



Priory Farm Solar Array

**Proposed Development of a
Photovoltaic Solar Array on Land at
Priory Farm to the East of Great
Wymondley, North Hertfordshire.**

**Planning Application Ref:
APP/X1925/V/23/3323321**

Statement of Case

On behalf of



AGR 4 Solar Limited

**July 2023
3004-01-SoC**



Document Control

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1.0 INTRODUCTION

- 1.1.1 This Statement of Case ('SoC') is submitted on behalf of AGR 4 Solar Limited (AGR or 'the Applicant') in relation to the construction and operation of a photovoltaic solar array ('the proposed development') on land at Priory Farm, to the east of Great Wymondley, North Hertfordshire ('the application site'). This SoC has been prepared in accordance with relevant guidance issued by the Planning Inspectorate and sets out the Applicant's case in relation to the proposed development, which was called-in for determination by the Secretary of State ('SoS') on 26th May 2023.
- 1.1.2 This SoC provides an overview of the determination of the planning application up to the decision of the SoS to call-in the application following North Hertfordshire District Council's ('the Council') Planning Control Committee resolution to grant planning permission for the proposed development. Details of the consultation responses received are provided in the Planning Officers Committee Reports (CD35) and are not repeated here.
- 1.1.3 In addition, this SoC identifies the key matters about which the SoS wishes to be informed and the Applicant's position in respect of such matters.
- 1.1.4 The key planning consideration is that the application site lies within the Metropolitan Green Belt and the planning balance that needs to be struck between harm caused by reason of inappropriateness and any other harm on the one hand and other considerations, including wider benefits of the scheme. Harm needs to be clearly outweighed by those other considerations for Very Special Circumstances ('VSCs') to exist.
- 1.1.5 The Council planning officer concluded that whilst there is tension with some policies in the adopted Development Plan and NPPF, there are also compelling reasons to justify the grant of planning permission in the Green Belt in this case. The planning committee members accepted their professional officer's recommendation and resolved to grant planning permission. The Applicant supports the officer's carefully articulated report and recommendation and the decision by elected members to approve the proposed development.
- 1.1.6 The Applicant's legal representative is CMS Cameron McKenna Nabarro Olswang LLP. The Applicant will be represented by the following expert witnesses who will provide written evidence and will be available for the inquiry, as required:



- i) Planning - Alistair Hoyle BSc (Hons), MCD, MRTPI– Axis
- ii) Landscape and Visual - Jon Mason B(Sc) Hons CMLI- Axis
- iii) Flood Risk and Drainage – Dr Kevin Tilford BSc (Hons) MSc (Eng) PhD MBA
CWEM FCIWEM CEnv- Weetwood
- iv) Cultural Heritage and Archaeology - Lynne Roy BA MSc MCIfA FSA (Scot) –
AOC Archaeology
- v) Agriculture - Tony Kernon BSc (Hons), MRICS, FBIAC – Kernon Countryside
Consultants
- vi) Ecology - Howard Fearn MSc MCIEEM – Avian Ecology
- vii) Highways - Lee Kendall BA (Hons), MCIHT, MTPS - Axis



2.0 DETERMINATION OF THE PLANNING APPLICATION

- 2.1.1 The planning application was submitted on the 6th December 2021 following pre-application advice received from the Council on the 28th May 2021 (CD38). An EIA screening opinion indicating that the proposed development did not comprise EIA development was issued in September 2021 (CD3).
- 2.1.2 The Applicant presented details of the proposed development to an open Parish Council meeting via Zoom on the 11th January 2022. Following comments received from the Parish Council and other consultee responses during the determination period the proposed development was modified as follows:
- i) Buffers between existing hedgerows, trees and woodlands were increased from 6m to 12m in response to comments from the Wildlife Trust. This resulted in increased biodiversity gains (see Biodiversity Metric 3.0 Calculation Tool (CD34)) with the increased buffers managed as species rich grassland and wildflower areas;
 - ii) Permissive footpaths were added within the increased buffer zones to provide safe permissive footpath links from the existing public right of way near Milksey Cottages. Two links to the existing Hertfordshire Way were incorporated into the proposed development; one parallel to Gravely Lane and the other perpendicular to Gravely Lane. These would enable safe circular walking routes to be provided for the life of the proposed development;
 - iii) 'No dig' areas in locations of known archaeological interest which are illustrated in the submitted Written Scheme of Investigation (WSI) (CD30);
 - iv) Drainage attenuation features were added in response to comments from the Lead local Flood Authority as set out in the updated Flood Risk Assessment (FRA) (CD6) and Drainage Technical Note (CD31). These features provide betterment over the existing drainage conditions on the application site;
 - v) Two new hedgerows were added within the northern area to link an existing truncated hedgerow to the wider field pattern in response to comments from the Council's landscape consultant. These will help restore elements of the landscape fabric that have been lost and will have long term beneficial effects in terms of increased biodiversity gain (CD34), ecological connectivity and landscape integration;



- vi) Woodland copses were added either side of the proposed site entrance to limit views into the site from Gravely Lane in response to comments from the Council's landscape consultant;
 - vii) The solar panels were pulled back from Gravely Lane in the field nearest to Great Wymondley to reduce visibility of the proposed development. Additional woodland and hedgerow planting/gapping-up was proposed along the western boundary towards Great Wymondley; and
 - viii) The northern construction and operational access was repositioned following consultation with Hertfordshire County Council Highways Department.
- 2.1.3 These changes are illustrated on Planning Drawings 3004-01 003 Rev F – General Arrangement (CD16) and 3004-01-012 Rev F – Landscape Proposals (CD24).
- 2.1.4 The planning officer's report to committee and supplement (CD35) set out all of the consultee, third party submissions and Applicant responses. The committee reports address all of the matters upon which the SoS wishes to be informed. The reports undertake a comprehensive review of the effects of the proposed development on the Green Belt in terms of the purposes of the Green Belt (Table 1 CD35) and consider all other likely harm together with likely benefits.
- 2.1.5 North Hertfordshire Planning Control Committee resolved to grant planning permission for the planning application at a full planning committee on the 17th November 2022. The planning officer subsequently referred the application to the SoS, through the Planning Casework Unit, by reason of it being located in the Green Belt. The Planning Casework Unit confirmed that the 21-day call-in period would expire on 13th December 2022. An Article 31 holding direction was sent to the Council's planning officer at 17:54 on the 13th December 2022.
- 2.1.6 The Planning Casework Unit, on behalf of the SoS, wrote to the Applicant and the Council on 26th May 2023 to direct that, pursuant to section 77 of the 1990 Act, the application would be determined by him personally instead of being dealt with by the Local Planning Authority. The matters about which the SoS particularly wishes to be informed are as follows:
- i) The extent to which the proposed development is consistent with Government policies for protecting Green Belt land as set out in the NPPF (Chapter 13); and

- ii) The extent to which the proposed development is consistent with Government policies for meeting the challenge of climate change, flooding and coastal change as set out in the NPPF (Chapter 14); and
- iii) The extent to which the proposed development is consistent with Government policies for conserving and enhancing the natural environment as set out in the NPPF (Chapter 15); and
- iv) The extent to which the proposed development is consistent with the development plan for the area; and
- v) any other matters the Inspector considers relevant.



3.0 PLANNING POLICIES AND OTHER MATERIAL CONSIDERATIONS

3.1 Development Plan

3.1.1 At the time the planning application was prepared and the committee report was written the adopted Development Plan in force comprised the following documents:

- i) Hertfordshire Minerals Local Plan adopted in 2007 (HCC);
- ii) Hertfordshire Waste Core Strategy and Development Management Policies Document, 2012 (HCC);
- iii) Hertfordshire Waste Site Allocations Document, 2014 (HCC);
- iv) Saved policies from the North Hertfordshire District Local Plan No. 2 with Alterations adopted 1996 (NHDC), and
- v) Wymondley Neighbourhood Development Plan (2011-2031) (Adopted 2018).

3.1.2 However, the North Hertfordshire District Local Plan 2011-2031 (NHDLP) was adopted on the 8th of November 2022 and replaced the saved policies of the previous plan. This was reported to the planning committee meeting and policies of the recently adopted local plan were given full weight in the decision-making process.

3.1.3 The proposed development does not relate to waste or mineral development and there are no waste allocations at this location. The adopted Minerals Local Plan includes policies for safeguarding minerals and the emerging Minerals Local Plan identifies some Sand & Gravel Minerals Safeguarding Areas within the application site boundary. However, due to the temporary and reversible nature of the proposed development there would be no permanent sterilisation of mineral reserves. As such, the adopted Minerals Local Plan, Waste Core Strategy and Development Management Policies, and Waste Site Allocations Document are not considered to be relevant to determination of the planning application.

3.1.4 The Development Plan Policies relevant to determination of the planning application subject the Call-in inquiry are set out below:

North Hertfordshire District Local Plan 2011-2031 (CD39)

- i) Policy SP1: Presumption in Favour of Sustainable Development
- ii) Policy SP5: Countryside and Green Belt
- iii) Policy SP11: Natural Resources
- iv) Policy SP12: Green Infrastructure, Landscape and Biodiversity

- v) Policy SP13: Historic Environment
- vi) Policy D1: Design and Sustainability
- vii) Policy D3: Protecting Living Conditions
- viii) Policy D4: Air Quality
- ix) Policy HE1: Designated Heritage Assets
- x) Policy HE3: Non-Designated heritage assets
- xi) Policy HE4: Archaeology
- xii) Policy NE1: Strategic Green Infrastructure
- xiii) Policy NE2: Landscape
- xiv) Policy NE3: The Chilterns AONB
- xv) Policy NE4: Biodiversity and Geological sites
- xvi) Policy NE5: Protecting Open Space
- xvii) Policy NE7: Reducing Flood Risk
- xviii) Policy NE8: Sustainable Drainage Systems
- xix) Policy NE12: Renewable and Low Carbon Energy Development

***Wymondley Neighbourhood Development Plan (2011-2031) (Adopted 2018)
(CD40)***

- i) Policy NHE1: Landscape Character
- ii) Policy NHE2: Biodiversity
- iii) Policy NHE3: Wildlife and Ecology
- iv) Policy NHE8: Landscaping Schemes
- v) Policy NHE9: Historic Character and Heritage Assets
- vi) Policy GB1: Green Belt
- vii) Policy FR1: Flood risk
- viii) Policy SLBE1: Business Development

3.1.5 In addition, the following evidence base documents are considered to be relevant:

- i) NHDC Landscape Study 2011 (CD71);
- ii) Hertfordshire Landscape Character Assessment – Hertfordshire County Council (2004) (CD70), and
- iii) North Hertfordshire Local Plan 2011 – 2031 Green Belt Review Update 2018 (CD137).



3.1.6 The Council determined that planning permission should be granted when the proposed development was assessed against relevant policies in the adopted development plan and other material considerations. At the forthcoming inquiry, the Applicant will provide evidence in respect of the matters requested by the Planning Casework Unit in support of the overall decision reached by the Council.

3.2 Other Material Considerations

National Planning Policy Framework (2021)

3.2.1 The National Planning Policy Framework (NPPF) (CD56) policies considered particularly relevant to determination of the planning application and which will be referenced in evidence are as follows:

- i) Paragraph 11 – Presumption in Favour of Sustainable Development;
- ii) Section 13 – Protecting Green Belt Land;
- iii) Section 14 – Meeting the Needs of Climate Change;
- iv) Section 15 – Conserving and Enhancing the Natural Environment, and
- v) Section 16 – Conserving and Enhancing the Historic Environment.

3.2.2 Those sections highlighted in bold were specifically referenced in the Planning Casework Unit's call-in letter, on behalf of the SoS, dated 26th May 2023.

National Policy Statements

3.2.3 Whilst they are not directly applicable to the proposed development, the following National Policy Statements will be referenced in evidence in support of the overriding need and urgency for renewable energy development:

- i) Overarching National Policy Statement for Energy (EN-1), (July 2011) (CD57);
- ii) National Policy Statement for Renewable Energy Infrastructure (EN-3), (July 2011) (CD58);
- iii) Draft Overarching National Policy Statement for Energy (EN-1), (March 2023) (CD59), and
- iv) Draft National Policy Statement for Renewable Energy Infrastructure (EN-3), (March 2023) (CD60).

3.2.4 The Draft National Policy Statements (NPS) were initially issued in September 2021 and have recently been subject to a further round of consultation in March 2023 that



closed on Friday 23 June 2023. The Draft NPS represent contemporary Government renewable energy and energy policy in the context of the legally binding commitment to achieve Net Zero by 2050 set out in the Climate Change Act 2008 (2050 Target Amendment) Order 2019.

National Grid's Future Energy Scenarios Report (July 2023)

3.2.5 National Grid's Future Energy Scenarios (FES) Reports are a key material consideration when determining the need for renewable energy and storage developments in the context of achieving Net Zero. The reports consider a number of scenarios on the pathway to achieving net Zero and the data is updated each year in respect of demand and supply. The FES reports project what new energy developments may be needed each year to achieve the Government legally binding Net Zero commitment by 2050. The Planning Statement (CD2) referenced the FES 2021 report and an update for the 2022 report was included in CD33. These reports both highlighted the importance of solar energy generation and storage and identified a significant and urgent need for these types of developments to deliver Net Zero by 2050.

3.2.6 The latest FES report (CD41) was published on the 10th July 2023. This will be referenced in evidence in support of the ongoing significant and urgent need for solar and storage developments to deliver Net Zero by 2050, and a decarbonised electricity system by 2035. The need to bring forward renewable energy and storage projects as soon as possible to decarbonise the electricity system and the wider environmental benefits that this will have in terms of climate change are considered a Very Special Circumstances (VSCs) in the context of green belt policy and the NPPF.

Other Key Strategy Documents

3.2.7 Other key strategy documents that will be referenced in evidence in support of the overriding need and urgency for delivery of renewable energy development are as follows:

- i) Clean Growth Strategy (Updated April 2018) (CD42);
- ii) Climate Change Act 2008 (2050 Target Amendment) Order 2019 (CD43);
- iii) Net Zero Strategy: Building Back Greener (2021) (CD44);
- iv) Sixth Carbon Budget (2021) (CD45);

- v) British Energy Security Strategy (2022) (CD46);
- vi) Climate Change Committee. (2023). Progress in Reducing Emissions, 2023 Report to Parliament. (June 2023) (CD47);
- vii) Mission Zero: Independent Net Zero Review (2023) (CD48);
- viii) Powering Up Britain (2023) (C49);
- ix) The latest version of the 'Digest of United Kingdom Energy Statistics', currently the July 2022 version (C50),
- x) Department for Business, Energy and Industrial Strategy. (2022). *Renewable Energy by Local Authority 2014 to 2021*. (CD 51) Published at: <https://www.gov.uk/government/statistics/regional-renewable-statistics>
- xi) Department for Business, Energy and Industrial Strategy. (2022). *Sub-national electricity consumption statistics 2005 to 2021*. 52) Published at: <https://www.gov.uk/government/statistics/regional-and-local-authority-electricity-consumption-statistics>
- xii) Department for Energy Security and Net Zero. (2023). *Renewable Energy Planning Database (REPD): April 2023*. (CD 53). Published at: <https://www.gov.uk/government/publications/renewable-energy-planning-database-monthly-extract>
- xiii) Declaration of a Climate Emergency (2019) – North Hertfordshire District Council (CD54), and
- xiv) Declaration of a Climate Emergency (2019) – Hertfordshire District Council (CD55);

3.3 Relevant Appeal Decisions

3.3.1 The following legal cases and planning appeal decisions are relevant to the determination of this application. In particular, they deal with development in the Green Belt, as well as development on Best and Most Versatile agricultural land. Whilst such decisions are not binding, they are informative as to the approach taken by other Inspectors and the Secretary of State to similar issues elsewhere.

3.3.2 The legal cases and relevant planning appeal decisions are as follows:

- i) *Turner v. SSCLG* [2016] EWCA Civ 466 (CD118);
- ii) *Samuel Smith Old Brewery v. North Yorkshire County Council* [2020] UKSC 3 (CD119);
- iii) Decision Letter for Longfield Solar Farm (26 June 2023) (CD120);

- iv) APP/G2713/W/23/3315877 – Solar farm on land south of Leeming Substation, west of the village of Scruton, bordering Fence Dike Lane, part of Low Street and Feltham Lane, DL7 0RG (CD121);
- v) APP/W1525/W/22/3300222 - Solar farm on land east & west of A130 and north & south of Canon Barns Road, East Hanningfield, Chelmsford, Essex CM3 8BD (CD122);
- vi) APP/P0119/W/20/3261646 -, National Grid Substation, land off Larks Lane, Iron Acton, Gloucestershire (CD123);
- vii) APP/N2739/W/22/3290256 - Battery Energy Storage System (BESS on land South of Monk Fryston Substation, Rawfield Lane, Monk Fryston, Selby (CD124);
- viii) APP/N5090/W/22/3298962 – BESS, National Grid Mill Hill Substation, Land west of National Grid Mill Hill Substation, Mill Hill NW7 1NT (CD125);
- ix) Appeal Decision 3293667 – Land West of New Works Lane (27 March 2023) (CD126), and
- x) Appeal Decision 3304561 – Minchens Lane (13 February 2023) (CD127).

4.0 CASE ON BEHALF OF THE APPLICANT

4.1 Introduction

4.1.1 This section sets out the Applicant's position on each of the matters which the SoS wishes to be informed of. These are explained in section 2.1.6 of this Statement and can be summarised as: consistency with Government Green Belt Policies; consistency with Government policies on climate change, flooding and coastal change; consistency with Government policies for conserving and enhancing the natural environment, and consistency with the development plan for the area. We deal with each in turn below.

4.2 Consistency with Green Belt Policy

Introduction

4.2.1 Chapter 13 of the NPPF sets out the national policies in respect of protecting Green Belt land. At a local level, Green Belt policy is provided by Policy SP5 of the NHDC Local Plan (CD39) and Policy GB1 of the Neighbourhood Plan (CD40). These local policies are consistent with the requirements of the NPPF.

4.2.2 The Applicant accepts that the proposed development is inappropriate development in the Green Belt.

4.2.3 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposed development, is clearly outweighed by other considerations.

4.2.4 The Applicant will provide an appraisal of harm to the Green Belt and any other harm. In doing so, the Applicant will show, in the context of the NPPF, the harm to be extremely limited. The Applicant will then turn to the demonstrable planning considerations which weigh in support of the proposed development and provide a planning balance on whether these considerations clearly outweigh any potential harm and as such constitute the 'very special circumstances' required for planning permission to be granted. Upon doing so, it will be clear that the harm is so limited that on balance 'very special circumstances' do exist, and that the application should



not be refused on Green Belt reasons. A summary of the Applicant's position on Green Belt is provided below.

- 4.2.5 Having established that inappropriate development, by definition, is harmful to the Green Belt we turn now to assess the level of harm. In doing so, we have appraised the proposed development in the context of Paragraphs 137 and 138 of the NPPF.
- 4.2.6 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Openness

- 4.2.7 A detailed consideration of openness is provided in section 5.4 of the Planning Statement (CD2). This concludes that:
- i) There would be a limited harm to the spatial and visual aspects of the Green Belt resulting from a slight reduction in actual and perceived openness;
 - ii) There would be no harm to the openness of the Green Belt resulting from a permanent change in land use; and
 - iii) There would be no harm to the openness of the Green Belt resulting from an increase in the degree of activity generated within the Green Belt.
- 4.2.8 The Applicant will provide further details in evidence to show that whilst there will be a very limited reduction in the openness of the Green Belt, impacts on openness would be temporary, commensurate with the life of the development only.

Permanence

- 4.2.9 The proposed development would be temporary for a period of 40 years after which it would be decommissioned and the land returned to its former use. As such, the proposed development would cause no harm to the permanence of the Green Belt.

Purposes of Including Land in the Green Belt

- 4.2.10 The Green Belt serves five purposes:
- i) To check the unrestricted sprawl of large built up areas;
 - ii) To prevent neighbouring towns merging into one another;
 - iii) To assist in safeguarding the countryside from encroachment;

- iv) To preserve the setting and special character of historic towns; and
 - v) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.2.11 The development would not result in the extension of a large built up area, and given the distance and limited intervisibility from surrounding towns and villages it would not conflict with the purpose of restraining unrestricted sprawl and there would be no diminution of the purpose to prevent neighbouring towns from merging with each other. Thus, the proposed development accords the first two purposes.
- 4.2.12 The proposed development will introduce built development to a countryside location. However, the site adjoins the A1(M) and thus is in an area which is already degraded by urbanising influences. The proposed development is of a low height and would sit within the landscape framework such that once the proposed mitigation planting is established the proposed development would not be intrusive, and an appreciation of the landscape as countryside would still be possible. Therefore, whilst the proposed development would introduce built development to a countryside location, having regard to the site's context and surrounding urbanising features, the nature of the development and mitigation proposed, harm in terms of encroachment into the countryside is limited.
- 4.2.13 The other two purposes, preserving the special character of historic towns and assisting in urban regeneration, are not relevant to the proposed development.

Conclusions on Openness, Permanence, and the Purposes of the Green Belt

- 4.2.14 Although the development is, by definition to it being inappropriate development, harmful to the Green Belt, the Applicant will demonstrate that the potential harm to the Green Belt relates solely to very limited and temporary potential impacts on openness. There would be no permanent impacts on openness and there would be no impacts on the permanence of the Green Belt. The proposed development would not conflict with the purposes of the Green Belt.

Other Harm

- 4.2.15 In weighing up whether very special circumstance exist, the decision maker must take account of all planning matters, and whether they cause harm or benefit Accordingly,

it is necessary to consider all negative impacts of the proposed development, by virtue of being ‘any other harm’.

- 4.2.16 The Council issued a negative screening opinion thus concluding that in their opinion significant environmental effects were not likely. Notwithstanding, the planning application considered all relevant environmental matters. Detailed coverage of environmental matters is provided with the Planning Statement and will be addressed in expert evidence. A summary of ‘other harm’ is provided under the following headings: landscape and visual; heritage; ecology; transport; agricultural land and flooding.

Landscape and Visual Harm

- 4.2.17 Appendix B to the Planning Statement provides a detailed Landscape and Visual Impact Assessment (LVIA) in accordance with good practice guidance set out in the third edition of Guidelines for Landscape and Visual Impact Assessment.
- 4.2.18 The introduction of the proposed development would increase the influence of built development across the Site, resulting in a moderate adverse effect. However, the pattern of vegetation cover in the landscape around the Site is such that existing tree belts and hedgerows would provide considerable screening greatly reducing the overall extent over which the proposed development would be perceived as a new landscape characteristic. The effect on landscape character would not be substantial beyond the Site boundary, with a moderate to minor adverse effect, which would not be significant. Therefore, it is reasonable to conclude that landscape harm is limited.
- 4.2.19 There would be limited visibility of the Proposed Development due to its low height, existing screening around the Site, and the influence of landform. In the short-term, major to moderate adverse visual effects would occur from parts of the Hertfordshire Way along the northern boundary of the northern part of the Site, and from part of Graveley Lane which passes between the northern and southern parts of the Site. From each of these routes the adverse visual effects relate to where there are gaps in the existing boundary vegetation. In the long-term once the proposed mitigation planting has established the visual effects would reduce, and would be no greater than moderate to minor adverse from a limited number of locations in close proximity to the Site. Therefore, it is reasonable to conclude that visual harm is limited.

Harm to Heritage



- 4.2.20 There are no designated heritage assets within the Site and as such there will be no direct impacts upon designated heritage assets. In the case of the proposed development the potential for harm upon designated heritage assets relates solely to potential impacts upon their settings. Assessment of harm resulting from impacts upon the setting of designated heritage assets relates to whether a change would adversely affect those attributes or elements of a designated asset that contribute to, or give it, its significance resulting in change for the worse.
- 4.2.21 The Heritage Assessment confirms that the application site has very limited intervisibility with designated heritage assets within the surrounding 2km Study Area as demonstrated on the updated plan showing Zones of Theoretical Visibility in relation to designated heritage assets (CD107). However, the potential impacts of the proposed development on the settings of heritage assets are not limited to matters of visibility and an understanding of the historic relationship between places is important in understanding the way in which assets are experienced in their settings. In order to comply with the statutory obligation of the decision maker pursuant to section 66(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990, heritage policy obligations contained in part 16 of the NPPF and relevant adopted development plan policies, the Heritage Assessment gives detailed consideration to the anticipated impact of the proposed development on the settings of four groups of heritage assets: the Grade II Listed Graveley Hall Farm and associated structures; the Grade II* Listed St Mary's Church at Little Wymondley; the Great Wymondley Conservation Area, including designated heritage assets within it; and the Scheduled Monument of Wymondley Priory, with associated structures.
- 4.2.22 The assessment concluded that the proposed development is likely to cause 'less than substantial harm' to the settings of all of these assets in terms of the NPPF.
- 4.2.23 An archaeological geophysical gradiometry survey (CD32) undertaken across 85ha within the Site identified three concentrations of anomalies of archaeological interest. The areas of archaeological interest were spatially constrained and covered only 10ha of the Site, with relatively large areas containing no anomalies of definite archaeological origin. Accordingly, following consultation with the North Hertfordshire Council Historic Environment Advisor, an archaeological mitigation strategy was proposed. The strategy is detailed within a draft Written Scheme of Investigation (CD30) which includes provision for preserving in situ any remains located within the three discrete areas of archaeological anomalies via implementation of no dig

solutions and undertaking a programme of archaeological trial trench evaluation to ensure preservation by record within the remainder of the Site.

- 4.2.24 With the implementation of an archaeological mitigation strategy, harm to archaeology will be limited.

Harm to Ecology

- 4.2.25 An Ecological Assessment is provided at Appendix E of the Planning Statement (CD7).

- 4.2.26 The Ecological Assessment concludes that the application site does not form part of any statutory designated Site for nature conservation. There are seven statutory designated sites of national importance located within 5km of the Site. The closest is Purwell Meadows Local Nature Reserve located 1.4km north of the Site. No internationally designated sites are located within 10km of the Site. There are nineteen non-statutory designated sites present within approximately 2km of the Site, the closest Graveley Hall Farm Local Wildlife Site is 350 east from the Site. Whilst the application site lies within a Site of Special Scientific Interest (SSSI) Impact Risk Zone (IRZ); solar schemes of less than 50MW are not listed on the qualifying criteria whereby the LPA would be required to consult Natural England.

- 4.2.27 There will be no direct effect on habitats within any statutory or non-statutory designated sites due to the distances involved, the nature of the proposed development and absence of impact pathways. Indirect effects will be avoided through the implementation of standard good practice in respect of drainage and pollution prevention and runoff control measures during the construction and operation of the proposed development.

- 4.2.28 The main habitat within the application site comprises intensively managed arable land which is of low ecological value. Field boundary features include woodlands, hedgerows and ditches. Whilst these features potentially support a more diverse range of species the solar array has been designed to avoid them with a minimum 12m buffer proposed containing species rich grassland. Direct loss of habitat would be small and would comprise entirely low ecological value arable land, which is widely present in the local landscape.

- 4.2.29 Impacts from construction on protected and notable species will be avoided through standard mitigation measures which can be secured through planning condition and



will ensure compliance with nature protection legislation (primarily the Wildlife and Countryside Act 1981). The proposed development is likely to displace a small number of crop-nesting birds; however, impacts on local populations are considered likely to be negligible and the habitat gains incorporated in to the proposed development will provide a substantially improved foraging resource for such species using the surrounding farmland. The large majority of breeding bird species will benefit substantially from these habitat improvements. No local populations of other protected or notable species are anticipated to be negatively impacted by the proposed development and in fact will benefit from habitat creation. The habitat creation and associated biodiversity net gain that will accompany the proposed development has been re-assessed using the latest Defra Biodiversity Net Gain Calculator Metric (version 4.0). This shows a clear net gain of c.206% in habitat units, plus over 102% gain in hedgerow units (CD109). These are significant positive gains that should be given significant weight in the planning balance.

- 4.2.30 It is the Applicant's case that there would be no significant harm to nature conservation as a result of the proposed development but that there would be significant positive biodiversity gains during the operational life of the solar farm and beyond.

Transport Related Harm

- 4.2.31 Traffic generation during the solar farm's operational phase would be minimal and limited to maintenance engineers in small vans and agricultural access for sheep grazing and /or mowing.
- 4.2.32 The Transport Statement presented in Appendix I of the planning statement concludes that the level of trip generation associated with the construction stage of the proposed development would not be significant in terms of the highway network capacity and would only take place over a limited and temporary period.
- 4.2.33 Overall, the transport related harm would be limited.

Harm to Best and Most Versatile Agricultural Land

- 4.2.34 The application was accompanied by an agricultural land classification report (CD11). This confirmed that the application site contains Grades 2 (32%) and 3a (68%) agricultural land and as a result is classified as best and most versatile (BMV) land.

- 4.2.35 The proposed development is a temporary form of development and the majority of the land beneath the solar panels would remain in agricultural use, through sheep grazing, for the 40-year operational life of the solar farm. After this, it would be returned to full agricultural use following decommissioning. It is also recognised in the appeal decisions referenced above that removing land from intensive agricultural use for the life of the solar farm would improve soil health by increasing the organic matter in the soil and improving soil structure and drainage.
- 4.2.36 BMV agricultural land will not be permanently lost. Agricultural activities would continue throughout the operational period and full agricultural use could be recommenced following decommissioning. Whilst there may be limited harm associated with the temporary loss of versatility and function, there would be long-term benefits to soil health, soil structure and carbon sequestration. Overall, the Applicant considers there to be no harm to best and most versatile land.

Harm by way of Flooding

- 4.2.37 The Flood Risk Assessment (FRA) (CD6) that was provided at Appendix D of the Planning Statement confirms that the majority of the application site lies in Flood Zone 1 and has a low probability of flooding. The only exception is a section of the grid connection route that passes through Flood Zone 3 in the centre of Little Wymondley. This would be a buried cable and as such would not be at risk of flooding or increase the risk of flooding elsewhere. The Environment Agency set out that excavations from cable trenches should not be stored for long period in the flood risk area and the FRA was updated accordingly. As such, the construction works would not increase flood risk elsewhere.
- 4.2.38 There are small parts of the application site that are identified as being at risk from surface water flow pathways from adjacent ditches. However, all sensitive infrastructure would be located outside of these areas and surface water depths would be <300mm. As such, the proposed development would not be at risk of flooding.
- 4.2.39 The analysis of the proposed drainage strategy demonstrates that the implementation of land management measures in addition to the surface water drainage scheme (for the access tracks and associated hardstanding) and overland flow strategy (for the greenfield part of the site occupied by the solar panels) would

ensure that the proposed development would not increase and would actually reduce downstream flood risk compared to the present-day pre-development situation.

4.2.40 Dr Tilford will present evidence that draws on the Technical Note and FRA, as well as the LLFA responses. It is the Applicant's case that the Proposed Development would provide betterment over the current situation and would reduce the peak flow for the present day 1 in 30 AEP rainfall event. This is clearly illustrated by the hydrographs included with the Technical Note at Figure 11 (CD31). As such, the modelling demonstrates that the risk of flooding downstream for events up to and including the 1 in 30 AEP event would be significantly reduced and would comply with the NPPF, local policies and LLFA requirements for betterment.

4.2.41 There will be no harm to risk of flooding downstream.

Conclusions on Other Harm

4.2.42 In weighing up whether very special circumstance exist, the decision maker must take account of all planning matters, whether they cause harm or benefit to the proposal. Accordingly, it is necessary to consider all negative impacts of the proposed development, by virtue of being 'any other harm'.

4.2.43 The Applicant has comprehensively considered all potential environmental matters and has demonstrated that other harm is limited and, with the exception of short-term landscape and visual harm, harm would not be significant.

Other Considerations including Benefits

4.2.44 The other considerations that are relied on by the Applicant to outweigh the harm caused by reason of inappropriateness and any other harm are as follows:

- i) The significant national need to reduce carbon emissions and address the global challenge of climate change, as set out in Section 4 of the Planning Statement (CD2);
- ii) The urgent National need for renewable energy generation to achieve Net Zero by 2050 and a Net Zero electricity system by 2035;
- iii) The significant local need to deliver on North Hertfordshire's declaration of a Climate Emergency and commitment to achieve a net zero District by 2040 as set out on page 8 of their Climate Change Strategy (CD65);

- iv) The significant constraint posed by the extent of the existing Green Belt and AONB designations within North Hertfordshire, which limits the availability, and viability, of delivering renewable energy schemes outside of the Green Belt with a viable grid connection;
 - v) The wider environmental benefits associated with the landscape proposals which will deliver a significant biodiversity net gain well above the emerging national target of 10%; would reduce carbon emissions by taking the land out of intensive arable agricultural use; and will increase carbon sequestration in the soils and proposed vegetation;
 - vi) The reversibility of the proposed development, such that at the end of its operational phase when it is decommissioned, the land could be easily returned to its current use without any significant demolition or land remediation; and
 - vii) The availability of the grid connection at Wymondley, and the immediate deliverability of the Proposed Development in the context that North Hertfordshire has not consented a commercial scale renewable energy generation scheme since 2015.
- 4.2.45 The pressing need to grant planning permission for this solar farm remains following recent updates to the need case set out in FES July 2023 (CD41) and the Climate Change Committee 2023 Report to Parliament (June 2023) (CD47).
- 4.2.46 Indeed, the Climate Change Committee 2023 Report (CD47, page 205) sets out that in 2022 only 0.7 GW of solar was deployed. The report also sets out that the deployment of solar capacity is significantly off track to meet the Government's target of 70 GW by 2035. An average annual deployment rate of 4.3 GW is required to deliver 70 GW of solar by 2035 and current deployment is significantly below this level.
- 4.2.47 An extract of Figure 7.2d on page 207 of CD47 is provided below as **Image 4.1** to illustrate the urgent need to consent solar energy generation::



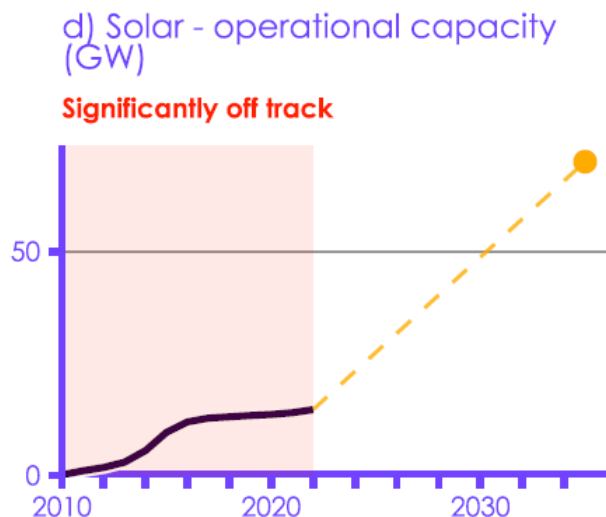


Image 4.1 – Solar Operational Capacity (GW)

4.2.48 All of the above underpin the clear and demonstrable considerations that weigh heavily in support of the Application. These considerations, either individually in terms of need, or cumulatively taking into account the other factors, outweigh the limited and temporary harm caused to the Green Belt and other limited harm, and in doing so demonstrably constitute very special circumstances.

4.3 Consistency with Policies on Climate Change and Flooding

4.3.1 Chapter 14 of the NPPF sets out 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 explicitly supports the development of renewable and low carbon energy and associated infrastructure, such as the proposed development.

4.3.2 Paragraph 155 of the NPPF sets out that the planning system should help increase the use and supply of renewable and low carbon energy such as the Proposed Development. Paragraph 158 sets out that applications for renewable and low carbon development are not required to demonstrate need and that even small-scale developments provide a valuable contribution to cutting greenhouse gasses. Paragraph 158 also sets out that local authorities should approve applications if impacts are (or can be made) acceptable.

4.3.3 There is no requirement to demonstrate a need for the proposed development. However, the significant shortfall in delivery of solar generation capacity in the

context of the 70GW 2035 target should be given substantial weight in the planning balance.

4.3.4 NPPF Paragraphs 159 to 166 seek to direct development away from areas at risk of flooding. Where this is not possible, developments will need to pass the sequential and exception tests.

4.3.5 Paragraphs 167 and 169 of the NPPF require developments to ensure that flood risk is not increased elsewhere and that sustainable drainage systems should be used to achieve this outcome.

4.3.6 The proposed development is in accordance with Chapter 14 of the NPPF in respect of directing development away from areas at risk of flooding and ensuring that flood risk is not increased elsewhere.

4.4 Consistency with Policies for Conserving and Enhancing the Natural Environment

4.4.1 Chapter 15 of the NPPF sets out a framework for contributing to and enhancing the natural and local environment. The following considerations are considered particularly relevant to the determination of the planning statement.

4.4.2 NPPF Paragraph 174 seeks to contribute and enhance amongst other things:

- i) Valued Landscapes, and
- ii) The intrinsic character and beauty of the countryside.

4.4.3 In addition, Paragraph 176 seeks to conserve and enhance the scenic beauty of National Parks, the Broads, and Areas of Outstanding Natural Beauty (AONB). This includes development that might be outside the designated area but within their setting.

4.4.4 The Applicant will demonstrate that the proposed development would not have any significant effects on any 'valued landscape' as defined in the NPPF or on the setting of the Chiltern Hills AONB. In addition, it will be demonstrated that landscape and visual effects would be very localised and in the case of visual effects could be mitigated effectively with 5-10 years. Following decommissioning, there would be beneficial effects associated with the retention of hedgerow and woodland planting.

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

4.4.5 NPPF Paragraph 174 seeks to contribute and enhance amongst other things:

- i) To protect and enhance sites of biodiversity in a manner commensurate to their statutory status, and
- ii) Provide net biodiversity gains and a resilient coherent ecological network.

4.4.6 NPPF Paragraph 180 sets out the principles that decision makers should consider when determining an application. Those principles relevant to the application site and proposed development are summarised below:

- i) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- ii) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- iii) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

4.4.7 It is the Applicant's case that there would be no significant harm to nature conservation as a result of the proposed development but that there would be significant positive biodiversity gains during the operational life of the solar farm and beyond. As such, it can be concluded that the proposed development would not conflict with the NPPF Chapter 15 (as set out above). In addition, the Proposed Development would deliver significantly greater net biodiversity gains than required by the Environment Act (2021).



4.5 Consistency with the Development Plan for the Area

- 4.5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.
- 4.5.2 Section 3.0 of this Statement of Case sets out the planning policy context in terms of the statutory development plan and other considerations. Relevant policies in the development plan will also be agreed with the Council in the Statement of Common Ground.
- 4.5.3 A detailed appraisal of the proposed development against identified relevant policies was provided within the Planning Statement and will be covered in evidence at the inquiry.
- 4.5.4 However, by way of summary, the lead issue in this case is compliance with Green Belt policy and whether harm caused by reason of inappropriateness and other harm is clearly outweighed by other benefits. Policy SP5 of the Adopted Local Plan states that the Council supports the principles of the Green Belt and will only permit development proposals in Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated. This is reflective of Green Belt policy in the NPPF. Section 4.2 above demonstrates that Very Special Circumstances will exist and Green Belt policy is satisfied. Consideration of “any other harm” will include harm to matters such as landscape and visual amenity, highways, ecology and flood risk.
- 4.5.5 Policy NE12 of the NHDC Local Plan relates to renewable and low carbon energy. The policy states that proposals for solar farms involving the best and most versatile (BMV) agricultural land will be determined in accordance with national policy. Paragraph 174 advises that planning policies and decisions should enhance the local environment by recognising the economic and other benefits of Best and Most Versatile agricultural land. Footnote 58 provides that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Unlike many types of development that would result in the long-term irreversible loss of BMV land, solar farms will not lead to permanent loss of BMV as a resource for future generations. The policy then explains that in assessing renewable and low carbon energy proposals against the

policy criteria the Council will give significant weight to their local and wider benefits, particularly the potential to reduce greenhouse gas and other harmful emissions and the social benefits of community owned schemes where this is relevant. A detailed consideration of the matters listed in the policy are fully addressed in the planning application and shown to be acceptable. Local and wider benefits of the scheme are clear and demonstrable. The proposed development accords with Policy NE12.

- 4.5.6 Policy SP11 of the NHDC Local Plan states that it seeks to meet the challenges of climate change and flooding by supporting proposals for renewable and low carbon energy development in appropriate locations. The suitability of the location of the proposed development has been demonstrated. The proposed development supports the aims of Policy SP11.
- 4.5.7 The key environmental considerations with the proposed development are landscape, heritage, ecology, highways and loss of BMV. A summary of the relevant local policies other than those relating to BMV is provided below.
- 4.5.8 Policy NE2 and SP12 of the NHDC Plan and Policy NHE1 of the WNDP are relevant to landscape and visual matters. Policy NE2 provides the landscape criteria against which applications will be determined. If developments accord with them then such applications will be supported. A landscape and visual impact assessment was undertaken which has demonstrated compliance with all criteria in the Policy. The Applicant has demonstrated that the proposed development will respect landscape character, scenic beauty and locally sensitive features and would comply with Policy SP12. Turning to the WNDP, in accordance with Policy NHE1 the application has been accompanied by an assessment of the impact of the proposal on landscape character.
- 4.5.9 In terms of heritage, Policies HE1, HE2, HE3 and HE4 of the NHDC Local Plan and Policy NHE9 of the WNDP are relevant. As explained in Section 4.2, the assessment concluded that the proposed development is likely to cause 'less than substantial harm' to the settings of all heritage assets and with the implementation of an archaeological mitigation strategy, harm to archaeology will be limited. Harm to heritage interests will of course be subsumed in the Green Belt compliance equation but on a standalone basis, any harm to heritage would be outweighed by the wider benefits of the scheme and policy would be complied with.



- 4.5.10 There would be no significant harm to nature conservation interests as a result of the proposed development. Indeed, there would be significant positive biodiversity gains during the operational life of the solar farm and beyond. As a result, the proposed development would comply with policies NE4 of the NHDC Plan or Policies NHE2 and NHE3 of the WNDP.
- 4.5.11 Policy SP6 of the NHDC Local Plan requires applicants to provide assessments, plans and supporting documents to demonstrate the safety and sustainability of their proposals. As explained in section 4.2, the level of trip generation associated with the proposed development would not be significant in terms of the highway network capacity and would only take place over a limited and temporary period. Highway safety issues have been addressed to the satisfaction of the local highways authority. As a result, the proposed development accords with Policy SP6.
- 4.5.12 Drawing all of the policy strands together, the proposed development accords with Green Belt policy and as a result, accords with the development plan when read as a whole. As a result, the proposed development benefits from the statutory presumption in favour of development plan compliant development. There are no material considerations which would indicate that a different result should be reached.

5.0 LIST OF RELEVANT DOCUMENTS

- 5.1.1 The documents to which reference will be made by the Applicant are set out within this SoC and are also contained within the core document list provided at Appendix A. The Applicant reserves the right to add to this list in response to issues which are raised by the Inspectors, Council and other parties to the inquiry.



6.0 SUMMARY AND CONCLUSIONS

- 6.1.1 The proposed development would be situated in the Green Belt. As the Applicant will demonstrate, the harm caused by reason of inappropriateness together with other harm relating to impacts on landscape, heritage, ecology, highways and use of BMV land would be clearly outweighed by other considerations. As a result, the proposed development would comply with national policy contained in chapter 13 of the NPPF and relevant policies in the adopted development plan which deal with protection of the Green Belt.
- 6.1.2 With regard to those other considerations, the proposed development would assist in delivering the need for renewable energy development in the context of the legally binding net zero target established by the Climate Change Act 2008 (2050 Target Amendment) Order 2019. A very ambitious sub-target for decarbonising the electricity system by 2035 has been announced by Government and the Proposed Development would assist in achieving this sub-target.
- 6.1.3 National Grid ESO's Future Energy Scenarios (and associated data) make it very clear that the development of solar PV and other renewable energy sources needs to be accelerated to achieve this net zero target by 2050.
- 6.1.4 The Climate Change Committee 2023 Report to Parliament (28 June 2023) (CD47) clearly sets out that the UK is significantly off track to meet the Government's target of 70 GW by 2035. An average annual deployment rate of 4.3 GW is required to deliver 70 GW of solar by 2035 and current deployment is significantly below this level.
- 6.1.5 At a local level North Hertfordshire only generate c. 10% of their energy requirements from renewable sources and have not consented a commercial scale renewable energy project since 2015 (based on government data). If North Hertfordshire and the Government are serious about their commitment to tackling the climate change emergency action is required now to dramatically alter the current path of future greenhouse gas emissions within the district and nationally.
- 6.1.6 The proposed development is financially viable and can be brought forward well in advance of 2035 to start delivering the reductions in CO₂ envisaged by legislation and national and local policy & strategy.

- 6.1.7 A Climate Change Emergency has been announced by the Council and the Government's target is to achieve Net Zero by 2050 and a decarbonised electricity system by 2035. There is a severe shortage of grid connection capacity in the UK, with new developments now being given connection dates well into the 2030s. This situation is particularly acute in the Council area and is reflected in all solar farm development currently in the planning system being located in the Green Belt.
- 6.1.8 This is a well located solar farm which will make a significant contribution towards meeting renewable energy objectives at both a local and national level. Given that the Applicant is able to show that very special circumstances exist and there are no other reasons why planning permission should be refused, in due course, the Applicant will respectfully submit that the Secretary of State should agree with and endorse the recommendation made by professional planning officers at the Council. As such the proposed development should be supported, and planning permission granted.



Appendix: Core Documents List

