

<u>Location:</u>	<b>Land West of Ashwell Road, Bygrave, Hertfordshire SG7 5EB</b>
<u>Applicant:</u>	<b>Pathfinder Clean Energy (PACE) UKDev Ltd</b>
<u>Proposal:</u>	<b>Ground mounted solar photovoltaic (PV) farm including battery energy storage; continued agricultural use, ancillary infrastructure, security fencing, landscaping provision, ecological enhancements and associated works (as amended).</b>
<u>Ref. No:</u>	<b>22/00741/FP</b>
<u>Officer:</u>	<b>Peter Bull</b>

**Date of expiry of statutory period 05 July 2022**

**Extension of statutory period 15 September 2023**

**Reason for Delay:**

Discussions and negotiations on various technical aspects, further information received and additional consultation exercises that was undertaken as a result.

**Reason for referral to Committee**

The site area for this application for development exceeds 0.5 ha and therefore under the Council's scheme of delegation, this application must be determined by the Council's Planning Control Committee.

For the avoidance of doubt, as the site is not '*for Green Belt development, development outside town centres, World Heritage Site development, playing field development, flood risk area development or commemorative object development*' it does not require referral to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021.

**1.0 Site History**

1.1 21/01446/SO - Screening Opinion – Solar Farm – No Environmental Impact Assessment required.

**2.0 Policies**

2.1 North Hertfordshire District Local Plan 2011 -2031

Policy SP1: Presumption in favour of sustainable development

Policy SP5: Countryside and Green Belt

Policy SP11: Natural resources

Policy SP12: Green infrastructure, landscape and biodiversity

Policy SP13: Historic environment

Policy D1: Design and sustainability

Policy D3: Protecting living conditions

Policy D4: Air quality

Policy HE1: Designated heritage assets

Policy HE3: Non-designated heritage assets

Policy HE4: Archaeology

Policy NE1: Strategic Green Infrastructure

Policy NE2: Landscape

Policy NE3: The Chilterns AONB

Policy NE4: Biodiversity and geological sites

Policy NE5: Protecting Open Space

Policy NE7: Reducing flood risk

Policy NE8: Sustainable drainage systems

Policy NE12: Renewable and low carbon energy development

## 2.1 Baldock, Bygrave & Clothall Neighbourhood Development Plan (2011-2031)

2.1.1 The Baldock, Bygrave and Clothall Neighbourhood Plan (BBCNP) was made in June 2021 and now forms part of the Development Plan.

Policy G3 Creating well-designed places

Policy V1 Bygrave village

## 2.2 National Planning policy Framework (2021)

Paragraph 11 – Presumption in favour of sustainable development

Section 6 - Building a strong, competitive economy

Section 11 – Making effective use of land

Section 12 – Achieving well-designed places

Section 14 – Meeting the needs of climate change

Section 15 – Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

## 2.3 National Policy Statements

Published in July 2011 the National Policy Statement for Energy (EN1) confirms the need for the UK to diversify and de-carbonise electricity generation, and at paragraph 3.3.10 the Government's commitment to increasing dramatically the amount of renewable generation capacity.

The National Policy Statement for Renewable Energy Infrastructure (EN-3) also published in July 2011 confirms the importance of renewable energy.

## 2.4 National Planning Practice Guidance (NPPG)

Reference ID: 5-001-20140306 – Why is planning for renewable energy important?

*Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions and slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable energy infrastructure in locations where the local environmental impact is acceptable.*

Reference ID: 5-013-20150327 - What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms?

*The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.*

*Particular factors a local planning authority will need to consider include:*

- *encouraging 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 a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.*
- *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- *the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;*
- *the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *the need for, and impact of, security measures such as lights and fencing;*
- *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large-scale solar farms on such assets. Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *the energy generating potential, which can vary for a number of reasons including, latitude and aspect.*

*The approach to assessing cumulative landscape and visual impact of large-scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero*

## 2.5 Supplementary Planning Guidance

North Hertfordshire Landscape Study 2011: Area 224 (North Baldock Chalk Uplands)

## 2.6 Other relevant Council publications

Council Plan 2020 – 2025

North Herts Climate Change Strategy

### 3.0 **Representations**

#### **Statutory and non-statutory consultees**

3.1 Responses are summarised below.

3.2 **Bygrave Parish Council** – objects to the application for the following reasons;

- Creation of industrial area
- Impact on Ickneild Way
- Adverse impact of walking and cycling routes together with other local traffic users
- Impact of adjacent dwellings
- Fencing and security cameras affect walking routes
- Loss of wildlife habitats
- Impact on enjoyment of walking routes and associated mental health impact
- Misleading and biased landscaped impacts understated
- Adverse construction impacts from multiple HGV movements during 36 week construction period, inadequate roads for this volume and type of traffic
- The parish council support the principle of renewable energy although this is not the right place for this
- Contrary to government guidance and policy
- Objection is supported by MP Sir Oliver Heald QC, County Councillor Steve Jarvis and NHC Councillor Tom Tyson

3.3 **Ashwell Parish Council** – original response confirmed objections to the application for the following reasons -

- The loss of grade 2 farmland.
- The harmful visual impact on the landscape; the area was in the Landscape Character Area of the North Baldock Chalk Uplands and covered by relevant NPPF policy.
- The adverse impact on the Scheduled Ancient Monument of Arbury Banks

Reconsultation in December 2022 reaffirmed objections and added additional reasons –

#### Landscape

- Adverse impact on landscape character contrary to local and national policy.
- At odds landscape character assessment introducing a large scale ‘open’ use
- conflicting with the current open sweeping views.

- Appeal decision indicates use on landscape is unlikely to be perceived to be temporary.

#### Historic Environment

- Adverse impact on designated heritage assets contrary to local and national policies.
- Particular impact on Schedule Monument at Arbury Banks Hillfort.
- Harm to the ancient trackway that runs alongside the site.

#### Agricultural land

- Food production and food security is of significant importance.
- The development will lead to a loss of BMV agricultural land (Grade 2)
- Poorer quality land should be used unless it can be justified.
- National provision of land must be taken into account and alternative options sought.
- Use is not proven to be temporary
- Soil regeneration claims are questionable.

#### Absence of local need to justify the site

- Whilst there is a national need for more renewable energy capacity this cannot justify this unsuitable site.
- Developer accepts that local need cannot be demonstrated.
- Supporting documents justify the selection of this site to the District Council's climate emergency declaration and is misleading
- The Net Zero 2030 target is in relation to the District Council's own estate.
- A commitment to the expansion of solar farms in the District has never been put to resident voters. Nor were solar developments mentioned when the Council passed a motion in 2019 to declare a Climate Emergency, nor in its Climate Strategy, for 2021-26, nor the proposed actions for 2022-26.
- The Cabinet meeting of March 2021 did NOT discuss solar. Nor is solar mentioned – other than in the context of on-site solar for Council buildings - in the proposed actions for 2022-2027 to deliver the Council's Climate Change Strategy, published on 2 December, for the Council Cabinet meeting on 19 December 2022.
- Supporting documents deliberately mislead claiming it is not possible to ringfence for local use electricity generated from commercial sites such as these. The connection is to the national grid and the electricity can be bought by a particular supplier, but it cannot be directed to local homes or businesses. For
- these reasons, when considering the generation of commercial renewable energy it must be in the national context
- If the goal is local energy security then this can only be boosted through community schemes, rooftop solar and other renewable energy sources such as wind power.

#### Access and safety

- The use of Bygrave Road, which is very narrow in places will compromise the safety of other road users, especially from HGV movements.
- Vehicle weight restrictions are in place
- High number of vehicle trips on local roads
- 207 dwellings and users of Bygrave Road and circa 2000 residents of Ashwell travelling to Baldock affected
- Verges affected.
- Some known accident blackspots
- Glare to highway and bridleway users with planned mitigation taking a number of years to establish itself.
- Delivery times will impact local residents.

#### Noise impact

- Noise impact has said to be limited but inverters can overheat in extremely hot weather requiring the use of noisy fans to provide cooling. Given the increasing temperatures, making hot weather much more prevalent, modelling needs to be done to ensure that Bygrave residents will not be affected throughout the lifetime of the operation of the site.

Response to re-consultation (June 2023) – objections raised on the following grounds -

- Landscape character and visual impacts
- Access and safety during construction
- Nuisance during construction
- Energy contribution not justified
- Glint and glare to bridleway users
- Noise and disturbance to residential properties
- Light pollution impacts
- Inadequate grid connection

3.4 **South Cambs District Council** – no response received.

3.5 **Baldock, Bygrave and Clothall Planning Group** – objects to the proposal -

- The proposed routing of construction traffic is inappropriate, given the anticipated volume and nature of vehicular movements, the rural nature of the roads involved and the impact on residents along the route.
- It is noted that there will be an average of 8-10 heavy vehicle movements per day over 30-35 weeks, but with 30 movements a day at peak times (and, in addition, construction worker vehicles). We support the concerns expressed by Hertfordshire County Council regarding the unsuitability of the route for this traffic. It would have a significant detrimental impact on the character of Bygrave Road/Ashwell Road and the living conditions of those facing onto these roads. We are also concerned by the potential impact of this traffic on other vehicular movements at key points along the

route, such as the Bygrave Road/North Road junction in Baldock: the need for large vehicles to manoeuvre around tight corners is likely to exacerbate existing congestion problems and could be harmful to highway safety.

- We are particularly concerned by the applicant's proposal to make Bygrave Road 'suitable for HGVs', without specifying what that would mean. Development should not harm the rural character of this road, noting in particular the presence of a designated local wildlife site along part of Ashwell Road.
- Highways impacts aside, we are also concerned that the extent of new planting proposed between the development and Upper Bygrave may be inadequate to screen its visual impact, although this is difficult to judge fully from the photomontages provided

3.6 **Councillor Tom Tyson (Arbury Ward)** – objects to the proposal for the following reasons -

- conflict with national and local policies in the NPPF and emerging local plan by failing to protect, contribute to or enhance the natural environment
- damage the character of an important valued landscape with the imposition of a large-scale industrial installation
- result in a loss of visual amenity, harming views across open countryside
- intrude on the views from Arbury Banks, a Scheduled Ancient Monument
- remove very good quality land from agricultural use / food production
- have an adverse and hazardous impact on the Icknield Way Trail, a public right of way
- generate considerable operating noise in a tranquil rural setting close to a bridleway
- Impact on highway safety cause 5-9 months of traffic chaos and create a serious hazard at the site entrance and many other points along the route from the A507 to the site
- Loss of biodiversity
- Absence of mitigation measures

First re-consultation response (December 2022) reaffirmed original objections and elaborated as follows -

- Desk top study relating to transport and traffic issues inadequate. Detailed survey work is needed to understand these impacts fully.
- Highway works will remove a traffic island intended to protect pedestrians.
- Weight restrictions on road make use by HGVs inappropriate.
- Landscape and Visual Appraisal unavailable.
- Application does not make clear how or where the development will connect to the National Grid. The Letchworth substation is 5 km away from the application site. In addition to requiring further permissions to lay the underground cable all the way from Bygrave to Letchworth, this further detracts from the already sub-par location of the site on a technical level: the greater the distance the less efficient the transfer of energy.



- The site lies on the very fringes of viability.
- In the debate on the national need for renewable energy provision and food production, there is an easy answer in that we need both and there is room for both. If we proceed rationally and sensitively the right sites for solar farms and other green energy projects can be identified and exploited for the common good. The problem with this proposal is that its technical merit is low and the harms are great: this opportunistic plan is neither rational nor sensitive and should be refused.

Second re-consultation response (June 2023) reaffirmed original objections and added following objections -

- Revised site access - There is no detailed plan showing where the access will be and how heavy construction traffic will be able to enter and exit the site safely. Ashwell / Bygrave Road is unsuitable for the levels of HGV traffic proposed and conflict with oncoming vehicles and vulnerable road users is inevitable. Figures quoted in the Apex Transport Plan and elsewhere by PACE for restricting HGV traffic movements are inconsistent, contradictory and incoherent, creating a potentially misleading impression of the levels of traffic expected per day. The Highways Authority have not highlighted all or indeed any of the numerical inconsistencies. PACE's traffic consultants Apex have made only one site visit, their considerations are informed by aerial photos and OS maps, not on-the-ground observation. A speed survey is referred to but was conducted at an unspecified time in the past at a location some distance away from the area where the access is proposed. A new survey is required. No decision should be made until all these aspects are properly clarified.
- The A507 / Bygrave Road junction - The junction needs to be reshaped simply to allow the articulated construction vehicles into Bygrave Road. The alterations proposed to the bellmouth come at the expense of pedestrian safety and should not be allowed.
- Noise impact assessment - NHC should provide an independent noise assessment before determining the application. The paper commissioned by PACE presents average noise level predictions as maximums, both for construction noise and operating noise. There is insufficient reassurance that operating noise will not be heard from neighbouring properties, causing harm to health and well-being. The noise output from the plant will make the bridleway unpleasant and unsafe to use.
- Other concerns - Pledges made by PACE to offset the harms of the development are apathetic, there are no formal agreements in place, PACE say they will do a deal with Bygrave Parish Council once permission is granted but have not said what they are prepared to offer. The Grid Connection Plan highlights the difficulty of connecting to the Letchworth substation as the distance involved is barely commercially viable even when measured as the crow flies.

3.7 **Sir Oliver Heald MP** - objects to this large-scale industrial development in a rural location which will adversely affect constituents in Bygrave. The site is in full sight

of the historically important Arbury Banks and the development would cause the loss of grade 2 agricultural land, when growing our own food now is so important. Re-consultation response from June 2023 reiterated these concerns and raised additional objections on highway safety grounds and requested independent noise assessment be undertaken.

Additional response in June 2023 restated original objections. Suggested the Council should take an independent expert opinion on the operating noise level from the solar plant. Objects to the alterations to the junction of Bygrave Rd from Baldock to accommodate HGVs on the grounds it will be dangerous due to parked cars, blind bend and narrow roads.

- 3.8 **Historic England** – no objection
- 3.9 **Natural England** – no objection subject to conditions to protect soil resources and to ensure the satisfactory restoration of the land at the end of the temporary period.
- 3.10 **National Grid** – no assets affected by the proposal.
- 3.11 **Environmental Health (Contaminated land)** – no response received
- 3.12 **Environmental Health (Air quality)** – no objection.
- 3.13 **Environmental Health (Noise)** – no objection subject to conditions.
- 3.14 **HCC Rights of Way** – no objection although condition requiring the provision of a Rights of Way Protection Plan suggested.
- 3.15 **British Horse Society** – development likely to impact of horses and riders. A series of mitigation measures are requested and could be secured by condition.
- 3.16 **HCC Highways** – initial response confirmed that the completed scheme will not have an adverse effect on the public highway. However, serious concerns were raised regarding highway impacts during the construction phase of the scheme. An addendum to the original Transport Assessment was provided in June 2023. Following reconsultation, the highways authority has confirmed that it does not wish to restrict the grant of planning permission subject to conditions relating to the following – provision of a Construction Traffic Management Plan, details of the temporary construction access, off site junction alterations at North/Bygrave Roads and a Rights of Way Protection Plan.
- 3.17 **HCC Lead Local Flood Authority** – due to resource issues, no response provided.
- 3.18 **Beds and Ivel Internal Drainage Board** – no objection subject to advisory note alerting developer to the development restrictions adjacent to Cat Ditch and need for their consent to discharge surface water into ditch.

- 3.19 **Anglian Water** – no objection.
- 3.20 **Civil Aviation Authority** – as the airstrip adjacent the application site is unlicensed it is the responsibility of the operator, and any aircraft using the airstrip, to comply with all aviation safety requirements.
- 3.21 **Environment Agency** – objected to the application in the absence of an adequate flood risk assessment. Additional work was undertaken and the revised hydraulic model is now considered to be acceptable for the purpose of this planning application. Objection is withdrawn although any permission should be conditioned to deliver the mitigation measures set out in the Flood Risk Assessment (FRA), dated November 2022.
- 3.22 **CPRE Hertfordshire (Campaign to Protect Rural England)** – Objection -
- land is designated as Rural Area Beyond the Green Belt (RABGB) within recently adopted Local Plan which seeks to protect the countryside from inappropriate development.
  - The industrial nature of the photo-voltaic panels and associated infrastructure will change the character and appearance of the countryside in this area for a generation.
  - contrary to National Planning Policy Guidance (PPG) relating to renewable and low carbon energy in relation to special landscapes and designated areas.
  - Ministerial statements confirms that the need for renewable energy should not automatically override environmental protection.
  - Ground-mounted solar installations neither appropriate nor necessary to locate such installations on protected area of open countryside.
  - inadequate public consultation exercise undertaken by PACE.
  - Adverse impacts of designated rights of way.
  - Associated infrastructure - inverters, transformers and switchgear units, sub-stations and battery storage units will also contribute to the industrialisation of the landscape.
  - Concerns about the safety aspects of the battery storage facilities associated with large solar energy installations, including the fire risks connected with lithium-ion batteries. These are not susceptible to traditional fire-fighting techniques and we understand that the Hertfordshire Fire and Rescue Service is not equipped to deal with such risks.
  - Loss of high quality agricultural land and the impact on food security.
  - Use of land for grazing purposes not viable from a practical point of view.
  - Impact on the quality of the walking experience.
  - Adverse impact on biodiversity and wildlife
  - Impact on protected and priority species has not been demonstrated and is a statutory requirement.
  - the Council's screening opinion should be reconsidered due to the undeniable
  - environmental impacts of proposals of this magnitude.

- Supports the principle of renewable energy and suggests that this is best provided on either south-facing commercial rooftops and previously developed land.
- 3.23 **HCC Historic Environment Advisor (Archaeology)** – no objection subject to pre-construction trial trenching being undertaken. This can be secured by condition.
- 3.24 **Herts CC Fire and Rescue** – no objection but confirmation that fire suppression systems will be in place in the buildings housing batteries and transformers is requested.
- 3.25 **Herts Ecology** – no objections subject to a condition to secure proposed biodiversity improvements.
- 3.26 **Conservation Officer** – no objection as the proposal would result in less than substantial harm.
- 3.27 **Herts CC Growth and Infrastructure Unit** – no objection.
- 3.28 **Bygrave Action Group** – objects to the proposal – separate responses received in relation to transport, biodiversity, noise and general design and access matters

#### Transport

- Supporting statement has been amended since pre-application version.
- Inappropriate route due to narrow roads, lack of adequate passing bays, poor visibility from access, vehicle restrictions, impact on other road users, impact on road surface and proximity primary school.
- Inappropriate delivery times affecting 207 dwellings in locality
- There is a heritage verge near to the Baldock end of Bygrave Road.
- Inadequate road network with history of accidents
- Inaccurate reference made to speed restrictions along the Bygrave / Ashwell Road has a 60mph speed limit.
- Inadequate measures to protect horses.
- Similar concerns raised by HCC Highways. A section 278 agreement should not be permitted.

Additional comments on transport received June 2023

- Future CMPT would be unsafe and flawed
- Changes to junction of A507 and Bygrave Road will be unsafe for both road users and pedestrians with refuge size too small for groups of pedestrians and pavement too narrow
- route is unsuitable for HGVs, any articulated traffic will create unacceptable risks to highway users
- existing visibility poor
- roads unsuitable for additional traffic volumes particularly where high verges exist, blind bends exist

- on street parking hazardous
- concerns over glint and glare impacts

### Design and Access Statement

#### Inaccuracies in statement –

- absence of data to support claims made about co2 savings and electricity generated
- purpose of project disingenuous as profit is motivation
- continued use of agricultural land misleading
- sheep grazing not successful in solar setting
- does not comply with planning policy
- site search is flawed as - it included BVM land only, willing landowner required, applicant only involved in land mounted solar projects,
- comparison of alternative sites misleading
- site is not set well away from the edge of Bygrave
- route of construction traffic outdated
- noise and disturbance from plant and equipment unacceptable
- glint and glare impacts unreliable
- environmental social and economic benefits not demonstrated
- applicant has limited experience in projects of this nature
- development will not be local benefit
- viewpoints are misleading
- decommissioning plan not provided including security measures to meet the costs
- community engagement was poor and some misleading comments and observations
- questionnaire included leading questions
- consultation feedback mis-representated
- contrary to local plan policies claim that solar farms have low impact misleading, existing use of the land for food
- generation and use by wildlife understated
- misleading statement on minimised visual impact
- benefits to local employment vague
- contrary to NPPF in relation to visual impacts
- loss of BMV agricultural land not substantiated
- statements relating to other use of other land/alternative sites not substantiated
- further farm diversification needs not substantiated
- recent harvests have been high yielding
- hedging will take time to establish meaning there will be views into the site for a number of years initially
- access by construction traffic will be along bridleway
- adverse landscape and visual effects
- adverse impacts on heritage assets

- harmful access to the site with temporary traffic measures causing inconvenience to local community
- glint and glare likely to occur whilst mitigation planting is established
- minimal assessment on impact to bridleway users
- glint and glare hazardous to users of adjacent airfield
- construction waste management plan not provided
- absence of any mention of festival use on adjoining land which is an additional traffic impact at certain moments of the year
- fire safety of some of the plant and equipment is not explained or assessed.

### Biodiversity

- Application site and surroundings are rich in wildlife - wild birds, hare roe deer, badgers, newts (including great crested newts) due to Countryside Stewardship scheme
- Unclear whether the biodiversity assessment accurately took account of the resultant enhanced level of biodiversity one would expect for the proposed site.
- Construction period will adversely affect local ecology and biodiversity – wildflower loss along road verges, incremental verge erosion from vehicles, increased noise, increased animal road kill (especially badgers and their habitats)
- Horrendous impact on wildlife both onsite and on the Bygrave/Baldock route.
- Positive biodiversity outcome questionable.
- Lack of adequate mitigation.
- Vague references to 'precautionary approach to site clearance with regards to breeding'.
- Wildflower and grass severely limited by the shade from the panels.
- The ongoing impact of solar farms to local bird wildlife is uncertain with some studies noting an increase in bird mortality rates directly due to their presence. Lack of bird mortality monitoring.
- Absence of details relating to Biodiversity Net Gain monitoring, reporting and enforcement.
- There is no credible and unconditional (financially secured and inflation linked) undertaking that the status of the land as “agricultural” will be retained through the lifetime of the project nor is there a cast iron guarantee that when the site is decommissioned, the land will again be available for agricultural use. Further, during its life there is no similar undertaking (financially guaranteed) to ensure proper rehabilitation and removal of waste from the site.
- The CPRE report summarised our concerns well about the ongoing detriment to biodiversity
- Topography of site will accentuate glint and glare on wild birds’ flight paths will be more acute than the case of a flat field where glint and glare is more concentrated.

- Developers claim of 60% biodiversity net gain and habitats impacts questionable and needs to be more fully scrutinised.
- Developers claims about quality of existing habitats under assessed for their value and therefore biased and questionable BNG report.
- DEFRA model used to calculate BNG is open to manipulation and this view is verified by a university expert Professor Shreeve (conservation ecology at Oxford Brookes University)
- Impact on badgers and their habitats of notable concern and requires further investigation
- Constituents and residents of the locality and wider district want to ensure biodiversity is unaffected or unnecessarily damaged.

### Noise

Comments received following re-consultation in June 2023 –

- Limitations on modelling work
- Inaccuracies of modelling work
- Reliance of a third party on the report
- Uncertainty in the results reported
- Construction Vibration
- Standards and Guidance
- Conclusions in 24Acoustics' Report
- Other residential receptors have been excluded
- difference in background noise levels between data collection locations
- Background noise issues omitted
- Anomalies with inclusion of background noise from passing traffic
- Clarity needed on self-generated and electrical noise
- Not all of the measures used in the report have been defined.
- inconsistency in the report as regards the hours of operation
- Results for the Knoll – night-time operation questionable

3.29 **Icknield Way Association** – objects to application as users of the public Right of Way (RoW) will experience –

- Adverse visual impact on the landscape
- HGV movements during construction period causing danger
- Glint and glare from panels
- Also impact on schedule monument nearby

3.30 **The Water Officer** – no response received.

3.31 **North Herts and Stevenage Green Party** – supports proposal as it will help the country's net zero targets. No local benefit for the community which is unfortunate. Suggests conditions relating to screening, biodiversity net gain and reinstatement of site to agricultural use at the end of the 40 year period.

3.32 **Neighbour and Local Resident Representations**

The application has been advertised by neighbour notification letters, the display of site notices and press notices. There were 110 comments received on the original consultation process. Additional and amended information was provided in the Autumn of 2022 and a further consultation process was undertaken in December 2022. This yielded a further 31 letters of objection. Revised traffic and transport information was submitted in June 2023 together with a noise assessment and a third consultation was carried out thereafter. This resulted in an additional 37 letters of objection being received. The objections and the issues raised are summarised below.

### 3.32.1 Planning Policy

- Solar farms such as this are not a key part of tackling the climate emergency and will not form the backbone of the new zero carbon energy system
- Government Green Revolution plan does not regard solar PV as a strategic technology to enable them to meet their Net Zero targets.
- Recent government initiatives have triggered a solar farm “gold rush” with three proposals in NHC district.
- North Herts Climate Change Strategy does not mention the need for North Herts to generate its own electricity as part of its net zero carbon emissions goal.

### 3.32.2 Rural area and landscape impacts

- Inappropriate scale overwhelming immediately adjacent small and historical village
- Panels will create an industrial commercial eyesore which will harm the character of Bygrave
- Cumulative impact from this development and housing proposals north of Baldock will cause coalescence
- Industrialisation of rural area from panels, fence, CCTV and other associated plant and machinery
- Beautiful countryside and views will be lost
- Will reduce the rural aspects of this area to the detriment of the public that either wish to live in or visit the countryside
- Inappropriate and inefficient for solar use due to topography of land.
- Screening will not obscure the development and will take ten years to become effective
- Topography of the land means that the stark visual impact of the development is impossible to mitigate.
- No details of lighting provided
- Site reinstatement is unrealistic due to costs.



- Creation of precedent with further application for further solar farm likely to be made and substantiated on the grounds that it was in keeping with established land use.
- Site unlikely to be returned to Grade 2 arable farmland.
- Site is part of the local chalk escarpment, which has both cultural and historical significance

#### 3.32.3 Nature/biodiversity and wildlife impacts

- Harmful to wildlife conservation, ecology, flora and fauna.
- Sheep grazing will not benefit biodiversity and construction will disturb the soil and therefore the ecosystem within the soil.
- Adverse impact on birds, badgers and deer
- Proposed fencing would restrict wildlife movement
- Construction traffic will harm landscape and ecology
- Proposal will cause ground poisoning

#### 3.32.4 Heritage

- Site is of cultural & historical significance and needs protection
- Harm to nearby scheduled monument - Arbury Banks – an ancient hill fort located on the Icknield Way – an ancient route through the area is understated
- Proposal does not assess impacts on heritage assets

#### 3.32.5 Highways and public Rights of Way (RoW)

- Inappropriate traffic impacts - congestion, glint and glare, significant HGV deliveries on surrounding narrow roads, danger to pupils and school visitors
- inconvenience to road users, pedestrians and local people
- Impact on users of local footpaths and bridleways and particularly Icknield Way
- Construction traffic will cause damage to road and verges
- Access to the site is hazardous
- Bridleway users – including horses - will result in dangerous behaviour causing highway hazards
- Access road is too narrow and unsafe for large non-agricultural vehicles

#### 3.32.6 Impacts on amenity, including health, safety, noise and wellbeing

- The noise, disturbance and disruption to local rural life during the construction period would be significant
- The visual impact of the planned site cannot be mitigated
- The solar farm backs onto housing where presently there is no other development

- Dangerous industrial plant including battery storage compounds.
- Loss of outlook from residential properties
- Noise and disturbance from machinery and inverters

### 3.32.7 Agriculture and agricultural land impacts

- Loss of good quality (Grade 2) agricultural land causing a less self-sufficient in home food production downgraded to Grade 5 (very poor quality agricultural land)
- Field continues to be used for crop growing
- Fertiliser costs have risen causing farmers to reduce their dependence on it and reducing crop yields. Outcome is more agricultural land is required to maintain food production.
- Less valuable/lower grade land in North Herts should be used
- Loss of agricultural land is most likely more devastating as not having electricity
- Use of land for livestock grazing poor use of high quality agricultural land

### 3.32.8 Economic viability

- Electricity generation claims questionable due to panel degradation and north facing slope.
- The viability of a solar farm also depends on the future price of electricity. Prices will fluctuate for different reasons.
- No guarantee that the grid will be able to take all the power generated by this solar farm at a realistic price.
- Revenue from solar can be many times that provided by agriculture which unfortunately appears to encourage a blanket presumption in favour of large scale solar energy.
- Insufficient sunshine

### 3.32.9 Other objections

- Alternative suitable sites - previously developed land, brownfield sites, low grade agricultural land, existing and new building rooftops, railway land, motorways – should be used
- Alternative renewable energy should be used - wind, tidal and solar energy on islands and offshore locations without decimating agricultural land
- Unanimous objection from local people, interest groups, MP and local councillor.
- Support solar but not in this location
- Increase the local carbon footprint
- Impact on future generations

- The need to switch from fossil fuels to renewable forms of energy is undeniable, but that is not to say that any renewable technology in any location must always be a good thing.
- Inadequate community consultation by applicant
- Community-led energy schemes would be preferable to commercial proposal such as this
- solar panels can easily be replaced but the countryside and local communities are much harder to restore once damaged. That ultimately has to be the aim of a greener future: to see nature and community working together.
- Danger to light aircraft and hot air balloons using the adjacent airstrip and fields.
- Safety risks for visitors to summer festival on adjacent farm land
- Likely vandalism rise when there are solar panel farms.
- Proposals are driven by commercial organisations seeking profits. It is therefore necessary to look very carefully at the long-term viability of each proposal.

3.32.10 Following the re-consultation process in December 2022, the additional issues and objections were raised –

- Proposal will require significant additional infrastructure (unspecified) in accessing/connecting to the grid which will be disruptive and harmful
- Increase flood risk to locality and affect aquifer replenishment which local properties and businesses are reliant on
- Submitted LVA biased and NHC's consultants findings should prevail
- Alternative access routes through site owners land is available and has not been considered
- Absence of local need to justify the site
- Linking the selection of this site to the District Council's target and strategy, is deeply misleading and designed to persuade local residents of local benefit when none accrues.
- Solar developments are not mentioned in either the Council's Climate Emergency nor in its Climate Strategy. Cabinet meetings did not discuss solar.
- Net Zero 2030 target is in relation to the District Council's own land and property.
- The principle of supporting the provision of solar farms in the district has not been subject to a vote by residents.
- Supporting documents includes deliberately misleading statements – electricity generated goes into the national grid and cannot be used locally.
- While it may be the case that most of the land in North Herts is high quality, that is not true of agricultural land across the UK. Local authority boundaries should not be used as a limiting factor in the search for alternative options.

- No certainty what condition soil/land will be in after 40 years
- Appeal Inspector has considered that a period of 30 years would not be perceived by those who frequent landscape would be temporary and prevail for far too long.
- 207 dwellings are directly affected by the route, as are all users of Bygrave Road.
- Landscape has little scope to accommodate the type of development being proposed and few opportunities for mitigation and enhancement. Where 'visual mitigations' are proposed, they are uncharacteristic of the area.
- The LVA identifies major to moderate adverse effects for the duration of the solar farm.
- Contrary to government's goals to halt species decline, protect our land and sea and improve soil health
- Noise and disturbance from plant and equipment

3.32.11 Following the re-consultation process in June and July 2023, 37 additional letters of objection were received which restated original objections with the additional issues and objections raised –

Highways impacts and issues that would be matters to be controlled in the Construction Traffic Management Plan. These comprised –

- route for construction traffic on narrow roads
- unsuitable for HGVs, adverse impact on highway/public users
- alterations to Bygrave Road and the A507 especially narrowing of footpath hazardous to local pedestrians including mobility and sight impaired persons and cyclists (Salisbury Road and Larkins Close)
- reduced sightline to pedestrians, will increase danger for highway users
- contrary to the Highway Code
- existing road network dangerous due to bends and narrowness – blind bend before to lower section of Bygrave Road is a challenge presently
- insufficient space for cars to pass horse riders (2m)
- contradicts the Disability Discrimination Act
- which recommends a pavement width of 1.2m
- 7.5T limit on this road, contrary to earlier advice
- precedent for other construction traffic to use road when other developments commence
- road changes will make it more dangerous
- Baldock had a bypass made to stop articulated or large lorries coming under the railway bridge or through our already very busy roads
- changes planned for this junction will cause even more delays and accidents
- at harvest time there are tractors, trailers, combines etc until gone midnight without articulated lorries as well, there isn't enough pull in places to allow cars to pass each other safely in parts

- the Highways Authority needs to cut back the overhanging vegetation on the south side more regularly - in 2023 it has not been carried out once
- alternative access road be made from the A505 or from the Newnham to Ashwell Road where the impact will be much lower
- inadequate survey work – frequency, days and times
- road has a weight limit sign of 7.5 tonnes which does not therefore allow articulated lorries on it contrary to Road Traffic Act/Highway code and liable for prosecution
- speed limits not adhered to
- survey data from other solar farm development irrelevant
- holding areas will not alleviate traffic hazards
  
- Independent reports needed to verify highways and noise impacts
  
- humidity be affected as the farm will certainly generate heat to local residents
  
- No cable route shown
  
- Air pollution

### 3.32.12 General supporting comments

3.32.13 The submissions in support of the application total 19 of which 17 were received from the applicant following a public consultation exercise. The comments are summarised as follows:

- There is a need to reduce the UK's GHG emissions is urgent. Government actions are woefully inadequate.
- The Ukraine war makes increasing our renewable generation even more urgent.
- Fossil fuel generation inappropriate response.
- Objectors do not suggest alternative sites.
- Commercial rooftops are unsuitable as they will not support the weight of solar panels.
- It is not an either/or - we need as much as possible.
- Vegetation, screening and topography reduces visual and heritage impacts.
- Emissions increase from loss of food production will be totally dwarfed by the effect of the low carbon electricity produced.
- Land surrounding the village has generally not been farmed in regenerative way. Margins to edge of fields have historically been narrow and wildlife has still visited the site. Rough ground will encourage some species to return to the land.
- Development is wildlife friendly and will improve biodiversity
- Minor impacts on footpaths and Arbury Banks

- Any increase in GHG emissions from food imports would be tiny compared with the reductions due to the solar farm.
- The value of the proposal is increased by the electricity storage proposed.
- More green energy is needed.
- Proposal is essential to help mitigate climate change and reach net zero targets
- Will help farm diversification

## **4.0 Planning Considerations**

### **4.1 Site and Surroundings**

4.1.1 The application site comprises a single agricultural (arable) field north and north-west of the settlement known as Bygrave and west of the Ashwell Road. It measures 53.6 hectares in area. The site is broadly rectangular in shape and extends at a maximum, circa 1050m from north to south and 590m from east to west. The south-eastern corner of the site is adjacent to residential properties. There is an existing 33KV underground electricity cable located within the site adjacent to the south-western boundary.

4.1.2 The site is bordered along the northern and western boundaries by a Public Right of Way - Bridleway Bygrave 013, which forms part of the important and historic Icknield Way and the Icknield Trail for cyclists. The northern boundary is adjacent to Cat Ditch a water way under the jurisdiction of the Beds and Ivel Drainage Board (IDB).

4.1.3 The site is outside of the settlement boundary and the south of the site abuts the Greenbelt. The wider area is rural in character with village of Ashwell located 2.5 miles north of Bygrave village. The A505 is located immediately east of the settlement.

4.1.4 The site is within the setting of listed buildings, Scheduled Monuments and is within an area of archaeological interest.

4.1.5 The application has been advertised as a major departure.

### **4.2 The Proposal**

4.2.1 The proposal is for a photovoltaic (PV) solar array and ancillary development. This would consist of:

- Between 80,000 and 95,000 PV panels depending on the final selection/supplier and associated support frames set 0.8 metres from ground level and approximately 3m to top of panel;
- 12 Inverter cabins including transformers (19.6 sqm and 3m in height);
- 8MW of batteries in 14 battery storage containers (39sqm and 3m in height);

- 1 no. substation (18 square metres and a height of 3.5 metres);
- 1 equipment storage container building (19.6 square metres and 3 metres in height);
- Approximately 1km of new access track (between 3.6m and 4m wide using Type 1 aggregate)
- 1.8 - 2.0m high wire mesh deer fencing to site perimeter with wildlife access points;
- A gate 2.8m high and 6.2m wide;
- 59 CCTV cameras atop 4m high posts;
- Woodland and other mitigation planting;
- Hedgerow planting (new and gapping up of existing hedgerow).

4.2.2 The solar array would generate up to 49GWh of electricity which it is claimed is enough to provide electricity for approximately 15,700 homes.

4.2.3 The application is supported by the following documents:

- Planning Application Drawings
- Planning, Design and Access Statement and appendices
- Agricultural Land Classification Assessment
- Landscape and Visual Assessment (revised November 2022)
- Solar Photovoltaic Glint and Glare Study
- Cultural Heritage Assessment
- Flood Risk Assessment and drainage Technical Note
- Preliminary Ecological Appraisal
- Biodiversity net gain Assessment
- Transport Statement and preliminary Construction and Traffic Management Plan
- Glint and Glare Assessment and appendices
- Noise Assessment (submitted June 2023)
- Transport Note (submitted June 2023)

4.2.4 The applicant indicates that the site would be decommissioned at the end of its 40-year operational life and restored to its existing arable agricultural use.

4.2.5 Regarding, the main elements of the proposed development, the solar panels would be mounted on a steel and aluminium frame positioned at an angle of about 30 degrees and facing south. The lowest edge of the panels would be 800mm above ground level to enable the area to be grazed by sheep. The panels would be arranged in rows and they would be up to 3m high.

4.2.6 Lighting units attached to the buildings above access doors activated by sensors are proposed. The development does not include any freestanding site wide lighting.

4.2.7 Landscaping proposals are illustrated indicatively and would comprise grassland within the perimeter fencing, suitable for sheep grazing, species rich grassland

outside the perimeter fencing, woodland planting along the western and northern boundary of the northern parcel of land, new hedgerows along Ashwell Road gapping up existing hedgerows and the management of existing hedgerows to a height of between 3 and 5 metres. All existing hedgerows would be retained. Native hedgerows would be planted along the highway boundaries of the Site.

- 4.2.8 Energy from the solar farm will connect to the National Grid substation east of Letchworth. For the avoidance of doubt, the connection from site to the grid does not form part of this application. It has been confirmed that the connection, once decided, will be provided by a statutory undertaker, UK Power Networks, as permitted development Class B (electricity undertakings) of Part 15, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 4.2.9 Following construction of the proposed development, access would be limited to routine maintenance operations and grazing of sheep.
- 4.2.10 The applicant indicates that construction would take about 36 weeks, including testing and commissioning.
- 4.2.11 The applicant proposes deliveries and noise generating activities within the following days and hours:
- Monday to Friday 08.00 to 18.00
  - Saturday 08.00 to 13.00
  - No deliveries on Sundays or Public Holidays
- 4.2.3 Herts CC Highways are recommending that HGV deliveries be restricted to between 9.30am and 2.30pm to avoid the peak periods of local traffic using the road network.
- 4.2.4 Construction access would be via a temporary and as yet unformed route off the Ashwell Road with the permanent maintenance access provided via the existing farm track along the northern boundary of the site.
- 4.2.5 Temporary construction compounds would be provided within the development site although these do not form part of the application proposals due to provisions within the GPDO which allows for these to be formed as permitted development. A condition of the provision of such compounds is the reinstatement and making good of the land following cessation of construction work.
- 4.2.6 The applicant has confirmed that the development will comprise of the following activities during the construction period -
- Site preparation marking out the panels and buildings on the site;
  - Erection of a security fence;
  - Insertion of the frames into the ground;



- Affixing panels to the mounting frames;
- Formation of trenching for the cable runs, to a depth of approximately 1m, and laying of the cables;
- Installation of the inverter and transformer cabinets;
- Connection all the cables up and backfilling the cable trenches;
- Planting of approved landscaping and mitigation and improvement works; and
- Construction of access route track from permeable materials as recommended in the Flood Risk Assessment and Surface Water Management Plan which accompanies the application.

### **4.3 Decommissioning**

4.3.3 At the end of the 40-year life of the proposed Solar Farm it would be decommissioned, which would require similar plant to the construction phase with similar traffic impacts. All above and below ground infrastructure would be removed from the site and recycled, where possible. This matter would be controlled by condition in the event permission were to be granted.

### **4.4 Amendments**

4.4.1 To address comments from the Environment Agency, Herts CC's Archaeological Advisor, Herts CC's Highways Unit and the Council's landscape consultant and to deal with other matters arising including the consideration of noise impacts the application was amended in December 2022 and June 2023 through the provision of the following documents –

- Revised Flood Risk Assessment received November 2022
- Revised LVA received November 2022
- Revised layout plan received November 2022
- Revised Transport Assessment and amended drawings received June 2023
- Supplementary Cultural Heritage geophysical survey work undertaken Spring 2023 by Community Archaeology Geophysics Group (CAGG) based at University College London
- Noise Assessment dated June 2023

4.4.2 Issues arising from the submission of these documents and drawings are considered in the following sections of this report.

### **4.5 Keys Issues**

4.5.1 The key issues for consideration of this application for planning permission are:

- Climate Change and Renewable Energy
- Principle of development in the rural area
- Impact upon heritage assets

- Landscape and visual impacts
- Local highway network impacts
- Best and Most Versatile (BMV) agricultural land impacts
- Flood risk and drainage impacts
- Noise impacts
- Ecological and biodiversity impacts
- Fire risk impacts
- Other matters
- Planning Benefits

#### Climate Change and Renewable Energy

- 4.5.2 Applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.5.3 Currently the Development Plan comprises the Local Plan 2011-2031 adopted in November last year.
- 4.5.4 Policy NE12: Renewable and low carbon energy development states: Proposals for solar farms involving the best and most versatile agricultural land and proposals for wind turbines will be determined in accordance with national policy.
- 4.5.5 The Government considers that climate change is occurring through increased greenhouse gas emissions, and that action is required to mitigate its effects. A significant boost to the deployment of renewable energy generation is one action that is being promoted.
- 4.5.6 **The Climate Change Act 2008** (as amended) sets a legally binding target in the UK to reduce all greenhouse gas emissions to net zero by 2050. Renewable energy generation is an important part of reducing carbon emissions. Significant increase in renewable and low carbon generation, carbon capture and storage will be required to achieve the Government's net zero commitment by 2050, amongst other things.
- 4.5.7 Electricity demand is predicted to increase by National Grid, due to increase in population, transition to electric vehicles, increase in hydrogen production and a move away from the use of natural gas for heating.
- 4.5.8 The applicant sets out the need for the proposed development in the submitted Planning, Design and Access Statement and the contribution that the proposed development would make to renewable energy production. Reference is made to several Government strategy and policy documents including, 'Net-Zero Strategy: Built Back Greener' that was published in October 2021. This strategy sets out policies and proposals for decarbonising all sectors of the UK economy to meet net-zero target, including a commitment to fully decarbonise the power system by 2035 and seeks to accelerate the deployment of low-cost renewable energy generation as part of this.

- 4.5.9 Support for renewable energy is set out in **Section 14 of the NPPF**.
- 4.5.10 Paragraph 152 states: *“the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing resources, including the conversion of existing buildings, and support renewable and low carbon energy and associated infrastructure.”*
- 4.5.11 Paragraph 155 of the NPPF states *“to help increase the use and supply of renewable energy and heat, plans should: (a) provide a positive strategy for energy from these sources, that maximise the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts); (b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and (c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers”.*
- 4.5.12 In determining planning applications for renewable and low carbon development, Paragraph 158 of the Framework confirms that local planning authorities should: *“(a) not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and (b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”*
- 4.5.13 The **National Planning Practice Guidance** (PPG) addresses renewable and low carbon energy and confirms that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the environmental impact is acceptable. It recognises that large scale solar farms *“can have a negative impact on the rural environment, particularly undulating landscapes”* but *“the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively”* The PPG identifies factors to be considered when deciding a planning application and says that large scale solar farms should be focussed on previously developed and non-agricultural land, provided that it is not of high environmental value.
- 4.5.14 A material planning consideration are **National Policy Statements** (NPS) for the delivery of major energy infrastructure, which recognise that large scale energy

generating projects will inevitably have impacts, particularly when sited in rural areas.

- 4.5.15 The development has a capacity of 40 Mw, which would generate a significant amount of electricity from a renewable resource. This would provide for a reduction of approximately 20,000 cubic tonnes of CO2 emissions and meet the energy needs of approximately 15,700 homes through renewable energy. Government data shows that the proposed scheme would more than double the installed renewable capacity in the District. This is a very substantial benefit that attracts substantial weight.
- 4.5.16 Since the Climate Change Act 2008, several national initiatives have been introduced to help meet targets.
- 4.5.17 The **Carbon Plan 2011** identifies the emission reductions needed in five key areas of the economy: buildings, transport, industry, electricity, and agriculture to meet targets.
- 4.5.18 The **Clean Growth Strategy 2017** outlines the plan to grow the national income while cutting greenhouse emissions.
- 4.5.19 The **Resource and Waste Strategy 2018** outlines the actions the UK will take to minimise waste, promote resource efficiency and move towards a circular economy.
- 4.5.20 The **Clean Air Strategy 2019** demonstrates how the national government will tackle all sources of air pollution and boost the economy.
- 4.5.21 In addition, **the Council passed a climate emergency motion on 21 May 2019**. This declaration asserted the Council's commitment toward climate action beyond current government targets and international agreement. This is currently pursued through the Council's Climate Change Strategy 2021 to 2026. The key objectives of the Strategy are:
- achieve Carbon Neutrality for the Council's own operations by 2030;
  - ensure all operations and services are resilient to the impacts of climate change;
  - achieve a Net Zero Carbon district by 2040; and
  - become a district that is resilient to unavoidable impacts of climate change.
- 4.5.22 The National Grid Electricity System Operator has published an update on **Future Energy Scenarios (FES)** document.

- 4.5.23 This report sets out four possible scenarios based around two drivers: speed of decarbonisation and the level of societal change. The four scenarios are:
- Falling short
  - Consumer transformation
  - System transformation
  - Leading the way
- 4.5.24 All four scenarios have net zero at their core and explore different pathways of achieving this. The FES identifies the four headline messages, which are:
- 1) Significantly accelerating the transition to a decarbonised energy system can help address security and affordability concerns at the same time as delivering Net Zero Milestones.
  - 2) Consumer behaviour is pivotal to decarbonisation – how we all react to market and policy changes and embrace smart technology will be vital to meeting Net Zero.
  - 3) Reforming energy markets to improve price signals will help unlock the flexible solutions needed to integrate renewables efficiently.
  - 4) Strategic investment in the whole energy system is urgently required to keep pace with Net Zero ambitions and strengthen energy security.
- 4.5.25 The FES Report confirms that as of 2022, 14GW of electricity was produced by solar power. Targets of solar power for 2030 and 2035 are 27GW and 70GW respectively. Achieving these targets will require investment in solar electricity generation and electricity storage across the UK over the next decade.
- 4.5.26 The Report clarifies the potential obstacles to further solar development which include grid capacity and connections, land and planning, skills and the supply chain of solar panels. It confirms that if these issues can be addressed, the business case for solar generation is currently strong because of recent high electricity prices.
- 4.5.27 Consumer Transformation and System Transformation both hit the target of zero emissions in 2050, and Leading the Way achieves the target slightly earlier in 2047. Falling Short would not achieve net zero, with a reduction of 80% compared to the level in 1990. All scenarios require an increase in solar capacity between now and 2030.
- 4.5.28 Net zero will require significantly higher levels of electricity generation from renewable sources and it is envisaged that four technologies will produce over 90% of electricity generation: wind, solar, nuclear and bioenergy with carbon capture and storage. It is also envisaged that energy production will be more localised.
- 4.5.29 Renewable energy generation is just one means of reducing carbon emissions, but it is an important one given the predicted rise in electricity consumption.
- 4.5.30 The **British Energy Security Strategy 2022** was published by the Government on 7<sup>th</sup> April 2022 and sets out a strategy for providing the energy we need in a safe,

secure and affordable way, and at the same time ensuring that we do all we can to meet our net-zero commitments. It includes a commitment to achieving fully decarbonised electricity by 2035, subject to security of supply.

- 4.5.31 The Strategy confirms that accelerating the transition from fossil fuels depends critically on how quickly we can roll out renewables. Regarding solar, the strategy states *“the cost of solar power has fallen by around 85% over the past decade ... we expect a five-fold increase in deployment by 2035... For ground mounted solar, we will consult on amending planning rules to strengthen the policy in favour of development on non-protected land, whilst ensuring communities continue to have a say and environmental protections remain in place.”*
- 4.5.32 The British Energy Security Strategy expects a five-fold increase in deployment of solar generation between today and 2035, with up to 70 GW installed.
- 4.5.33 In April 2023, the Government published a policy paper **Powering Up Britain: Energy Security Plan** with the aim of enhancing and protecting the country's energy security, take economic opportunities of the net zero transition and deliver on existing net zero commitments set out in the Energy Security Plan and Net Zero Growth Plan. It recognises that solar has huge potential to help decarbonise the power sector and it reaffirms its target of 70GW of solar power by 2035.

#### Existing renewable energy developments in North Hertfordshire

- 4.5.34 Solar Radiation maps of the UK show areas of the country receiving higher levels of solar radiation. North Hertfordshire is identified as falling in an area receiving high levels of solar radiation. Solar farms are therefore considered to be reliable sources of renewable energy.
- 4.5.35 Currently in North Hertfordshire there are only two approved small solar farms. One is located between the settlements of Reed and Barkway. The site lies beyond the Green Belt. It covers an area of 14.6 hectares and generates a maximum of 6MW. It was granted planning permission on 28 March 2013 (Application ref. 12/02365/1).
- 4.5.36 Planning permission was also granted in June 2015 for the construction of a 5MW solar farm on about 13 hectares of land at Lawrence End Park to the east of Birch Spring in Kings Walden Parish. This site lies within the Green Belt. (Application ref 15/00845/1).
- 4.5.37 Members resolved to approve an application for the construction of a 49.995MW solar farm at Land to the North and East of Great Wymondley in November 2022 (Application ref 21/03380/FP). As the site was in the Green Belt, the Council were obliged to notify the Secretary of State of their intention to approve the proposal. This application was 'called in' by the Secretary of State in May 2023. The application will now be the subject of a public inquiry beginning 12<sup>th</sup> September 2023. The decision will be made by the Secretary of State.

4.5.38 There are currently no wind farms, operational or proposed, within the district.

Principle of development

4.5.39 As part of the consideration process by officers, a Screening Opinion in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) was undertaken in May 2021. This concluded that any environmental effects that are likely to occur as a result of the proposed development could be adequately addressed by specific studies and reports accompanying the current and any subsequent future applications. An Environmental Impact Assessment was not therefore required in this instance.

4.5.40 The NPPF paragraph 7 confirms that the purpose of the planning system is to achieve sustainable development. Paragraph 8 goes onto clarify that there are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): economic, social and environmental.

4.5.41 Paragraph 11c) of the NPPF advises that for decision taking, approving development proposal that accord with an up-to-date development plan without delay. Paragraph 12 confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

4.5.42 Local Plan Policy SP1: Sustainable development in North Hertfordshire supports the principles of sustainable development within the district. Policy SP5 – Countryside and Green supports the principles of the Green Belt and recognises the intrinsic value of the countryside. It confirms that a general policy of restraint in Rural Areas beyond the Green Belt through the application of our detailed policies will be applied. Policy CGB1 sets out the broad typologies of development considered acceptable within the Rural Area Beyond the Green Belt. Policy SP9 Design and Sustainability seeks to support new development where it is well designed and located and responds positively to its local context.

4.5.43 The Council has not currently identified any suitable sites for renewable energy development as recommended by the NPPF. The site comprises arable fields bounded by intermittent hedgerows. The development would cover a large area and would deliver very many rows of solar panels, numerous inverter cabins, and other buildings in the form of containers, stock/deer fencing, an access track and pole mounted CCTV cameras. Whilst proposed tree and hedgerow planting and management regime would reduce the impact of the proposed development, and the scheme has been amended to enhance landscaping, the proposal would inevitably materially change the character and appearance of the site.

- 4.5.44 Although the site abuts the Green Belt in the south, it lies outside the Green Belt. This is a spatial designation and therefore no assessment on the impact on the Green Belt is necessary.
- 4.5.45 In relation to Baldock, Bygrave and Clothall Neighbourhood Plan policy V1 and Local Plan policies SP5, CGB1 and SP9 the development would be contrary to this insofar as the development is in an area of restraint and does not meet any exceptions. The harm arising from the development is considered in more detail in the *Landscape and Visual* section of this report. In addition, as set out in both the NPPF and Local Plan Policy SP1, it is necessary to consider the wider the social, economic, and environmental impacts to understand whether the proposal is sustainable development. These matters are considered in the following parts of this report.

#### Impact upon heritage assets

- 4.5.46 There are no listed buildings or other designated heritage assets within the application site. There are several designated heritage assets in the vicinity. The area is of archaeological interest and this matter is addressed separately below.
- 4.5.47 Section 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (The LBCA Act) stipulates that when considering whether to grant planning permission for development which affects a listed building, or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses. Effect upon listed buildings therefore should be given considerable importance and weight. Relevant factors include the extent of assessed harm and the heritage value of the heritage asset in question. The LBCA Act requires special attention to be made to the desirability of preserving or enhancing the character or appearance of the conservation area. There is no reference to their setting.
- 4.5.48 Paragraph 194 of the NPPF stipulates that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution to their setting and where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Paragraph 195 of the NPPF confirms that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting their setting) taking account of the available evidence and any necessary expertise.
- 4.5.49 Local Plan (LP) Policy SP13 confirms that the Council will balance the need for growth with the proper protection and enhancement of the historic environment. When considering the impact of a proposed 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. Regarding designated heritage assets, LP Policy HE1 stipulates that planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they will, amongst other things, lead to less than substantial harm to the significance of the designated heritage asset and this harm will be outweighed by the public benefits of the development, including securing the asset's optimum viable use. This policy reflects paragraph 202 of the NPPF which confirms that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

4.5.50 The application is accompanied by a Cultural Heritage Baseline and Impact Assessment (CHIA) by Abrams Archaeology dated August 2021. This considers the impact of the proposed development upon the setting of the designated heritage assets. In relation to the majority of assets, the CHIA identifies limited impact on setting of assets due to the absence of intervisibility between these and the application site due to landscaping, topography and intervening built environment. However, the setting of the following assets was considered to be affected –

- scheduled monument known as 'Arbury Banks Iron Age hillfort'
- schedule monument known as 'Bowl barrow 1km south-west of Heath Farm: part of the round barrow cemetery on Deadman's Hill
- Grade II\* Listed church of St Margaret of Antioch in Bygrave
- Grade II Newnham Hall
- Grade II barn on road in front of Newnham Hall
- Newnham Conservation Area

4.5.51 Paragraph 200 of the NPPF identifies scheduled monuments and grade I and II\* listed buildings as designated heritage assets of highest significance. The NPPF defines the setting of a heritage asset as *"the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."*

4.5.52 The National Planning Practice Guidance confirms that although views of or from an asset play an important part of the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as other land uses in the vicinity and our understanding of the historic relationship between places, for example historic or aesthetic connection that amplifies the experience of the significance of each.

4.5.53 Historic England (HE) published guidance on setting in 2017 (Good Practice Guidance Note 3) which confirms that the importance of setting is what it contributes to the significance of the heritage asset or the ability to appreciate that

significance and sets out ways in which setting may contribute to the value of a heritage asset.

- 4.5.54 HE are a statutory consultee on proposals that affect scheduled monuments and Grade II\* listed buildings. HE confirmed that the primary considerations related to the potential impact on the setting of –
- the scheduled monument known as ‘Arbury Banks Iron Age hillfort’
  - the Grade II\* Listed Church of St Margaret of Antioch, Bygrave
  - the Grade II\* Listed Church of St Vincent, Newnham
- 4.5.55 Historic England concluded that the proposal will result in a slight change to the setting of the scheduled monument known as ‘Arbury Banks Iron Age hillfort’. This is due to the hillfort drawing a considerable amount of significance from its landscape setting. However, the harm would be towards the lower end of less than substantial. In relation to the Grade II\* Listed ‘Church of St Margaret of Antioch’ in Bygrave or the Grade II\* Listed ‘Church of St Vincent’ in Newnham no harm is considered to occur.
- 4.5.56 In relation to other heritage assets, the CHIA considers eight separately listed buildings in Bygrave and Newnham. Of those considered the setting of the Grade II listed buildings at Newnham Hall and the barn on the road fronting Newnham Hall - and the Newnham conservation area were considered to be potentially affected.
- 4.5.57 The Council’s conservation officer was also consulted on the proposals in relation to the impact on heritage assets outside HE remit. He acknowledges that in relation to the setting of other heritage assets (Grade II listed buildings and Newnham conservation area), these are some distance from the application site. For this reason, no harm is considered to occur to the significance of the setting of these assets. In relation to the schedule monuments and Grade II\* listed buildings, he sees no reason to hold a contrary view to that expressed by Historic England. Consequently, and solely based on a Heritage Impact Assessment, he concludes that the proposal would occasion less than substantial harm to the wider setting of the Scheduled Monument (SM) at Arbury Banks Iron Age hillfort and that this would be very much towards the lower end of the harm continuum. In light of this, he raises no objection to this development on heritage grounds on the basis that the aims of Section 16 of the NPPF as well as Local Plan Policy HE1 can be met.
- 4.5.58 Of relevance to the assessment of harm is that the proposal would not be permanent and is proposed to be decommissioned after 40 years. Whilst this is a long time, and therefore limited weight is given to this, the current rural setting would return following a restoration to full agricultural use with enhanced biodiversity.
- 4.5.59 Officers consider that the proposed development would result in less than substantial harm to the significance of the Arbury Banks scheduled monument.

This would be towards the lower end of the spectrum. No harm is considered to occur to the setting of other designated heritage assets. The harm is not irreversible because it is proposed that the development would be decommissioned after 40 years with the ability to restore the land to full agricultural use. The *less than substantial harm* would persist for a significant amount of time.

#### *Conclusion on heritage impacts*

- 4.5.60 Paragraph 202 of the NPPF and LP Policy HE1 require *less than substantial harm* to the significance of heritage assets to be weighed against the public benefits of the proposal. This harm should be afforded great weight. The balancing of this harm against the identified public benefits will be carried out in the planning balance below along with conclusions on compliance with relevant planning policies and the LBCA Act.

#### Archaeology

- 4.5.61 The CHIA also addresses the effect upon archaeology. Local Plan Policy HE4 confirms that planning permission for development proposals affecting heritage assets with archaeological interest will be granted provided that:
- (a) Developers submit an appropriate desk-based assessment and, where justified, an archaeological field evaluation;
  - (b) It is demonstrated how archaeological remains will be preserved and incorporated into the layout of that development, if in situ preservation of important archaeological remains is considered preferable; and
  - (c) Where the loss of the whole or a material part of important archaeological remains is justified, appropriate conditions are applied to ensure that the archaeological recording, reporting, publication and archiving of the results of such archaeological work is undertaken before it is damaged or lost.
- 4.5.62 Paragraph 203 of the NPPF confirms that the effect of an application on the significance of non-designated heritage assets should be taken into account in determining the application.
- 4.5.63 The CHIA submitted with the application identifies the archaeological potential of the application site and assesses the potential for direct impacts of the proposed development upon archaeological remains. The assessment involved a number of stages – the production of an archaeological baseline report informed by the Historic Environment Record (HER) Data and analysis of other published and available material, site visits and also a geophysical survey.
- 4.5.64 Of the seven periods, the most sensitive that are likely to contain remains are the Later Prehistoric and Roman periods. The Later Prehistoric period identified their being *Medium to High* potential for archaeological remains. Where present the remains are likely to comprise trackways/droeways and/or enclosures and potentially one barrow within the site. The Roman period identified their being

*Medium* potential for archaeological remains. Where they do remain, they are most likely to be in the form of field systems and/or trackways for moving around the well-settled landscape. Such remains, are likely to be of *low-medium* value (sensitivity). In relation to the Medieval periods, the potential for archaeological remains is considered to be *Medium*. The field systems visible on maps and in the landscape today are, in some cases, likely to be field systems of Medieval date. The types of remains most likely to exist are agricultural in character and to comprise boundaries and trackways used to move around the area. Such remains, are likely to be of *low* value.

- 4.5.65 HCC's Archaeology Advisor was originally consulted on this application. This initial response confirmed the importance of the site due it being located within two Areas of Archaeological Significance, number 48 and 275, as identified in the Local Plan and also includes a series of cropmarks. It was noted that the immediate surrounding environment is dense with prehistoric activity, including at least five ring ditches, a polygonal enclosure, trackways, four pillow mounds and single, double and triple linears. The evidence of such numerous features in close proximity suggests a well-established and important prehistoric landscape. Whilst the work to date has helped to quantify the archaeological potential, it was likely further, as yet unidentified heritage assets of archaeological interest exist on the site. To be able to fully assess the significance of this potential and allow for effective historic environment advice and decision making, more work was recommended. An archaeological assessment of the site (trial trenching) in advance of a decision on planning consent was recommended to better understand the impact of the proposed development upon the potential remains.
- 4.5.66 Subsequent to this, discussions between officers, Herts CC and the applicant occurred to explore whether there were alternatives to carrying out pre-determination trial trenching. This resulted in the Community Archaeology Geophysics Group (CAGG) based at University College London being approached by the Herts CC Archaeology Unit to undertake a research led project in the form of comparative geophysical survey work. The purpose of this project was to test and compare the results of the original geophysical survey provided by the applicant to assist Herts CC Archaeological Advisor in providing accurate historic environment advice.
- 4.5.67 The results of these additional surveys (including magnetometry, earth resistance and magnetic susceptibility surveys) revealed that the two main archaeological features detected by CAGG - the road and the round barrow - had already been detected by the applicant's survey work. A small number of 'possible' features were highlighted. In general, these had relatively weak magnetic signatures and did not appear to be ferrous. None, however, fitted into a recognisable pattern or were in dense clusters which might indicate an archaeological site. Given the low levels of magnetism seen in the soils, it was strongly suspected that any flint foundations would remain undetected. In conclusion, the additional geophysical survey work did not particularly support the call for higher density surveys, although this was more to do with this site than the arguments in general.

4.5.68 Following re-consultation, HCC's Archaeology Advisor commented that the combined results of the geophysical survey work undertaken identified a number of potentially significant below ground archaeological features including three likely prehistoric ring ditches, a number of linears and a trackway, which extends the full length of the site. As previously mentioned, the site itself lies within two Areas of Archaeological Significance as identified in the Local Plan and includes a series of cropmarks. The immediate surrounding environment is dense with prehistoric activity, including at least five ring ditches, a polygonal enclosure, trackways, four pillow mounds and single, double and triple linears. The evidence of such numerous features in close proximity suggests a well-established and important prehistoric landscape. Given, the foregoing, HCC's Archaeological Advisor has amended the original advice confirming that whilst trial trenching is still necessary, this no longer needs to be undertaken prior to the determination of the application. No objection is therefore raised subject to an appropriately worded conditions to deal with this matter.

*Conclusions on archaeological impacts*

4.5.69 The proposal is considered to be compliant with local plan policy HE4. Officers agree that the impact of the proposed development on archaeology can be adequately addressed by planning condition and therefore subject to the recommended conditions, this matter is neutral in the planning balance.

Landscape and Visual Impacts

4.5.70 The proposal comprises a large-scale solar farm. Given its nature and scale, there will inevitably be some adverse landscape impacts. Within this context, national and development plan policies adopt an approach whereby development should be approved where the harm would be outweighed by the benefits of the scheme. As has already been highlighted in the foregoing parts of this report, the application site and immediate locality is designated open countryside. For the avoidance of doubt, it does not include any nationally designated protected land such as Areas of Outstanding Natural Beauty (AONB).

*Landscape Character*

4.5.71 NPPF Paragraph 174 indicates that the intrinsic character and beauty of the countryside should be recognised. Nevertheless, the NPPF does not seek to protect the countryside for its own sake from development; it concentrates upon seeking to protect valued landscapes. The site does not form part of any designated landscape.

4.5.72 The NPPF does not define what is a valued landscape, albeit most landscapes are valued by someone at some point. In the light of appeal decisions on this matter it is considered that valued landscape means it is valued because it is of a level that is more than just open countryside. Residents have confirmed that they value the countryside within and around the application site. However, there is nothing

in the comments that would result in elevating the application site to that of an NPPF valued landscape.

- 4.5.73 Local Plan Policy NE2 confirms that planning permission will be granted for development proposals that respect the sensitivities of the relevant landscape character, do not cause unacceptable harm to the character and appearance of the surrounding area or the landscape character area in which the site is located, taking account of any suitable mitigation measures necessary to achieve this, ensure the health and future retention of important landscape features and have considered the long-term management and maintenance of any existing and proposed landscaping.

#### *The Landscape Character Assessment*

- 4.5.74 Across England 159 National Character Areas (NCA) have been identified and the application site is located within NCA 87: East Anglian Chalk and is described as comprising '*a visually simple and uninterrupted landscape of smooth, rolling chalkland hills with large regular field enclosed by hawthorn hedges, with few trees and expansive views to the north*'. On a regional level there is an East of England Landscape Framework and assessment has also been undertaken at a County level.
- 4.5.75 The Council published the North Herts Landscape Study as part of its Local Development Framework in 2011. This is based upon the Hertfordshire Landscape Character Assessment (LCA) and subsequent sensitivity and capacity work. The application site is within the LCA 224 North Baldock Chalk Uplands. Key characteristics comprise Rolling chalk landform, small rounded chalk knolls, large rectilinear fields in arable, large to medium regular geometric plantations and nucleated settlements. Distinctive features within this LCA are identified as being - A1(M), A505, railway, telecommunications masts (Lodge Farm), Lower Icknield Way, abuts suburban edge of Baldock and pylons crossing the western edge. For the avoidance of doubt, the site does not fall within any statutory or national designated landscape area such as Area of Outstanding Natural Beauty (AONB) or National Park.
- 4.5.76 In terms of visual and sensory perception the Study suggests that it comprises a large-scale tranquil agricultural land, the absence of boundary enclosures and some woodlands. The study notes that the LCA identifies a settled landscape, dating back to prehistoric times, with a wealth of archaeology, mostly medieval settlements and mostly large scale, modern, agricultural and arable fields not rare with typical pressures associated with urban fringes. The landscape character sensitivity is identified as low with overall medium landscape value. The Study considers that the local landscape is of *medium* value. It goes on to say that the local landscape has a medium susceptibility to the type of development proposed. Overall, it is assessed that the local landscape has a medium sensitivity to the type of solar farm development proposed.

*The submitted Landscape and Visual Assessment (LVA)*

- 4.5.77 The application is accompanied by a LVA by Briarwood Landscape Architecture (a Chartered Member of the Landscape Institute) which identifies the landscape and visual effects of the proposed development. In applying a standard methodology and professional judgement, the LVA sets out conclusions of the impact of the proposal.
- 4.5.78 The LVA identifies the visual baseline and viewpoints from which people would experience views of the proposed development, presents a narrative on the visual context of the site and judgements on visual value as well as susceptibility and sensitivity of the visual receptors (people experiencing the view).
- 4.5.79 The LVA undertakes an assessment of visual and landscape effects during the construction phase, and operational phase. It proposes mitigation measures and these are set out in the design of the proposed development.
- 4.5.80 The LVIA identifies the sensitivity and residual effects as follows -
- NCA designation - sensitivity is considered to be *Low* with their being *Negligible Adverse* effect in year 1 and year 10 and beyond
  - LCA designation - concludes that there will be *Minor Adverse* effects in year 1 and after year 10
  - Local area (under 1km) - the sensitivity is considered to be *Medium* with *Minor Adverse* effects in years 1 and 10.
- 4.5.81 The LVA identifies twelve visual receptors (PRoW and roads). The majority of these are considered to be of *high* sensitivity. Of these, nine were identified as having either *moderate or major adverse* effects in year 1. In year 10 and beyond, five of the viewpoints were considered to have *moderate adverse* effects. The majority of the adverse visual effects are from within 1km of the site. The LVA finds that the visual effects would be *significant* in the short term, but views of the site would be minimised by topography and new screening/planting. In this context, it says that the proposed development would have no greater than *minor adverse* effect on views in the wider study area, which would not be significant. The LVA suggests that the *medium and long-term* landscape and visual effects of the proposed development would *not be significant*, with long term benefits from the proposed mitigation following decommissioning of the solar farm.
- 4.5.82 Other key LVA conclusions –
- The prevailing intensive rural and settled agricultural character and predominantly rural landscape would remain
  - The development would not appreciably harm or physically the distinctive existing landscape elements and features associated with the site.
  - The new planting would enhance the landscape in the long term and mitigate PRoW impacts
  - Biodiversity improvements across the site would allow for a continue agricultural use of the land and result in better landscape management

- The proposed solar farm would add some limited complexity to the character of the local landscape but would not appear overtly prominent or dominant.
- The key characteristics of the local landscape would not be changed and would prevail.
- The higher level of visual effects would generally be experienced from closer proximity to the site boundary due to topography and screening.
- it is considered that the proposed development would have a limited effect and harm on the visual amenity of the wider landscape beyond the site boundary

*First review of the LVA (August 2022)*

4.5.83 The Council commissioned consultants (The Landscape Partnership) to review the application and the submitted LVA.

4.5.84 The consultants agree that the sensitivity of the arable land is *Medium* and would experience a *High* magnitude of change and a *Major* effect. It is considered that the Site is of *Medium* landscape value, and ordinary large arable landscape that does not fall within the definition of a '*valued landscape*' for the purposes of the NPPF. The sensitivity of the site to solar development is on balance considered to be *Medium*. This is due to -

- the large scale arable landscape;
- the relatively low height of the solar panels
- the uniform treatment across a single arable field
- the existing enclosure and the lack of formal designations.

4.5.85 The review confirms that the LVA has largely been prepared in an appropriate and clear manner providing a proportionate assessment. The methodology submitted is broadly in accordance with recognised standards. The effects that are of the greatest importance are those noted as *Major - or Major/Moderate*.

4.5.86 Key conclusions of the review are –

- The baseline assessment of landscape character and visual receptors is broadly sufficient except for the omission of reference to sections of the NCA 224 North Baldock Chalk Uplands.
- Although there is a lack of existing intrusive features in the area, the open undulating character and that the proposal would be visible from locations within 1km of the site, the sensitivity of the site to solar development is on balance considered to be *Medium* due to the large-scale arable landscape, the relatively low height of the solar panels, the uniform treatment across a single arable field, the existing enclosure and the lack of designations.
- It is agreed that the effect of the land use would be *Major* but disagree that it would be beneficial as field would be seeded to form grassland. The LVA omits to consider the effect on the land use as result of the introduction of



the solar panels over the majority site together with the associated infrastructure. While these may be reversible elements, they would still be present for 40 years.

- the magnitude of change to the local landscape (within 1km) of the site would not be Low but Medium and a resultant Moderate Adverse effect as opposed to Minor Adverse in the LVA.
- In relation to larger scale units the effect on LCA 224 North Baldock Chalk Uplands would be greater at *Moderate Adverse* compared to Minor Adverse due to its central location within LCA 224 and as it would represent a new distinctive feature.
- It is agreed that the majority of the *Adverse* visual effects are from within 1km.
- Disagree with the LVA where it concludes that there will be no *Major* adverse effects at Year ten.
- The proposed mitigation is not considered sufficient to reduce the *Major* effects to *Neutral*. There would still be a *Major* adverse effects on receptors on PRoW There is also likely to be a *Major/Moderate* adverse effect on the residential property located north east of the site - The Knoll – although this is unlikely to result in the property being an ‘unattractive place to live’.
- More extensive mitigation is required to help offset some of the greater effects at close quarters as set out in Section 5.6 above. These improvements would result in a small reduction on the solar panel area.
- Overall, the site has a moderate capacity to accommodate a solar farm of the proposed scale. There would be some residual adverse effects after Year 10 on character and visual receptors.

*Amendments to the LVA and mitigation scheme (November 2022)*

4.5.87 The submitted Landscape and Visual Assessment (LVA) was updated in November 2022 following the review by the Council’s consultant (TLP). Also, some elements of the scheme layout were at the same time updated together with changes to the proposed mitigation measures. The applicant’s consultant confirms that not all comments made by the Council’s consultant are accepted and that there remains differences of professional opinion. The changes to the LVA comprise -

- Baseline Context - Updated to refer to the revised version of Landscape Character Area (LCA) 224 (North Baldock Chalk Uplands).
- Proposed Development and Mitigation Measures - updated to provide additional mitigation measures which comprise – (i) A new tree copse has been added to the north-west corner of the site which separates the retained public right of way from the proposed security fence and solar panels and (ii) Additional trees are proposed near the site entrance in the north-eastern corner.
- The applicant has declined to include a new hedgerow along the northern boundary of the site to provide screening from the adjoining bridleway on the grounds that the LCA guidelines suggest that mitigation planting should not necessarily fully enclose development.” The updated LVA has been amended to address this issue stating that whilst “some solar panels would

be visible from the right of way... the height and angle of the closest panels would help to screen views of much of the proposed development.” The LVA provides additional commentary over the operational effects of the proposal which will “ultimately be temporary, given the finite 40-year operation period, and the fact that the proposed development is reversible.”

- Effect on Landscape Elements and Features – references now made to “season change”, loss of arable production and gapping up of hedgerows along Ashwell Road bringing biodiversity improvements.
- Effect on Landscape Character - updated to include commentary on the magnitude of change and the scale of effect on the local character together with the sensitivity and magnitude of change to both NCA and LCA. Mitigation measures are considered to make a positive contribution to both the site and the wider landscape.
- Visual Assessment - the assessment for each of the 12 selected viewpoints has been amended to take account of comments and additional mitigation measures. It acknowledges that there continues to be differences in professional judgment between the two consultants as to scale and/or nature of the other 6 viewpoints.

*Second review of the LVA (December 2022)*

- 4.5.88 Following the changes to the LVA and the additional mitigation proposals, the Council's consultant was asked to undertake a further review on behalf of the Council. The additional mitigations measures are now included in the proposals for the site as shown on Drawings UKF092/09 and 10 Version 5 including planting to the north-east, north-west, south-east and confirmation of gapping up of the hedgerow along Ashwell Road to the east. These changes are all welcome.
- 4.5.89 The omission of the recommended hedge to the northern boundary south of Bygrave 013 that has not yet been included. This is despite the fact there would be clear open views along the bridleway (for walkers and equestrians) into the site and solar farm with no mitigation for the high sensitivity receptors. There is no clear reasoning why this is not included. A hedge in this location would only need to occupy a width of c 2-3m, would not shade the panels and would provide habitat continuity. A suitable hedge would serve to provide mitigation on the northern boundary in a similar manner to that provided for receptors using Bygrave 013 along the western boundary. TLP still recommend this additional hedge to the north feature is included in the proposals to ensure the mitigation are acceptable.
- 4.5.90 The landscape proposals as outlined on Drawings UKF092/09 and 10 Version 5 show the principles but are not sufficiently detailed. If the application is approved Conditions should be included to be approved provide prior to commencement of development for:
- A detailed landscape scheme providing information of: locations and dimensions, species, densities, sizes, mixes and protection and for new planting areas.
  - A timescale for implementation and replacement of any failures.

- A Landscape Environmental Management Plan (covering a 40 year period)
- There remain some matters of difference between the TLP and the LVA relating to the level and nature of effect on landscape character and 4 of the 12 representative viewpoints. TLP consider some effects would be relatively greater and adverse rather than neutral in nature. These differences between the LVA and TLP relate to are matters of professional judgment.

4.5.91 The Council's consultant reaffirms its original conclusion which stated that the site has a moderate capacity to accommodate a solar farm of the proposed scale. There would be some residual adverse effects after Year 10 on character and visual receptors which should be set against the benefits of the proposals in the planning balance. Additional mitigation measures comprising a new hedge along the northern boundary is recommended. This could be conditioned in the event permission were to be granted.

*Conclusions on landscape and visual impacts*

4.5.92 Officers consider that the proposal would inevitably result in some adverse landscape and visual impacts. However, through a combination of topography, existing and proposed screening, and the provision of landscaping, the adverse effects would generally be localised within 1km of the site. The proposed mitigation landscaping would be beneficial to the landscape and biodiversity. The 40-year lifetime of the scheme is a significant period. However, the harm would diminish over time as new landscaping matures and could provide benefits beyond the lifetime of the solar farm. Following decommissioning of the solar farm there would be no residual adverse landscape effects. There would be conflict with Baldock, Bygrave and Clothall Neighbourhood Plan policy V1 and Local Plan Policy NE2, the latter of which seeks to avoid unacceptable harm to landscape character and appearance. Overall, it is considered that the initial visual and landscape harm would diminish over the 40 year period and should be afforded moderate weight at the lower end in the planning balance.

Impact upon the local highway network

4.5.93 Presently, there is one ungated access serving the site and wider agricultural holding and this is located off the Ashwell Road and comprises a track that runs along the northern boundary of the site. Ashwell Road links the village of Ashwell to the north with Baldock in the south-west. At the section nearest to Baldock, the road is known as Bygrave Road.

4.5.94 Ashwell Road is a unnumbered classified single carriageway two-way road that is subject to the national speed limit of 60mph

4.5.95 There is an existing agricultural land access along the northern boundary of the site. Originally it was proposed that this would provide access during both the construction and operational phases of the development. However, following discussions between the applicant and Herts CC Highways (HCCH) the revised

proposal means that this existing access would provide access to the site for maintenance purposes only. The applicant now proposes that a new temporary vehicular access is created along the Ashwell Road for the construction period. A plan illustrating the approximate location of this access is provided at Appendix A.

- 4.5.96 A Transport Statement and provisional Construction Traffic Management Plan (TS and CTMP) was submitted with the application which identified the anticipated transportation and highways matters associated with the proposed development. It estimates the traffic generation of the construction phase only, which would take about 30-35 weeks as once operational trips to the site would be limited to the occasional light goods vehicle for maintenance and would be very minor in nature.
- 4.5.97 The TS and provisional CTMP confirms that during the construction phase there would be on average between 4 and 5 deliveries per day, assuming a 5.5 day working week. Frequency of deliveries will vary, so during the peak delivery period, an upper estimate of 15 deliveries per day is envisaged equating to 30 vehicle trips per day. Vehicles would comprise of a mixture of low loader, rigid HGVs, pickups, flatbed, waste trucks as well as articulated vehicles.
- 4.5.98 Construction vehicles would approach the site via the A507 from the A1/M1 northbound approximately 2.2km southwest of the site. The route from the A507 would see vehicles turn left into Bygrave Road and continue straight on to Ashwell Road before reaching the temporary site access. The same route would be used for vehicles leaving the site and returning to the A507. A map of the route is provided at Appendix B.
- 4.5.99 A temporary construction compound is proposed towards the southern end of the application site. The compound will be used for the parking and turning of construction vehicles including cars and vans. It will also be used to store some construction materials. It should be noted that the compound does not form part of the planning application as permitted development rights exist for such areas to be created and used in connection with a permitted development site (*Schedule 2, Part 4 - Temporary buildings and uses Class A – temporary buildings and structures*). Notwithstanding this, in the event permission were to be granted a more detailed Construction Traffic Management Plan (CTMP) can be required by planning condition that identifies, manages, and mitigates against the impacts of construction related traffic.
- 4.5.100 As part of the initial response (April 2022) the HCCH confirmed that although it was generally satisfied that the completed scheme will not have an adverse effect on the public highway, there were serious concerns regarding the highways impacts during the construction of the scheme including the use of the proposed access by HGV traffic. Given that the construction arrangements would be key to the acceptability of the scheme, the highway authority recommended that these issues be dealt with prior to determination. Confirmation was also sought on issues relating to glint and glare upon local highway users.

4.5.101 The applicant's highways consultants – Apex Transport Planning - entered into discussions with the HCCH to identify specific shortcomings and areas that need to be addressed. HCCH made clear during discussions that a thorough assessment of the construction traffic route to include surveys to ascertain carriageway widths and how large HGVs can pass one another during the construction period was needed.

4.5.102 In June 2023 the applicant submitted additional information including revised plans and an addendum to the Transport Assessment. These were informed by additional surveys which have been verified by HCCH. The summary of revisions comprise –

- limiting the HGV movements to 2 trips (4 movements) a day
- limiting the hours that HGVs can use the route between the hours of 9.30am and 2.30pm
- the creation of a temporary vehicular access to the site for construction traffic south of the existing access with the provision of solar powered bollards
- confirmation that no part of the PROW within the site will be used as part of the access track for construction vehicles;

4.5.103 The following additional measures would also be undertaken/clarified –

- Additional road safety analysis
- Provision of additional signage such as 'pedestrians in road' along Ashwell Road
- HGV holding areas which enable HGVs to stop, call ahead and check all is clear, before proceeding
- Regular monitoring of the full route, from the junction with North Road up to the site access.
- Consideration of grass verges being damaged in places, debris being carried out onto the highway, or other highway damage
- Road cleaning along the route if necessary
- Minor road widening / passing places to be considered

4.5.104 Temporary alterations to the junction of North Road and Bygrave Road to facilitate the HGV movements during the construction phase are also proposed. It should be noted that these are outside of the application site within the public highway and do not form part of the material considerations on this proposal. These matters will be dealt with under the Highways Act under a S278 agreement. Concerns and objections raised by third parties on these temporary alterations to the junction have been passed to HCCH who have considered these as part of their latest consultation response.

4.5.105 HCCH provided an updated consultation response in August 2023. An extract of their response is set out below –

*Since our last consultation response, the applicant has been in detailed discussions with the Highway Authority. The Highway Authority acknowledges the concerns raised by some local residents, and indeed shared some of these concerns when the application was first submitted. However, over the course of the past few months, the detailed discussions with the applicant have generally been positive and reached a point where the mitigation and restrictive measures now to be put in place throughout the duration of construction will suitably address the issues. Our Network Management team and Safety team have been involved throughout these discussions. The key details of these discussions is outlined below, although it should be stressed that further details of some aspects still needs to be provided by the applicant through a revised Construction Traffic Management Plan, to be secured by condition, as recommended above.*

#### **CONSTRUCTION ROUTE ASSESSMENT:**

*Following our last consultation response which recommended refusal, the Highway Authority highlighted to the applicant that much of their work looking at the suitability of Ashwell Road as a construction route was based on a desktop review. For example, vehicle tracking diagrams had been overlaid onto somewhat crude aerial imagery. As such, the Highway Authority made clear to the applicant that if they continued to propose this route then detailed site visits are needed, with accurate 'on-the-ground' measurements at regular intervals, cross-referenced with OS mapping lines, pictures, and written descriptions. In short, a robust assessment showing likely impacts on all highway users is needed, with any necessary mitigation, including a clear overview of proposed daily levels. A Transport Note (TN) was then submitted in February 2023 in response to this. Within this, the applicant outlined traffic count surveys that they had undertaken over a 9 day period in January 2023 (17/1-26/1). This showed total average weekday flow along Ashwell Road is 1049 vehicles. Of these, an average of 46 HGV movements were recorded. Average speeds recorded are in the region of 36-37mph, but 85th percentile speeds are in the region of 44-46mph, suggesting a higher standard deviation (i.e. greater variance in speed distribution). The raw speed survey supports this observation. Peak HGV flow is observed between 8-9am at 11 movements, and this represents 1 such vehicle every 5 minutes. Separate turning count surveys were undertaken at four locations where public right of way routes join Ashwell Road, as documented in section 2.3 of the TN. This showed overall relatively low levels of pedestrian movements from these right of ways to/from Ashwell Road, walking along short sections, however it should be acknowledged that pedestrian levels are likely to increase in the summer months. The TN then splits up the Bygrave Road / Ashwell Road route into four sections and undertakes detailed tracking assessments based on measured road widths. This shows that whilst there are constrained sections of highway meaning it would be tight for an articulated lorry and a car to pass by one another, these constrained sections have good forward visibility from sections of highway which are wide enough to accommodate such*

movements. As such, on the basis of the observed speeds, drivers of vehicles have sufficient forward views to ensure one of them holds back to allow the other to pass, in order to avoid passing at these typically short sections of more constrained carriageway widths. The one section where the applicant did propose carriageway widening due to a narrowing on a bend was on immediate approach to the proposed construction access. However, later discussions have now seen the applicant agree to move the construction access point further south, thereby avoiding the need for this particular widening work. Following submission and review of this TN, the Highway Authority then requested further information from the applicant and we undertook our own in-depth review of all accidents along the proposed construction route since records began in the early 1980s, i.e. a 40 year period (the standard approach is a 5 year review). This showed that there have been several accidents as a result of drugs, alcohol, falling asleep, etc. This is obvious human fault, with no highway design cause. Similarly, there are several recorded accidents over this 40 year period arising from clear driver error (e.g. a driver pulling out into the path of an oncoming vehicle). Again, this does not suggest an intrinsic highway design issue as a cause. There are a small number of recorded accidents over this 40 year period along the route involving pedestrians and cyclists, but no obvious pattern to them and they have been infrequent. Notably, there has been no pedestrian/cyclist accidents along this route since 2001. The only section along which the accident data might suggest more of a trend is around the two tighter bends along Ashwell Road close to Wedon Way. There have been a number around this point where inappropriate speed was flagged in the associated police accident report. Whilst accidents arising from speeding is still essentially driver error, the historic accident data trend here means it is reasonable to expect the applicant to examine this specific section of the route in more detail, and potentially propose additional measures such as warning signage. The applicant was seeking around 4 articulated lorry visits per day, but we have made clear that an absolute maximum of 2 articulated lorry visits per day is permissible (i.e. a total of 4 two-way movements per day). This will reduce the incidence of other highway users meeting such a vehicle along this route. In addition, all HGVs of whatever size must only use this route between 9:30am and 2:30pm, to avoid peak hours, avoid school opening and closing times, and avoid the existing/observed Ashwell Road HGV peak times.

#### **NORTH ROAD / BYGRAVE ROAD JUNCTION:**

Turning to the proposed widening of the North Road / Bygrave Road junction, our Safety team has not identified significant initial concerns, but do observe the following with the applicant's plan:

- i) Care will be needed in moving the refuge island in the bellmouth closer to the main carriageway, as the visibility to the right may be partly obstructed if the keep left bollard is poorly located.
- ii) Visibility to and from the junction may be degraded by new vegetation growth, in particular, overhanging vegetation to the south along North Road / the southern visibility splay. In addition, overhanging vegetation on the downward slope of Bygrave Road when approaching North Road is notable. This new

growth should be cut back more frequently, with larger vehicles being present and turning at the junction, since they take longer to complete such manoeuvres. The concerns raised by some third parties about this proposed change are noted, however, it should be stressed that the new design will be in place for a temporary period of less than 12 months to facilitate a development which seeks to introduce renewable energy to tackle the urgent climate crisis. Clearly this in itself would not make an inappropriate design acceptable, but pragmatically we are satisfied that a short term small reduction in footway width does not meet the adverse safety or 'severe' tests of paragraph 111 of the NPPF. Crucially, the relocated central refuge island will be 1.5 metres in width, which meets the acceptable limit as outlined in our Roads in Herts guidance. The current refuge island is 1.6 metres in width, and the temporary reduction by 10cm is not considered severe. The pedestrian crossing distance to the north of this over the bellmouth will be 8.5m, and to the south 7m. These are not unreasonable crossing distances for a short term change. It should also be noted that by moving the the crossing point slightly closer to the junction, the level of visibility for a pedestrian about to cross from the north to the south is improved compared to the current situation. The level of visibility for a pedestrian about to cross from the south to the north will remain largely unchanged as shown on the plan, but recognising the vehicle movements will increase through this access during construction it is justified to ask the applicant to examine this in more detail. In practice this likely means cutting back of vegetation along the southern side of Bygrave Road on approach to the junction. This vegetation is all within public highway land and so cutting back can be secured. We would, however, not wish to see mature trees along here cut significantly back. In addition it may be justified to request the stationing of banksmen at this junction during the most intensive periods of construction activity to help aid people crossing this junction. Further consideration of this is covered within the wording of condition 1 above. All changes to the public highway, including to the North Road / Bygrave Road junction, will need to go through the s278 process and a further stage 2 road safety audit – in good time, and work completed to our satisfaction before commencement of the development. In terms of reinstating the junction after construction, we note that the bellmouth alterations would remove the grass verge separating the carriageway from the narrow footway at the junction. There may instead be an opportunity to widen the footway permanently by providing a simple low retaining structure (such as kerb flags on edge), to retain the base of the bank behind the footway.

#### **CONSTRUCTION ACCESS:**

Turning to the proposed construction access serving the site, the applicant has now agreed to move this further south to reduce the distance travelled along Ashwell Road. Drawing number C22028-ATP-DR-TP-009 shows the indicative location, with the final location to be determined through condition with all necessary supporting information (e.g. visibility splays, tracking diagrams, etc).



**GLINT & GLARE / BRIDLEWAY (RIGHT OF WAY):**

*The glint and glare reports show that Ashwell Road is not in the direct line of glint and glare.*

**OTHER MATTERS:**

*It is noted that there is a 7.5 tonne weight restricted limit along Bygrave Road, but our Network Management team has confirmed that the wording within the Order for this, dated 11/2/1987, means this site is exempt due to the loading/unloading clause. The applicant has spoken of holding bays but there remains limited detail of this. Any HGV on site can be held back if another is approaching, but those travelling to the site do not seem to have any hold-back options at the moment. In their revised CTMP the applicant should identify the proposed holding areas which enable HGV drivers of the largest HGVs to stop, call ahead and check the exit route is clear before proceeding. There may be other options such as the use of GPS tracking. There should be a clause within the CTMP that ensures regular monitoring of the full route, from the junction with North Road up to the site access. The CTMP should be a live document, updated at intervals to respond to any observations identified and potential changes to the work programme.*

**CONCLUSION:**

*The proposed construction route is to be used for the short term (up to 35 weeks), and largely provides good forward visibility to constrained width sections. Articulated lorries will be limited to 2 per day, and all HGV movements to be outside peak times. The proposed changes to the North Road / Bygrave Road junction will not notably reduce the pedestrian refuge island width, and will improve visibility for a pedestrian crossing north to south. Once completed the operational vehicle movements will be very low. Some key additional information is still needed, as outlined in the conditions at the start, but the Highway Authority is now satisfied that the broad principle of using this route is acceptable subject to the mitigations and limitations set out.*

4.5.106 The British Horse Society (BHS) and Herts CC Rights of Way (RoW) unit have raised concerns about the impacts on the adjacent bridleway 013 both during operational and construction periods of the development and have requested mitigation measures. These comprise – a new temporary riding route along Ashwell Road, fencing and hedge planting along the northern boundary adjacent to bridleway 13 and a new bridleway south of the site to link Ashwell Road to bridleway 13.

4.5.107 In relation to operational impacts on horse riders, guidance on solar farm developments published by BHS confirms that –

*“Standard photovoltaic panels...are designed to absorb rather than reflect light for efficiency (reflected light is wasted energy) and although the amount of reflection varies with the component materials and the angle, the incidence of glare or dazzle is usually significantly less than from glass and will not be uniform throughout a period of sunlight, assuming that the panel is static. Any reflection is unlikely to be*

*a direct problem to horses, riders or carriage-drivers because of the angles and distances involved. The panels will also not reflect heat, because this too would be wasted energy.”*

4.5.108 Notwithstanding the above advice, a Glint and Glare Assessment provide by applicant considered 19 bridleway receptors within 1km of the application site. Upon reviewing the intervisibility between the site and the receptors, glint and glare impacts were identified to be Low (0-20 hours per year) at 16 receptors and None at the remaining three receptors. Once long term (planting) mitigation was taken into consideration, impacts remain Low at 3 receptors reduce to None at 16 receptors. Based on the foregoing, the report confirms that it is highly unlikely that there will be any unreasonable impacts on horse riders from glint and glare. The bridleway will be used for maintenance vehicles visiting the solar farm during its operation phase. Given the occasional nature of such visits and the small-scale type of vehicle that is likely to be used, this is not considered to have any notable impact on the bridleway or its users. Given this, the request for an additional new bridleway from the built-up area of Ashwell Road to bridleway 013 is neither reasonable nor necessary. To mitigate visual impact of the development on bridleway users, the existing open northern boundary of the application site can be screened with a new native species hedgerow together with a temporary screening fabric attached to the proposed new boundary fence. These measures can be secured by condition in the event that permission is granted. In conclusion, there are not considered to be any operational impacts on bridleway users that cannot be mitigated.

4.5.109 In relation to construction impacts, it is confirmed that the applicant is no longer intending to utilise the bridleway for construction purposes. Nonetheless, RoW and the BHS have both raised concerns about impacts on horse riders using both Ashwell Road and the bridleway 013. To compensate for these impacts a temporary route for horse riders along Ashwell Road was suggested. The provision of a new temporary route along the highway is not feasible as it would be on land outside the applicant's control. However, the safe management of horse riders along this stretch of Ashwell Road could be undertaken by the applicant's construction banksmen together with appropriate traffic signage. This matter could be dealt with by the imposition of a Horse and Rider Management Plan condition.

*Conclusions on highway and RoW impacts*

4.5.110 Given the foregoing, the Highway Authority no longer objects to the proposal subject to conditions. RoW impacts can be dealt with by alternative condition to the one proposed by HCCH as set out above. The proposal is therefore considered to comply with Local Plan Policies SP6 and T1. This matter is considered to be neutral in the planning balance.

Best and Most Versatile (BMV) Agricultural Land impact

4.5.111 Local Plan Policy NE12 seeks to determine applications for solar farms on the best and most versatile land (BMV) in accordance with national policy. in Guidance from

Government stresses a preference to develop solar farms on brownfield or degraded land over greenfield land. Agricultural land is classified from Grade 1 to 4, with Grade 1, 2 and 3a being considered BMV agricultural land.

- 4.5.112 Natural England data suggest the land is classified Grade 2 agricultural land. The Agricultural Land Classification statement submitted with the application confirms the site is indeed Grade 2 land. As such the Site is considered BMV agricultural land in the context of the NPPF and NPPG. It is noted that a high proportion of agricultural land across the district is BMV, with a high proportion located outside of the Green Belt.
- 4.5.113 Policy NE12 of the adopted Local Plan states that proposals for solar farms involving the best and most versatile agricultural land will be determined in accordance with national policy. Paragraph 174 part (b) of the NPPF requires consideration of the economic and other benefits of the best and most versatile agricultural land. Footnote 58 of the NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. National Planning Policy Guidance (NPPG) also encourages the siting of large-scale solar farms on previously developed and non-agricultural land provided it is not of high environmental value.
- 4.5.114 However, more recent guidance set out in National Planning Statements (NPS) in relation to national energy projects over 50MW confirms that land type should not be a predominating factor in determining the suitability of the site location. In its response, Natural England confirms that the proposed development, given its temporary nature, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. The solar panels will be mounted on metal frames set into the land with a minimum of 800mm separation between the ground and the bottom of panels allowing the use of the land for the grazing of sheep. With the exception of some small areas of the site which will be used for plant, equipment and access tracks the majority of the land would still be used for some agricultural purposes during life span of the solar farm and would not be permanently lost. The continued use of the site for agricultural purposes could be secured by conditioning the submission and agreement of a grazing management plan in the event permission were to be granted.
- 4.5.115 It is understood that the EU's Common Agricultural Policy was replaced with a new domestic subsidy scheme, the Environmental Land Management scheme which pays farmers for the delivery of environmental benefits including taking land out of production and put it to grass, meadows, or trees for carbon capture. The resting the land from intensive agriculture is recognised to give the land the opportunity to

regenerate, improving soil health by increasing the organic matter and improving soil structure and drainage.

- 4.5.116 It should be noted that the specific way agricultural land is used is not a matter controlled under the planning system. As such, there would be nothing in planning terms to prevent the landowner using the site for the grazing of sheep at present or even leaving it fallow. Given this, the fact that the proposal would limit the ability to carry out any arable farming does not mean that it results in the loss of agricultural land when it can continue to be used albeit for other agricultural uses.
- 4.5.117 In relation to food security, it is confirmed that there are no national or local policies, guidance or strategies that relate to food security and production. The most recent policy paper 'Government food strategy' (June 2022) confirms that the level of food production in the UK is good and that there is currently a 'high degree of food security'. The UK Food Security report published by the government in December 2021, confirmed that 'the biggest medium to long term risk to the UK's domestic food production comes from climate change and other environmental pressures like soil degradation, water quality and biodiversity.' It goes on to confirm that 'Climate change poses a risk to UK food production already, and this risk will grow substantially over the next 30 to 60 years. Minimising the extent of global warming and addressing the risks it poses to food production are both essential to future food security.'
- 4.5.118 Soil is a finite resource and which plays an essential role within sustainable ecosystems, performing a variety of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. Natural England have recommended that any grant of planning permission should be made subject to conditions to safeguard soil resources.
- 4.5.119 Weighing in favour of the proposal is that the applicant proposes to improve the biodiversity potential of the application site through biodiversity improvements including the planting of trees, hedges and grassland and this is a matter addressed in considering the benefits of the proposed development.

*Conclusion on impact on BMV Agricultural Land*

- 4.5.120 The proposal would not result in the permanent loss of BMV agricultural land and an agricultural use would continue albeit livestock grazing, which is viable in tandem with solar energy production. This is likely to result in a reduction in productivity of the land for agricultural purposes for the duration of the solar farm. In addition, the Site would eventually be able to be restored to full agricultural use with enhanced biodiversity. In this context the proposal is considered to be compliant with Local Plan Policy NE12. The proposal is considered to result in a less intensive use of agricultural use of the land for the duration of the operational period of the solar farm and although harmful, it would be moderate in the planning balance.

## Flood Risk and Drainage

- 4.5.121 Policies SP11 and NE7 seek to ensure that development does not result in unacceptable flood risk. The applicant provided a Flood Risk Assessment (FRA) with the application. This site falls within Flood Zones 1, 2 and 3 with some photovoltaic panels at the northern part of the site located within Flood Zone 3. The Environment Agency initially raised an objection to the proposal on the grounds that the development is appropriate to the Flood Zone in which it is located and adequately assess the flood risk at the site using an appropriate method, fails to include an assessment of the impact of climate change using appropriate climate change allowances and did not demonstrate that adequate flood risk mitigation measures had been included in the design of the proposed development to ensure the development will be safe for its lifetime.
- 4.5.122 Negotiations between the EA and the applicant's flood consultants resulted in a revised FRA being submitted in November 2022. Following re-consultation, the EA confirmed that the revised FRA addressed their concerns with the hydraulic model and now consider that the model is acceptable for the purpose of the development. Subsequent to this they confirmed that they withdrew their objection subject to the development being carried out in accordance with the revised FRA. This matter can be dealt with by condition in the event that planning permission were to be granted.
- 4.5.123 In addition, the Beds and Ivel Internal Drainage Board who are responsible for Cat Ditch to the north of the site have raised no objection. They have suggested that an advisory note is included in the event permission is granted alerting developer to the development restrictions adjacent to Cat Ditch and need for the Board's consent in the event that the developer wishes to discharge surface water into ditch.

### *Conclusion on flood risk*

- 4.5.124 Based on the amendments and withdrawal of the objection from the EA, it is considered that the proposal is acceptable from a drainage and flood risk viewpoint. Therefore, subject to a condition requiring the development be carried out in accordance with the revised FRA the development is considered to accord with Local Plan policies SP11 and NE7. This matter is neutral in the planning balance.

## Noise

- 4.5.125 Local Plan Policy D3 seeks to protect the living conditions of existing residential properties. A Noise and Vibration Assessment (NA) was submitted in June 2023. This considers the noise impacts during both the construction and operational stages of the development. The NA is informed by background noise data collected by the applicant's noise consultant.

4.5.126 Regarding noise from the operation of the solar array, the NA identifies the potential noise sources comprising inverters, battery containers and substation. It concludes that the maximum predicted noise contribution would be less than existing background noise levels. This is achievable providing a 2.5 metre high acoustic barrier is installed around the Battery Energy Storage System. Although this was not identified as part of the initial proposals, it can be secured by condition in the event that planning permission is granted. Subject to this, the Council's Environmental Health Officer raises no concerns regarding operational noise.

4.5.127 In relation to construction noise, the NA considers impacts arising from the 36 week construction period. Paragraph 5.1 of the NA confirms that deliveries and noise generating activities will only take place as follows -

- Monday to Friday 08.00 to 18.00
- Saturday 08.00 to 13.00
- No deliveries on Sundays or Public Holidays

4.5.128 The NA identifies a range of noise impacts from traffic, plant, machinery and other activities. It goes on to list a range of mitigation measures that should be included in a Construction Environmental Management Plan (CEMP). The Council's Environmental Health Officer agrees that that it would be feasible, in principle, to achieve construction noise levels that are at or below the target noise levels required by BS 5228. Mitigation measures should be delivered through a CEMP which can be secured by condition. Other conditions recommended seek to restrict the days and hours of construction work and HGV and articulated vehicle deliveries.

4.5.129 Third parties have raised concerns about the validity and accuracy of the NA undertaken by the applicant's noise consultant. Officers can confirm that the NA was carried out by a qualified acoustician affiliated to the Institute of Acoustics the UK's professional body for those working in acoustics, noise and vibration. The methodology and findings reached on this technical matter have been carried out in accordance with the necessary standards and guidance. In reviewing the submitted assessment, the Council's Environmental Health Officer has confirmed that she has previous experience of assessing developments of this nature. The comments from third parties received in connection with the latest consultation process have been reviewed by the Council's Environmental Health Officer who has carried out an additional review of the submitted NA. It is considered that the assessment is satisfactory.

*Conclusion on noise*

4.5.130 Subject to conditions to secure a CEMP and a noise barrier to the Battery Energy Storage System, there is no objection to the proposals from a noise perspective. The proposal is therefore considered to comply with Local Plan Policy D3. Officers consider that the noise impacts of the proposed development are neutral in the planning balance.

### Ecological and biodiversity impacts

4.5.131 A Preliminary Ecological Appraisal (PEA) by Phlorum was submitted with the application which provides an assessment of likely ecological effects in relation the proposal. This involved a desktop study to identify any known features or species of ecological importance and habitat surveys and assessments. A separate biodiversity net gain assessment was also undertaken

4.5.132 The site survey revealed the following habitats: arable, poor semi-improved grassland, ruderal vegetation, scattered scrub, trees, hedgerow and a dry drainage ditch. In relation to species and habitats the findings comprised –

- Reptiles - moderate potential to support reptiles around the field margin and a negligible potential to support reptiles on the arable field.
- Great Crested Newts - negligible potential for breeding newts and a low potential for foraging and commuting newts
- Bats - moderate potential for roosting bats and a moderate potential for foraging bats and this is restricted to the hedgerows and tree lines
- Birds - high potential for breeding birds around the boundary.
- Badgers - high potential for breeding badgers and high potential for foraging and commuting badgers.
- Hazel Dormouse - negligible potential to support breeding dormice.
- Water Voles - negligible potential to support breeding
- water voles and low potential to support commuting and foraging water voles.
- Otters - negligible potential to support breeding otter and low potential to support commuting otter.
- Stag Beetles - low potential for stag beetle at the boundaries
- Hedgehogs - low potential for hedgehogs.
- Invasive plants - no species listed on the Schedule 9 of the Wildlife and Countryside Act (1981 amended) were noted on-site during the site survey.
- Features of National Importance - the closest designated site of national importance for nature conservation is Ashwell Springs SSSI located 2.3km to the north. The site does not provide any supporting habitat for this SSSI.

4.5.133 With the exception of a small section of hedgerow along the Ashwell Road which will be used to create a temporary access for the construction period, there will no other loss of hedgerow. Once construction had been completed, the hedge and any associated grassed verge would be reinstated. Herts CC Ecology (HCCE) have confirmed that this is unobjectionable providing the hedge is replaced with suitable native species. The development does not include the removal of any trees and therefore recommendations relating to bat and bird impacts are not relevant.. In the event that planning permission is granted, these matters could reasonably be dealt with by way of a condition.

- 4.5.134 Concerns have also been raised by residents relating to the impact upon wildlife and the proposed fencing which would restrict movement of wild animals. It is confirmed that the proposed fence would include points within the proposed fencing where wildlife can enter the site from the ground. Specific details of these measures could be secured by condition in the event planning permission is granted.
- 4.5.135 HCCE were consulted on this application and have confirmed that they have no reason to disagree with the assessment that the development will result in minimal ecological impact. However, this outcome is dependent on the recommendations and mitigation measures – including landscaping and biodiversity measures together with the recommendations set out in the Badger Report. Conditions to ensure that these matters are addressed adequately are recommended in the event that planning permission is granted.
- 4.5.136 In relation to Biodiversity Net Gain (BNG), currently local plan policy requires developments to deliver an unspecified improvement over baseline. The submitted BNG metric confirms that an additional 76.85 units will be delivered as part of the development through habitat improvements and additional tree and hedgerow planting across the site and on land within the control of the applicant. This is estimated to equate to 60% increase in biodiversity across the site and other land controlled by the applicant. A Landscape and Environmental Management Plan (LEMP) has been submitted by the applicant. HCCE confirm that this LEMP is acceptable. In the event that planning permission were to be granted, a condition would be necessary to ensure the BNG is delivered and managed over the lifetime of the development.
- 4.5.137 HCCE has confirmed that sheep grazing should allow the land to regenerate after being intensively managed. The solar panels will be positioned at an appropriate height and spacing to allow for this. Grazing will prevent the grass the animals can reach from becoming rank or from scrub becoming established. Biodiversity enhancement through new native planting and wildflower seed sowing, and from resting the soil from intensive farming for 30-40 years is considered by HCCE to be commendable.

*Conclusion on ecology and biodiversity*

- 4.5.138 Officers consider that subject to the recommended conditions, the proposed development would not result in harm to habitats or species. The proposed development will deliver significant Biodiversity Net Gains. Overall, it is considered by officers that subject to recommended conditions, on balance, there would be no harm to species and habitats and BNG, would weigh moderately in the planning balance.

Fire Risk

- 4.5.139 Objectors have raised fire risk, in relation to solar farms. There have been reported cases of fires at Solar Farms.



- 4.5.140 The British Research Establishment National Solar Centre (BRE NSC) was commissioned by the Department for Business, Energy and Industrial Strategy to lead a three-year study on fires involving solar photovoltaic (PV) systems. The BRE NSC consider that there is no reason to believe that the fire risks associated with PV systems are any greater than those associated with other electrical equipment.
- 4.5.141 The applicant has indicated that fire suppression systems will be in place in the buildings housing batteries and transformers and is happy to accept a condition requiring the submission and approval of a Fire Management Plan in the event that planning permission is granted.
- 4.5.142 The Hertfordshire Fire and Rescue service were consulted on the application and requested confirmation that fire suppression systems will be in place in the buildings, housing batteries and transformers. The applicant has confirmed that such measures will be installed and are happy to provide details in the event that permission were to be granted.

*Conclusion on fire risk*

- 4.5.143 There is no evidence to show that there would be a high risk of fire at the proposal. Given that fire suppression measures would be in place it is considered that the fear of fires occurring cannot form a basis for refusing planning permission and this matter does not weigh against the proposal but is neutral in the planning balance.

*Other matters*

- 4.5.144 **Alternative renewable energy sources – wind, tidal and off-shore wind and solar** - have been suggested by various objectors. Officers consider that given the scale of such schemes and the amount of energy generated by them they make an important contribution to renewable energy production in the UK. However, such renewable energy schemes would not be able to contribute towards renewable energy production in North Hertfordshire and meet the Council's carbon zero aims for the District. Moreover, a good mix of renewal energy generation is desirable in meeting the needs of the district and the UK and solar farms are part of that mix. The ability to generate renewable energy from other renewable sources does not weigh against the ability to generated renewable energy from solar farms.
- 4.5.145 **Alternative sites** - previously developed land, brownfield sites, low grade agricultural land, existing and new building rooftops, railway land, motorways have been cited as being more appropriate for solar development. The Framework explains that when dealing with planning applications, planning authorities should not require a developer to demonstrate a need for low carbon or renewable energy projects, and should recognise that even small-scale projects can help reduce greenhouse gas emissions. The applicants have confirmed that there are no previously developed sites of the scale of the proposal within the district, where a solar farm could be delivered. It is possible to deploy PV panels in other situations as cited above. However, this does not justify the refusal of planning permission for solar farms, given the current significant shortfall in renewable energy production in North Hertfordshire from such existing schemes. In all likelihood,

renewable energy proposals in a variety of forms and locations are going to be required to help meet the necessary renewable energy generation targets. Whilst the National Planning Practice Guidance set out a preference for locating solar farms on previously developed land and buildings, this does not equate to a sequential test whereby other land or buildings cannot be considered. It is understood that site selection is determined by a number of factors principally access to the national grid and/or capacity limitations. It is also confirmed that there is no policy requirement for the energy produced to be “needed” or used “locally”.

- 4.5.146 **Residential amenity** – Bygrave village lies immediately south-east of the application site. The distance between these various properties and the closest panels, together with the existing and proposed intervening vegetation, means that the proposal would not be visible from residential curtilages. Similarly, the proposed CCTV cameras would be a significant distance from the nearest residential properties. For this reason, it is unlikely that these will result in any loss of privacy. Nonetheless, in the event that planning permission were to be granted a condition to restrict camera views would safeguard occupier’s amenity. In relation to the property known as ‘The Knoll’ north east of the application site, the Council’s landscape consultant has concluded that there is likely to be a Major/Moderate adverse effect on one property, The Knoll, but this is unlikely to result in the property being an ‘unattractive place to live’. In summary, the proposal does not result in any unacceptable harm on living conditions of residential properties. In relation to the impact on air quality, it is confirmed that the site is not within a designated Air Quality Management Area. Whilst the development will result in additional traffic to the locality, the open nature of the area and the temporary nature of the additional traffic for the duration of the construction period is not considered to give rise to unreasonable air quality impacts. This has been confirmed by the Council’s Environmental Health Officer.
- 4.5.147 **Aviation impacts** – there is an unlicensed airfield immediately to the west of the application site. The Civil Aviation Authority (CAA) has confirmed that in this situation it is necessary for the airfield’s operator and its users to assess risks. In relation to glint and glare, currently there is no evidence to suggest that there is any risk to the safety of aircraft pilots. The operator of the airfield is aware of the application and raises no objections.
- 4.5.148 **Glint and Glare** – aviation, highway and rights of way impacts are considered in foregoing parts of this report. In relation to residential properties, no impacts are considered to occur due to distance and or intervening screening.
- 4.5.149 **Coalescence** – concerns about the coalescence of Bygrave village with Baldock are raised due to the allocated housing site north of Baldock which will alter the boundary of Baldock bringing it closer to Bygrave. The proposed solar farm will create a new temporary built edge to Bygrave in the north but it will not give rise to coalescence given there remains significant distance between the site and Baldock in the south-west and Ashwell to the north.
- 4.5.150 **Farm Diversification** – paragraph 84 of the NPPF gives support in principle for the diversification of agriculture. The site represents 7% of the total farm holding and the farmer has confirmed that it will enable him to provide greater security of income following recent changes in farming policy and support for agricultural

landowners and ensuring the farm remains competitive and viable in the long term. Paragraph 84 of the NPPF supports the principle of farm diversification.

- 4.5.151 **Soil contamination and management** – concerns about ground contamination have been raised by some responders. Potentially this could occur during the different phases of the development – construction, operational and decommissioning. Natural England have recommended conditions to deal with protection of soil protection and this has already been considered in this report under ‘Best and Most Versatile (BMV) Agricultural Land’. Conditions are suggested to ensure that soil is protected and managed for the duration of the development.
- 4.5.152 **Section 106 matters and community benefits** – these have been raised by interested parties. The applicant does not propose any such benefits as part of the development. In any event, such benefits or contributions would probably not meet the tests set out in the Framework and the CIL Regulations for planning obligations, as they would not be *necessary* to make the development acceptable in planning terms nor would they be *directly related* to the development. However, the applicant has indicated that it would be willing to enter into discussions with the local community about benefits. Such discussions and agreements would be independent of the Council and its officers.

## 4.6 Planning Benefits

- 4.6.1 The applicant reiterates the need to secure emission reductions and increase renewable energy supply in their supporting Design and Access Statement. Specifically, the applicant highlights that the climate emergency has risen up the political agenda since the Government adopted a legally binding net zero emissions target. The NPPF highlights the need to support the transition to a low carbon future and to radically reduce greenhouse gas emissions (Paragraph 152). At the local level, the Council declared a Climate Emergency and set a target of achieving zero carbon emissions in the district by 2030. Local Plan Policy NE12 provides in principle support for renewable and low carbon development, subject to certain criteria. The challenges and success in transitioning to a low carbon society is dependent on developing suitable sites for renewable energy generation and battery energy storage.
- 4.6.2 The applicant highlights that this type of solar installation can be deployed quickly, delivering rapid emissions reductions and filling the growing electricity supply gap. This additional renewable capacity – enough to generate renewable energy to power the equivalent of about 15,700 homes - and emissions reductions of 11,300 tonnes of CO<sub>2</sub> per year at a time of a climate emergency, are considered to be very significant benefits. In this regard the proposal contributes significantly towards achieving the UK Government's target of net zero carbon emissions by 2035.
- 4.6.3 Other benefits cited by the applicant comprise –
- Biodiversity improvements

- The provision of affordable and secure energy supplies
- The business rates contributions which support delivery of local services
- Employment generation from the development and associated local benefits from employees visiting and living in the local area
- Farm diversification improving its viability

#### Renewable Energy Generation

- 4.6.4 A solar farm of this scale would undoubtedly make a positive contribution to renewable energy production, and it is salient to note that paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy.
- 4.6.5 The Government and the Council recognise that climate change is happening through increased greenhouse gas emissions and that immediate action is required to mitigate its effects.
- 4.6.6 The Climate Change Act 2008, as amended, sets a legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100%, Net Zero by 2050. Recently, the Government committed to reduce emissions by 78% compared with 1990 levels by 2025. The Clean Growth Strategy 2017 anticipates a diverse electricity system based upon the growth of sources of renewable energy.
- 4.6.7 National Policy Statements (NPS) are a material consideration for the determination of major energy infrastructure. This proposal falls just short of the 50Mw threshold for it to be classified as a major infrastructure project, which would fall for the Secretary of State to determine. However, it is considered that regard may be given to these. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. Whilst NPSs EN-1 and EN-3 do not refer to solar power as such, they nevertheless reiterate the urgent need for renewable energy electricity to be delivered. Draft updates to NPSs EN-1 and 3 confirm that as part of the strategy for the low-cost decarbonisation of the energy sector, solar farming provides a clean, low-cost source of electricity.
- 4.6.8 The Energy White Paper of December 2020 stipulates that setting a net zero target is not enough: it must be achieved, partly through how energy is produced and confirms that solar is one of the key elements of the future energy mix. In October 2021, the Government published the Net Zero Strategy: Build Back Greener which seeks the accelerated deployment of low-cost renewable generation such as solar.
- 4.6.9 The farm would deliver energy requirements for all of the new housing to be delivered as part of the recently adopted Local Plan making a very significant contribution towards installed renewable capacity in the District. This is a benefit to which it is considered very substantial weight should be attributed.

#### *Urgent Local Need*

- 4.6.10 The Council declared a Climate Emergency on 21<sup>st</sup> May 2019, and this is followed up with the publication of a Climate Change Strategy 2021-2026. As part of the

Climate Change Strategy, the Council set the ambitious objective of achieving net zero across the district by 2040, which goes beyond Government targets, where net zero is targeted nationally by 2050.

- 4.6.11 Government data for electricity use within North Hertfordshire shows that in 2019 the district used a total of 506 GWh of electricity, and that in the same year only 52.6 GWh of electricity was generated in North Hertfordshire from renewable sources, which is just 10.4%. It is estimated that the proposal would generate 48.9 GWh of electricity. The National Grid indicates that nationally about 43% of our power comes from renewable sources.
- 4.6.12 As previously stated in this report, Members resolved to approve an application for the construction of a 49.995MW solar farm at Land to the North and East of Great Wymondley in November 2022 (Application ref 21/03380/FP). As the site was in the Green Belt, the Council were obliged to notify the Secretary of State of their intention to approve the proposal. This application was 'called in' by the Secretary of State in May 2023. The application will now be the subject of a public inquiry with a decision made by the Secretary of State. In the absence of any recently approved proposals for energy generation, there is a significant deficit to make up to achieve the Councils ambitious objective of achieving net zero by 2040. Moreover, as the demand for electricity is likely to increase significantly the deficit will have increased since 2019 and is likely to grow if schemes such as this are not consented as a matter of urgency.
- 4.6.13 Based upon Government data, it is understood that about 57.4% of North Hertfordshire's renewable electricity currently comes from solar. If this were to be scaled up proportionately then an additional 260 MWh of renewable energy from solar photovoltaics would be required to meet the deficit of 453.4GWh. This discounts the fact that anaerobic digestion and landfill gas could not easily be scaled up to meet the other 42.6% which would be required.
- 4.6.14 Currently no energy is generated in the district from onshore wind, hydro, sewage gas, municipal solid waste, animal biomass, plant biomass or cofiring. It is therefore acknowledged that the only source other than solar that potentially could be scaled up significantly to meet the electricity need in North Hertfordshire is onshore wind, which would not be without its own landscape and visual impacts. Also, the likelihood of any applications for on shore wind farm development being made are unlikely given the current national policy position which makes it difficult to obtain permission (paragraph 158 of the NPPF and associated footnote 54 refer). It is understood that only 16 new turbines were granted planning permission in England between 2016 and 2020 — a 96 per cent drop on the previous five years.
- 4.6.15 The Proposed Development would, almost double the existing renewable energy generation capacity in North Hertfordshire and make a significant contribution to the Council's objective to be net zero within the district by 2040.

- 4.6.16 It is considered that there is an identified and urgent need to increase renewable energy generation in North Hertfordshire and this should be afforded significant weight in the planning balance.

*Need and Locational Constraints*

- 4.6.17 The applicant states that it is an essential requirement for solar farms to be proximate to an existing substation (in this case Letchworth East) which has the available capacity to import the required amount of power into the National Grid. In addition, schemes must be located close to the identified substation to remain viable both in terms of cable deployment for the grid connection, and to ensure that minimum transmission losses occur. The applicant has confirmed that the site to grid connection length (in this case approximately 5km) is derived from the yield, connection voltage, changes to prices and other grid works that maybe necessary. Every site is different meaning that distances between a site and the grid connection point can vary. In this case, the applicant confirms that the grid connection route for the proposed development is not yet confirmed with a number of options under consideration. As previously confirmed, the applicant has confirmed that grid connection works would be undertaken by UK Power Networks as a statutory undertaker and therefore this matter does not form part of the consideration of this application.

- 4.6.18 In addition to grid connection, solar curtailment is a factor that affects location. Solar curtailment is the deliberate reduction in output below what could have been produced in order to balance energy supply and demand, which results in the loss of potentially useful energy. Curtailment can be addressed by building new power lines or storage, but this can be more expensive than letting surplus power go unused.

- 4.6.19 The availability of this grid connection and the immediate delivery of the proposed development in the context that North Hertfordshire has not consented a commercial renewable energy generation scheme since 2015, should be given substantial weight in the planning balance.

*Conclusion on renewable energy benefits*

- 4.6.20 Officers have considered and assessed all the aforementioned benefits and agree that there is a clear and urgent need to substantially increase renewable energy generation in North Hertfordshire if there is to be any prospect of achieving Net Zero carbon emissions by 2030.

- 4.6.21 It is considered that the benefit arising from the generation of renewable energy by the proposed development, meeting the electricity needs of around 15,700 homes, is very substantial and that this is a planning benefit to which substantial weight can be attributed.

*Wider Environmental Benefits*

- 4.6.22 The development will deliver the following proposed environmental enhancements:
- Native-species woodland planting to provide visual screening, landscape integration and improved ecological connectivity;
  - New native species hedgerows for visual screening, ecological connectivity and landscape integration; and
  - Gapping-up of existing hedgerows
  - Grassland within the perimeter/stock fencing suitable for sheep grazing that provide pollen and nectar for biodiversity;
  - Species-rich grassland between field boundaries and perimeter/stock fencing to contribute to enhancing hedgerow buffer zones for improved ecological connectivity;

4.6.23 The applicant considers that the enhancement would provide significant biodiversity gain of about 60% in habitat units and 60% in hedgerow units, well above the emerging national target of 10% and would also take the land out of intensive arable agricultural use and provide a net carbon benefit. In addition, there would be long term visual and landscape benefits from new planting proposals.

#### *Economic benefits*

4.6.24 There is a strong case for the economic benefits of the scheme, both in terms of the Government's aims in the NPPF to build a strong and competitive economy, but also in terms of the number of employees at the site during construction, operation, and decommissioning phases.

4.6.25 There would be clear economic and energy security benefits arising from a facility that can meet the electricity needs of approximately 15,700 homes and reduce the use of fossil fuels in the production of electricity.

4.6.26 In the circumstances it is considered that there would be economic benefits to which significant weight can be attributed in the planning balance.

#### *Biodiversity*

4.6.27 The submitted Ecological Assessment confirms that biodiversity net gain (BNG) will be achieved, and the submitted Biodiversity Metric shows the extent of BNG. Herts Ecology consider that the net gains are commendable, with a net gain of approximately 60%. Officers consider that this BNG is in excess of the adopted Local Plan Policy NE4, and more than the 10% net gain that will be required in the future by the Environment Act 2021. The delivery of BNG can be controlled by condition. On balance, it is considered that the net gains likely to be achieved weigh moderately in favour of the proposed development.

## **4.7 Planning Balance**

4.7.1 As set out in this report, there are matters that weigh in favour and against the proposed development. The table below identifies the benefits and harms of the development and the weight attributed to these. Notwithstanding the weight attributed to different matters, some carry greater importance than others and

whilst this will not be reflected in the table below, this is addressed in this section of the report.

Table 2 – Harms and benefits

<b>Issue</b>	<b>Effect</b>	<b>Weight</b>
Landscape and visual impact (immediate)	Harm	Moderate
Heritage	Harm (Low level of Less than substantial)	Great
Agricultural Land (BMV)	Harm	Moderate (lower end)
<hr/>		
Renewable Energy Generation	Benefit	Very Substantial
Urgent Local Need	Benefit	Substantial
Economic impact	Benefit	Significant
Biodiversity	Benefit*	Moderate *
<hr/>		
Archaeology	Neutral*	None*
Noise/residential amenity	Neutral*	None*
Highway and Row safety	Neutral*	None*
Fire Risk	Neutral*	None*
Flooding and drainage	Neutral*	None*
Soil contamination	Neutral*	None*

\* subject to conditions

- 4.7.2 There is a circular argument for and against the proposal. The greater the renewable energy generation the greater the weight given to this as a material consideration, but with that comes the greater spatial and visual impacts. Notwithstanding the large scale of the proposal, the landscape impacts are relatively localised due to topography and existing landscaping, whereas the renewable energy generation would be substantial compared to existing renewable energy generation in North Hertfordshire.
- 4.7.3 The heritage balance set out in NPPF paragraph 202 confirms that it is necessary to weigh the low, less than substantial harm to the significance of the designated heritage assets, against the public benefits of the proposed development. It is considered that all the identified benefits above are public benefits. The development would generate a significant amount of renewable energy, which has been attributed very substantial weight as a planning benefit, given the statutory requirement to achieve zero carbon emissions, the environmental, economic, and social imperative to address global warming, the policy support for renewable energy, the declaration of a climate change emergency by this Council in 2019 and



the limited renewable energy production in North Hertfordshire. As indicated earlier in the report there are currently two small solar farms and no wind farms within the District with little prospect of the latter being proposed due to current national policy.

- 4.7.4 There are other public benefits including those relating to the economy and biodiversity. Nevertheless, great weight should be given to the conservation of designated heritage assets as required by the NPPF. However, it is considered that greater weight should be attributed to the clear public benefits in this instance and so there is clear and convincing justification for the low harm to the designated heritage assets. Therefore, it is considered that the proposed development would have an acceptable effect upon the significance of the heritage assets and would accord with Local Plan Policies SP13 and HE1.
- 4.7.5 Now turning to the overall planning balance, the development would result in moderate visual and landscape harm. The harm will not be permanent, albeit the 40-year life of the proposed development is very long. There is no reason to believe that the site cannot be fully restored following decommissioning.
- 4.7.6 The other considerations include those that have been afforded weight as summarised at Table 2 above.
- 4.7.7 Climate change due to global warming and the imperative to reduce carbon emissions is addressed by planning policies. The generation of renewable energy forms an important part of the equation in achieving net zero carbon in the UK by 2050 and within North Hertfordshire by 2040. Other matters have arisen recently including concerns relating to energy security and significant rises in the price of gas and electricity.
- 4.7.8 When taken together, other considerations in this case clearly outweigh the harm that has been identified, particularly given that the proposed development would not be permanent.

#### **Overall conclusion**

- 4.8 The purpose of the planning system is to contribute to the achievement of sustainable development. Proposals of this nature and scale will inevitably result in conflict with and tension between policies meaning that it is difficult to reconcile all expectations and requirements. Upon consideration of the social, economic, and environmental objectives of the planning system it is considered that the proposed development is sustainable and there is therefore a presumption in favour of it. Overall, taken as a whole, the proposal is considered to be in accordance with the development plan and planning permission should be granted subject to conditions.

## **5 .0 Climate Change Mitigation Measures**

- 5.1 Climate change has been addressed throughout this report and is a matter at the heart of this application in terms of the significant contribution the proposed development would make to renewable energy generation and the goal of achieving net zero carbon within the District by 2040 and within the UK by 2050.

**6 .0 Pre-commencement conditions**

6.1 It is confirmed that the applicant agrees to the pre-commencement conditions that are proposed.

**7 .0 Legal Implications**

7.1 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 where restrictive conditions are attached, the applicant has a right of appeal against the decision.

**8 .0 Recommendation**

That planning permission is resolved to be **GRANTED** subject to conditions set out below:

Standard Time Limit

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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved plans

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

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

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

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

Noise

4. The hours of construction work shall be limited to 08.00hrs to 18.00hrs Monday to Friday, 08.00hrs to 13.00hrs Saturdays and no working Sundays and Bank Holidays.

Reason: In the interest of minimising noise and disturbance for the occupiers of nearby residential properties in accordance with Policy D3 in the Local Plan.

5. HGV and articulated vehicle deliveries shall be restricted to 09.30hrs to 14.30hrs Monday to Friday and no time on Saturdays, Sundays or bank holidays.

Reason: In the interest of minimising noise and disturbance for the occupiers of nearby residential properties and in the interests of highway safety in accordance with Policies D3 and T1 in the Local Plan.

6. Full details of a Construction Environmental Management Plan for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works or development (including any pre-construction or enabling works). The construction of the development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The Plan shall include the mitigations measures as set out in section 5.17 of the Noise Assessment provided by 24 Acoustics and the following additional elements:

- a) Details and timing of the removal of any site waste;
- b) measures to minimise dust during construction.
- c) site set up and general arrangements for the delivery and storage of plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- d) construction traffic route signage, monitoring and enforcement measures;
- e) any temporary screening and hoarding details to protect neighbouring residents;
- f) end of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority;
- g) wheel washing facilities for construction vehicles leaving the site;
- h) storage and removal of building waste for disposal or recycling;

Reason: To ensure the environmental impacts of the development are controlled in the interests of minimising disruption nearby residents during construction, minimising any environmental impacts, in the interests of highway safety and amenity and in accordance with Policies D3, T1 and NE12 contained in the Local Plan. A pre-commencement condition is required because the investigation works must be undertaken before construction commences.

7. Prior to the first commercial operation of the proposed development, as per Section 6.10 and figure 4 of submitted “proposed solar and battery energy storage scheme, Ashwell Road, Hertfordshire, Noise Impact Assessment” Report reference R10082-1 Rev 1 dated 23 June 2023 prepared by 24 Acoustics, full details of the proposed sound barrier shall be submitted to and approved in writing by the local planning authority. Following approval, the barrier shall be installed prior to the development becoming operational and retained for the duration of the development.

Reason: to protect the amenity of existing residents in accordance with Policy D3 in the Local Plan. A pre-commencement condition is required because the investigation works must be undertaken before construction commences.

#### Decommissioning

8. Within 6 months of the cessation of the export of electrical power from the site, or within a period of 39 years and 6 months following the First Commercial Operation, a Scheme for the decommissioning of the solar farm and its ancillary equipment, and how the land is to be restored, to include a programme for the completion of the decommissioning and restoration works, shall be submitted to the local planning authority for its written approval. The Scheme shall make provision for the removal of the solar panels and associated above ground works approved under this permission. The Scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures. The solar farm and its ancillary equipment shall be dismantled and removed from the site and the land restored in accordance with the approved Scheme and timescales set out therein.

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

#### Flood Risk and Drainage

9. The development shall be carried out in complete accordance with the Flood Risk Assessment (FRA) dated November 2022 (author - Hydrock - 18867-HYD-XX-XX-RP-FR-0002) and specified mitigation measures (section 6) contained therein.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased risk of flood on or off the site resulting from the proposed development and to ensure the mitigation measures detailed in the FRA are adhered to in accordance with the NPPF and Policy NE7 in the Local Plan.

#### Ecology and Biodiversity

10. No development shall commence (including ground works and vegetation clearance) until the following species and habitat protection measures have been submitted to and approved in writing by the Local Planning Authority:

a) Wildlife Friendly Pathways through the permitted boundary fence to allow for movement and migration of reptiles indicated by but not limited to the measures set out in section 5.41 of the Preliminary Ecological Report;

b) trees and hedge protection measures shall be protected in accordance with British Standards (BS 2012) 5837:2012 Trees in Relation to Design, Demolition and Construction. The root protection areas of any retained trees must be left free from excavation and disturbance, and protected during any proposed works. Protection should be in the form of fencing and signs installed for the duration of the works;

Thereafter the development shall be carried out in complete accordance with the approved details and also in accordance with section 4 of the Badger Report.

Reason: To ensure that before any development commences appropriate species and habitat protection measures agreed and implemented in accordance with the NPPF and Policies NE4, NE12 and SP12 in the Local Plan. A pre-commencement condition is required as it addresses construction works.

11. The development shall be carried out in complete accordance with the Landscape and Landscape and Ecological Management Plan (LEMP) submitted 21 October 2022.

Reason: To enhance biodiversity including any species and their habitats and in accordance with the NPPF and Policies NE4, NE12 and SP12 in the Local Plan. A pre-commencement condition is required because the investigation works must be undertaken before construction commences.

#### Detailed Landscaping scheme

12. Notwithstanding the details submitted, prior to the installation of the solar panels, a landscaping scheme shall be submitted to, and approved in writing by,

the local planning authority. The submitted scheme shall include, but is not limited to:

- detailed planting proposals to include planting locations and dimensions, species, densities, sizes, mixes and protection and for new planting areas
- timescales for implementation;
- a Management and Maintenance plan covering the life of the development (to include for the checking of planting failures and their replacement).
- a new hedgerow to the northern site boundary, gapping up of existing hedgerows and new tree planting as illustrated the revised Mitigation and Enhancements Plan (V5).
- details of a replacement hedgerow to the eastern boundary to be planted following the cessation of the temporary vehicular access for the construction period.

The landscaping of the site shall take place in accordance with the approved details and implementation programme. The site shall be maintained in accordance with the approved Management and Maintenance Plan for the life of the development hereby approved, and any planting which within a period of five years of planting dies, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality in accordance with the NPPF and Policies NE2, NE12, D1 and SP12 in the Local Plan. A pre-commencement condition is required because the investigation works must be undertaken before construction commences.

13. Within the first planting season following the completion of construction works, the agreed landscaping and biodiversity proposals shall be implemented in full.

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

### Trees

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

statement shall include proposed tree protection measures during site preparation, during construction, and landscaping operations.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality in accordance with the NPPF and Policies NE2 and NE12 in the Local Plan. A pre-commencement condition is required as the tree protection must be in place prior to construction works commencing.

#### Agricultural use

15. Within one year of the First Commercial Operation of the solar farm hereby approved, a Grazing Management Plan (GMP) shall be submitted to 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. The GMP shall not be carried out except in accordance with the approval. Any changes to the GMP during the lifetime of the permission shall be submitted to the Local Planning Authority for approval and shall not be carried out except in accordance with that approval. Within three years of the first operational use of the solar farm, the grazing of livestock shall commence on the site in accordance with the GMP.

Reason: To ensure that part of the site remains in agricultural use in accordance with the NPPF and policy NE12 of the Local Plan.

#### Boundary treatments and screen

16. The fencing permitted as part of this development shall be as follows unless otherwise agreed in writing by the Local Planning Authority –

- 2 metre high wire mesh deer type to the southern, eastern and western boundaries;
- 2 metre high heavy duty wooden pressure treated post and rail fence with Equi-Fencing attached and green or black screening fabric attached to the northern boundary.

All fencing shall include Wildlife Friendly Pathways as set out in the details agreed as part of condition 12. With the exception of the fencing to the northern boundary which shall be erected prior to any development works commencing, all other boundary treatments shall be erected prior to the first commercial operational use of the solar farm. All boundary treatments shall be retained thereafter for the duration of the development.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality in accordance with policies D1 and NE12 in the Local Plan.

17. The northern boundary fence shall include a screening fabric along its entire length to a height of 2 metres. Details of the screening fabric shall be submitted to and approved in writing by the local planning authority prior to the erection of the fence. The approved fabric shall be attached to the fence prior to any development on the site commencing and thereafter shall be retained for a minimum period of 10 years from its first installation. Damaged sections of the screen shall be replaced at the written request of the local planning authority.

Reason: To safeguard users of the bridleway from glint and glare and to minimise the visual impacts of the development in accordance with policies NE12 and T1 in the Local Plan.

### Archaeology

18. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing and in accordance with the programme of work as set out in the Archaeological Brief (P01/22/0741-2). The scheme shall include an assessment of archaeological significance and research questions; and:

- (i) The programme and methodology of site investigation and recording
- (ii) The programme for post investigation assessment
- (iii) Provision to be made for analysis of the site investigation and recording
- (iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- (v) Provision to be made for archive deposition of the analysis and records of the site investigation
- (vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: To safeguard the archaeological assets within the approved development boundary from impacts relating to works associated with the development and to ensure that proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development in accordance with policies contained in the National Planning Policy Framework and Policies HE4 and NE12 of the Local Plan. A pre-commencement condition is required because the investigation works must be undertaken before construction commences.

19. The development shall take place in accordance with the programme of archaeological works set out in the WSI approved under condition 18.



Reason: To safeguard the archaeological assets within the approved development boundary from impacts relating to works associated with the development and to ensure that proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development in accordance with policies contained in the National Planning Policy Framework and Policies HE4 and NE12 of the Local Plan. A pre-commencement condition is required because the investigation works must be undertaken before construction commences.

20. Prior to the First Commercial Operation of the development for the exportation of electricity, the site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI approved under condition 18 and the provision made for analysis and publication where appropriate.

Reason: To safeguard the archaeological assets within the approved development boundary from impacts relating to works associated with the development and to ensure that proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development in accordance with policies contained in the National Planning Policy Framework and Policies HE4 and NE12 of the Local Plan. A pre-commencement condition is required because the investigation works must be undertaken before construction commences.

#### External appearance

21. Prior to their erection on site details of the proposed colour finishes of all solar panels, frames, ancillary buildings, equipment, and enclosures shall be submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the development hereby permitted.

Reason: To ensure an appropriate visual appearance in the interests of minimising impact on the landscape in accordance with the NPPF and policies D1 and NE12 in the Local Plan. A pre-commencement condition is required because the investigation works must be undertaken before construction commences.

#### Fire Suppression

22. Before the first commercial operational use of the development, a Fire Safety Management Plan to include but not limited to details of fire suppression systems for all buildings shall be submitted to and approved in writing by the local planning authority. Thereafter, the Fire Safety Management Plan shall be implemented and adhered to in perpetuity of the development.

Reason: to ensure that fire risks arising for the operation of the solar farm are minimised in accordance with Policies D3 and NE12 in the Local Plan.

### Panel cleaning

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

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

### Soil Management

24. Prior to the commencement of each phase of development (Construction, Operational and Decommissioning), a Soil Management Plan shall be submitted to, and approved in writing by, the local planning authority. The plan shall include, but not be limited to details pertaining to careful soil management during each phase, including consideration of the appropriate time of year for soil handling, planting beneath the panels and return to the former land quality as indicated in the Agricultural Land Classification survey on 8<sup>th</sup> April 2021 by Bateman Rural Associates Limited . The Management Plan shall adhere to the guidance set out in the following documents (or any subsequent replacement versions):

- a) Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (September 2009); and.
- b) The British Society of Soil Science Working with Soil Guidance Note on Benefiting from Soil Management in Development and Construction.

The Soil Management Plan as so approved shall be implemented, and adhered to, for each phase of the development.

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

25. To ensure against soil compaction and overland flow route disruption during construction, the soil should be chisel ploughed or similar and it should be restored to a pre-construction condition within 6 months following the First Commercial Operation. For the first three years following the First Commercial Operation, inspections of the planting and soil shall be carried out by a qualified soil scientist, to ensure adequate growth of the planting and that any compaction or channelisation of the soil can be identified and addressed. Any remedial work identified in the inspection should be confirmed in writing to the Local Planning

Authority and shall be carried out within the planting season following the inspection (November to March).

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

### Highway Safety

26. Prior to the commencement of the development, a revised Construction Traffic Management Plan to Construction Logistics and Community Safety (CLOCS) standard shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall confirm and identify details of:

- The full phasing of construction and proposed construction programme.
- The methods for accessing the site, including wider construction vehicle routing and a commitment to not using the right to way network at any time.
- The numbers of daily construction vehicles including details of their sizes, at each phase of the development, with a commitment to a maximum of 2 articulated lorry visits per day (i.e. 4 two-way trips)
- The hours of operation and hours of all construction vehicle movements, with a commitment to all HGVs visiting the site (i.e. travelling along Ashwell Road / Bygrave Road) between 9:30am and 2:30pm only.
- Details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- Details of any hoardings.
- Control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels, and how it will be ensured dirty surface water does not runoff and discharge onto the highway.
- The provision for addressing any abnormal wear and tear to the highway, to include a Highways Before & After survey
- The details of consultation with local businesses or neighbours.
- The details of any other Construction Sites in the local area.
- Waste management proposals.
- Signage

- Further assessment of the two tighter bends along Ashwell Road close to Wedon Way, with mitigation measures outlined if identified as necessary.
- Holding areas for HGV traffic associated with the development
- Ongoing monitoring of the construction route throughout the development construction
- Details of banksmen provision

Reason: To ensure the impact of construction vehicles on the local road network is minimised in the interests of highway safety.

27. Prior to the commencement of the development, a revised construction access plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, within the area along Ashwell Road identified on indicative plan C22028-ATP-DR-TP-009. The revised construction access plan shall include full details of access location, width, visibility splays (based on a new speed survey at this highway location), vehicle tracking diagrams, surface materials, and other associated highway design considerations. The access as approved shall be in place to the satisfaction of the Local Planning Authority before construction of the development commences and shall be the sole point of construction access at all times. The access shall be decommissioned with the highway and verges reinstated in full including a replacement boundary hedgerow as agreed pursuant to condition 12 to the satisfaction of the Local Planning Authority within three months of construction work being completed.

Reason: To ensure a construction access that is safe and suitable for the highway environment and to accommodate the level and type of vehicles to use it.

28. Prior to the commencement of any HGV movements associated with the development construction, the North Road / Bygrave Road revised junction arrangement, as shown indicatively on drawing number C22028-ATP-DR-TP-007, shall be in place to the satisfaction of the Local Planning Authority. The junction shall be returned to its original design, or an alternative design which demonstrates long term betterment (as agreed by the Highway Authority), within three months of construction work being completed.

Reason: To ensure the North Road / Bygrave Road junction is safe and suitable to accommodate the level and type of vehicles to use it associated with development construction, whilst retaining a safe and suitable environment for all other highway users.

29. Prior to the commencement of the development, a Horse and Rider Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include the following –

- a) contents and locations of temporary warning signs alerting horse riders of construction of the solar farm and contact details of banksmen to help them navigate a safe route to either a nearby bridleway or safe route beyond the construction site;
- b) details of a measures/steps for the banksmen and site manager to follow in such circumstances (to include the temporary switching off of any noisy plant and machinery);
- c) contents of and location of temporary warning signs alerting motor traffic users to the presence of horses and the need to reduce speed.

The measures within the plan shall be implemented and retained in place for the duration of the construction period. Following the cessation of construction works, any temporary signage shall be removed.

Reason: To ensure the safety of horse riders for the duration of the construction period.

30. Prior to the installation of any CCTV cameras, details of measures to restrict the camera movements along the southern boundary of the application site to prevent viewing towards residential properties located on Ashwell Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the CCTV cameras shall be installed and retained in perpetuity in accordance with the approved details.

Reason: to protect the privacy of adjacent residential properties.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and 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.

Informatives:

1. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roadsand-pavements.aspx> or by telephoning 0300 1234047

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highwaysroads-and-pavements.aspx> telephoning 0300 1234047.

3. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highwaysroads-and-pavements.aspx> or by telephoning 0300 1234047.

4. Where works are required within the public highway, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website. <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047

5. Any proposed discharge of surface water to the watercourse will require the Beds and Ivel Internal Drainage Board's approval. The northern boundary of this site is under the statutory control of the Board and in accordance with the Board's byelaws, no development shall be permitted within 9 metres of bank top.