

<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 14 June 2024**

**Reason for Delay:**

The initial officer report was delayed due to discussions and negotiations on various technical aspects, further information received and additional consultation exercises that was undertaken as a result.

The application was initially considered by Members at the PCC meeting on 14<sup>th</sup> September 2023. Immediately prior to the meeting, the Planning Casework Unit of the Department for Levelling Up, Housing and Communities served a holding direction, which directed this Council not to grant planning permission without the specific authorisation of the Secretary of State.

Members resolved to defer deciding on the application for a number of reasons including the receipt of the holding direction. Additional and updated information was submitted by the applicant in January 2024. Following an additional consultation exercise, the application is now reported to Members for re-consideration.

Moreover, the Planning Casework Unit confirmed on 23 January 2024 the withdrawal of the holding direction and that the Council could proceed with the determination of the application.

**Reason for referral to Committee**

The site area for this application for development exceeds 1 ha and therefore under the Council's scheme of delegation, this application must be determined by the Council's Planning Control Committee.

**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 (NPPF) (2023)

Paragraph 11 – Presumption in favour of sustainable development

Chapter 2 - Achieving 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

The National Policy Statements (NPSs) set out the government's policy for delivery of major energy infrastructure. They are published separately to policy in the National Planning Policy Framework (NPPF).

NPSs for Energy (EN1) and Renewable Energy Infrastructure (EN3) were recently revised and came into force in January 2024. In general terms, the NPSs reaffirm the need for the UK to diversify and de-carbonise electricity generation and the Government's commitment to increasing dramatically the amount of renewable generation capacity.

NPS EN-1 specifically recognises that there is a Critical National Priority (CNP) for the provision of significant low carbon infrastructure stating:

*Subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. Government strongly*

*supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible*

Paragraph 2.3.3 confirms the overarching objectives are to ensure that the supply of energy always remains secure, reliable, affordable, and consistent with meeting our target to cut GHG emissions to net zero by 2050.

Paragraph 2.3.4, clarifies -

*Meeting these objectives necessitates a significant amount of new energy infrastructure, both large nationally significant developments and small-scale developments determined at a local level.*

The above paragraph clarifies that these NPSs include small scale developments determined by local councils.

At paragraph 3.3.20 of EN1, it states –

*Wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). Our analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar.*

Renewable energy infrastructure is regarded by government as being of a CNP. The NPS state that this should be progressed as quickly as possible with the weighting in any planning balance heightened for such qualifying projects. EN-1 states that substantial weight should be given to this need when considering planning applications.

## 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

### **3.0 Representations**

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

3.1 Additional responses received relating to the most recent consultation exercise are summarised below. Original responses are set out in the original report a copy of which can be found at Appendix 1.

3.2 **Bygrave Parish Council – original response set out the following areas of objection -**

- Creation of industrial area
- Impact on Icknield 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

The latest response is, except for issues relating to the new construction access and construction route, confined to the conditions requested by the parish as raised in correspondence before the previous PCC meeting. These requested conditions are set out and addressed in paragraph 4.5.51 of this report. Other issues of concern by the parish council are set out in correspondence from the Bygrave Action Group (BAG), acting on behalf of the parish council. These are set out in a separate paragraph (3.12) in this report.

- New construction access and construction route is wholly inappropriate and is unsafe. It is now proposed to create a second permanent access to the

site on Ashwell Road. This second access will require the permanent removal of 11m of hedgerow and the cutting back of hedgerow close to the site entrance to a height of c0.6m which is far lower than minimum height for the rest of the hedgerow of 3m. This will have a material, adverse impact on the views of the site from Ashwell Road and potentially result in glint and glare problems. These issues could be resolved by changing the access route entirely. The construction traffic could instead be routed either directly from the A507 or from the Newnham Road and then through the landowner's industrial units on the corner before the village of Newnham. We believe this would be considerably safer. There would then be no need for a second access on Ashwell Road as instead the second access point could be created on the southwest corner of the site. We politely request that consideration is given to our proposals.

3.3 **Ashwell Parish Council** – restated objections set out in previous responses summarised as absence of local need to justify the site and adverse impacts on -

- BMV agricultural land
- Landscape and visual impacts
- Heritage impacts in particular Arbury Banks Scheduled Ancient Monument
- safety of highway network
- residential amenity
- local noise environment
- Glint and glare
- Rural character from light pollution

3.4 **Councillor Lisa Nash (Knebworth Ward)** – objects to the proposal for the following reasons -

- Planning policy - failure to take into account national and local policies which aim to protect the rural area from adverse landscape and visual impacts. These have been identified by objector's landscape consultant who concluded that the proposal "would introduce a very large scale and discordant land use into that landscape".
- Best and Most Versatile (BMV) agricultural land - ambiguous arguments presented by applicant about the agricultural value of the land. Food security impacts with greater reliance on imported food. Cattle grazing misguided and a contributory cause of global warming. Landowner has already significantly diversified their farm business.
- Traffic and highways - adverse impacts on local road network during construction and post construction periods. Revised Transport Note (TA) provided does not clarify HGV movements during construction period. Construction period will take longer. TA inconsistent with Noise Impact Assessment. An updated, accurate and transparent construction

management traffic plan is needed. Inaccurate survey data on existing road widths. Traffic survey inaccurate as it excludes certain vehicle modes.

- Fire risk - the Technical Note provided has not been considered by the Fire and Rescue Service (FRA). No decision should be made until a response has been received, This needs to take account of fire safety guidance.
- Ecology - I support the comments from the Bygrave Action Group with regard to the bat survey and the BNG assessment, both carried out by the applicant's consultants. The timing of bat survey was inappropriate. Inaccuracies in the revised Ecological Assessment. The revised Assessment also fails to plant a woodland area along the southern boundary of the site.

- 3.5 **Sir Oliver Heald MP** – although supports renewable energy projects nationwide, the proposal results in unacceptable impacts on landscape and visual grounds, loss of BMV agricultural land, the applicant's supporting technical reports – wildlife, traffic and noise - do not appear to be impartial, no details of grid connection are provided. The majority of local people support renewable energy but oppose this development as it is inappropriate.
- 3.6 **Environmental Health (Noise)** – no objection subject to conditions.
- 3.7 **HCC Rights of Way** – no additional response received. Original response confirmed no objection although condition requiring the provision of a Rights of Way Protection Plan suggested.
- 3.8 **HCC Highways** – original response 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. The Revised Transport Note raised some concerns relating to visibility splays. The applicant has clarified points of concern and the Herts CC Highways now raise no objection subject to conditions.
- 3.9 **Herts CC Fire and Rescue** – No objection although more detailed fire risk assessment would be desirable in the event permission were to be granted.
- 3.10 **Herts CC Water Officer** – no objection subject to a condition to provide a fire hydrant.
- 3.11 **NHC Ecologist** – no objections subject to a condition to secure proposed biodiversity improvements.
- 3.12 **Bygrave Action Group** – restates original objections to the proposal relating to adverse impacts on landscape, highway network, loss of BMV agricultural land, noise and disturbance, absent grid connection details and an opportunistic developer. Other comments and observations on the additional/revised information and plans have been provided and can be summarised as –



- Misinterpretation of planning policy NPPF – development should be refused if impacts are or cannot be made acceptable
- Loss from arable production of Grade 2 Best and Most Versatile agricultural land and impact on food security. Land not suitable for sheep grazing
- Poorly detailed and justified farm diversification plan
- Adverse impact on wildlife – particularly birds, bats, mice, hare and badgers and from proposed lighting
- Inadequate Construction Traffic Management Plan – needs to be updated prior to decision being made
- Transport Note is based on erroneous data
- Revised access arrangements has new impacts which should necessitate the updating of supporting documents
- Proposal will have an adverse impact on the tranquillity of the area
- Site visit to existing operating solar farm was not comparable in noise terms (plant and equipment) to that proposed
- Previously identified inadequacies with submitted Noise Assessment have not been addressed – understated background and operating noises, misleading and inappropriate methodology, absence of vibration assessment
- Relocation of existing hedgerow is inappropriate. A new hedge would be more preferable
- Permissive footpaths now proposed should be open to horse riders and should be permanent
- Fire Risk Statement is poorly detailed and inadequate. A detailed assessment should be provided prior to a decision being made
- Conditions proposed by Parish Council not satisfactorily addressed
- Ecology Assessment - biased, badger information redacted, bat surveys incomplete, wider impacts on great crested newts
- BNG Assessment – improvements overstated, methodology unreliable, unknown assumptions
- Transport Note – data incorrect, omitted transport modes, modelling inaccurate, traffic from new housing development not considered, HGV movements understated
- Fire Risk Statement – information provided too generic, contradictory advice from Herts CC about advice given, details of proposal would need to be altered if guidance followed, site layout should have been informed by guidance
- Adjacent site was previously refused permission for smaller scale development. Supporting the solar farm proposal would be inconsistent with this decision.

3.13 **CPRE** – objects to the proposal on the grounds of adverse impacts on landscape character and visual impact, impact on rights of way users particularly those using the Icknield Way, noise and light pollution, contrary to local plan policy which aims to protect the countryside from inappropriate development, will result in the

industrialisation of countryside, adverse heritage impacts particularly on Arbury Banks, safety of electrical equipment, loss of BMV agricultural land, limited opportunities for livestock grazing and there are better alternative locations for such development.

### 3.14 **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 in 2022.

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.

Following the receipt of the additional and amended information in January 2024, neighbour notification letters were sent to all who were previously commented or were part of the initial consultation process. There were 21 responses received on the to this re-consultation process – 19 objecting and 2 supporting. For the avoidance of doubt, there is no statutory requirement for re-consultation to be carried out in relation to amended/additional plans. This is a discretionary process and typically the re-consultation period is 14 days although in this instance, 24 days was given to neighbours to respond.

Many of the original objections have been restated by responders (see paragraphs 3.32 of Appendix 1). These objections related to landscape and visual impact, nature/biodiversity and wildlife impacts, heritage impacts, highways and public rights of way impacts, amenity concerns including health, safety, noise and well-being, agricultural land and food security impacts and economic viability. Generally, responders have stated that the proposal is considered to be opportunistic and ill conceived. New issues not previously raised and which are a direct consequence of the recently submitted additional information are summarised below -

- Highways and rights of way impacts - traffic safety impacts to the main road from Baldock to the site. Parking for construction traffic. Inappropriate access with inadequate visibility. Unreliable transport surveys. Transport Note includes unreliable data and fails to consider cyclists, horse riders and buses. Unsuitable road network. Glint and glare from removed hedgerow.
- Landscape and Visual Impact – changes do not alter the significant negative impact on the rural landscape. Loss of hedgerow for additional vehicular access will increase visibility of site. Maintenance of new landscaping unclear.

- Nature/biodiversity and wildlife impacts - adverse wildlife and biodiversity impacts. ecological impact, and the misrepresentation of the bat survey and impact on bats. Ecological impact. Contrary to 'Ecological Emergency'. The Council is "committed to addressing the ecological emergency and nature recovery by identifying appropriate areas for habitat restoration and biodiversity net gain whilst ensuring that development limits impact on existing habitats in its process"
- Fire safety – site remains vulnerable to fires from batteries and equipment.
- Noise - the site visit by Members to an operational solar farm was not representative of noise that will be experienced at this site.
- Soil impacts - detrimental impact on soil. No evidence that soil can be protected for the duration of development. Soil management plan essential.
- General matters - misleading Farm Diversification Plan, panel manufacture is harmful, adjacent site for a small building was refused permission and impact from this proposal will be greater, updated construction management plan needed, all supporting reports are biased as they have been paid for by the developer, no buffer between site and adjacent land, new trees to south will affect adjacent horticultural business.

3.14.1 When previously reported to Members, there were a total of 19 representations in support of the application of which 17 were received from the applicant following a public consultation exercise. A further 2 letters of support have been received following the latest consultation exercise and these restate the original reasons of support and also acknowledge the improvements – new rights of way and reinstatement of historic hedgerow.

## **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.

## 4.2 **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 1.5km of new access track (between 3.6m and 6m wide using Type 1 aggregate)
- 1.8 - 2.0m high wire mesh deer fencing to site perimeter with wildlife access points;
- Two gates 2.8m high and approximately 6.2m wide;
- 59 CCTV cameras atop 4m high posts;
- Woodland and other mitigation planting;
- Hedgerow planting (new, gapping up of existing hedgerow and relocation of existing hedgerow).

4.2.2 The site generating capacity is 40MW. The proposal includes a range of inverter cabins which are used for converting the DC electricity produced by the solar panels into AC power for export to the national grid or for charging the battery systems. The inverters have different capacities but cumulatively have an AC rating of 40MW. This calculation is referred to as the 'combined-inverters method' of calculating site capacity, as adopted in NPS EN-3. It is estimated that the site would provide enough electricity for approximately 15,700 homes.

4.2.3 When Members last considered the proposal, the following supporting documents were considered. Additional and amended documents received in January this year are set out in paragraph 4.4.3 below:

- 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 other 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 with one section from the Ashwell Road frontage relocated within the site. 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

4.2.12 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.

4.2.13 Construction traffic would enter the site via a new vehicular access off the Ashwell Road. This would be retained post construction for emergency vehicle use. The existing farm track along the northern boundary of the site would provide access for post construction maintenance vehicles emergency vehicles.

4.2.14 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.

4.2.15 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**

4.3.1 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 **Reasons for deferral and amendments**

4.4.1 At the Planning Control Committee on 14th September 2023, Members resolved to defer making a decision on the application for the following reasons –

1. For officers to advise upon and for Members to consider late submissions relating to biodiversity.
2. For officers to advise upon and Members to consider late submissions relating to the effect of the proposal upon traffic and access.
3. Members would like to visit a comparable and operating solar farm to understand likely noise impacts arising from the proposal.
4. For officers to advise upon and for Members to consider proposed conditions by Bygrave Parish Council.
5. Members are minded to await the decision of the Secretary of State for Levelling Up, Housing and Communities as to whether or not they will be calling-in the application for his determination before making a decision on the application.

4.4.2 In relation to reason 5 for deferral, it can be confirmed that the Secretary of State has written to the Council to confirm that he no longer intends to 'call in' the application and the holding direction is withdrawn. This means that Members can now make the decision on the application.

4.4.3 To address the concerns of both Members and objectors, the applicant updated some supporting documents and provided clarification on other matters. These were received 29<sup>th</sup> January 2024 and comprised of the following –

- Covering letter to explain the additional and revised information and proposals
- Revised Preliminary Ecological Appraisal by Phlorum (dated 4th December 2023)
- Letter covering the bat activity transect initial survey by Phlorum, (dated 4th December 2023)
- Biodiversity Net Gain Assessment by Phlorum, (dated January 2023)
- Updated mitigations and enhancements plan by Third Revolution (dated 22nd January 2024)
- Updated Site layout plan by Third Revolution (dated 10th January 2024)
- Fence Plan by Third Revolution (dated 4th January 2024)
- Construction access drawing by Apex (dated 22<sup>nd</sup> January 2024)
- Construction access swept path analysis by Apex (dated 22<sup>nd</sup> January 2024)
- Construction Access – Transport Note by Apex (dated 22<sup>nd</sup> January 2024)
- Fire Risk Statement by Jensen Hughes (dated January 2024)

4.4.4 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 identified in the initial report presented to Members in September 2023 (see Appendix 1) were (original paragraph reference in brackets) –

- Climate Change and Renewable Energy (4.5.2)
- Principle of development in the rural area (4.5.39)
- Impact upon heritage assets (4.5.46)
- Landscape and visual impacts (4.5.70)
- Local highway network impacts (4.5.93)
- Best and Most Versatile (BMV) agricultural land impacts (4.5.111)
- Flood risk and drainage impacts (4.5.121)
- Noise impacts (4.5.125)
- Ecological and biodiversity impacts (4.5.131)
- Fire risk impacts (4.5.139)
- Other matters (4.5.144)
- Planning Benefits

4.5.2 The consideration of this application is confined to (i) the reasons for deferral set out above (ii) issues arising following the revised and additional application details provided by the applicant in January this year (iii) recent changes to policy and guidance and (iv) other material considerations arising since the application was considered in September last year. The original officer report at Appendix 1 sets out detailed consideration on a number of unaffected technical matters.

4.5.3 Paragraph 11 c) 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.

### Climate Change and Renewable Energy

4.5.4 Since the application was considered by Members in September 2023, the National Planning Policy Framework (NPPF) has been revised (December 2023).

4.5.5 Chapter 2 'Achieving Sustainable Development', paragraph 7 restates the importance of the delivery of sustainable infrastructure -

*The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner.*



- 4.5.6 Chapter 14. - 'Meeting the challenge of climate change, flooding and coastal change' - remains largely unchanged save from revised paragraph numbering. Paragraph 163 (previously 158) adds the word 'significant' when recognising that even small-scale projects provide valuable contribution to significantly cutting greenhouse gas emissions -

*163. When determining planning applications for renewable and low carbon development, 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 significant cutting greenhouse gas emissions;*

- 4.5.7 Paragraph 157 of the NPPF states that -

*The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help 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.*

- 4.5.8 Chapter 15 – 'conserving and enhancing the natural environment' now includes a footnote (62) to consider the availability of agricultural land used for food production when formulating plans.

*62 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. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.*

- 4.5.9 Whilst this footnote does not explicitly require the consideration of agricultural land impacts in the decision taking process, this matter was set out in the previous officer report and this is reconsidered under the section Best and Most Versatile (BMV) agricultural land impacts below.

#### Existing renewable energy developments in North Hertfordshire

- 4.5.10 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.
- 4.5.11 Currently in North Hertfordshire there are only two operational 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).

4.5.12 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).

4.5.13 Members will recall that they 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 (SoS) of their intention to approve the proposal. This application was 'called in' by the SoS in May 2023. The application was the subject of a public inquiry beginning in September 2023. In March 2024, the council received the SoS's decision which was to grant conditional permission for the proposal. In approving the application, the SoS gave significant weight to the contribution the proposal would make to meeting the government's net zero targets recognising also that it would also make a significant contribution in progressing towards net zero emissions in both the District and the County.

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

#### Principle of development in the rural area

4.5.15 There have been no changes to the considerations in relation to this matter since the application was previously considered. On this matter, Officers then concluded that -

*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

4.5.16 There have been no changes to the considerations in relation to this matter since the application was previously considered. On this matter, Officers then concluded that -

*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.*

#### Landscape and Visual impacts

- 4.5.17 Members attention is drawn to an independent landscape and visual assessment commissioned jointly by Bygrave Parish Council and the Bygrave Action Group. The previous officer report confirmed that Bygrave Parish Council raised general concerns about landscape and visual impacts arising from the proposal. The Bygrave Action Group's concerns about landscape and visual impacts were not previously reported and the independent landscape assessment was not explicitly referred to. The assessment raised concerns about the landscape and visual impacts the proposal would have concluding that the site was unsuitable. Members are reminded that the Council commissioned their own independent landscape consultant to undertake a full review of the landscape and visual assessment prepared by the applicant and this was set out in the previous officer report at paragraphs 4.5.70 to 4.5.92 (see Appendix 1). It is confirmed that both the Action Group's and Council's landscape consultants come to similar conclusions acknowledging that the proposal would result in adverse landscape and visual impacts. The issues relating to landscape and visual impacts have therefore already been independently assessed and the detailed findings of this independent landscape assessment are set out in the original officer report.
- 4.5.18 The key changes since the application was previously considered by Members comprise –
- The formation of a construction and emergency vehicular access and secondary road in an alternative location. Previously the construction access and associated road was proposed to be used for construction period only.
  - New and relocated hedgerow adjacent to emergency access road and running through centre of site from east to west boundaries.
  - Reduction in solar panels arising from emergency access road.
- 4.5.19 In the medium to long term, general views into the site from adjacent public road and rights of way would be predominantly contained by existing or proposed hedging and, along the northern boundary, a fabric screen to the site's perimeter. However, the introduction of the proposed construction and emergency access will afford additional views into the site and associated solar farm infrastructure from Ashwell Road. These visual impacts could be mitigated by the planting of additional hedging along the immediate section of new road within the site from this access. This additional hedging could be secured by condition in the event permission were to be granted. Overall, the recent revisions are not considered to result in any other significant new visual or landscape harms with the proposed

reinstatement of the historic hedgerow likely to provide some additional but limited visual relief from long-distance viewpoints in the north.

- 4.5.20 Given the foregoing, officers original overall conclusions on landscape and visual impacts remain unaffected by the proposed amendments and are as previously set out -

*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.*

#### Local highway network impacts

- 4.5.21 Members previously asked officers to confirm and consider late submissions relating to the effect of the proposal upon traffic and access. In addition, the applicant has provided a construction access drawing, construction access swept path analysis and updated Transport Note.

- 4.5.22 The principal highway related changes can be summarised as follows –

- New construction access point along the Ashwell Road
- Construction access to be retained post construction for emergency vehicle use only

- 4.5.23 In relation to reason 2 of the previous deferral, the applicant has confirmed that the construction period will not be affected by the commitment to a maximum of 2 HGV movements per day. This will be achieved by the implementation of a vehicle booking system that ensures deliveries are scheduled effectively and a strategy to minimise construction material quantities as much as possible. The temporary construction compound (to be provided as ‘permitted development’) will be used

for material storage and facilitates more effective transportation of materials rather than on a 'just in time' basis. This is a minimal level of HGV movements, and these would occur as part of a controlled and managed construction period, supported by a range of mitigation measures, as agreed with Herts CC Highways, as detailed at Section 4 of the Transport Note.

- 4.5.24 When initially reported to Members last year, Herts CC Highways response acknowledged that the indicative construction access plan provided sufficient detail to ensure the principle of this access in the vicinity shown was acceptable, with full design details secured through a planning condition. The applicant's transport consultant (Apex) has since carried out additional work which has resulted in a revised location of the access to that previously considered. A revised preliminary access design has also been provided. The reason for the revised access location is to minimise the amount of hedgerow needing to be removed to enable the necessary sight lines. The new access will be used by all construction vehicles including HGVs entering and exiting the site.
- 4.5.25 Following independent discussions between the applicant's transport consultant and Hertfordshire Fire and Rescue Service (HFRS) and with reference to the National Fire Chiefs Council (NFCC) guidance in relation to Battery Energy Storage Systems (BESS) sites, the applicant proposes to retain the construction access following construction of the development (previously it was proposed to be temporary for the duration of construction works). Its retention is intended to provide a second access/egress point into the site for emergency vehicles that accounts for opposite wind conditions/directions. The other point of access into the site (for maintenance and emergency vehicle use only) comprises the existing farm access adjacent to the northern boundary.
- 4.5.26 Herts CC Highways has assessed the revised drawings and Transport Note. It has confirmed that the choice of access location and visibility splay levels were based on a new speed and volume survey that the applicant undertook. Two automatic traffic counters were set up for a week, just to the north and just to the south of the proposed construction access point. 85th percentile speeds were 35.8mph northbound and 45.1mph southbound (southern ATC), and 44mph northbound and 44.2mph southbound (northern ATC). The raw speed data has also been interrogated to provide a wider picture of speed variations. From this, the most suitable stopping sight distances have been established. Manual for Streets 2 contains a number of key paragraphs in this respect to bear in mind for the context of a derestricted rural road such as this. It is considered that the Absolute Minimum splay standard is acceptable in this case, drawn to the kerb edge rather than a 1 metre offset as the applicant originally showed. Drawing number C22028-ATP-DR-TP-010 shows splays in both directions of 2.4m X 95 metres to the kerb edge (which extend to 121 metres to the carriageway centreline). This arrangement must be supported by suitable warning signage and banksmen, with full details to be provided in the Construction Traffic Management Plan. It is also confirmed that the access will be subject to a separate Road Safety Audit at the s278 stage (under the Highways Act). The design of the access would need to be altered following

cessation of construction to make it more appropriate for the proposed ongoing use of maintenance and emergency access only. In practice this will likely be reducing its width and kerb radii, but retaining visibility splays. Subject to conditions to deal with this, the provision of a Construction Traffic Management Plan, full engineering drawings of the proposed access and alterations to the junction at North Road /Bygrave Road, the proposal is considered acceptable from a highways perspective.

4.5.27 Officers acknowledge that there continues to be significant concerns from local people about the impact the construction period will have on highway safety. Herts CC Highways has confirmed that the assessment of the proposal is based on best practice and is informed by site visits, with accurate 'on-the-ground' measurements at regular intervals, cross-referenced with Ordnance Survey mapping lines, photographs, written descriptions, and further assessments. In addition, the assessment and suitability of the proposed access is informed by –

- traffic counts and speed surveys;
- speed and volume counts;
- tracking plans of large vehicles using the route;
- visibility levels (at the proposed access, the North Road/Bygrave Road junction, and forward visibility splays along the full route);
- accident data (over the past 40 years, even though the standard is only 5 years);
- site visits of the whole route undertaken both by car and on foot;
- measurements of the carriageway at key points;
- input from Herts CC Network Management team, Traffic Data and Modelling team Safety team, Rights of Way team, and Development Management team;

It is apparent from this that from a highway safety perspective, a robust and thorough assessment of the proposal has been undertaken.

4.5.28 In relation to Rights of Way (RoW), the previous report confirmed the proposal was not considered to result in any direct impacts on public RoW and that temporary indirect impacts on RoW during the construction period could be mitigated and controlled by conditions. On this basis, no new RoW routes were considered to be justified and specifically a request for an additional new bridleway from the built-up area of Ashwell Road to bridleway 013 was not considered to be reasonable or necessary. Notwithstanding this position, the applicant, in collaboration with the landowner, has reconsidered this request and has identified two new permissive footpath routes which will run adjacent to the southern and eastern boundaries of the site linking Ashwell Road to the existing bridleway 013 which runs parallel to the western and northern boundaries of the site. These additional permissive routes would improve connectivity from Bygrave to the surrounding public footpath network and bridleways. In particular, they would potentially provide safer off-road routes close to the village of Bygrave for walkers, horse riders and cyclists. Although these paths would be considered a benefit especially for local people,

they are not necessary to make the development acceptable (i.e. it is not needed to mitigate the impact the development will have on existing RoW). In the circumstances, a condition requiring the provision and retention of the path are not considered to meet the tests set out in the NPPF and associated Planning Practice Guidance. The developer has therefore committed to providing a deed of community benefit setting out the provision of these permissive footpaths and the conditions of their use.

4.5.29 Conclusions on highway and RoW impacts:

*Given the foregoing, the Highway Authority has no objection to the proposal, including the proposed construction and emergency access, subject to conditions. Impacts on existing RoW previously identified can be dealt with by condition. New permissive paths are proposed but will be delivered as part of deed of community benefit. 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 impacts

4.5.30 As set out in paragraphs 4.5.8 and 4.5.9 above, the updated NPPF includes a footnote within Chapter 15 – ‘*conserving and enhancing the natural environment*’ now consider the availability of agricultural land used for food production when formulating plans. Whilst this footnote does not require the consideration of agricultural land impacts in decision making process, this matter was addressed in some detail in the previous officer report. Officers then concluded that -

*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.*

4.5.31 As previously confirmed, the application site would be utilised for the grazing of sheep thereby retaining an agricultural use of the land which would also provide a revenue stream that will assist the existing farming business. 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. At the previous committee meeting, the landowner confirmed that they employed a shepherd who farmed circa 950 sheep across a number of local farms. The landowner also confirmed that farming was at the core of their business but had been affected by the removal of landowner subsidies. In addition to wildlife and biodiversity improvements, it

was confirmed that there was a need to diversify income streams to continue the longevity of the farming business. The solar farm would provide the family business with a certain long-term income.

- 4.5.32 In a written ministerial statement (WMS) from 2015 by the then Secretary of State - *Solar energy: protecting the local and global environment* – it was confirmed that the use of the best and most versatile agricultural (BMV) land would need to be justified by the most compelling evidence, It goes onto recognise that “planning is a quasi-judicial process, and every application needs to be considered on its individual merits, with due process, in light of the relevant material considerations.” The WMS is not a statute but a policy. A further WMS was published in May 2024 by the Secretary of State for Energy and Net Zero entitled *Solar and protecting our Food Security and Best and Most Versatile (BMV) Land*. It states –

*This means that due weight needs to be given to the proposed use of Best and Most Versatile land when considering whether planning consent should be granted for solar developments. For all applicants the highest quality agricultural land is least appropriate for solar development and as the land grade increases, there is a greater onus on developers to show that the use of higher quality land is necessary. Applicants for Nationally Significant Infrastructure Projects should avoid the use of Best and Most Versatile agricultural land where possible.*

- 4.5.33 In relation to this proposal, the applicant originally provided a document setting out the site search process and the need to utilise BMV agricultural land in this instance. This set out a detailed approach to identify potential sites. A staged process was undertaken starting with studying grid capacity maps to identify where there was opportunity to connect to the grid. In this case the Letchworth East substation was identified as having capacity. A 5km study area was created around the substation. Potential sites within the study area were then identified. These needed to –

- be available and developable
- have a minimum site area over 50ha
- have minimal planning designations (i.e. Green Belt, Areas of Outstanding Natural Beauty etc),
- be able to address / mitigate physical, environmental and planning impacts (i.e. heritage assets, landscape, Rights of Way)
- have acceptable amenity impacts (noise and visual)
- enable a cost-effective connection to grid

Brown Field Registers were then interrogated to explore whether there were any suitable previously developed sites within the Study Area. In this case, some sites were identified but these were either too small to be commercially viable or located within or close to urban area making them more suitable for housing and /or commercial use. The site search was then expanded to assess all available land within the Study Area. Outside of the built-up areas, land comprised a mixture of



Grade 2 and undefined Grade 3 BMV land. The Study Area included significant areas of Green Belt designation where fundamental aim is to prevent urban sprawl by keeping land permanently open. These areas were therefore excluded from further site search. Within the Study Area outside of the Green Belt, five potential areas identified in Wallington, Bygrave North East, Newnham, Stotfold East and Newnham West. All of the available sites were BMV agricultural land being either grade 2 or 3.

- 4.5.34 In considering the impacts that the proposed solar development at Great Wymondley would have on high value BMV agricultural land and food security, the SoS agreed with the inspector (paragraphs 28 and 29 of the decision letter). On this issue, the inspector concluded -

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

- 4.5.35 Officers consider that the site search process demonstrates that the use of higher-grade land in this instance is necessary. The previous officer report concluded that the proposal would result in moderate harm in relation to Best and Most Versatile Land (BMV) through reducing the flexibility of agricultural use. Having regard to the SoS’s decision on the Great Wymondley scheme, who confirmed that there was no policy basis to support the Council’s approach, and the inspector’s conclusions and given the similarities between the proposal presented and the one allowed at Great Wymondley – both are located on high grade BMV agricultural land due to the lack of availability of lower quality land, both propose the continued use of the land for the grazing of sheep and both would provide a break in intensive agricultural production - Officers have revised their conclusion that the proposal would be compliant with development plan policies relating to BMV and would therefore be neutral in the planning balance.

#### Flood risk and drainage impacts

- 4.5.36 There have been no changes to the considerations in relation to this matter since the application was previously considered. On this matter, Officers previously concluded that -

*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 impacts

- 4.5.37 Members will recall one of the reasons for deferral at the previous meeting included a request to visit a working solar farm to understand the types of noise associated with them. A site visit took place in October 2023 at Vine Farm Shingay-cum-Wendy north of Royston. Officers and Members were accompanied by the Council's Environmental Health Officer who explained the noise sources associated with that solar farm. Officers acknowledge that no two solar farm sites and proposals will be the same with variations in plant and equipment, topography, screening and proximity to noise sensitive receptors all of which mean that every proposal needs to be considered on a case-by-case basis.
- 4.5.38 The originally submitted Noise Assessment (NA) considered the site-specific details and issues arising from the proposal. This set out the estimated noise for both the construction and operational periods of the development. Noise mitigation during construction period will be delivered through a Construction Environmental Management Plan (CEMP) which will be secured by condition. Other conditions recommended seek to restrict the days and hours of construction work and HGV and articulated vehicle deliveries. In relation to operational noise, it is confirmed that the inverters on the solar panels, battery container units, battery inverter units and substation will create noise from this development. An acoustic barrier approximately 2.5 metres in height is proposed to the Battery Energy Storage System (BESS). Modelling in the submitted noise assessment and the resulting levels at residential properties, given the distances involved, will mean that the operational noise will be inaudible at the nearest noise sensitive receptors (residential properties).
- 4.5.39 The Council Environmental Health Officer (EHO) has restated his original response raising no objection to the proposal reconfirming also that the submitted Noise Assessment (NA), including the modelling undertaken by the applicant, is acceptable. The Council's EHO has also confirmed that in his opinion an independent noise assessment is not necessary. Notwithstanding the EHO's view that the modelling assumptions made are considered to be accurate, it is acknowledged that that third parties remain concerned that the assessment is under-estimating noise levels from plant and equipment. If Members were minded to approve the application, a condition requiring the noise levels to achieve the predicted noise levels or limiting the noise levels of the installed equipment could be included.
- 4.5.40 The noise considerations and conclusions remain as set out in the previous officer report at section 4.5.125 –

#### *Conclusion on noise*

*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

- 4.5.41 Members asked officers to advise them in relation to late submissions relating to biodiversity. The applicant has also provided an updated Preliminary Ecological Appraisal (PEA) dated December 2023.

#### Ecological impacts

- 4.5.42 An updated PEA did not identify any significant changes to the site habitat since the original PEA was undertaken in 2021 with the exception of the potential to support bat roosting. A bat survey confirmed a low level of bat activity. New recommendations comprise of the following and are illustrated on an updated mitigations and enhancements plan -
- minimising the use of artificial lighting across the site (excluding the construction period)
  - the inclusion of bat boxes and log pile areas to support nesting and foraging
  - the provision of off-site mitigation of 4 no. skylark plots to the south of the proposed panel area to provide optimal nesting conditions in the long-term.
  - retention of hedges and trees along the site boundaries with the exception of approximately 11m of hedging along the eastern boundary of the site off Ashwell Road required to accommodate the construction vehicle access. This will be relocated to recreate an historic hedge within the site. This section of hedgerow is not considered to present an increased risk to any protected species.
  - areas of “biodiverse seed mixes” are included to mitigate the loss of arable habitat.
- 4.5.43 The Council's Ecologist has reviewed the PEA and commented that given the existing arable use of the site and the absence of any tree removal there is unlikely to be any impact on bats or their habitats. Other comments include –
- Bat boxes are a beneficial addition but these appear to be located in the new native copses. It's not clear how these boxes will be mounted but using existing mature trees would be preferable and locations should be clearly identified and be along existing flight paths.
  - Skylark plots are welcomed but it is noted that these are located in the biodiversity enhancement area to the south of and outside of the site within 50m of the new permissive path. Mitigation should provide undisturbed habitat and it's not clear if this path is to be fenced or not. If this is not the case, there would be concern over the potential for dogs to cause disturbance to ground nesting birds. As such if the path is not to be fenced

the applicant is advised to erect signage to require dogs to be kept on leads during the nesting season between March and August.

- The update on the badger setts is noted and the use of badger gates in the perimeter fencing is advised to ensure access to foraging areas is maintained for existing badger paths, the location and type can be conditioned.
- The provision of wildflower meadow on the site is welcomed. The site is on a chalk substrate and hence a chalk grassland mix would be appropriate.

A revised Landscape and Ecology Management Plan (LEMP) should clarify site management for grazed and wildflower areas and should also include guidance on the issues raised above. In the event permission were to be granted, this matter could be dealt with by condition.

#### Biodiversity

- 4.5.44 An updated Biodiversity Net Gain Biodiversity Net Gain (BNG) assessment using the latest metric (4.0) has been prepared by the applicant's ecologist. This assessment reconfirms the habitat and hedgerow uplift is over 66% for habitats and over 102% for hedgerows.
- 4.5.45 For the avoidance of doubt, the BNG can only be secured and protected for the duration of the development. A condition to secure Gains beyond this period would be neither reasonable nor enforceable.
- 4.5.46 This updated BNG assessment does not alter the original conclusion reached in the previous officer report which confirmed that there would be no harm to species and habitats and BNG and this issue would weigh moderately in the planning balance. Although a Landscape and Environmental Management Plan (LEMP) had originally been submitted to explain how BNG improvements would be delivered and managed, this would need to be amended to take account of the revisions identified in the foregoing paragraphs and provide clarity on biodiversity improvements. As previously stated, a condition to secure this is recommended in the event planning permission is granted.
- 4.5.47 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/safety impacts

- 4.5.48 There are fire risks associated with the development and officers explained these in the previous report. This concluded that subject to the installation of a fire suppression system in the buildings housing batteries and transformers and a condition requiring the submission and approval of a Fire Management Plan there

was no basis for the refusal of the proposal on fire risk impacts. For the avoidance of doubt, Herts CC Fire and Rescue did not previously provide comments on the proposal.

4.5.49 The matter of fire safety continued to be raised by interested parties prior to the consideration of the proposal at the previous committee meeting and as part of the most recent consultation exercise. The applicant has subsequently reconsidered the issue of fire safety of the site and provided a Fire Risk Statement. In relation to site design, this has identified the need for a secondary access and road for emergency fire vehicles for the duration of the development. This is now specifically included on the latest submitted revised drawings and is further explained paragraph 4.5.24 above. In terms of other fire safety measures these are likely to include but are not limited to the provision of fire suppression systems, an Emergency Response Plan and a method to control of wastewater in the event of an incident. Fire prevention and management measures are principally controlled under Building Regulation legislation. In addition, non-government guidance on the risks associated with battery storage and appropriate mitigation measures are set out in publications by both the National Fire Chiefs Council (NFCC) and Fire Protection Association. It should be noted that whilst these publications set out fire safety best practice for battery storage proposals, they are recommendations and not mandatory requirements.

4.5.50 Herts CC Fire Service has responded to the most recent consultation process. It has noted the dual site access arrangements to accommodate fire appliances and the contents of the Fire Strategy document. It specifically supports the provision of an automatic suppression system. In relation to Building Regulation requirements, the Fire Service has assumed that the development will comply with the relevant Part of Building Regulations which essentially requires both (i) a. satisfactory access for the fire service and its appliances (ii) facilities in buildings to help firefighters save the lives of people in and around buildings. This is a separate legislative process which typically occurs post planning decision. The submitted Fire Risk Statement confirms that a detailed fire strategy design for the site will need to be agreed prior to commencement with Building Control and the Herts CC Fire and Rescue Service. In addition to the Herts CC Fire Service response, Herts CC Water Officer has confirmed separately that a fire hydrant should be provided to ensure water supply to the site in the event of a fire. This and the submission of a detailed Fire Risk Statement are matters which officers would seek to secure by condition.

4.5.51 Given the revised site layout which includes two accesses, the applicant's commitment to providing a detailed Fire Risk Statement (to be secured by condition), the requirement for a new fire hydrant (to be secured by condition) and the absence of an objection from Herts CC Fire Officer, the overall conclusion on fire safety remains that there is no evidence to show that there would be a high risk of fire from the proposal and detailed mitigation measures will be considered

further. This matter does not weigh against the proposal but is neutral in the planning balance.

Other matters

4.5.52 Matters previously reported relating to the following topic areas remain unchanged

–

- Alternative renewable energy sources
- Alternative sites
- Residential amenity
- Aviation impacts
- Glint and glare
- Coalescence
- Soil contamination and management

4.5.53 **Section 106 and community benefits** – the application does not require any contributions or matters to be secured through a section 106 agreement. For the avoidance of doubt, financial contributions to the community would not meet the tests set out in the NPPF 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 confirmed that it has been in contact with Bygrave Parish Council independently from the planning process to discuss a number of matters including a proposed financial payment to the community in the event that planning permission were to be granted. This together with a commitment to establishing a resident liaison group for the construction period and a method to discuss locals aspirations for the precise alignment of the permissive paths and associated landscape details would be set out in a deed of community benefit. For the reasons set out above, the provision of this deed is not a material consideration and does not form part of the planning balance or decision-making process. It is included for information only.

4.5.54 **Conditions suggested by Bygrave Parish Council** – immediately preceding the previous committee meeting, officers were asked to consider a range of conditions suggested by the parish council in the event permission were to be granted. These conditions are set out below (bold text) and officer responses are included below.

**(a) No weekend or bank holiday working or deliveries.**

The Council's Environmental Health Officer has recommended a condition restricting hours of construction work to 08:00 – 18:00 Monday to Friday, 8:00 – 13:00 Saturday with no deliveries or noisy activities on Sunday or bank holidays. This is a usual condition on development sites. See recommended condition 4.

**(b) Work, deliveries and staff arrivals to commence no earlier than 8am and finish no later than 5pm**

Deliveries are covered by draft condition 5. In relation to working hours (non-noisy activities) and staff arrivals, officers consider that it would be unreasonable to restrict these as suggested as this would create concentrations of daily vehicular activity which would be undesirable from a

highway and noise perspective. It would potentially prolong the construction period.

- (c) **Require the high-voltage cable to be laid between the site and the Letchworth sub-station in advance of construction commencing. We understand that there can be a delay of several years in connecting solar plants to the National Grid and we would not want the constructed site to lay obsolete awaiting for the connection to be made.**

The high voltage cable does not form part of the planning application and will be undertaken by a Distribution Network Operator as permitted development. This cannot therefore be conditioned. The applicant has confirmed that the grid connection capacity is available and energy deliverable as soon as the development is approved and constructed. It has also been confirmed that it is not subject to wider delays on the transmission network as suggested in mainstream media.

- (d) **The site would have to be fully operational with a short period of time, such as 2 years, as otherwise the stated urgent need for renewable energy will not be fulfilled.** The standard time period for implementation of a planning permission is three years. Officers do not consider that a condition for the development to be operational as suggested would be either reasonable, necessary or enforceable and would be contrary to planning guidance relating to the use of conditions (Planning Practice Guidance – Use of Planning Conditions Paragraph: 005). Notwithstanding this, the applicant has confirmed that it aims to construct the solar farm as quickly as possible once consented.

- (e) **Funding an independent noise assessment as part of the application.** The Council's Environmental Health Officer has reviewed the submitted noise assessment and has confirmed that it has been undertaken in accordance with good practice and guidelines. Conditions cannot require funding of any sort, such as an independent noise assessment. On this basis, officers consider that an independent noise assessment as suggested would be neither necessary nor reasonable.

- (f) **Increase size of non-developed strip on the southern edge and planting mature native trees to create an extension of Bygrave Woods from Upper Bygrave to the current Bygrave Woods, to the west of the public bridleway (Icknield Way).** The proposal presented already includes an area that will be utilised as a buffer between the village and the development site (blue edged land). This area will deliver a number of the ecological enhancements as identified in the updated Preliminary Ecological Appraisal and on the revised mitigations and enhancements plan. These enhancements will be delivered as part of the LEMP condition. Increasing this area and planting trees would be neither reasonable nor necessary.

- (g) **Create new public footpath allowing access along the newly planted southern edge from Upper Bygrave to Bygrave to the Icknield Way (at Bygrave Woods).** This matter is explained at paragraph 4.5.28 above,

**(h) Create a new public bridleway along the eastern perimeter from Upper Bygrave to Cat Ditch, providing a safer alternative for cyclists, horse-riders and pedestrians.** This matter is explained at paragraph 4.5.28 above.

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

Planning permission runs with the land not with the developer and the planning system provides legislation for the enforcement of conditions. Permission is sought for a temporary period and a condition is included to reflect this. A condition as suggested would not meet the legal tests of being necessary, enforceable, or reasonable as set out in the NPPF.

**(j) Subsidising electricity use by the householders in Upper Bygrave.**

This matter is set out in paragraph 4.5.52 above.

## **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 moved 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 157). At the local level, the Council declared a Climate Emergency and set a target of achieving zero carbon emissions in the district by 2040. 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 163 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 locally determined 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. Recently updated NPSs EN-1 and EN-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. EN-1 confirms that substantial weight should be given to projects of a Critical National Priority.
- 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, the Secretary of State recently resolved to approve the application for the construction of a 49.995MW solar farm at Land North and East of Great Wymondley (application reference 21/03380/FP). Notwithstanding this decision and the likelihood of this development coming forward, there remains 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 currently 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 installed 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 or cofiring. The anaerobic digester at Bygrave Lodge has an installed capacity of approximately 2.7MW. 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 163 of the NPPF and associated footnotes 57 and 58 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 As previously stated, 10.4% of the total current district's electricity usage comes from renewable sources. It is estimated that the recently permitted Great

Wymondley solar farm would provide additional 31% of the district's electricity needs from a renewable source. Together, these would therefore provide a total of 45% of the district's current electricity needs with a remaining shortfall of 55%.

- 4.6.16 The Proposed Development is estimated to generate between 30-35% of district's current electricity needs and would make a significant contribution to the Council's objective to be net zero within the district by 2040.
- 4.6.17 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*

- 4.6.18 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.
- 4.6.19 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.
- 4.6.20 The availability of this grid connection and the applicant's commitment to deliver the development immediately should be given substantial weight in the planning balance.

*Conclusion on renewable energy benefits*

- 4.6.21 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.

- 4.6.22 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*

- 4.6.23 The development will deliver the following proposed environmental enhancements:
- Native-species woodland planning 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;

- 4.6.24 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*

- 4.6.25 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.
- 4.6.26 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.
- 4.6.27 In the circumstances it is considered that there would be economic benefits to which significant weight can be attributed in the planning balance.

*Biodiversity*

- 4.6.28 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 by the recently enacted 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 1 – 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
<hr/>		
Renewable Energy Generation	Benefit	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*
Agricultural Land (BMV)	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 208 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 Table1 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 or 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. Notwithstanding the submitted Landscape and Ecological Management Plan (LEMP) and the Mitigation Plan, no development shall take place until a revised LEMP has been submitted to and approved in writing by the local planning authority. The revised LEMP shall take into account the revisions and proposals set out in the revised Preliminary Ecological Appraisal dated December 2023 and should include the original management details together with clarification of the following –

- i. Bat box locations and fixing arrangements;
- ii. Measures to protect skylark plots from users of proposed new permissive footpath;
- iii. Badger gates details;
- iv. The use of a chalk grassland wildflower mix;
- v. Site management for grazed and wildflower areas;
- vi. The replacement of failed, dead or dying landscaping or biodiversity improvements.

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

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:

- i. detailed planting proposals to include planting locations and dimensions, species, densities, sizes, mixes and protection and for new planting areas;
- ii. 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).
- iii. additional hedgerows along the emergency access road to screen the proposed infrastructure from the public highway;
- iv. hard surfacing materials;

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, cctv poles and cameras, 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. Notwithstanding the Fire Risk Statement submitted, before the first commercial operational use of the development/ first commercial operational use of the batteries, a revised detailed Fire Risk Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall include

details of fire suppression systems to be incorporated into the site. The Statement shall also demonstrate consideration of best practice measures and guidance on the risks associated with battery storage and appropriate mitigation measures set out in publications by both the National Fire Chiefs Council and Fire Protection Association. Thereafter, the Fire Risk Statement 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 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 (as required by condition 5)
- 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.

27. Prior to the commencement of the development construction, full engineering drawings of the construction access, as shown on drawing number C22028-ATP-DR-TP-010, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

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.

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. Within 6 months of the commencement of construction work, plans illustrating how the construction and emergency access will be amended to take account of the decommissioning of HGV movements and to allow for use by maintenance and emergency vehicles only shall be submitted to and approved by the Local Planning Authority, in consultation with the Highway Authority. The revised plans shall include details of width, visibility splays, vehicle tracking diagrams, permanent surface materials, and other associated highway design considerations. The approved plans shall be implemented in full to the satisfaction of the Local Planning Authority within 3 months of completion of the construction of the development and thereafter retained in perpetuity of the development.

Reason: To ensure a suitable permanent access that is safe and suitable to accommodate ongoing maintenance and emergency vehicles.

29. Prior to the commencement of any HGV movements associated with the development construction, temporary alteration works to the North Road / Bygrave

Road junction for the duration of the construction period, as shown indicatively on drawing number C22028-ATP-DR-TP-007, shall be undertaken and retained for the duration of construction period. Within 3 months of the construction work being completed, the junction shall either be returned to its original design or an alternative design which demonstrates long term betterment for highway users.

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.

30. 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.

31. 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.

32. Notwithstanding the Mitigation Plan submitted, no development shall take place until a revised Mitigation Plan has been submitted to and approved in writing by the Local Planning Authority. The revised plan shall include all proposed

mitigation details required by other conditions set out in this permission and shall include the following –

- (i) the precise routes of additional permissive footpaths;
- (ii) new copse areas;
- (iii) Long piles;
- (iv) Horse friendly fencing;
- (v) Reinstated and new hedgerows;
- (vi) Protected trees;
- (vii) Skylark plots.

Reason: to ensure there is a site wide plan that illustrates all the approved mitigation measures.

#### Fire Hydrant provision

33. Before the first commercial operational use of the batteries, details of a fire hydrant shall be submitted to and approved in writing by the local planning authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The hydrant shall be provided in accordance with the approved details prior to the first commercial operational use of the batteries.

Reason: To ensure adequate fire protection for the development by way of appropriately located hydrant facilities.

#### Battery Energy Storage System

34. Before the installation of the batteries or associated engineering works hereby permitted, a detailed layout plan of the Battery Energy Storage System compound shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason: To ensure an appropriate layout and to understand the precise extent of associated concrete foundations in the interests of minimising the extent of operational development and soil impacts in accordance with the NPPF and policy

NE12 in the Local Plan. A pre-installation condition is required because the details must be understood before construction commences.

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-andpavements/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.

6. All temporary highway and post construction reinstatement works required by condition 29 shall be agreed and undertaken as part of the s278 works to be agreed with Herts County Council Highways Unit.