

Application ref. 22/03231/FP Update 16 July 2024

Planning Control Committee 18 July 2024

1. Since the publication of the Agenda for this Planning Control Committee, it is noted that a further three objections from residents have been received. No issues have been raised that have not been raised previously and subsequently addressed in the Committee Report. Some non-material planning considerations were raised. Representations are available on the Council's website planning page.
2. Kings Walden Parish Council has forwarded a copy of a letter (available on the council's website) from the applicant to the Parish Council dated 1 February 2022 (before the planning application was submitted), which set out planning merits of the proposal and changes to the design following public consultation undertaken by the applicant. The applicant set out how the proposals include a community fund to be used by the Parish Council to support social and environmental projects to benefit the local community. This does not change the parish Council's previous objection to the application and Officers are clear that the community fund does not form part of the planning application or consideration of the proposals.
3. It is noted in the Committee Report at paragraph 4.18.20 that given the current planning policy situation set out in the NPPF 2023 (para. 163 and footnote 58), it was considered not likely that onshore wind energy proposals would be acceptable in North Hertfordshire. On 8 July 2024, following the recent change of Government, a new Paper 'Policy statement on onshore wind' has been issued which states the commitment to increasing the provision of onshore wind energy in the country. The Paper removes footnotes 57 and 58 from the NPPF 2023, taking effect from 8 July. The paper also says that this change will be forthcoming in an update to the NPPF, alongside other '*wider changes to support renewable energy development*'. Officers consider that this change to the NPPF does not affect the overall consideration of the application. However, the wider policy position is enhanced in support for renewable energy generally but does not change Officers view of the already 'very substantial' weight given to the benefits of the proposals that 'clearly outweigh' the harms identified.
4. The Environmental Statement Chapter 3 paragraph 3.2 says that '*the proposed solar farm and energy storage facility will have a maximum export capacity of 49.9 MW of electricity. Of this, up to 35 MW can supply the National Grid, with the remainder available to export to large local demand users. 35 MW will provide enough renewable energy to power approximately 14,500 homes and generate a saving of around 11,500 tonnes of carbon from the atmosphere each year...*' The applicant has clarified that:
 - (1) due to amendments to the layout of the scheme in order to improve the impact of the proposals on the landscape and heritage assets, there has been a reduction in potential energy generation to 48 MW, which by Officers calculations reduce the site's contribution in terms of households to approximately 19,800 households (about 37% of existing households in the district);
 - (2) the 35 MW set out in paragraph 3.2 quoted above is a maximum cap to be exported to the grid, which would contribute the equivalent of 14,500 households (about 28% of existing households in the district); and
 - (3) the remainder (13 MW) could go via private wire to large local demand users.

Officers set out in paragraph 4.6.34 of the Committee Report that the measure of the site's contribution towards renewable energy generation by using a number of households is a '*rough measure, but one showing the scale of the contribution...*' and should be used for perspective, and not be taken literally. Officers consider that while there is a cap to exporting electricity to the National Grid, the planning application is

for a solar farm exporting energy less than 50 MW, which has been reduced to 48 MW as a result of amendments to the site layout. This does not change the 'very substantial' weighting given to the site's contribution to the local need of the district meeting its net zero target, nor the site contribution to the national need for renewable energy, as set out within the Committee Report. The very substantial weight is awarded based on the principal of the use of the site. The provision of energy is a result of the capacity of the site and the mitigation required to balance harms identified through the negotiation of the application.

5. Update to the Committee Report paragraph 4.2.1 there would be 57ha of biodiversity enhancements, not 42ha as stated. The change is due to amendments to the application compared to the original application documents and does not affect the planning balance.
6. Update to the Committee Report paragraph 4.2.2 there would be 11 invertors (not 15), 11 transformers (not 15) and 44 batteries (not 60) due to amendments to the application compared to the original application documents. This reduced the harm, which was considered throughout the report bases on updated plans and document.
7. Update to the Committee Report paragraph 4.2.6 should read as follows with changes underlined: '*In this instance the site meets all the above criteria being 1.7km from Luton substation, is in a zero solar curtailment area and there is a grid connection offer.*' This does not change Officers consideration of the application, which was stated correctly elsewhere in the report.
8. Noted that for the Environment Impact Assessment in paragraph 4.4.1 that the site should have been assessed in relation to the total application site area, which is 106ha, rather than the area covered in solar panels. Despite the difference in size, the threshold still applied and there is no change to Officers assessment of this matter.
9. Clarification in paragraph 4.10.3 that the site is not within a 'candidate area' for extension of the Chilterns AONB. Updated paragraph text below and the change underlined:

NPPF Paragraph 174 indicates that the intrinsic character and beauty of the countryside should be recognised. Nevertheless, the NPPF does not seek to protect the countryside for its own sake from development; it concentrates upon seeking to protect valued landscapes. For the avoidance of doubt, the site is not nationally designated protected land such as Areas of Outstanding Natural Beauty (AONB), but it forms part of a wider area under consideration for extension of the Chilterns AONB. The timetable for Natural England to review this designation is delayed, but the determination of this application should proceed in a timely manner as far as possible. Whilst this is therefore a material consideration in the determination of the application, Officers consider that this carries very limited weight due to the fact that its future inclusion remains unresolved at this point in time.

10. Clarification to paragraph 4.10.42 point iii at the end, its states that a second decision on solar panels at Luton Airport is outstanding. That application has now been approved. This does not change Officer's conclusion.
11. Correction to paragraph 4.15.6 and 4.18.32 which should be updated following ES 2nd Addendum regarding BNG enhancements which are slightly higher than quoted:

The updated BNG metric confirms that the proposal will result in a ~~462.63~~165.62% increase for habitat (area) derived units; a ~~141.50~~142.38% increase for hedgerow (linear) derived units; and 58.10% for water units, which is a significant uplift compared to the baseline and welcomed by the Ecologist (para. 4.15.6)

12. Update to paragraph 4.18.27 that the last sentence was true when the application was submitted in December 2023. Since then, two applications for commercial renewable energy generation schemes have been given planning permission, as noted in paragraph 1.4. This update does not change Officer consideration of the application.
13. Condition no.13 relating to Rights of Way is recommended to be reworded to ensure compliance with the tests for conditions and to ensure some flexibility in processes for the County Council, which are out of the control of the planning system. The new wording proposed is as follows and agreed with the applicant and highway authority:

13. Rights of Way

Notwithstanding the details indicated on the submitted drawings, no works shall commence on site unless otherwise agreed in writing until a Rights of Way Plan (ROWP) has been submitted to and approved in writing by the Local Planning Authority. The ROWP should include, but not be limited to the following:

- Works access during the construction phase;
- Details of materials boundary treatment and landscaping;
- Details of vehicular crossing points;
- Details of management; and
- Programme for implementation and delivery of improvements to Rights of Way as outlined in the submitted application, including the introduction of a permissive path in Field 18 and a permissive cycle route for part of PRow Offley 004 and 032.

The Rights of Way Improvement Plan (including any associated highway works) shall be implemented to the written satisfaction of the Local Planning Authority.

Reason: To ensure that highway improvement works are designed to an appropriate standard in the interest of highway safety, to protect the environment of the local highway corridor, and the highway network is adequate to cater for the development proposed, in accordance with Policy 5 and 21 of Hertfordshire's Local Transport Plan (adopted 2018), HCC Non-Motorised Route document and the Local Plan Policy T1.

14. It is also recommended that 'first operation' wording is replaced with 'first export' in conditions no. 3, 18, 20 and 25 as follows with wording repeated for clarity and for which the applicant has agreed to the change of wording:

3. Limited period of 40 years

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

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

18. Panel cleaning

Prior to the first export 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.

20. Soil quality

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 export. For the first three years following the first export, 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.

25. Decommissioning

In the event that the development hereby permitted ceases to export electricity for a continuous period of 12 months at any time following the first export (other than for operational reasons outside the operator's control), or within a period of 39 years following the first export, a Scheme for the decommissioning of the solar farm and its ancillary equipment, and how the land is to be restored, shall be submitted to the local planning authority for its written approval. The scheme shall include, but not be limited to the following:

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

The solar farm and its ancillary equipment shall be dismantled and removed from the site and the land restored in accordance with the approved Scheme and timescales set out therein.

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