised that certain measures, including a perimeter road and an emergency water supply, should be included in the development (CD200). In response, a fire risk management plan is proposed, the implementation of which could be secured by means of a condition.

⁹⁴ CD8, paras 7(iii) & 9(v).

vi) Permissive footpaths

12.85 The scheme proposes the creation of several lengths of permissive footpath, to remain in place for the duration of the development. There would be a footpath along the west and south sides of the northern parcel, with a short northwards spur at its eastern end. This footpath would link to the Hertfordshire Way at each end, providing the opportunity for a circular walk on the north side of Graveley Lane. A separate path on the south side of the road would provide a link from the junction at the eastern end of the village to the path around the northern parcel. The provision of these temporary paths would provide a benefit to local residents and other walkers in the countryside to which I ascribe moderate weight.

vii) Economic considerations

12.86 Employment opportunities would provide an economic benefit [8.15], but during the operational phase of the development there are only expected to be 1-2 visits per week by staff (above, para 12.82). Construction would involve more people but would only last for about 36 weeks, and decommissioning would similarly be relatively short compared to the 40 years operational life of the solar farm. Consequently I ascribe limited weight to this benefit.

Conditions

12.87 I have considered the suggested conditions (CD218) in the light of the advice in PPG and the discussion on conditions at the inquiry. In accordance with section 100ZA(5) of the Town & Country Planning Act 1990, the Applicant has agreed to those conditions which would be pre-commencement conditions (CD250). Those conditions which I consider would be necessary if planning permission were granted are listed in the annex to this report, together with the reasons for their imposition.

Overall conclusions

12.88 The proposal would lead to less than substantial harm to the significance of Great Wymondley Conservation Area, the scheduled monument of Wymondley Castle, and heritage assets at Wymondley Priory. Where that is the case, paragraph 202 of the NPPF requires that the harm should be weighed against the public benefits of the proposal. The urgent need to generate electricity from renewable sources, including solar installations, in order to meet national and local targets, and supported by paragraph 152 of the NPPF, is an important factor which carries significant weight in support of the application. The proposal would contribute to meeting that need, and is deliverable within a relatively short time-frame. That adds further significant weight to the case in favour of the proposed solar farm. I also give significant weight to the biodiversity gain which would be achieved as a result of the design of the scheme. Further public benefits, which merit moderate weight, arise from the limited reduction in flood risk and the provision of permissive footpaths on and leading to the site. The development would be reversible, and whilst the eventual return of the site to open countryside would be a benefit compared to a permanent permission, 40 years is a considerable period of time, and I give limited weight to this matter. I also give limited weight to the economic benefits arising from employment in connection with the proposal.

- 12.89 Whereas the harm occasioned to the significance of the castle would be towards the lower end of the spectrum of less than substantial harm, the harm in respect of Great Wymondley Conservation Area and the scheduled monument of Wymondley Priory, together with the listed priory and the listed tithe barn would be markedly greater. I am concerned that the development would cause serious harm to their settings, and in consequence the presence of the solar farm would damage the significance of these important assets for a prolonged period of time. Paragraph 199 of the NPPF makes it clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I am in no doubt that the harm to designated heritage assets which I have identified outweighs the public benefits which the proposed development would produce. In consequence the proposal would fail to comply with Policy HE1 of the Local Plan and Policy NHE9 of the Neighbourhood Plan.
- 12.90 I turn now to the Green Belt balance. The proposal would amount to inappropriate development, it would result in a significant loss of openness over a considerable period of time, and it would conflict with several of the purposes of including land in the Green Belt. Harm to the Green Belt carries substantial weight. There would be serious harm to the setting of several important heritage assets. Additionally the development of a solar farm to the east of Great Wymondley would harm the character and appearance of the area. I attach significant weight to the adverse impact on the landscape of the site and its immediate surroundings, and moderate weight to the effect on the landscape character area of which the site forms part. Insofar as visual amenity is concerned, the adverse impact on views from The Hertfordshire Way and Graveley Lane merits considerable weight, and there would be some additional harm from viewpoints to the north and south-west. I am concerned that there is insufficient certainty about the mitigation proposed for displaced skylarks, and I attach moderate weight to this aspect of the scheme.
- 12.91 There are no additional factors to the public benefits identified above (para 12.88) to weigh in favour of the proposal. I acknowledge that there would be some improvement to soil structure in the fields where the panels would be installed but this would be counterbalanced by the loss of productivity of the farmland. This part of Hertfordshire is constrained by the extent of the Green Belt and the presence of The Chilterns National Landscape. However the evidence submitted in respect of site selection is not sufficient to demonstrate that these constraints are such as to provide support for development of the proposal in this countryside location within the Green Belt and within the setting of a number of designated heritage assets.
- 12.92 I conclude that the harm to the Green Belt by reason of inappropriateness and the other harms identified would not be clearly outweighed by other considerations. Consequently very special circumstances to justify the development do not exist in this case: it would, therefore, conflict with Policy SP5 of the Local Plan, Policy GB1 of the Neighbourhood Plan, and paragraph 147 of the NPPF.
- 12.93 Bringing together my earlier findings on the Development Plan and my conclusions on the heritage and Green Belt balances, I conclude that the proposed development would conflict with the Development Plan considered as

a whole, and that the impacts of the development would not be acceptable, contrary to paragraph 158(b) of the NPPF.

13. Recommendation

- 13.1 For the reasons given above, and having regard to all matters raised, I recommend that planning permission be refused. Should the Secretary of State reach a different conclusion on the merits of the application, I recommend that the conditions in the Annex to this report should be imposed on a grant of planning permission.

Richard Clegg

INSPECTOR

ANNEX

SCHEDULE - SUGGESTED CONDITIONS

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

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans/drawings:
 - i) Drawing No. 3004-01-001 Rev B – location plan
 - ii) Drawing No. 3004-01-002 Rev B – statutory plan (location plan)
 - iii) Drawing No. 3004-01 003 Rev F – general arrangement (site plan)
 - iv) Drawing No. 3004-01-012 Rev F – landscape proposals
 - v) Drawing No. 3004-01-004 – illustrative PV frame and panels
 - vi) Drawing No. 3004-01-005 – indicative inverter-transformer station
 - vii) Drawing No. 3004-01-006 – storage building
 - viii) Drawing No. 3004-01-007 – control building
 - ix) Drawing No. 3004-01-008 – switchgear building
 - x) Drawing No. 3004-01-009 – battery storage container
 - xi) Drawing No. 3004-01-010 Rev A - indicative deer/stock fencing, access track and CCTV
 - xii) Drawing No. 3004-01-011 – typical cable trench
 - xiii) Drawing No. 3004-01-D04 – proposed passing place and junction visibility splays
 - xiv) Drawing No. 3004-01-D05- forward visibility splays
 - xv) Drawing No. 3004-01-ATR03 - swept path assessment – northern access
 - xvi) Drawing No. 3004-01-ATR01Rev D - swept path assessment construction phase.

Reason - To provide certainty.

- 3) Notwithstanding condition No 2, no development (excluding demolition, tree protection works, groundworks/investigations) shall take place until details (including layout, materials, colour and finish) of the following have been submitted to and approved in writing by the Local Planning Authority:
 - i) solar panels and frames.
 - ii) CCTV columns.

iii) Satellite communication dish and column.

iv) Location of ancillary buildings, and details of equipment and enclosures

The development shall be carried out in accordance with the approved details and maintained thereafter.

Reason: To protect the character of the area.

- 4) Within 1 month of the date of first export of electricity to the National Grid (the date of first export) confirmation shall be given in writing to the Local Planning Authority of the same. The development hereby permitted shall cease on or before the expiry of a 40 years period from the date of first export. The land shall thereafter be restored to its former condition in accordance with a scheme of decommissioning work and an ecological assessment report detailing site requirements in respect of retaining ecological features.

The scheme of decommissioning work and the ecological assessment report shall be submitted to and approved in writing by the Local Planning Authority no later than 39 years from the date of first export and subsequently implemented as approved.

Reason - For the protection of the Green Belt and in accordance with the time limited nature of the application.

- 5) In the event that the development hereby permitted ceases to export electricity to the grid for a continuous period of 12 months at any point after the date of first export (other than for operational reasons outside of the operator's control), a scheme of early decommissioning works (the early decommissioning scheme) and an ecological assessment report detailing site requirements in respect of retaining ecological features (the early ecological assessment report) shall be submitted no later than 3 months after the end of the 12 months non-electricity generating period to the Local Planning Authority for its approval in writing. The approved early decommissioning scheme and the approved early ecological assessment report shall be implemented in full in accordance with a timetable that shall be set out in the early decommissioning scheme.

Reason - The use and associated buildings and structures are not in accordance with national and local policy for the protection of the Green Belt. The use and associated buildings and structures should therefore be removed as soon as possible if the solar farm is no longer required.

- 6) No development shall take place (including demolition, ground works and vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The CEMP shall include details of the following:
- i) A timetable for the construction works.

- ii) The control and management of noise and dust during the construction phase.
- iii) On-site waste management.
- iv) A risk assessment of potentially damaging construction activities.
- v) Identification of biodiversity protection zones.
- vi) Physical measures and sensitive working practices to avoid or reduce impacts during construction (which may be provided as a set of method statements).
- vii) The location and timing of sensitive works to avoid harm to biodiversity features.
- viii) The times during the construction period when specialist ecologists need to be present on site to oversee works.
- ix) Responsible persons and lines of communication.
- x) The role and responsibilities on site of an ecological clerk of works or similar competent person.
- xi) The use of protective fences, exclusion barriers and warning signs.
- xii) Soil management across the site.
- xiii) A flood management plan, which shall include a requirement for the contractor to sign up to the Environment Agency flood warning service, and which shall set out the actions to be taken in the event that a flood alert and/or flood warning is received from the Environment Agency (including a requirement that no new trenches are excavated until the Environment Agency has issued an All Clear).
- xiv) Construction and storage compounds, and post-construction reinstatement of these areas.

The development shall be implemented in accordance with the approved CEMP throughout the construction period.

Reason – To safeguard the living conditions of nearby residents, to ensure that construction works do not have a harmful environmental effect, and to ensure that there is no obstruction to flood water flows and no increase in flood risk elsewhere during construction of the development.

- 7) During the installation of underground cables, no spoil or material shall be stored adjacent to Stevenage Road, Little Wymondley within the extent of flood zone 3, nor along any part of Priory Lane.

Reason: To ensure that the storage of spoil and other material does not impede flood water flows nor increase flood risk during construction of the development, and to comply with Policy NE7 of the North Hertfordshire Local Plan 2011-2031.

- 8) No development shall take place until a construction traffic management plan (CTMP) has been submitted to, and approved in writing by, the local planning authority. The CTMP shall include details of the following:
 - i) Construction vehicle numbers, type and routeing.
 - ii) Access arrangements onto the site.
 - iii) Traffic management measures.

- iv) Areas designated for car parking, loading/unloading and vehicle turning.
- v) Wheel washing facilities.
- vi) Arrangements for the cleaning of site entrances, internal site tracks and the adjacent public highway.

The development shall be implemented in accordance with the approved CTMP throughout the construction period.

Reason - In the interest of highway safety, to safeguard the living conditions of local residents, and to ensure that construction traffic does not have a harmful environmental effect.

- 9) No development shall take place until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The LEMP shall include the following:
- i) Description and evaluation of features to be managed.
 - ii) Ecological trends and constraints on the site that might influence management.
 - iii) The aims and objectives of management.
 - iv) Appropriate management options for achieving aims and objectives.
 - v) Prescriptions for management action.
 - vi) A work schedule, including an annual work plan capable of being rolled forward over five-year periods to a minimum period of 30 years from the date of first export of electricity to the grid.
 - vii) Details of the organisation responsible for implementation of the plan.
 - viii) Ongoing monitoring and remedial measures.
 - ix) Details of species selected to achieve target habitat conditions as identified in the biodiversity metric 4.0, and stated and marked on plans.
 - x) Measures to safeguard wildlife, in accordance with paragraphs 4.7.1-4.7.46 of the Ecological Assessment Report ref AxisL-043—1480.
 - xi) Details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured.
 - xii) The means by which contingencies and/or remedial action will be identified, agreed and implemented in order that the development delivers the biodiversity objectives of the approved scheme.

The development shall be carried out in accordance with the approved LEMP.

Reason - To ensure the delivery of measurable biodiversity net gain.

- 10) No development shall take place until a fire risk management plan (FRMP) has been submitted to, and approved in writing by, the Local Planning Authority. The FRMP shall include details of battery management, response to fire at the development, and emergency vehicle access.

Reason - To manage fire risk and ensure public safety.

- 11) No external lighting shall be installed on the site before a lighting scheme has been submitted to and approved in writing by the Local Planning Authority.

The lighting scheme shall be designed in accordance with the advice on lighting set out in the Institute of Lighting Professionals (ILP) (2023) Guidance Note 8/18: Bats and Artificial Lighting in the UK- Bats and the Built Environment Series. BCT London (or any successor document). The lighting shall be installed in accordance with the approved scheme.

Reason: To prevent light pollution, to protect the character of the area, and to avoid harm to bats.

- 12) Notwithstanding any details submitted, no development shall take place until details of hard and soft landscaping (the landscaping scheme) have been submitted to, and approved in writing by, the local planning authority. The landscaping scheme shall include details of the following:
- i) A timetable for implementation of the scheme.
 - ii) External hard surfacing materials.
 - iii) Means of enclosure.
 - iv) Proposed and existing services above and below ground.
 - v) Soft landscape works including planting plans, written specifications for cultivation and other operations associated with plant and grass establishment, and schedules of plants including species, plant sizes and proposed numbers or densities.
 - vi) Finished levels and contours.

The landscaping shall be implemented in accordance with the approved scheme and timetable. Any tree or shrub which forms part of the approved landscaping scheme, and which, within a period of 5 years from planting, fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be agreed with the local planning authority.

Reason – To safeguard the character and appearance of the area.

- 13) Notwithstanding the submitted Archaeological Mitigation Strategy – Written Scheme of Investigation (WSI) by AOC Archaeology Group, ref 25806/80064, no development shall take place until the pre-development actions specified in a revised WSI, which has been submitted to and approved in writing by the local planning authority, have been completed. The scheme shall include:
- i) The programme and methodology of site investigation and recording.
 - ii) Identification of the no-dig areas.
 - iii) The programme for post investigation assessment.
 - iv) Arrangements for analysis of the site investigation and recording.
 - v) Arrangements for publication and dissemination of the analysis and records of the site investigation.
 - vi) Arrangements for archive deposition of the analysis and records of the site investigation.
 - vii) Nomination of a competent person or organisation to undertake the works set out within the revised WSI.

The development shall take place in accordance with the programme of archaeological works set out in the approved WSI.

Reason –To safeguard and to ensure the investigation and recording of archaeological assets within the site.

- 14) No excavation activities shall be undertaken within the no-dig areas identified in the revised WSI.

Reason - To safeguard archaeological assets within the site.

- 15) During the construction phase of the development hereby approved no construction activities shall take place outside the following hours: Monday to Friday 08:00-18:00, and Saturdays 08:00-13:00. No construction activities shall take place at any time on Sundays or bank holidays, and piling shall only be undertaken between 09.00 and 17.00 Monday to Friday.

Reason: To protect the living conditions of local residents in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

- 16) No noise generating plant shall be installed before details of such plant and any mitigation measures, which demonstrate compliance with the source noise levels detailed in Section 6.2.3 of the Noise Impact Assessment reference R21.0906/DRK dated 7 October 2021, have been submitted to, and approved in writing by, the Local Planning Authority. The plant shall be installed in accordance with the approved scheme.

Reason: To protect the living conditions of local residents in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

- 17) No development, including ground works and ground preparation works, shall take place until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The submitted surface water drainage scheme shall include:

- i) Methods to ensure that surface water run-off generated from the development site does not exceed run-off rates from the undeveloped site for the corresponding rainfall event up to and including 1 in 100 years + climate change critical storm.
- ii) Methods to ensure that the scheme provides betterment in respect of the pre-development overland flow paths for the 1 in 30-year event.
- iii) A condition survey of the 285m culvert that crosses the northern part of the site.
- iv) Retention of the existing overland flow pathways across the site free of obstruction.

- v) Detailed drawings of the attenuation basins including location, size, volume, depth, inlet and outlet features, connecting pipe runs and all calculations and modelling to ensure that the scheme caters for all rainfall events up to and including the 1 in 100 year plus climate change event.
- vi) Detailed drawings of all proposed discharge locations, including headwall details, and evidence of land ownership with evidence of any required third-party permissions.
- vii) Run-off quality treatment.
- viii) Provision of half drain down times for surface water drainage features within 24 hours.
- ix) Silt traps for protection of any residual tanked elements.
- x) Arrangements for maintenance and management of the scheme.
- xi) A timetable for implementation of the scheme.

The development shall be carried out in accordance with the approved scheme and timetable.

Reason – To ensure adequate drainage provision and to avoid an increased risk of flooding, both on and off the site.

- 18) No development shall take place until a scheme of interim and temporary drainage measures during the construction period have been submitted to, and approved in writing by, the local planning authority. The scheme shall provide full details of the responsibility for maintaining the temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. Construction shall be carried out in accordance with the approved scheme.

Reason - To ensure adequate drainage provision and to prevent flooding and pollution offsite.

- 19) No electricity shall be exported to the National Grid, until, upon completion of the surface water drainage/flood management works for the development hereby permitted, the following documents have been submitted to and approved in writing by the Local Planning Authority:

- i) Provision of a verification report, including evidence demonstrating that the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme. The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structures (during construction and final make up) and the control mechanism.
- ii) Provision of a complete set of built drawings for site drainage.
- iii) A management and maintenance plan for the sustainable drainage features and drainage network.

The management and maintenance plan for the sustainable drainage features and drainage network shall be implemented as approved.

Reason - To ensure adequate drainage provision and to avoid an increased risk of flooding, both on and off the site.

20) No excavation of trenches for cabling within Wymondley Transforming Station Local Wildlife Site (LWS) shall take place until a soil management plan has been submitted to and approved in writing by the Local Planning Authority. The soil management plan shall include the following:

- i) An ecological survey of the route across the LWS.
- ii) Details relating to the lifting, storage and replacement of turves, including the season when this will take place.
- iii) Proposed aftercare and management.

The works shall be undertaken in accordance with the approved management plan.

Reason - To minimise the impact upon the ecological and biodiversity interest of the Wymondley Transforming Station LWS in accordance with Policy NE4 of the North Hertfordshire Local Plan 2011-2031.

21) No development shall take place until an arboricultural method statement identifying measures to protect trees and hedgerows to be retained, has been submitted to, and approved in writing by, the local planning authority. The statement shall include a tree and hedgerow protection plan and measures to protect trees and hedgerows during site preparation, construction, and landscaping operations.

Reason - To protect trees and hedgerows, and to safeguard the character and appearance of the area.

22) No development shall take place until a skylark mitigation strategy has been submitted to, and approved in writing, by the local planning authority. The skylark mitigation strategy shall include details of the following:

- i) Identification of the proposed area for the implementation of mitigation.
- ii) Details of how the area will be managed.
- iii) Arrangements to secure the delivery of proposed measures, including a timetable of delivery; and a management and monitoring plan for a period of not less than 5 years from the date of first export of electricity to the grid. Ecological monitoring reports should be submitted to the Local Planning Authority in year 2 and year 5 of the plan.
- iv) Identification of persons responsible for implementing the measures included in the strategy.

The development shall be carried out in accordance with the approved strategy and timetable, and the mitigation measures shall be retained for the lifetime of the development.

Reason – To provide alternative foraging and nesting opportunities for skylarks displaced from the application site.

- 23) No electricity shall be exported to the National Grid until a grazing management plan (GMP) has been submitted to and approved in writing by the Local Planning Authority. The GMP shall detail which parts of the site shall be used for the grazing of livestock, during which months of the year, and how the grazing is to be managed. Within three years of the date of first export, the grazing of livestock shall commence on the site in accordance with the GMP. The approved GMP shall be implemented thereafter. Any changes to the GMP during the lifetime of the permission shall be submitted to the Local Planning Authority for approval in writing and shall not be carried out except in accordance with the approved revised GMP.

Reason - To ensure that agricultural use continues on the site.

- 24) No electricity shall be exported to the National Grid until a scheme relating to the proposed permissive footpaths shown on submitted drawing No. 3004-01-003 Rev F has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of surfacing, a timetable for implementation, signage, waymarks and interpretative panels relating to the proposal. The footpaths shall be implemented and made available for public use in accordance with the approved scheme and timetable.

Reason - To enhance pedestrian movement within and around the site.

- 25) No development shall take place until detailed engineering drawings of the accesses, as shown on plans ref 3004-01-D04 and 3004-01-D05, have been submitted to, and approved in writing by, the Local Planning Authority. The drawings shall include details of hardsurfacing for at least the first 20 metres from the back edge of the carriageway and associated drainage, and visibility splays of 2.4m x 105m to the west and 2.4m x 148m to the east, within which there shall be no vertical obstruction between 0.6m and 2m. No other development shall take place until the site accesses arrangements have been constructed in accordance with the approved drawings.

Reason – In the interest of highway safety.

- 26) No development shall take place until detailed engineering drawings of the passing bay on Graveley Lane, as shown on plans ref 3004-01-D04 and 3004-01-D05 have been submitted to, and approved in writing by, the Local Planning Authority. The drawings shall include measures to demonstrate how the passing bay will be prevented from being used for parking purposes. No

other development shall take place until the passing bay has been provided in accordance with the approved drawings.

Reason – In the interest of highway safety and the free movement of traffic.

- 27) Within 3 months of completion of construction, both accesses shall be modified in accordance with detailed engineering drawings which have been submitted to and approved in writing by the Local Planning Authority. The revised designs shall reduce the width of both site accesses and provide associated tighter kerb radii to accommodate ongoing maintenance and agricultural vehicles.

Reason: To ensure the provision of an appropriate standard of access for the operational development and to protect the character and appearance of the area.

- 28) Within 3 months of completion of construction, the passing bay on Graveley Lane shall be removed, and the verge/embankment and vegetation reinstated, in accordance with detailed engineering drawings which have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area and in the interest of biodiversity.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms C Daly	Counsel for North Hertfordshire District Council
She called	
Mr M Robinson BA(Hons)	Planning consultant
DipTP MRTPI	

FOR THE APPELLANT:

Mr D Hardy	Partner, CMS Cameron McKenna Nabarro Olswang LLP
He called	
Ms L Roy BA(Hons) MSc	Senior Project Manager, AOC Holdings Ltd
MCIfA FSA(Scot)	
Mr J Mason BSc(Hons)	Technical Director, Axis
DipLA CMLI	
Mr L Kendall BA(Hons)	Technical Director, Axis
MCIHT MTPS	
Dr K Tilford BSc MSc	Managing Director, Weetwood Services Ltd
PhD MBA C.WEM	
FCIWEM CEnv	
Mr A P Kernon	Principal, Kernon Countryside Consultants
BSc(Hons) MRAC MRICS	
FBIAC	
Mr A I Hoyle BSc(Hons)	Associate Director, Axis
MCD MRTPI	
Mr H Fearn MSc MCIEEM	Director, Avian Ecology Ltd
Mr J Collier MEng CFA	Investment Manager, AGR Renewables

FOR THE JOINT OBJECTORS GROUP:

Mr P S Harding BSC FRICS	Resident of Great Wymondley and Member of Wymondley Parish Council
He gave evidence	
himself and called	
Mr D Jackson BA(Hons)	Resident of Great Wymondley and of the Great Wymondley Village Association
MBA	
Mrs J Simpson MBE	Resident of Great Wymondley
Mr J Griffiths MA DipTP	Planning consultant
FRTPI	
Mrs E Hamilton MA MSc	Trustee of the Campaign to Protect Rural England Hertfordshire

INQUIRY DOCUMENTS

Superseded documents are not included in this list

- CD200 Letter dated 8 September 2023 from Hertfordshire CC providing a freedom of information response in respect of Fire Service comments on the application.
- CD201 Mr Hardy's opening statement on behalf of the Applicant.
- CD202 Ms Daly's opening statement on behalf of the LPA.
- CD203 Mr Harding's statement on behalf of the JOG.
- CD204 Mr Jackson's revised proof of evidence.
- CD205 Video – Solar Harm. Submitted by Mr Jackson.
- CD206 Notification letter about the calling-in of the application.
- CD207 List of recipients of CD206.
- CD208 Revised location plan, ref 3004-01-001 rev B.
- CD209 List of heritage assets within the study area.
- CD210 Slide pack - community harm objection. Submitted by Mrs Simpson.
- CD211 Map of The Chilterns AONB.
- CD212 Map of the north-eastern part of The Chilterns AONB.
- CD213 Webpage showing examples of above ground bases for solar panels.
- CD215 Composite plan of proposed drainage layout, ref 5208-110-P1.
- CD216 Technical Note 01 – Assessment of Grid Connection Route Cable Laying Process. Submitted by Mr Kendall and Dr Tilford.
- CD217 Revised plan showing construction swept paths, ref 3004-01-ATR01 rev D.
- CD218 Revised list of possible conditions (18 September). Submitted by the Applicant.
- CD219 Illustrative skylarks plot plan. Submitted by the Applicant.
- CD220 Letter dated 15 September 2023 from Hertfordshire CC to the LPA concerning the revised biodiversity metric applied to the proposal.
- CD221 Note on a planning application for a solar farm at St Ippolyts. Prepared by the LPA.
- CD222 Birds of Conservation Concern 5. Referred to in footnote 2 of Mrs Hamilton's proof of evidence.
- CD223 Blithe spirit: Are skylarks being overlooked in impact assessment? by H Fox. From in practice, September 2022. Referred to in footnote 4 of Mrs Hamilton's proof of evidence.
- CD224 Land Management for Wildlife – Yellowhammer, RSPB. Referred to in footnote 5 of Mrs Hamilton's proof of evidence.
- CD225 The effects of solar farms on local biodiversity: A comparative study, by H Monntag, G Parker & T Clarkson. Referred to in footnote 8 of Mrs Hamilton's proof of evidence.
- CD226 Densities and population estimates of breeding skylarks *alauda arvensis* in Britain in 1997, by S Browne, J Vickery & D Chamberlain. From Bird Study 47:1. Referred to in footnote 9 of Mrs Hamilton's proof of evidence.
- CD227 Habitat selection by skylarks *alauda arvensis* wintering in Britain in 1997/98, by S Gillings & R J Fuller. From Bird Study 48:3.

- CD228 Land Management for Wildlife – Skylark, RSPB. Referred to in footnote 11 of Mrs Hamilton’s proof of evidence.
- CD229 Potential ecological impacts of ground-mounted photovoltaic solar panels – An introduction and literature review, by R Taylor, J Conway, O Gabb & J Gillespie. Referred to in footnote 13 of Mrs Hamilton’s proof of evidence.
- CD230 Renewable energies and biodiversity: Impact of ground-mounted solar photovoltaic sites on bat activity, by E Tinsley, J S P Froidevaux, S Zsebok, K L Szabadi & G Jones. From Journal of Applied Ecology 2023;00. Referred to in footnote 14 of Mrs Hamilton’s proof of evidence.
- CD231 Life in a hedge, by R Woolton. From British Wildlife June 2015. Referred to in footnote 15 of Mrs Hamilton’s proof of evidence.
- CD232 Mr Collier’s statement on grid connection and site identification.
- CD233 Supplementary table to Document CD232.
- CD234 Solar park microclimate and vegetation management effects on grassland carbon cycling, by A Armstrong, N J Ostle & J Whitaker. From Environmental Research Letters, volume 11, number 7. Referred to in footnote 16 of Mrs Hamilton’s proof of evidence.
- CD235 Note on agricultural land classification statistics. Submitted by Mr Kernon.
- CD236 Plans showing proposed revised site visits itinerary. Agreed by the main parties.
- CD237 The Biodiversity Metric 4.0, calculation for the proposed development.
- CD238 Mr Harding’s response to CD216.
- CD239 Appeal decision concerning ground-mounted solar arrays and associated development at Crays Hill, Essex. Submitted by the Applicant.
- CD240 Technical glossary. Submitted by the Applicant.
- CD241 Extract from the Hertfordshire Minerals Local Plan Review 2002-2016.
- CD242 Extract from the Hertfordshire Minerals and Waste Local Plan 2040 – Draft Plan.
- CD243 Extract from the Hertfordshire Minerals and Waste Local Plan 2040 – Policies Map.
- CD244 Mr Harding’s closing submissions on behalf of the JOG.
- CD245 Ms Daly’s closing submissions on behalf of the LPA.
- CD246 Mr Hardy’s closing submissions on behalf of the Applicant.
- CD247 Email dated 28 September 2023 on behalf of the Applicant to The Planning Inspectorate concerning a cessation of generation condition.
- CD248 Email dated 28 September 2023 from the JOG to The Planning Inspectorate concerning possible conditions.
- CD249 Regulation 2(4) notice concerning pre-commencement conditions.
- CD250 The Applicant’s response to CD 249.



Department for Levelling Up, Housing & Communities

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RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

Planning Control Committee 11 April 2024

*PART 1 – PUBLIC DOCUMENT

Planning Enforcement Quarterly Report

INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION MANAGER

1. SUMMARY

- 1.1 This is a note for information setting out the quarterly update of the planning enforcement service. It is not an item to be voted upon but intended to supply Members with information relating to the work of the Planning Enforcement Team, as requested by Members.
- 1.2 Recent restructuring within the Planning Service brings together conservation and compliance through the creation of the Conservation and Enforcement Team to deliver on the NHDC's key priorities to put people first, deliver sustainable services and to enable a brighter future together.
- 1.3 The Planning Enforcement Team manages a caseload characterised by a wide range of investigations into breaches of planning regulations and listed building legislation, prioritising those with the highest level of harm and public interest.
- 1.4 Compliance Officers have been working to reduce the level of backlog cases during the last six months. The number of active investigations is now approximately 170 cases. This update outlines the cases still under investigation and reports on current and proposed enforcement action on those cases that arise in significant harm to public amenity and/or the built environment.

2. STEPS TO DATE

- 2.1 This is a regular update of the Planning Enforcement Team as requested by Members. This is part 1 of the report which does not provide details of current enforcement cases. It is provided for information only as are details set out in Part 2 of this report. Part 2 will include details of current enforcement cases which will involve likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

3. INFORMATION TO NOTE

Strategic Context

- 3.1 Planning Compliance is concerned with works which have taken place in breach of planning control as set out in the Town and Country Planning Act 1990 (as amended). Against this backdrop, the CPES investigates and aims to resolve planning breaches through informal compliance where possible, while taking strong and justified enforcement action where appropriate.

- 3.2 In line with the aspirations of the Council Plan and Corporate Enforcement Policy, the Conservation and Planning Enforcement Service adopts a consistent and proportionate approach to investigating and resolving breaches of planning control. A key objective is to remove breaches that cause planning harm to the environment and the community, and to reinforce the identity of North Hertfordshire as a district that puts people first and aims to deliver sustainable services to enable a brighter future together.
- 3.3 This approach means that the Council complies with the relevant legislative framework whilst providing a service which maintains the integrity of the planning enforcement service and public confidence in the Council being able to perform its duties.
- 3.4 Enforcement actions are focussed on the objectives to:
- resolve breaches that cause planning-related harm;
 - be proportionate to the nature of the harm caused;
 - deter future non-compliance;
 - change community willingness to undertake planning to breaches to prevent them becoming widespread;
 - be responsive and consider prevent public perception about effective planning

Planning Enforcement Plan

- 3.5 The National Planning Policy Framework (NPPF) recommends that local planning authorities publish a local enforcement plan to manage planning enforcement proactively and in a way that is proportionate to their area.
- 3.6 The Planning Enforcement Plan features as Appendix E of the Corporate Enforcement Policy 2022, which is currently being updated. The Plan sets out NHDC's approach to planning enforcement to reflect the priorities and approaches within the service. The Plan offers planning enforcement guidance for all who are involved in or affected by breaches of planning control within the district; it also establishes revised performance targets for alleged breaches reported to the service.

Team Structure

- 3.7 Conservation and Planning Enforcement were previously separate teams and were recently subject to restructure that resulted in the merging of the teams. The current structure has already shown positive impact in terms of much needed stability and has allowed the team to address some key strategic issues as well as progress some key cases. The structure has helped to bring the teams together as a single conservation and planning enforcement service.
- 3.8 The Conservation and Enforcement Team is comprised of 1 Team Leader, 2 Senior Conservation Officers, 1 Senior Compliance Officer, 2 Compliance Officers, and 1 S106 Monitoring and Compliance Officer.

Vacancies

- 3.9 Staffing challenges have resulted in a high turnaround of Planning Enforcement officers. Two Compliance Officers (currently recruiting to posts) and one S106 Officer (Currently recruiting to post). Temporary contractors have supported the team during the transition phase for recruiting and establishing the new team.

- 3.10 Planning Enforcement administrative functions are currently delivered by the Technical Support Team as an interim measure while recruitment is completed and the new Planning Enforcement structure beds in.

Performance

- 3.11 The Enforcement Team are currently investigating 177 active cases, and has already improved on the average performance for 2023. The chart below shows the team performance for new cases received for investigation over a period of five years.
- 3.12 The hard work, efforts and commitment of officers, who are all credited for achieving positive outcomes under challenging circumstances and has resulted in over 60 cases being resolved in Q1 of 2024. Once fully staffed, the aim is for the CET to deliver a level of service in order to improve even further.



- 6.3 The above chart shows that the number of enforcement investigations has remained broadly consistent over the last five years. The details of the proposed performance targets timelines are awaiting approval and publication, so are detailed in the Part 2 Report.

4 NEXT STEPS

To note this report.

5. APPENDICES

None.

6. CONTACT OFFICERS

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7. BACKGROUND PAPERS

None

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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