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**Mr Phil Roden**  
(Axis)

Your Ref:

Our Ref: APP/X1925/V/23/3323321

Date: 9<sup>th</sup> October 2023

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Dear Mr Roden,

**Town and Country Planning Act 1990 - Section 77 and Town and Country Planning (Inquiries Procedure) (England) Rules 2000**

**Application by: AGR 4 Solar Limited**

**Site Address: Land at Graveley Lane and to the East of Great Wymondley, Hertfordshire**

**Regulation 2(4) notice**

I refer to the above application. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990, if the Secretary of State is minded to grant planning permission subject to pre-commencement conditions he may only do so with the written agreement of the applicant to the terms of those conditions.

The Inspector has proposed in this case that any planning permission granted should include the following pre-commencement conditions. The numbers of conditions are subject to change.

1. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The CEMP shall include details of the following:
  - i) A timetable for the construction works.
  - ii) The control and management of noise and dust during the construction phase.
  - iii) On-site waste management.
  - iv) A risk assessment of potentially damaging construction activities.
  - v) Identification of biodiversity protection zones.

- vi) Physical measures and sensitive working practices to avoid or reduce impacts during construction (which may be provided as a set of method statements).
- vii) The location and timing of sensitive works to avoid harm to biodiversity features.
- viii) The times during the construction period when specialist ecologists need to be present on site to oversee works.
- ix) Responsible persons and lines of communication.
- x) The role and responsibilities on site of an ecological clerk of works or similar competent person.
- xi) The use of protective fences, exclusion barriers and warning signs.
- xii) Soil management across the site.
- xiii) A flood management plan, which shall include a requirement for the contractor to sign up to the Environment Agency flood warning service, and which shall set out the actions to be taken in the event that a Flood Alert and/or Flood Warning is received from the Environment Agency (including a requirement that no new trenches are excavated until the Environment Agency has issued an All Clear).
- xiv) Construction and storage compounds, and post-construction reinstatement of these areas.

The development shall be implemented in accordance with the approved CEMP throughout the construction period.

Reason – To safeguard the living conditions of nearby residents, to ensure that construction works do not have a harmful environmental effect, and to ensure that there is no obstruction to flood water flows and no increase in flood risk elsewhere during construction of the development.

2. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved in writing by, the local planning authority. The CTMP shall include details of the following:

- i) Construction vehicle numbers, type and routeing.
- ii) Access arrangements onto the site.
- iii) Traffic management measures.
- iv) Areas designated for car parking, loading/unloading and vehicle turning.
- v) Wheel washing facilities.
- vi) Arrangements for the cleaning of site entrances, internal site tracks and the adjacent public highway.

The development shall be implemented in accordance with the approved CTMP throughout the construction period.

Reason - In the interest of highway safety, to safeguard the living conditions of nearby residents, and to ensure that construction traffic does not have a harmful environmental effect.

3. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The LEMP shall include the following:

- i) Description and evaluation of features to be managed.

- ii) Ecological trends and constraints on the site that might influence management.
- iii) The aims and objectives of management.
- iv) Appropriate management options for achieving aims and objectives.
- v) Prescriptions for management action.
- vi) A work schedule, including an annual work plan capable of being rolled forward over five-year periods to a minimum period of 30 years from the date of first export of electricity to the grid.
- vii) Details of the organisation responsible for implementation of the plan.
- viii) Ongoing monitoring and remedial measures.
- ix) Details of species selected to achieve target habitat conditions as identified in the biodiversity metric 4.0, and stated and marked on plans.
- x) Measures to safeguard wildlife, in accordance with paragraphs 4.7.1-4.7.46 of the Ecological Assessment Report ref AxisL-043—1480.
- xi) Details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured.
- xii) The means by which contingencies and/or remedial action will be identified, agreed and implemented in order that the development delivers the biodiversity objectives of the approved scheme.

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

Reason - To ensure the delivery of measurable biodiversity net gain.

4. No development shall take place until a Fire Risk Management Plan (FRMP) has been submitted to, and approved in writing by, the local planning authority. The FRMP shall include details of battery management, response to fire at the development, and emergency vehicle access.

Reason - To manage fire risk and ensure public safety.

5. Notwithstanding any details submitted, no development shall take place until details of hard and soft landscaping (the landscaping scheme) have been submitted to, and approved in writing by, the local planning authority. The landscaping scheme shall include details of the following:

- i) A timetable for implementation of the scheme.
- ii) External hard surfacing materials.
- iii) Means of enclosure.
- iv) Proposed and existing services above and below ground.
- v) Soft landscape works including planting plans, written specifications for cultivation and other operations associated with plant and grass establishment, and schedules of plants including species, plant sizes and proposed numbers or densities.
- vi) Finished levels and contours.

The landscaping shall be implemented in accordance with the approved scheme and timetable. Any tree or shrub which forms part of the approved landscaping scheme, and which, within a period of 5 years from planting, fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be agreed with the local planning authority.

Reason – To safeguard the character and appearance of the area.

6. Notwithstanding the submitted Archaeological Mitigation Strategy – Written Scheme of Investigation (WSI) by AOC Archaeology Group, ref 25806/80064, no development shall take place until the pre-development actions specified in a revised WSI, which has been submitted to and approved in writing by the local planning authority, have been completed. The scheme shall include:

- i) The programme and methodology of site investigation and recording.
- ii) Identification of the no-dig areas.
- iii) The programme for post investigation assessment.
- iv) Arrangements for analysis of the site investigation and recording.
- v) Arrangements for publication and dissemination of the analysis and records of the site investigation.
- vi) Arrangements for archive deposition of the analysis and records of the site investigation.
- vii) Nomination of a competent person or organisation to undertake the works set out within the revised WSI.

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

Reason –To safeguard and to ensure the investigation and recording of archaeological assets within the site.

7. No development, including ground works and ground preparation works, shall take place until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The submitted surface water drainage scheme shall include:

- i) Methods to ensure that surface water run-off generated from the development site does not exceed run-off rates from the undeveloped site for the corresponding rainfall event up to and including 1 in 100 years + climate change critical storm.
- ii) Methods to ensure that the scheme provides betterment in respect of the pre-development overland flow paths for the 1 in 30-year event.
- iii) A condition survey of the 285m culvert that crosses the northern part of the site.
- iv) Retention of the existing overland flow pathways across the site free of obstruction.
- v) Detailed drawings of the attenuation basins including location, size, volume, depth, inlet and outlet features, connecting pipe runs and all calculations and modelling to ensure that the scheme caters for all rainfall events up to and including the 1 in 100 year + climate change event.
- vi) Detailed drawings of all proposed discharge locations, including headwall details, and evidence of land ownership with evidence of any required third-party permissions.
- vii) Run-off quality treatment.

- viii) Provision of half drain down times for surface water drainage features within 24 hours.
- ix) Silt traps for protection of any residual tanked elements.
- x) Arrangements for maintenance and management of the scheme.
- xi) A timetable for implementation of the scheme.

The development shall be carried out in accordance with the approved scheme and timetable.

Reason – To ensure adequate drainage provision and to avoid an increased risk of flooding, both on and off the site.

8. No development shall take place until a scheme of interim and temporary drainage measures during the construction period have been submitted to, and approved in writing by, the local planning authority. The scheme shall provide full details of the responsibility for maintaining the temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. Construction shall be carried out in accordance with the approved scheme.

Reason - To ensure adequate drainage provision and to prevent flooding and pollution offsite.

9. No development shall take place until an arboricultural method statement identifying measures to protect trees and hedgerows to be retained, has been submitted to, and approved in writing by, the local planning authority. The statement shall include a tree and hedgerow protection plan and measures to protect trees and hedgerows during site preparation, construction, and landscaping operations.

Reason - To protect trees and hedgerows, and to safeguard the character and appearance of the area.

10. No development shall take place until a Skylark Mitigation Strategy has been submitted to, and approved in writing, by the local planning authority. The Skylark Mitigation Strategy shall include details of the following:

- i) Identification of the proposed area for the implementation of mitigation.
- ii) Details of how the area will be managed.
- iii) Arrangements to secure the delivery of proposed measures, including a timetable of delivery; and a management and monitoring plan for a period of not less than 5 years from the date of first export of electricity to the grid. Ecological monitoring reports should be submitted to the Local Planning Authority in year 2 and year 5 of the plan.
- iv) Identification of persons responsible for implementing the measures included in the strategy.

The development shall be carried out in accordance with the approved strategy and timetable, and the mitigation measures shall be retained for the lifetime of the development.

Reason – To provide alternative foraging and nesting opportunities for skylarks displaced from the application site.

11. No development shall take place until detailed engineering drawings of the accesses, as shown on plans ref 3004-01-D04 and 3004-01-D05, have been submitted to, and approved in writing by, the local planning authority. The drawings shall include details of hardsurfacing for at least the first 20 metres from the back edge of the carriageway and associated drainage, and visibility splays of 2.4m x 105m to the west and 2.4m x 148m to the east, within which there shall be no vertical obstruction between 0.6m and 2m. No other development shall take place until the site accesses arrangements have been constructed in accordance with the approved drawings.

Reason – In the interest of highway safety.

12. No development shall take place until detailed engineering drawings of the passing bay on Graveley Lane, as shown on plans ref 3004-01-D04 and 3004-01-D05 have been submitted to, and approved in writing by, the local planning authority. The drawings shall include measures to demonstrate how the passing bay will be prevented from being used for parking purposes. No other development shall take place until the passing bay has been provided in accordance with the approved drawings.

Reason – In the interest of highway safety and the free movement of traffic.

**Each of these conditions should be a pre-commencement condition, since the matters with which they are concerned need to be resolved before development works take place. Can you please either:**

- i. Provide written confirmation that you accept the proposed conditions; or
- ii. State why you do not agree to the imposition of the proposed pre-commencement conditions; or
- iii. Provide comments on the proposed conditions.

If we do not receive a response within 10 working days from the date of this letter in accordance with Regulation 2(1)(b) of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 you will be deemed to have given consent and the Secretary of State will be able to impose the proposed pre-commencement conditions without your express approval.

If you are not agreeable to some or all of the pre-commencement conditions, it will be a matter for the Secretary of State to decide whether the condition(s) in dispute need to be pre-commencement conditions. However, if the pre-commencement conditions are considered necessary to make the development acceptable in planning terms, planning permission cannot be granted without them and the appeal may be dismissed.

Please note that the above is without prejudice to the Secretary of State's consideration of the application, or the final decision on the application. I have

copied this letter to the Local Planning Authority and to the Joint Objectors Group.

Yours sincerely

*Alison Dyson*

Inquiries & Major Casework