

**LAND AT GRAVELEY LANE AND TO THE EAST OF GREAT  
WYMONDLEY  
APPLICATION BY AGR 4 SOLAR LIMITED FOR A SOLAR ARRAY WITH  
ASSOCIATED BATTERY STORAGE CONTAINERS AND ANCILLARY  
DEVELOPMENT**

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**CLOSING STATEMENT ON BEHALF OF  
NORTH HERTFORDSHIRE DISTRICT COUNCIL**

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*References: 'CD' refers to Core Documents, 'JOG' refers to the Joint Objectors' Group.*

**INTRODUCTION**

1. The central issue for resolution in this application is whether the significant national and local benefits that the proposal would deliver in its contribution to a growth in solar deployment, along with its other benefits, clearly outweigh the harm to the Green Belt and other harm.
2. The Council has carefully considered the balance of benefits and disbenefits that the proposal would bring and judges that in this instance, the harm to the Green Belt by reason of inappropriateness and other harm is clearly outweighed by the benefits. It invites the Secretary of State to come to the same view.

3. These closing submissions provide a summary of the Council's case. They are structured having regard to the Inspector's identification of the main issues on the opening day of the inquiry as follows:
  - a. The effect of the application proposal on the Green Belt;
  - b. The implications of the proposal for meeting the challenge of climate change;
  - c. The effect of the proposal on the character and appearance of the area;
  - d. Habitats and Biodiversity
  - e. Heritage Assets
  - f. Whether the proposal is consistent with policies and guidance regarding the use of agricultural land
  - g. Other Matters
  - h. The Planning Balance including whether the harm to the Green Belt, by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to very special circumstances necessary to justify the development and whether the application proposal would be consistent with the Development Plan and other relevant policies.

## **MAIN ISSUES**

### **The effect of the application proposal on the Green Belt**

4. The application proposal will cause harm both to the openness and the purposes of the Green Belt to which the Council attributes substantial negative weight.<sup>1</sup>
5. In terms of openness, the Council has judged that the proposal will give rise to significant harm to the openness of the Green Belt both in spatial and visual terms. In respect of the spatial element, Mr Robinson was in no doubt that the introduction of development into an area of land where currently there is none would diminish the openness of the Green Belt. However he recognised that, having regard to the approach taken by Mr Mason and the comparison that he drew with a Green Belt housing development<sup>2</sup>, the extent of the spatial effect would be moderated to some extent by the open areas between and under the solar panels and the various landscape

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<sup>1</sup> Paras. 6.7-6.36 of Main Proof of Evidence of Michael Robinson (CD173).

<sup>2</sup> Mason EinC.

buffer zones incorporated into the design of the scheme.<sup>3</sup> In relation to the visual impact on openness, this adverse impact would relate principally to an intermittent range of views around the site but, in accordance with the analysis undertaken by the applicant's LVIA and the Council's consultants (TLP), this impact would in time be mitigated by the proposed planting.<sup>4</sup>

6. The applicant's evidence, through Mr Kendall, dealt specifically with transport-related Green Belt harm.<sup>5</sup> As Mr Robinson explained, he did not address transport-related harm as a separate topic in his analysis in part because he did not consider that it would be at all substantial and would rather result only in a low impact on the Green Belt for a temporary period.<sup>6</sup>
7. The Council stated in opening that it attributes limited weight to the temporary nature of the proposal in the context of Green Belt harm.<sup>7</sup> That continues to be the case. When asked by JOG about this, Mr Robinson acknowledged the concern behind their objection to the description of the development period as temporary, namely the fact that it would be in place for a considerable period of time. The Council recognises the lengthy period of the consent and this is why it gives little weight to the temporary nature of the proposal.<sup>8</sup> However, it is clear that in planning terms, as Mr Griffiths agreed<sup>9</sup>, the application is for a time limited and reversible consent and must be considered on that basis.
8. With regard to Green Belt purposes, the impact of the proposal in relation to the purposes of the Green Belt is judged by the Council to constitute limited harm to purposes (a) (to check the unrestricted sprawl of large built-up areas) and (b) (to prevent neighbouring towns merging into one another), as well as significant harm to purpose (c) (to assist in safeguarding the countryside from encroachment).<sup>10</sup> With regard to the view expressed by Mr Griffiths that purpose (a) is principally related to

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<sup>3</sup> Robinson EinC.

<sup>4</sup> Robinson EinC.

<sup>5</sup> Section 5.2, Kendall Main Proof of Evidence (CD165).

<sup>6</sup> Robinson EinC.

<sup>7</sup> Paras. 6.30-6.31 of Main Proof of Evidence of Michael Robinson (CD173).

<sup>8</sup> Robinson XX by PH.

<sup>9</sup> Griffiths XX by DH.

<sup>10</sup> Paras. 6.21-6.23 of Main Proof of Evidence of Michael Robinson (CD173).

checking sprawl from London<sup>11</sup>, Mr Robinson had no reason to question Mr Griffiths' view on the original intention of the policy but in his view the straightforward wording of the purpose encompassed built up areas in larger towns such as Stevenage, Letchworth and Hitchin with the effect that the application proposal engaged this purpose. With regard to purpose (d), Mr Griffiths' view was that it was not engaged as it is limited to major historic towns in England such as York, Bath, Oxford and Cambridge.<sup>12</sup> Mr Robinson took a more expansive view as to the ambit of purpose (d) but considered that in this case, there would be no appreciable impact on the historic towns of Hitchin, Letchworth and to a lesser extent Stevenage given the distance of the application site from those towns.<sup>13</sup>

9. Given that the Council considers that the very special circumstances test is made out, it does not consider that the proposal conflicts with NPPF Green Belt policy or NHDC Local Plan Policy SP5. It does however consider that there would be some conflict with Wymondley Neighbourhood Plan Policy GB1, which defers to national policy but further states that development proposals should not “impact negatively on Wymondley Parish – particularly in terms of visual impact on the openness of the Green Belt landscape”.
  
10. Finally, taking a step back from the specific impact of the proposal on the Green Belt and considering the status of the North Herts Green Belt more generally, one of the themes pursued by Mr Griffiths in his evidence related to perceived pressure placed upon the North Hertfordshire Green Belt in recent years through the release of Green Belt land for housing through the now adopted NHDC Local Plan.<sup>14</sup> This presented an incomplete picture of the position. When taken as a whole, as Mr Robinson explained, there has in fact been a net gain in Green Belt in the NHDC area following the adoption of the Local Plan in the region of approximately 4000 hectares, resulting in the Green Belt coverage of the district rising from approximately 38% to approx. 47%. This is due to the substantial new area of Green Belt around Offley and Whitwell added through Policy SP5(b) of the Local Plan. Any consideration made of

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<sup>11</sup> Griffiths in response to question from Inspector.

<sup>12</sup> Griffiths in response to question from Inspector.

<sup>13</sup> Robinson in response to question from Inspector.

<sup>14</sup> See e.g. Para. 26 of Griffiths PoE (CD181).

recent loss to the Green Belt when considering the merits of this application should also have regard to the overall gain in recent years.

### **The implications of the proposal for meeting the challenge of climate change**

11. All parties to the inquiry, including JOG, accept that, at very least, significant weight should be attributed by the Secretary of State to the proposal's contribution towards the production of renewable energy<sup>15</sup>, as supported by chapter 14 of the NPPF.
  
12. The Draft NPS EN-3 is accepted by all parties to be a material consideration in the determination of this application and an articulation of the most up-to-date government thinking on issues relating to solar development.<sup>16</sup> It confirms the government's commitment to sustained growth in solar capacity to ensure that we are on a pathway to meeting net zero emissions.<sup>17</sup> It describes solar as being a "key part" of the Government's strategy for low cost decarbonisation of the energy sector<sup>18</sup>, aligning with the Energy White Paper's (December 2020) description of solar as one of the "key building blocks" of the future generation mix.<sup>19</sup> The draft NPS also recognises the important role that solar has to play in delivering the Government's goals for greater energy independence and it expresses support for solar development that is, as here, co-located with other functions such as agriculture to maximise the efficiency of land use.<sup>20</sup> The NPS references the British Energy Security Strategy (April 2022) statement that the Government expects a five-fold increase in solar deployment by 2035 with the current approximate capacity being 14GW.<sup>21</sup>
  
13. As Mr Griffiths recognised, solar is central to the Government's decarbonisation plan.<sup>22</sup>

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<sup>15</sup> Griffiths XX by DH.

<sup>16</sup> Griffiths XX by DH.

<sup>17</sup> Para 3.10.1(CD60).

<sup>18</sup> Para 3.10.1 (CD60).

<sup>19</sup> P. 45 (CD136)

<sup>20</sup> Para. 3.10.2 (CD60).

<sup>21</sup> P. 19 (CD46).

<sup>22</sup> Griffiths XX by DH.

14. Having regard to the applicant's assessment that it would produce the equivalent of the electricity demand from approximately 31% of the homes within the Council's administrative area, the Council considers that this development would make a very significant contribution to providing energy from a renewable source.<sup>23</sup>
15. In relation to the Council's declaration of a climate emergency in 2019 and the ambitious target that it has set itself of achieving a net zero carbon district by 2040<sup>24</sup>, Mr Griffiths accepted that if this is to constitute something more than "nice words", something has to change or things need to be done differently.<sup>25</sup> In resolving to grant consent for this scheme, the Council has sought to take such a positive step towards achieving its target in a context in which it has consented no solar farm development since 2015 and has only a very modest current provision of solar farms.
16. The Council's view is that the proposal is strongly supported by national and local policy regarding the deployment of renewable energy<sup>26</sup> and that very substantial and substantial positive weight should be accorded to its contribution towards renewable energy generation at a national level and meeting local needs respectively.
17. In terms of the approach to local policy, Mr Robinson explained the Council's view that where a proposal is for a solar farm involving the best and most versatile agricultural land, Policy NE12 defers to national policy and that the criteria in NE12 do not apply to such proposals, albeit the criteria that would otherwise be relevant have in any event been addressed by the application.<sup>27</sup>
18. In relation to national policy, as Mr Robinson explained<sup>28</sup>, the revisions made to the NPPF in the immediate run-up to the inquiry, specifically in relation to paragraph 155(a), are not relevant to the determination of the application given that they relate to plan-making rather than decision-taking, which is covered by paragraph 158.

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<sup>23</sup> Para. 8.1.4 Statement of Common Ground (CD140).

<sup>24</sup> Climate Change Strategy 2022 to 2027 (CD65).

<sup>25</sup> Griffiths XX by DH.

<sup>26</sup> Including paragraphs 152, 158 of the NPPF, NPS EN-1 and EN-3 and the emerging drafts, and Policies NE12 and SP11 of the North Herts Local Plan.

<sup>27</sup> Robinson EinC.

<sup>28</sup> Robinson EinC.

19. Finally, in relation to the policy approach to renewable energy in North Hertfordshire, a theme of JOG's case was that renewable energy developments of the scale proposed by this application should be considered through a strategic approach in a development plan.<sup>29</sup>
20. The absence of the site's allocation in a development plan for solar or other renewable energy development is not an impediment to permission being granted. The NHDC Local Plan does not allocate any sites for renewable energy. Although local planning authorities are encouraged by paragraph 155(b) to identify suitable areas for renewable and low carbon energy sources where this would help secure their development, there is no national policy imperative to do so. Further and in any event, as Mr Robinson explained, it is perfectly usual for local planning authorities to consider and approve proposals for development that have not been specifically allocated in a development plan. The world does not stand still whilst new development plans are being prepared and working their way through the system. There is an imperative at a national level for the speedy delivery of renewable energy and no requirement that it only be delivered on allocated land.<sup>30</sup>

### **The effect of the proposal on the character and appearance of the area**

21. The landscape and visual impacts of the proposal have been one of the central concerns of the local community during the inquiry, as articulated by JOG. As ever, landscape and visual impacts are best concerned through a site visit and the Inspector will now have had the opportunity to consider those impacts on the ground to inform the recommendation to the Secretary of State.
22. In visual terms, part of the concern on the part of the local community appears to have arisen from a misunderstanding of the landscape mitigation proposed and its likely screening effects in the medium to long term. A useful comparison can be drawn between the images produced by Mrs Simpson in her presentation with red blocks designed to depict the perceived effects of the proposal on the enjoyment of local

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<sup>29</sup> E.g. Mr Harding asked Mr Robinson if he felt uncomfortable about with the scale of development proposed that in his view was "based on opportunism and lottery rather than a plan that has gone through a consultation period."

<sup>30</sup> Robinson XX by PH.

footpaths<sup>31</sup> and the professionally produced viewpoints in the applicant's LVIA.<sup>32</sup> The Council considers that it is only the latter that present an accurate assessment of the visual effects.

23. The Council takes the view that there will be both landscape and visual harm caused by the proposal but not of the nature or extent that the community fears. The impacts will be localised and will not extend to the Chilterns AONB, as agreed by the professional landscape consultants, Mr Mason and TLP.<sup>33</sup>
  
24. The conclusions of the Council, informed by TLP, are broadly similar to the conclusions reached by the applicant's LVIA. The Council takes the view that there would be significant landscape harm in that the proposal would result in moderate to major adverse impacts at the site and local scale in landscape character terms, but that improvements to the landscape character area would be achieved following decommissioning due to landscape mitigation measures.<sup>34</sup> There will be some significant adverse effects in respect of views from parts of the Hertfordshire Way in the early years of the operation of the development but these would be effectively mitigated through planting such that the medium to long term effects would not be significant.<sup>35</sup>
  
25. The Council's position is that the adverse landscape character and visual impacts of the proposal should be given moderate negative weight in the planning balance.<sup>36</sup> It considers that although the proposal is not in landscape terms unacceptable overall, the harm gives rise to an element of conflict with Policy NE2 of the NHDC Local Plan, specifically criterion (b).

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<sup>31</sup> CD210.

<sup>32</sup> See e.g. CD74-CD77, Figures 9(c)(i) and (ii) - the 0 and ten year view from the North Herts Way at VP1 and CD84 and CD85, the 0 and ten year views from the North Herts Way at VP7.

<sup>33</sup> See CD86A, para. 5.3.15 where TLP find that effects on VP16 within the AONB would not be significant.

<sup>34</sup> Paras. 7.17-7.19, 7.25 of Main Proof of Evidence of Michael Robinson (CD173).

<sup>35</sup> Paras. 7.20-23 of Main Proof of Evidence of Michael Robinson (CD173).

<sup>36</sup> Para 4.4.4 of Main Proof of Evidence of Alistair Hoyle (CD156).



## **Habitats and Biodiversity**

26. There has been no objection to the proposal from any nature conservation organisation or consultee. Most recently, Hertfordshire LEADS<sup>37</sup> wrote to the Council on 15 September 2023 to confirm that following the submission by the applicant of a revised BNG assessment based on the updated Metric 4.0, its advice remained that the application could be determined with no ecological objection subject to conditions. The Council accepts its advice that the predicted biodiversity net gain is “ambitious but, in principle can be achieved” and that “BNG well in excess of the Government’s proposed minimum requirement of 10% would be delivered and that impacts on biodiversity do not represent a fundamental constraint on the proposed development.”<sup>38</sup>

27. When asked by the Inspector to provide her overarching view on the ecological impacts of the proposal, Mrs Hamilton expressed an in principle objection to any solar development on greenfield sites. This is wholly inconsistent with the national and local policy approach towards the location of solar farms. It is also inconsistent with the acceptance by Mr Griffiths that the applicant has demonstrated that, given local constraints, there is an in principle need for this development to be on a greenfield site.<sup>39</sup> Leaving that matter to one side, her focus in terms of ecological matters reflected a concern about appropriate management of solar farms in order to achieve biodiversity gain and a concern, particularly with regard to bats and ground nesting birds, about the success of mitigation strategies. Mrs Hamilton’s input to the inquiry has resulted in proposals by the applicant for a more robust set of ecological conditions to secure e.g. a skylark mitigation strategy, with which the Council is content. Based on the advice of Hertfordshire LEADS and the applicant’s evidence, it does not however consider that her objection is an impediment to the approval of the proposal. The matters about which Mrs Hamilton was concerned are appropriately addressed by conditions, which require further details to be submitted and agreed by the Council in due course.

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<sup>37</sup> Landscape, Ecology, Archaeology, Design and Sustainability.

<sup>38</sup> CD220.

<sup>39</sup> XX by DH.

## Heritage Assets

28. The Council<sup>40</sup>, the applicant and Historic England's views as to the heritage impact of the proposal are in broad alignment. It is agreed between these parties that the proposal would give rise to less than substantial harm at the lower end of the scale to a number of local designated heritage assets through development within their setting.
29. By contrast, the position of Mr Jackson, in identifying that there would be substantial harm<sup>41</sup> to a large number of local designated heritage assets, is that of an outlier.
30. Mr Jackson was plainly passionate about the history of the Wymondleys and their buildings, particularly those in Great Wymondley. However, he has no professional qualifications in relation to heritage matters and has never authored a heritage impact assessment.<sup>42</sup> He also appeared to be unfamiliar with the NPPF approach to the categorisation of harm to designated heritage assets and, when asked about this, his 'on-the-spot' assessment that the proposal would result in substantial harm was not reasoned or indeed credible having regard to the gulf between his view and that of suitably qualified experts. His criticism of Historic England and the Applicant for being insufficiently thorough in their analysis of the impact of the proposal betrayed a lack of understanding of the "proportionate" approach to heritage analysis advocated by NPPF para. 194. He was not in a position to make the same criticism of the Council because he had not seen fit to read the Officer's Report to Committee, which sets out the Council's views on the heritage harm, before drafting his written evidence or appearing at the inquiry.<sup>43</sup>
31. In this context, the weight that should be afforded to his evidence is very limited. By contrast, the Inspector and Secretary of State have before them a broad harmony of views from the government's statutory heritage body as well as the Applicant's expert heritage witness and the Council. The views of suitably qualified heritage professionals should be given substantial weight and in particular the advice provided by Historic England should be given considerable weight and only departed from for

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<sup>40</sup> Endorsed by the NHDC Conservation Officer, see para. 9.5 of Main Proof of Evidence of Michael Robinson (CD173).

<sup>41</sup> Jackson in response to question from Inspector.

<sup>42</sup> XX by DH.

<sup>43</sup> XX by DH.

cogent and compelling reasons.<sup>44</sup> Mr Jackson presented no such cogent or compelling reasons to do so.

32. With regard to the impact of the scheme on archaeology, Mr Jackson was extremely keen to emphasise the potential archaeological significance of the site<sup>45</sup>. But that is not in dispute. The Council and the applicant recognise that the site, in the light of the conclusions of the applicant's geophysical survey and the advice received by the Hertfordshire County Council Archaeological advisor, has high potential for significant archaeological remains. The Council, on the advice of the HCC archaeological advisor, is satisfied that the mitigation strategy put forward by the applicant to be secured by condition, which includes substantial no dig areas in the locations of high potential and post-determination trial trenching across 3% of the remainder of the site, is appropriate and accords with relevant national and local policy.<sup>46</sup> As Ms Roy explained, 3% trial trenching is an industry standard.<sup>47</sup> Mr Jackson's objection to no dig areas, on the basis that the preservation of remains of potentially significant interest *in situ* would not further understanding of the Wymondleys' history, reflected a personal wish to discover more about the area. It did not reflect the approach of Policy HE4 of the North Herts Local Plan or the clear "policy preference" expressed in the draft Written Scheme of Investigation.<sup>48</sup> As Ms Roy explained, preservation *in situ* is considered to be very important and preferable in this instance because it allows the preservation of the remains for future generations when there may be a better understanding of archaeology and advances in archaeological methods.<sup>49</sup>

33. As for the potential impacts of the use of ground mounted solar panels in no dig areas and trial trenches on best and most versatile agricultural land, Mr Kernon did not consider that these would affect land quality.<sup>50</sup> Similarly, Dr Tilford did not consider

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<sup>44</sup> (*R (Hayes) v. York City Council* [2017] PTSR 1587 at [92]).

<sup>45</sup> Jackson EinC.

<sup>46</sup> Paras. 9.8-9.11 of Main Proof of Evidence of Michael Robinson (CD173).

<sup>47</sup> Roy EinC.

<sup>48</sup> Para. 5.7 (CD30).

<sup>49</sup> Roy EinC.

<sup>50</sup> Kernon EinC.

that either measure would result in adverse impacts in respect of drainage from the site.<sup>51</sup>

**Whether the proposal is consistent with policies and guidance regarding the use of agricultural land**

34. The most recent government thinking on best and most versatile agricultural land is that expressed in draft NPS EN-3, which states that land type should not be a predominating factor in solar site selection. It also states that where possible, PDL, brownfield, contaminated and industrial land should be used and that poorer quality land should be preferred over higher quality land, avoiding the use of BMV where possible.<sup>52</sup> As Mr Griffiths pointed out, this is a ‘watering down’ of the statement regarding BMV in the previous draft NPS EN-3. He also expressed his view that policy on agricultural land in general has been watered down over a 50 year period such that national policy is now only to ‘consider’ its benefits in decision-making as per para. 174(b) NPPF.<sup>53</sup> Mr Griffiths accepted that the government’s watering down of this policy in respect of solar farms reflects the fact that pressure from competing interests is now different to some 50 years ago and that there is a government acceptance that solar farms will need to be on agricultural land, and Green Belt where appropriate.<sup>54</sup> Although the WMS from 2015 refers to compelling evidence being required for solar farms to be located on BMV land, this is now rather aged and as Mr Robinson pointed out, countless documents have been produced by the government since then, including several revisions of the NPPF and the draft NPS EN-3, which do not prohibit solar development on good quality agricultural land.<sup>55</sup>

35. In terms of the use of grade 2 and 3a agricultural land in this instance, Mr Kernon explained that grade 2 and 3a land is not rare in the local area<sup>56</sup> and that for practical purposes, there was not much difference between the two categories of BMV found

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<sup>51</sup> XX Tilford by PH and questions from Inspector

<sup>52</sup> Para. 3.10.14 (CD60).

<sup>53</sup> XX by DH.

<sup>54</sup> XX by DH.

<sup>55</sup> In response to question from Inspector.

<sup>56</sup> XX by PH.

on this site.<sup>57</sup> He also explained the practical difficulties in undertaking a desk-based exercise to identify poorer quality agricultural land given the limitations of the Natural England maps, which date to the 1970s, and the fact that it is only when one goes to site with a soil auger that the actual quality be determined.<sup>58</sup>

36. Importantly, this proposal will not result in loss of BMV given that the proposed conditions secure sheep grazing during the operation of the development. The Council does consider that negative weight should be attributed to the loss of productivity/flexibility in terms of agricultural production but does not consider that the proposal is inconsistent with policy or guidance on BMV use. In terms of weight, Mr Robinson now takes the view that this should only attract limited negative weight in the light of Mr Kernon's evidence regarding the scale of contribution to cereal production presently made by the site in a national context.<sup>59</sup>

## **Other Matters**

### *Flooding*

37. It is accepted by all parties to the inquiry that the flood risk and drainage strategy proposed by the applicant will result in a betterment in terms of flood risk in Little Wymondley.<sup>60</sup> As Dr Tilford explained, research<sup>61</sup> suggests that solar farms have a negligible effect on the hydrological response if the site comprises of grassland and that given that the application site currently comprises bare earth for part of the year, that change in itself would be likely to reduce run off rates. However, the scheme includes 6 attenuation storage areas as a belt and braces approach to ensure that the development will result in a significant betterment in terms of the run off from the site and a marginal betterment within Little Wymondley having regard to the fact that the site is only a small contributing part to the catchment that causes flooding in the village.<sup>62</sup>

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<sup>57</sup> In response to question from Inspector.

<sup>58</sup> EinC.

<sup>59</sup> Robinson EinC.

<sup>60</sup> Paul Harding Evidence in Chief re. Flooding.

<sup>61</sup> CD89.

<sup>62</sup> Tilford EinC.

38. As confirmed by the Council in the Conditions Round Table, the applicant, the Council and the Lead Local Flood Authority have now agreed a set of conditions that will secure the betterment described by Dr Tilford. The Council is satisfied that the proposal meets relevant development plan and national policy in chapter 14 NPPF in respect of flood risk, and takes the view that the modest betterment to the flood risk position in Little Wymondley is a benefit to which limited positive weight should be attributed in the planning balance.
39. The Council is also satisfied with the additional wording suggested by the Applicant in its Technical Note produced during the inquiry in relation to proposed conditions in order to manage the cable laying works, specifically in respect of the storage of spoil and the management of flood risk during the excavation of cable trenches.<sup>63</sup>

#### *Site Selection*

40. The Officer's Report to Committee noted that national policy and guidance does not set a sequential test whereby non-Green Belt land must be considered before Green Belt land for solar farms. The Report further noted that physical restraints were likely to influence the site selection process "such as access to the national grid or capacity limitations".<sup>64</sup> This reflects the subsequently published draft NPS EN-3, which describes the capacity of the local grid network to accept the likely output as "critical to the technical and commercial feasibility of a development proposal"<sup>65</sup> as well as advising that land type should not be a "predominating factor" in determining the suitability of the site location".<sup>66</sup> It also reflects the applicant's site selection process as explained by Mr Collier<sup>67</sup>, which, due to network capacity and curtailment issues, as well as substation constraints both in terms of the substation itself and the practical challenges of cable running to the substation, landed upon the Wymondley Substation as the deliverable and achievable option within the area.

### **The Planning Balance**

#### *Benefits and Harms*

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<sup>63</sup> Cable Route Works Technical Note, paras. 27-34 (CD216).

<sup>64</sup> Para 4.5.182 (CD35A).

<sup>65</sup> Para. 3.10.35 (CD60).

<sup>66</sup> Para. 3.10.14 (CD60).

<sup>67</sup> CD232.

41. The harm side of the equation comprises harm to the Green Belt, landscape and visual impact, heritage harm and harm through the loss of flexibility/productivity of best and most versatile agricultural land for the development.
42. In relation to benefits<sup>68</sup>, beyond the very substantial and substantial positive weight attributed to the contribution made to renewable energy generation in general and in North Hertfordshire specifically, the Council also considers that positive weight should be attributed to the economic and energy security benefits (significant weight) of the proposal, the biodiversity net gain (moderate weight), the achievement of betterment to local drainage and flood risk (limited) and the introduction of new permissive footpaths for the duration of the operation of the development (minor).

#### *The Heritage Balance*

43. Paragraph 202 of the NPPF identifies that less than substantial harm to identified heritage assets must be weighed against the public benefits of development proposals. The Council's position is that the public benefits are cumulatively of sufficient weight to outweigh the low level of less than substantial harm to designated heritage assets.

#### *Very Special Circumstances*

44. The impact of the proposal on the Green Belt would be substantial and harmful even though it would not be permanent. In this case, the Council considers that the Green Belt harm taken together with the other harms identified relating to landscape and visual impact, heritage and loss of agricultural land productivity, is clearly outweighed by the public benefits, taken as a whole but with particular regard to the climate change context and the need to accelerate deployment of renewable generation at a national and local scale. The effect of this is that it is the Council's view that the very special circumstances test is met on this occasion.

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<sup>68</sup> Paras. 13.9-13.11, 13.13 of Main Proof of Evidence of Michael Robinson (CD173).

*Whether the application proposal is overall in accordance with the development plan*

45. The proposal gives rise to some conflict with Policy NE2 of the Local Plan and Wymondley Neighbourhood Plan Policy GB1 in respect of landscape and Green Belt matters but that it otherwise accords with relevant policies of the development plan. Taking the development plan as a whole and considering the limited policy conflict, the Council's view is that the development is in accordance with the development plan and that material considerations do not indicate that permission should not be granted.

## **CONCLUSION**

46. It is the Council's view that the application should be granted consent and it invites the Secretary of State to permit the development proposed.

**CAROLINE DALY**

**Francis Taylor Building**

**22 September 2023**