

DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 20 July 2016

Application Number	3/15/2254/FUL
Proposal	Change of use of land from agriculture to mixed use for agriculture and use for the generation of renewable energy (Solar)
Location	Land at Mill Farm, Mentley Lane, Great Munden
Applicant	Mr S Bradshaw, Push Energy Ltd
Parish	Great Munden
Ward	Mundens and Cottered

Date of Registration of Application	9 November 2015
Target Determination Date	22 July 2016 (agreed extension of time)
Reason for Committee Report	Major application
Case Officer	Michael Chalk

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

1.0 Summary

- 1.1 The proposed solar farm would make a significant contribution to the District's energy needs, providing 5 megawatts of power, equivalent to the demand of around 1,500 homes. The scale of the development has been significantly reduced from the application that was refused permission in 2014, with the number of panels reduced by almost 50% and the scale of visual impact in the local area reduced accordingly.
- 1.2 The development would occupy good quality agricultural land, and it is acknowledged that the proposal would have some impact on the surrounding rural landscape. The concerns that have been expressed in relation to this by the Landscape Officer and third parties are recognised.
- 1.3 However, there is no evidence of more suitable alternative sites for a development of this scale within the district, and the impact of the development on the character and appearance of the surrounding rural area is, on balance and with appropriate landscaping, considered to be an acceptable one.

- 1.4 Officers consider that, in these circumstances, the benefits of the proposal in terms of the provision of renewable energy would significantly outweigh the harm arising from it.

2.0 Site Description

- 2.1 The proposed development site comprises agricultural land of a total area of approximately 7.7 hectares to the north of the villages of Nasty and Great Munden. The land is part of the agricultural holding of Mill Farm, the farmhouse of which lies around 600 metres to the west of the application site. The total area of the Mill Farm agricultural holding comprises 283 hectares of land. The application site therefore comprises approximately 2.7% of the total area of the farm holding.
- 2.2 The development site has been reduced by approximately 9 hectares in size from the previous 2014 application (ref: 3/14/1058/FP), where 39,000 panels were proposed to cover around 17 hectares of land at Mill Farm. As now proposed, the panels (19,584) would be sited on the western half of the earlier application site with the eastern half retained for agricultural use.
- 2.3 The land lies within the Rural Area Beyond the Green Belt and has no known historic use other than for agriculture. It falls within the Cherry Green Arable Plateau, area 141 of the East Herts District Landscape Character Assessment as detailed in the Council's Supplementary Planning Document. The site occupies an irregular footprint, roughly 225 metres in width from west to east, and 330 metres from north to south. The site slopes upwards from the south-east up to the north-west, rising by approximately 10 metres in elevation between the lowest ground to the highest points.

3.0 Background to Proposal

- 3.1 The site is shown on the attached Ordnance Survey extract. The solar farm would comprise a total of 19,584 solar panels arranged in 48 rows of mounting racks at the site, together with 2 transformers/inverter pods; 1 communications cabinet; 2 substations, and 22 CCTV cameras mounted on poles around the perimeter of the site. The site would be contained within a compound defined by 2 metre high deer fencing, with the associated equipment (other than the panels) set either in the south-west corner, or the centre of the site.
- 3.2 A cable is currently proposed to run underground from the site to connect the panels to the National Grid around 900 metres to the northwest of the site.

- 3.3 No permanent lighting is proposed at the site. Additional landscaping would be planted around the site boundary to reduce the visibility of the panels and associated structures.
- 3.4 A previous application on the site for a 10 megawatt solar farm comprising around 39,000 panels was submitted in 2014 (ref: 3/14/1058/FP). Following public consultation, the application was presented to the Development Management committee in November 2014 with a recommendation for approval. The Committee, however resolved to refuse permission for the following reason:

The proposed development would have a harmful impact on the visual character of the landscape in which it is proposed to be sited which could not be satisfactorily mitigated by additional landscaping. The benefits of the proposal would not outweigh this resulting harm and the proposal is thereby contrary to policies SD3 and GBC14 of the East Herts Local Plan Second Review April 2007 and national policy in the National Planning Policy Framework

4.0 Key Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007. Guidance in the National Planning Practice Guidance (NPPF) is also relevant to the consideration of this application.

Key Issue	NPPF	Local Plan policy
The principle of siting a large scale solar development on greenfield agricultural land within the Rural Area Beyond the Green Belt	Chapter 11	GBC3, SD3, GBC8
The visual and landscape impact of the proposed development	Chapter 11	GBC14, GBC3, ENV2, ENV1

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Emerging District Plan

5.1 In relation to the key issues identified above, the policies contained in the emerging District Plan do not differ significantly from those contained in the adopted Local Plan and the NPPF as identified above. Given its stage in preparation, little weight can currently be accorded to the emerging Plan.

6.0 Summary of Consultee Responses

6.1 The Council's Landscape Officer has commented that the nature and scope of the proposals will have a relatively high magnitude of effect on the landscape character of the local area as perceived by people who live in or around the village of Nasty, although not necessarily by the wider public. The Officer considers that the solar farm will inevitably appear conspicuous in the landscape from those viewpoints where it can be seen. However, the proposed gap fill planting will improve the existing level of screening in time.

6.2 The Landscape Officer further comments that the array may not be generally seen as a dominant feature within the wider landscape setting. However, he considers that solar farms are better sited on brownfield or industrial sites, or urban fringe mixed use areas and low grade or contaminated land. On balance, therefore, he recommends refusal of the application with the intended aim of directing the development to those sorts of sites.

6.3 The Herts & Middlesex Wildlife Trust state that the development will deliver net gains to biodiversity provided that an appropriate ecological design strategy is put in place, and its requirements implemented as part of any approval.

6.4 The County Council's Flood Risk Management team have recommended that a condition relating to surface water drainage rates on the access road be imposed to prevent an increased rate of run-off. The team have also advised that the development could potentially affect drainage of the site during construction and operation of the site, and recommends conditions relating to drainage during these times.

6.5 The Environment Agency has commented that the site falls within an area of 1 in 100 year flood risk, and flood protection measures should be incorporated into any new development.

6.6 The County Council's Highways team have reviewed the submitted Construction Traffic Management Plan and confirmed that, subject to detailed points that can be controlled by condition; the development would not result in an unacceptable traffic impact. Those conditions

would include a restriction on HGV movements outside the hours of 09:30 to 16:30 Monday to Friday and 08.00 to 13:00 on Saturdays.

- 6.7 The Campaign to Protect Rural England has objected to the application on the grounds of impact on the character of the landscape and the loss of agricultural land.
- 6.8 The County Council's Historic Environment advisor states that the development would be acceptable on archaeological grounds, subject to the carrying out of an archaeological survey prior to any construction works beginning on site.
- 6.9 The Council's Engineers have recommended that the potential for a new swale to accommodate drainage at the site be provided as part of the development.

7.0 Parish Council Representations

- 7.1 Great Munden Parish Council objects to the application. It considers that the revisions from the previous application fail to overcome the reasons for refusal of that proposed development. The proposed landscaping would be inadequate to fully screen the panels from view in the surrounding area. The security measures would create a "cordoned off urban industrial site" in this rural location. The panels, while reduced in number from the previous application, would be sited in the highest and therefore most visible part of the application site.
- 7.2 The Parish Council considers that the development would have an unacceptable impact on an area of unspoilt landscape. In addition, it would involve the loss of an area of productive farmland at a time when the country imports 40% of its food and drink.
- 7.3 The Parish Council refers to Government policy advising that solar panels should be sited on brownfield land and the rooftops of existing buildings, rather than in inappropriate rural locations. In addition, it refers to Local Plan policies regarding the importance of preserving and enhancing landscape character and the rural character of the countryside, and avoiding inappropriate and harmful development.
- 7.4 Following the receipt of additional information relating to construction traffic and the landscape impact of the development, the Parish Council have confirmed that they maintain their objection to the development. The additional information does not overcome their objections.

8.0 Summary of Other Representations

8.1 The application has been advertised by way of press notice, site notice and neighbour notification.

8.2 At the time of writing this report, 236 letters of support have been received from 232 residents/households, giving the following reasons for their support:

- There is a need to support renewable energy and combat climate change, and this development would make a significant contribution to energy needs; The Government has committed to combating climate change
- The development would be well screened, away from footpaths, homes and roads and would only offer occasional glimpses to passers-by; The development would not be harmful to the character of the site and surrounding area
- Neighbouring district councils have passed solar and wind energy projects without any detrimental impact to their areas
- The visual impact of a solar farm would be less than the modern farm buildings and pylons in the local area
- The mixed agricultural/energy use would offer advantages a brownfield site would not in terms of support wildlife and grazing; The land around the panels would benefit from a lower intensity use over the life of the development
- The development would show a commitment recognising on the part of the Council, and demonstrate to children, the importance of providing renewable energy

8.3 Again, at the time of writing this report, 110 letters of objection have been received from 81 residents/households which can be summarised as follows:

- Scale and nature of development inappropriate in this rural location; Such development should only occur on brownfield land
- Visual impact of development on countryside; Potential for glint/glare from the panels
- Impact of loss of arable agricultural land; Inappropriateness of alternative use of agricultural land at a time when the UK imports 40% of its food
- Poor access to the site along narrow country lanes restricting access to the site and with limited passing places; Potential damage to roads and verges from heavy vehicles
- Ecological impact of development
- Concerns that approving the development could set a precedent for further development of the site or similar sites in the District

8.4 Thundridge Parish Council have objected to the application on the following grounds:-

The Parish Council considers that the “development will look extremely unsightly within the present open farmland and countryside and is entirely out of keeping in the area” and that the proposed screening appears inadequate. It further states that the development would be contrary to local and national policies.

The Parish Council also expressed concerns regarding construction and maintenance traffic obstructing other traffic around the site and causing damage to the local roads.

8.5 Westmill Parish Council has confirmed that they have no objection to the development.

9.0 **Planning History**

9.1 The following planning history is of relevance to this proposal:-

Ref	Proposal	Decision	Date
3/14/1058/FP	Change of use of land from (1) agriculture to (2) mixed use for agriculture and use of the generation of renewable energy (solar)	Refused	November 2014

9.2 The single reason for refusal in that case related to the harm to the landscape from the development, and that this was not outweighed by the benefits of the proposal in terms of renewable energy provision.

10.0 **Consideration of Relevant Issues**

10.1 The main planning issues for consideration in assessing this application are:

- The principle of development in the Rural Area Beyond the Green Belt – NPPF Chapter 11; Local Plan policies GBC3 and SD3
- The use of this specific site rather than any other brownfield or greenfield site within the District, and the acceptability of siting the

proposed solar farm on agricultural land considering its grade – NPPF Chapter 11; Local Plan policy GBC8

- The visual and landscape impact of the proposed development – NPPF chapter 11; Local Plan policies GBC14, GBC3, ENV2 and ENV1.

Principle of development in Rural Area

- 10.2 The site lies within the Rural Area wherein Policy GBC3 of the Local Plan identifies development that will be considered appropriate. The creation of solar farms, or any type of renewable energy development, is not among the identified forms of development and the development must therefore be considered as contrary to policy GBC3.
- 10.3 However, policy SD3 of the Local Plan supports proposals to harness renewable energy “in principle” and states that applications for solar power development will be judged primarily on their visual impact.
- 10.4 One of the core planning principles in the NPPF (paragraph 17) is to support the transition to a low carbon future and encourage the development of renewable energy. Paragraph 97 says that local planning authorities should design policies to maximise renewable and low carbon energy development while ensuring adverse impacts, including visual and landscape impacts, are satisfactorily addressed.
- 10.5 Paragraph 8 of the NPPF advises that the economic, social and environmental roles of the planning system should not be taken in isolation. Rather, they are dependent on one another and therefore it is necessary to balance the benefits of the proposed renewable energy development against the inappropriateness of the use in principle, the loss of the site for arable use, the visual impact of the development and any other material considerations.
- 10.6 National guidance in paragraph 13 of the NPPG on solar development is that it should be focused on rooftops and brownfield sites. However, it also states that well-screened and planned solar farms can address visual impact in a landscape, and in Officers view, there is no realistic possibility of any brownfield or rooftop site of this size becoming available within the District and being used for solar or other renewable energy development. The level of energy to be generated from piecemeal rooftop installations is of course welcome, but does not compare to the potential 5 megawatt return that would be generated by the proposed use.

Site selection; Use of greenfield agricultural land

- 10.7 The site has been surveyed to confirm its agricultural quality and is classed as land falling within Grade 3a, making it good quality agricultural land. The national land classification ranges from Grade 1 “excellent quality” to Grade 5 “very poor quality”. DEFRA recognise land in Grade 3a as “Land capable of consistently producing moderate to high yields of a narrow range of arable crops, especially cereals, or moderate yields of a wide range of crops including cereals, grass, oilseed rape, potatoes, sugar beet and the less demanding horticultural crops”.
- 10.8 Government advice in the NPPG is that such land should be retained for agriculture, and that only lower quality land should be used for solar energy generation. However, Officers note that all land within Hertfordshire is either Grade 2 or Grade 3. The application site is therefore as low quality land as can be found anywhere in the District, or indeed the County.
- 10.9 In a written statement released on the 25th March 2015, the Secretary of State for Communities and Local Government recognised that higher quality land could be used for a solar farm, where it would be “justified by the most compelling evidence”.
- 10.10 The consultation response from the County Council’s Historic Environment advisor confirms that the application site has been in agricultural use for hundreds of years. Its use as a solar farm would not prevent livestock grazing nor lead to the permanent loss of agricultural land at the site (the site is a small part, of around 2.7% by area of the full holding of Mill Farm). There would be no significant loss in the production capacity of the wider holding. The reduction in area of the proposed racks of panels would mean that the land to the east of the application site would be retained for agricultural use for the life of the solar farm. Ultimately the site would be restored to solely agricultural use once the solar farm ceases operation. The panels, racks and other infrastructure could be removed from the site without ongoing detriment to the agricultural value of the site.
- 10.11 A survey of the surrounding area (up to 10 km from the site) was carried out by the applicant in support of the previous application in an attempt to identify preferable sites. However, no other sites were identified and Officers are also not aware of any other sites that would be regarded as preferable and which are not already identified for other development, even allowing for the reduction in scale from the 2014 application.

- 10.12 The Government announced proposals in December of last year to update the NPPF with a presumption in favour of residential development on any brownfield site in the country, including rural sites. The subsequent Housing & Planning Act 2016 makes it increasingly unlikely that any large brownfield sites would be used for the generation of renewable energy. The new legislation will require Councils to compile brownfield registers and it is proposed then to grant an in-principle permission for housing on any land identified on that register. Given the severe national housing shortage, and the clear aims of national planning policy to support housing provision in this way, it seems unlikely that any large brownfield sites will become available for renewable energy proposals.
- 10.13 On balance then, Officers consider that only limited negative weight can be given to the greenfield nature of the site, given the lack of realistically available and viable alternative sites within the district.

Landscape and visual impact

- 10.14 Policy SD3 of the Local Plan notes that proposals for solar energy generation “will be judged primarily on their visual impact, particularly where it affects Listed Buildings, Conservation Areas or other areas of particular visual quality or sensitivity”. This accords with national policy as set out in the NPPF. Government guidance in the NPPG further states that “in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero”.
- 10.15 The reduction in area of the site from the earlier application would result in a development of substantially less visual impact with reduced visibility from public rights of way to the north. The panels would be sited on a plateau of limited visibility and are now proposed away from sloping ground on the eastern side of the site. The panels would be around 400 metres from the nearest public viewpoint, from the road to the east.
- 10.16 While planting around the site will vary in density over time, the contours of the land are fixed. The visibility of the site from surrounding publicly accessible land will therefore not change significantly across the course of its life, and any views of the site will remain from a significant distance.
- 10.17 The most significant visual impact will be from the land to the east, which is crossed by a road and 2 footpaths (viewpoint 4, Essential Reference Paper ‘A’). This land rises to a height of about 126 metres

above sea level, where it is crossed by footpath 061 (with the application site ranging from about 115 metres in the south east corner to 125 metres in the north west corner). From the crest of the hill to the nearest part of the application site is more than 900 metres, and even when the landscape screening is at its lightest, Officers accept the Landscape Visual Assessment that the solar farm would be a relatively small feature seen at a distance and contained within the existing fabric of the landscape.

- 10.18 From other viewpoints, such as the footpaths to the north (viewpoint 2 on ERP 'A') and south (viewpoint 6), there would be much more limited views of the site from more than 400 metres away, and facing the front and rear of the rows of panels. From these angles the panels would be far less prominent, screened by hedgerow planting – both existing and proposed - and accordingly would result in less impact in the landscape.
- 10.19 The national guidance on solar farms notes that their visual impact can be acute where the panels move to track the sun; where they cause glint or glare, and where they would be illuminated by security lighting. The proposed panels in this case would be static; would not cause glint or glare, and would include no security lighting. As set out above, the guidance goes on to state that “in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero”.
- 10.20 The Council’s Landscape Officer has recommended refusal of the development on grounds of visual impact and to encourage its location on a brownfield site. This is consistent with the Landscape Officer’s previous comments on the 2014 application, although it is clear from the Officers comments that, with gap planting, the impact of the panels could be reduced and the development may not appear as a dominant feature in the landscape. Officers recognise the Officer’s concerns, and those of the objectors but, for the reasons set out above, and subject to a good quality landscape scheme, consider that the visual impact of the development in this location would be an acceptable one.

Other considerations

Construction traffic

- 10.21 Construction is expected to occur over a period of approximately 16 weeks, with approximately 1-2 large vehicle movements on and off the site per day. A detailed construction traffic management plan has been the subject of correspondence with the County Council’s Highways

department, and in principle is considered to be acceptable. An appropriately worded condition is recommended to ensure that traffic levels associated with the development do not cause undue disruption to local residents across the course of the construction period. It should also be noted that the Council accepted that there was no reason to refuse the larger 2014 proposal on these grounds and it could be considered unreasonable therefore to now introduce an objection to this smaller scheme on highways grounds. The Highway Authority has confirmed that they have no objection to the proposals.

Archaeology

- 10.22 The Historic Environment Advisor has confirmed that the development would be acceptable in principle, subject to a condition controlling the details of the installation to ensure that no harm comes to significant archaeological remains.

Impact on setting of listed buildings

- 10.23 The nearest listed buildings lie to the south in Nasty, around 400 metres to the south, and at Barley House and Madeleys around 600 metres to the west.
- 10.24 Officers consider that the development would not be perceived from within the setting of these listed buildings given the separation distance and lack of points from which both the proposed solar farm and any of the buildings could be viewed in any detail at the same time.

Noise

- 10.25 Solar farms are not significant generators of noise. Given the distance to the nearest residences, Officers consider that there would be no significant noise disturbance arising from the proposed development.

Biodiversity

- 10.26 The proposed use of the site would have a limited ecological impact, given its relatively small area within the Mill Farm holding. The site would not be used for crops for the duration of the solar farm's operation, but would be grazed by sheep.
- 10.27 A condition is recommended to ensure that an Ecological Design Strategy, detailing the proposals for their site and their future maintenance, is agreed by the Authority prior to the commencement of the development.

10.28 The NPPF promotes biodiversity gains (Para 118) and Government guidance on solar farms confirms that weight should be given to the ongoing agricultural use of sites during the operation of the panels, and where biodiversity improvements would arise from the use. Some positive weight is therefore given to this matter in the overall planning balance.

Flooding and surface water management

10.29 The eastern edge of the site falls within Flood Zones 3 and 2 of the Dane End Tributary, although in this revised application no panels would be sited near this edge of the site. The angle of the panels would direct accumulated rainwater back to the ground, which would remain permeable grassland.

10.30 Officers are satisfied that the development would not result in an increased risk of flooding given that the racks by which the panels would be attached to the ground would have a limited profile and would not result in a material loss of permeable surfacing.

10.31 The County Council have requested additional details of surface drainage management to ensure that the impact of the development would be acceptable. A suitably worded condition is recommended to address this.

11.0 Conclusion

11.1 There is a clear need for, and Government support for, the provision of renewable energy projects. The Government has made a commitment to providing 30% of all the UK's electricity from renewable sources by 2020. As of late 2015, the Secretary of State for the Department of Energy and Climate Change, Amber Rudd confirmed that at present around 20% of electricity was being provided from renewable sources. This includes importing energy from other countries.

11.2 Both local and national planning policies recognise that greenfield agricultural land can, in certain circumstances, be suitable for energy generation, for instance in the absence of suitable brownfield sites and where the visual impact would be acceptable.

11.3 The site comprises land of the lowest agricultural quality in the District, and is less than 3% of the Mill Farm holding. The visual impact of the development would be restricted through a combination of the chosen siting with existing and proposed landscaping; the topography of the

surrounding land, and the distance from the application site to public viewpoints.

- 11.4 Paragraph 98 of the NPPF states that proposals for renewable and low-carbon energy development should be approved “if its impacts are (or can be made) acceptable”. The scale of the development has been halved from the previously refused development. Officers are satisfied that this revised proposal would result in benefits from the creation of a significant renewable energy resource that would outweigh any harm to the landscape. In addition, the proposal would provide biodiversity enhancements to the site.
- 11.5 While the solar farm would be an unusual feature in this predominantly rural landscape, the main visual impact would be within longer views of the area, in which the site would be viewed a part of the wider landscape. The topography of the surrounding area, and existing and proposed landscaping, would soften the visual impact of the development to a point where Officers consider that the harm to the character of the landscape would not justify a refusal of permission.
- 11.6 Given the lack of any suitable alternative sites and the need and support for renewable energy developments at a national level, Officers consider that the benefits of a significant contribution towards the energy demands of the District, outweigh the temporary loss of a relatively small area for arable use for the life of the solar farm, and any adverse visual impact on the surrounding rural area.
- 11.7 Officers therefore recommend that permission be granted, subject to the conditions outlined at the end of this report.

Conditions

1. Time limit (1T121)
2. Approved plans (2E101) (Location plan (to be confirmed with amended red outline), 16/PA002E, 16/PA003A, 16/PA004A, 16/PA005A, 16/PA006B, 16/PA007B, 16/PA008A, 16/PA009B, 16/PA010A, 16/PA012A, 16PA013)
3. The solar photovoltaic panels and associated infrastructure shall be removed from the site and the land shall be reinstated to agricultural use within a period of 6 months from the 1st January 2042 in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall include management and timings of

the works and a traffic management plan and shall be implemented as approved.

Reason

To prevent the landscape impact of the development existing beyond the productive lifetime of the solar panels and to enable the active agricultural use of the land in accordance with policies SD3, GBC3 and GBC14 of the East Herts Local Plan Second Review April 2007

4. The Local Planning Authority shall be notified in writing of the date when electricity from the development is first supplied to the grid and if the solar farm hereby approved fails to produce electricity for supply to the national electricity grid for a continuous period of 6 months the solar photovoltaic panels and associated infrastructure shall be removed from the site and the land shall be reinstated to agricultural use within a period of 6 months of the end of that 6 month period in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall include management and timings of the works and a traffic management plan and shall be implemented as approved.

Reason

To prevent the retention of development in the Rural Area Beyond the Green Belt that is not being used for its intended purpose in accordance with policies SD3, GBC3 and GBC14 of the East Herts Local Plan Second Review April 2007.

5. Prior to commencement of the approved development, the access to the site shall be reconstructed and surfaced between the edge of the carriageway and the field gate. The existing hedgerow shall also be cut back in both directions in accordance with details to be submitted to and approved in writing by the local planning authority, to ensure adequate visibility splays onto the C16. All shall be completed in accordance with the approved plans and constructed to the specification of the Highway Authority and to the Local Planning Authority's satisfaction.

Reason

To ensure that the access and proposed roadworks within the highway are constructed to an adequate standard.

6. No development shall take place unless and until an updated Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The updated Construction Traffic Management Plan shall, in addition to the information already provided, confirm details of:

- Regular inspections of the rural route and the making good of any damage to verges at the expense of the developer
- The size of HGVs to be used, which shall not exceed 10 metres in length

Reason

To ensure that the development takes place in a comprehensive manner having due regard for highway safety and capacity and to ensure that the impact of construction traffic on the local road network is minimised

7. No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made.

Reason

To secure the protection of and proper provision for any archaeological remains in accordance with policies BH2 and BH3 of the East Herts Local Plan Second Review April 2007.

8. Prior to the commencement of the development hereby approved details of the installation of the solar panel arrays and all associated works, such as cable runs, transformer enclosures and substations shall be submitted to, and agreed in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason

To secure the protection of and proper provision for any archaeological remains in accordance with policies BH2 and BH3 of the East Herts Local Plan Second Review April 2007.

9. No development shall take place until an ecological design strategy which translates the principles outlined in the submitted planning statement (table 7.4) has been submitted to, and approved in writing by, the Local Planning Authority.

The strategy shall include the following:

- a) Details of hedgerow species to be planted – 10 native and appropriate species of native provenance
- b) Details of wildflower meadow mix to be used i.e. MG5 replicate mix – Emorsgate EM4 or similar

- c) Extent and location/area of proposed works on appropriately scaled maps and plans
- d) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development
- e) Identification of persons responsible for implementing and maintaining the works
- f) Details of establishment, initial aftercare and long-term maintenance
- g) Details for monitoring and remedial measures
- h) Details on mitigation measures to protect nesting birds, bats and reptiles as outlined in the submitted planning statement

The strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason

To enhance biodiversity at the site in accordance with the aims of policy ENV17 of the East Herts Local Plan Second Review April 2007 and the NPPF.

10. Tree/hedge retention and protection (4P055)

11. Prior to the commencement of the development, full details of both hard and soft landscape proposals within the application site and on the adjacent land to the east within the same ownership shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc. indicating lines, manholes, supports, etc.) (b) Retained historic landscape features and proposals for restoration, where relevant (c) Planting plans (d) Written specifications (including cultivation and other operations associated with plant and grass establishment) (e) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (f) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason

To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

12. Landscape works implementation (4P135)

13. No development shall take place until the details of the drainage of the access road are submitted to, and approved in writing by, the Local Planning Authority. The design should be such that discharge rates out of the road do not exceed the existing greenfield runoff rates.

Thereafter the development shall proceed in accordance with the approved details.

Reason

To ensure that the site can be effectively drained during the lifetime of the development and the access road

14. No development shall take place until a detailed drainage scheme for the construction and operational periods of the site has been submitted to, and agreed in writing by, the Local Planning Authority.

The scheme shall include:

- a) Details of management of drainage of the site during construction, and for the mitigation of impacts on the soil caused during construction
- b) Provision for the retention of grass cover across the site during the operation of the solar farm
- c) Details of the number and size of swales within the site.

Thereafter the development shall proceed in accordance with the approved details.

Reason

In order to prevent an increase in surface water runoff in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007

15. No development shall take place until a scheme for the provision and management of an 8 metre-wide buffer zone alongside the Dane End Tributary main river shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping.

The scheme shall include:

- a) plans showing the extent and layout of the buffer zone
- b) details of any proposed planting scheme (which should be locally appropriate native species)
- c) details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term, including adequate financial provision and named body responsible for management, plus production of detailed management plan.
- d) details of any proposed footpaths, fencing, lighting etc.

Reason

It is important to protect the Dane End Tributary main river. As indicated by the applicant's drawings: maintaining and enhancing the current hedgerow with native species along that stretch of the Dane End tributary is one way of ensuring there is an adequate buffer zone.

Development that encroaches on the Dane End Tributary can have a potentially severe impact on its ecological value. This condition is supported by your local plan policies: ENV17 Wildlife Habitats and ENV18 Water Environment. In addition, paragraph 109 of the National Planning Policy Framework (NPPF) recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. It should promote net gains in biodiversity where possible, halt the overall decline in biodiversity and establish coherent ecological networks that are more resilient to current and future pressures. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

Such riparian networks will help restore watercourses to a more natural state as required by the Thames River Basin Management Plan (TRBMP) and may also help wildlife adapt to climate change. TRBMP requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery. This condition is also supported by The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation. Additionally, Article 10 of the Habitats Directive stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats and promote the expansion of biodiversity.

Informatives

1. Other legislation (01OL1)
2. Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of Dane End Tributary.
3. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. In connection with all site demolition, site preparation and construction works, no noisy working shall be carried out on the premises outside the following hours: 0730 to 1830 Monday to Friday, 0730 to 1300 on Saturdays and at no time on Sundays or bank holidays.
4. Where works are required within the public highway to facilitate the improved vehicle access the highway authority requires that the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. The applicant is also advised that if any of the works associated with the

construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment, etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence, the applicant will need to apply to the Eastern Herts Highways Area Team, Hertfordshire County Council, County Hall, Hertford, SG13 8DN (Telephone: 0300 123 4047) for further information and to determine the necessary procedures.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies is that permission should be granted.

Other Policy and Material Issues

Issue	Policy
Use of land in Rural Area Beyond the Green Belt	GBC3, SD3, GBC8
Impact on the character of the rural landscape	GBC14, ENV2, GBC3, ENV1
Loss of good quality agricultural land	NPPF para.112
Construction traffic	None
Impact on setting of listed buildings	NPPF ch. 12
Archaeology	BH1, BH2, BH3
Wildlife and biodiversity	ENV16
Surface water drainage	ENV21
Noise	ENV1

Essential Reference Paper 'A' – Viewpoints referred to in report

