

DEVELOPMENT MANAGEMENT COMMITTEE – 11 JANUARY 2023

Application Number	3/21/2601/FUL
Proposal	Erection of a solar photovoltaic farm with an output capacity not to exceed 49.9MW of energy, with supporting infrastructure and battery storage, inverters and transformers, fencing and landscaping works.
Location	Wickham Hall Estate, Hadham Road, Bishop's Stortford
Parish	Little Hadham, Albury and Bishop's Stortford
Ward	Little Hadham and Bishop's Stortford Silverleys

Date of Registration of Application	2 December 2021
Target Determination Date	18 May 2022
Reason for Committee Report	Major application
Case Officer	Fiona Dunning

RECOMMENDATION

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

1.0 Summary of Proposal and Main Issues

- 1.1 The application proposes the erection of solar photovoltaic panels with an output capacity of approximately 35MW of energy. The panels are to cover an area of 59.08ha and to be in operation for a period of 40 years. The application was amended in July 2022 following a refusal for an associated proposal within Uttlesford District Council boundary. The main reason for the Uttlesford refusal was due to the site being within the Green Belt. This amended proposal has removed the solar panels from the Green Belt and the proposals now fall entirely within the boundary of East Herts District Council.
- 1.2 The existing site comprises predominately agricultural land. The proposal is to erect rows of solar panels on mounting structures with

a maximum height above ground level of 2.9m with approximately 5.5m separation between the rows within 7 separate areas. The area of 59.08ha is to comprise:

- 1.89ha of hedgerow
- 4.14ha of woodland
- 6ha wildflower planting
- 45.65ha gross of solar arrays (22.26ha net)
- 1.4ha fixed infrastructure, tracks

1.3 The amended scheme proposes a temporary construction traffic access from Hadham Road rather than the main access road to Wickham Hall, which was originally proposed (refer H5234-5PD-002 REV C and H5234-5PD-003 REV A in the Construction Access Technical Note). Drawing Nos. D03 Rev K and 7200/ASP1 Rev K provide the Site Layout Plan and Landscape Masterplan respectively and include the following:

- 10 Battery storage containers (3.0m high x 12.0m long x 2.7m wide Drawing No. PL011) with associated hardstanding and 3.5m wide access track
- 20 Battery storage transformers
- 1 storage container (3.0m high x 6m long x 2.44m wide Drawing No. PL.010)
- 1 Customer substation (3.95m high x 10m long x 3.5m wide Drawing No. PL.006)
- 1 Distribution Network Operator (DNO) substation (2 units 3.95m high x 10m long x 3.5m wide Drawing No. PL.016)
- 15 MV Power stations with the 7 solar array areas containing between 1 and 4 units (3.5m high x 6.048m long x 2.438m wide Drawing No. PL.005)
- Security Fencing (2.5m high) and CCTV Cameras and satellite dish (3.0m high) (Drawing No. PL.007)
- Woodland Planting (Area A on Landscape Masterplan Drawing No. 7200/ASP1 Rev K)
- Small woodland infill (Area C on Landscape Masterplan Drawing No. 7200/ASP1 Rev K)

- Wildflower meadow planting (Landscape Masterplan Drawing No. 7200/ASP1 Rev K)
 - Additional native hedgerow and infill of existing (Landscape Masterplan Drawing No. 7200/ASP1 Rev K)
 - New Permissive Footpath (Landscape Masterplan Drawing No. 7200/ASP1 Rev K)
 - 7 areas of solar panel arrays separated by existing and/or proposed hedgerow and wildflower meadows (Site Layout Plan Drawing No. D03 Rev K and Landscape Masterplan Drawing No. 7200/ASP1 Rev K)
- 1.4 The battery storage facilities, transformers, customer substation and DNO substation have been relocated within the East Herts boundary. This infrastructure was previously proposed to be in the Uttlesford part of the development, which has been completely removed from the proposal. The amended plans have been consulted on.
- 1.5 The proposed solar panels will be fixed to a metal frame driven into the ground at a depth of between 1.0 and 1.5m with cabling either laid on the ground or in shallow trenches. The solar panel arrays will be enclosed with deer-proof fencing, wildflower and existing and proposed hedgerow.
- 1.6 The main issues are the impact on the appearance of the area including long views from public rights of way, the impact on the Grade 2 and 3a agricultural land, impact on heritage assets, sustainability matters, compliance with the development plan, noise, drainage cumulative impacts and the benefits of the proposal.
- 1.7 The main issues are considered in section 4 of this report.

2.0 Site and Surroundings

- 2.1 The site is located within part of Wickham Hall estate with the recently constructed Hadham bypass forming the western boundary. The eastern boundary abuts Uttlesford District Council area and is farmland. Walnuttree Green and the road to Upwick Green form the northern boundary. The southern boundary of the solar farm site is

the track to the northeast of Bridleway 9. Currently the vehicular access to the site is via a series of farm tracks within Wickham Hall estate accessed from Bishop's Stortford North.

- 2.2 The majority of the site is Grade 2 and Grade 3a agricultural land (defined as best and most versatile). Surrounding the arable land is generally established hedgerow and within the site there is existing woodland.
- 2.3 Wickham Hall has Grade II Listed and curtilage Listed buildings within the former farmyard and these are located approximately 1060m and 1100m to the east of the closest solar panel area and 1100m from the infrastructure compound.
- 2.4 There are three Bridleways within the site (9, 36 and 10) and the site is partially visible from Bridleways and Footpaths to the west of the site and Hadham Bypass, where there are Grade II Listed Buildings of Hadham Hall and Hadham Park, approximately 830m and 470m from the closest solar panel area respectively.

3.0 **Planning History**

The following planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
3/21/0460/SCREEN	Screening opinion for development of a Solar Photovoltaic Farm and associated infrastructure land adjoining A120 Little Hadham Bypass and Wickham Hall E	Not EIA development	21 st May 2021
UTT/21/3108/FUL	Erection of a Solar Photovoltaic Farm with an output capacity not to	Refused	Tue 19 Apr 2022

(proposal within Uttlesford District Council)	exceed 49.9MW of energy, with supporting infrastructure and battery storage, inverters and a transformers, fencing and landscaping works.		
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4.0 **Main Policy Issues**

4.1 The main issues of the application relate to the loss of agricultural land, the landscape and visual impact, impact on heritage assets, noise, drainage, sustainability issues and whether the proposal conflicts with the development plan and if so whether any material considerations outweigh the conflict. The relevant policies in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG), the adopted East Herts District Plan 2018 (DP), and Bishop's Stortford Neighbourhood Plan (NP) are referenced in the table below. In addition to the National policies and Guidance, specific renewable energy legislation and guidance includes the Climate Change Act 2008, British Energy Security Strategy April 2022, National Policy Statements, Ministerial Statements and BRE large scale ground mounted solar PV systems guidance.

Main Issue	NPPF	East Herts District Plan	Bishop's Stortford NP Silverleys and Meads Wards
Principle of Development	Chapter 2, 14, 15	INT1, DEL1, GBR2, DES1, ED1, ED2, CC3	
Sustainability and Climate Change	Chapter 2, 14	CC3, NE4	CC1, CC2, GIP1
Agricultural Land	Chapter 15	GBR2, ED2,	

Landscape Character	Chapter 15	DES2, DES3, CFLR3	HDP2, GIP1, GIP3, GIP6
Heritage Assets	Chapter 16	HA1, HA2, HA3, HA7	HDP6
Ecology and Biodiversity	Chapter 15	NE2, NE3, NE4	GIP1, GIP4, GIP5, GIP6
Impact on Amenity	Chapter 4, 12	DES2, DES3, DES4, DES5, EQ2, EQ3, EQ4	TP2
Highway Impacts	Chapter 9	TRA1, TRA2, DEL1	TP1, TP2, TP3,

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

5.0 Summary of Consultee Responses

5.1 HCC Highway Authority – has no objection, the additional information provided in the Landscape Masterplan July 2022, Design and Access Statement Addendum July 2022, Planning Statement Addendum June 2022, Additional Landscape Comments July 2022 and the Technical Note Construction Access Strategy Summary June 2022 has addressed the initial objection raised by the Highway Authority in December 2021. The revised Site Masterplan shows the extension and use of an existing track which connects the site to an existing junction off the A120 Hadham Road. The temporary access measures 4m in width and features 4 possible positions for passing bays every 100 to 150m (Drawing No. H534-5PD-003 in the Technical Note for Construction Traffic) and will include temporary signage where the access crosses the PROW as well as the track having temporary fencing. The visibility splays shown on Drawing No. H5234-5PD-002 Rev C may require cutting back the boundary hedging to the west of the site access. A temporary traffic management measure of left-in, left-out operation will be required at the junction with Hadham Road with signs and a banksman required to assist with the safe movement of pedestrians, cyclists and construction traffic.

- 5.2 EHDC Conservation and Urban Design Advisor raises no objection in principle but the heritage impacts must be sufficiently weighted in the planning balance along with other issues. There are a number of listed buildings and a Scheduled Monument surrounding the site and Wickham Hall includes Grade II listed buildings. The proposed solar farm would be adjacent to the newly completed A120 Hadham bypass, which has already compromised the former open landscape of agricultural fields that comprised much of the wider setting to the north and east of Hadham Hall site, Hadham Park site and the Moated Mound. The immediate setting of the Moated Mound is now dominated by the Bypass. Some areas of the proposed solar farm will be visible from the Hadham Hall site and the Hadham Park site, however this visibility will be softened as the planting along the bypass matures and the additional planting proposed as part of the application. The proposals will result in less than substantial harm to the significance of the designated heritage assets due to the negative impact on the wider settings. Whilst this is given great weight, it is acknowledged that there are public benefits associated with the scheme in terms of energy security and sustainability.
- 5.3 HCC Growth and Infrastructure Unit will not be seeking financial contributions as the proposal is not for residential development.
- 5.4 Lead Local Flood Authority objected to the proposal on the grounds that a detailed drainage strategy has not been provided, that infiltration testing has not been undertaken and that pre- and post-development run off rates have not been suggested. Following dialogue with the Council, they have recommended conditions, should the application be approved.
- 5.5 HCC Herts Ecology advises that the Ecological Appraisal is acceptable and the recommendations set out in section 6 are reasonable and should be followed except for MM1, which is now irrelevant. The proposal can achieve biodiversity net gain and there should be a Landscape and Ecological Management Plan condition.
- 5.6 HCC Herts Historic Environment advises that the site extends into an Area of Archaeological Significance and lies within 120m of a

Scheduled Monument. The geophysical survey covered the original site area and demonstrates four distinct areas of substantial archaeology and a number of potential archaeological features spread across the site. It is noted the reduction in the area of the development has removed two of the defined areas of archaeology and Area 3 within the site area was not surveyed due to crop conditions. Whilst the Technical Note considers the solar farm development is limited in its physical impact, it does not consider the impact is spread across 100% of the development area (excluding existing and proposed hedgerows and woodland planting) and the end of life impact when the panels and equipment is removed and land reinstated. The Technical Note also asserts that the potential damage on the unconfirmed archaeology is justified due to the robustness of the potential features. However, the robustness is unproven and therefore this statement is not acceptable, but it is noted that the applicant is willing to undertake further survey work and the Technical Note suggests mitigation such as a no-dig policy in the three areas of probably archaeology (Refer Fig. 1 of Technical Note on Geophysical Survey). Due to significant remains of archaeological interest likely to exist across the development area, further trench evaluation is required and given the nature of the proposal, it is considered that this could be undertaken prior to commencement of development commencing with an Archaeological Brief and appropriate condition.

- 5.7 EHDC Environmental Health Advisor (Noise / Nuisance) originally raised concerns with the proposal based on issues regarding noise generation from electrical switching equipment. Further discussions with the applicant were held and additional information relating to noise generation submitted. On review of this information, Environmental Health are satisfied that the noise impacts of the proposal are acceptable subject to conditions, which are included in the recommendation below.
- 5.8 EHDC Landscape Officer advises that the nature and scope of the proposal 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 local area and users of the public rights of way due

to the quite open character of the western undulating landform. However, the site is not highly visible from longer distance views where there are relatively few receptors. Where the solar panels can be seen, with the dense regular striped pattern of the rows, they will inevitably appear conspicuous in the landscape. However, the proposed planting will improve the existing level of screening and provide significant net gain in terms of biodiversity. It is noted the woodland tree planting on the northern boundary will take several years to have significant effect but will provide screening to Walnuttree Green and nearby dwellings. The landscape officer notes that the proposal will have the highest adverse visual impact on users of the PROWs and the additional hedgerow and tree planting will help mitigate this but there are some sections of the PROW where the solar panels will be visible. On balance, no overall objection on landscape or arboricultural grounds are raised.

- 5.9 Safeguarding Authority for Stansted Airport has no objection subject to a condition requiring an aviation Glint and Glare Assessment and an informative regarding cranes and tall equipment notification.
- 5.10 Natural England have advised that they consider that the proposal will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. They note that the proposal would be on best and most versatile agricultural land but they are satisfied that, as the solar panels would be removed at the end the development's life, it would not result in a loss of this as a resource for future generations. They go on to advise that the proposal would result in a reduction of agricultural production which needs to be carefully considered. They recommend conditions to protect the value of soil on the site.
- 5.11 Health and Safety Executive advises that the site does not lie within the consultation distance of a major hazard site or major accident hazard pipeline.
- 5.12 National Grid has not objection.

- 5.13 Uttlesford District Council advises that it refused the original application that was submitted within Uttlesford boundary. The site lies in the open countryside and the planning authority should be satisfied that the proposal does not lead to unacceptable harm to the character and appearance of the area and in cases of any harm consideration should be given to mitigation such as a Landscape and Ecological Management Plan and Mitigation Plan. To mitigate against visual impacts and the impact of glint and glare upon highway users, it is recommended that consideration be given to deeper planting around the boundaries of the site and additional hedgerows/tree planting where needed. It is recommended that a specialist Landscape Consultant assess the application and the impact on the countryside. Neighbouring residents should not be materially harmed, particularly with regards to glint and glare. The several designated heritage assets and scheduled monuments are nearby and the development should not create significant harm to the setting and significance of these. The site is identified as Best and Most Versatile Land and the intensification and use of this land could have a significant impact on soil quality and erosion over a long period of time along with loss of ecological habitats when the solar panels are installed and removed. Careful consideration should be given to the management of the land to ensure soil quality remains and Best and Most Versatile Land is not permanently lost. Highway safety also needs to be considered so that there is no detrimental impact.
- 5.14 Essex County Council Minerals and Waste does not wish to comment on the application.
- 5.15 Hertfordshire and Middlesex Wildlife Trust is pleased to see that the original biodiversity metric has been adapted to incorporate species rich grassland under the solar arrays as this will result in an estimated biodiversity net gain of 100.67 habitat units/82.69%. This far exceeds the expected 10% net gain and is likely to be an underestimate as the predicted condition of the species rich grassland has been set at poor. With the correct management via a Landscape and Ecological Management Plan (LEMP), a moderate condition could be achieved. With the added benefits of carbon

capture with the grassland replacing an arable system and the solar panels themselves, the scheme has considerable ecological and environmental benefits. LEMP condition provided.

- 5.16 Crime Prevention Design Advisor does not fully support the application as has substantive concerns regarding the security fencing as it is deer-proof fencing and it is preferred that 2m high weld mesh fencing be installed (certified to LPS 1175 issue 8 rated at B3) or a suitable equivalent. It is not clear whether the CCTV proposed will be monitored and installed with a perimeter intrusion detection system. The upgrading of the PRowS (Public Right of Ways) to Byways Open to All Traffic will be subject to an application to HCC.
- 5.17 Bishop's Stortford Ramblers states that it is important that access for PRow be kept open and unobstructed at all times during and after site construction and if diversions are required that these be agreed prior to work commencing. The use of Wickham Hall Drive to the south of the A120 underpass is inherently unsafe for walkers and cyclists. The four new permissive paths would have benefits to the overall path network and will allow short local circular routes and improve connections to the wider PRow network between Upwick Green and Albury and Wickham Hall. The existing hedgerows being retained and gaps filled with native trees or shrubs will provide some screening with some views impacted by the solar arrays. Would users of the PRow in the north looking south view the solar arrays like they see the traffic and hear the noise from the Little Hadham bypass? This bypass has a greater negative impact on the PRow network than the solar farm would. Due to the additional four permissive paths there is no objection to the proposal. It is requested that all PRowS remain open during construction.
- 5.18 Bishop's Stortford and District Footpaths Association welcomes the proposals to create a new permissive path network as part of the proposal but would also like to see the owner address several longstanding anomalies of PRow including Bridleway 008, Footpath 008a, Footpath 074 within Hertfordshire and Bridleway BR073 and BR020 in Essex to create a logical link for cyclists and horse riders. In regard to Footpath 008a, it is requested this be upgraded to a

Bridleway and either diverted or extinguished where it has been blocked by a wall.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Town/Parish Council Representations

6.1 Bishop's Stortford Town Council has no objection.

6.2 Albury Parish Council strongly object as green energy solutions should not be at the cost of the rural landscape and valued farmland. The proposal is not aligned to the district plan or the NPPF. The district plan states that the natural environment is one of the district's greatest resources and the Council is committed to conserving and enhancing the important landscape and townscape elements which form a key part of the district's character and quality of life of its residents. A solar farm on prime agricultural land is not consistent with the District Plan. There are 4 other solar farm related development within a 2-mile radius. Protecting farmland is essential. The land is Grade 2 and Grade 3a agricultural land capable of producing moderate to high yields of arable crops. Food production locally is needed to reduce the carbon footprint of imports. Net loss of biodiversity will occur in the immediate and long term. Some wildlife (Deer, Badgers and Brown Hare) will not be able to travel across the site, diverting them to the bypass and the A120 creating safety concerns. The development does not offer anything to the area and only detracts from the village vistas and countryside, removing farming employment and offering no economic benefits. The Parish Council does not feel that it was adequately consulted in the preparation of the amended application. Albury and Little Hadham Schools have not been contacted by the applicant. The amended plans do not address the main planning concerns relating to the Rural Area Beyond the Greenbelt and does not align to the district plan and results in a significant loss of best and most versatile land. There will be significant damage to Albury Village vistas and approaches and damaging to numerous listed buildings. Remain fundamentally and strongly opposed to the application.

6.3 Farnham Parish Council strongly object due to the wider issues such as the public opinion, and wider environmental and visual impacts and the inefficiencies of solar/battery farms and clustering them around substations creates cumulative impact on the countryside. The solar farm is not environmentally friendly with intrusive CCTV on the boundaries and disastrous impact on wildlife, loss of good agricultural land. There is a large and active herd of deer in the locality. If animals manage to break through the fence, they are likely to be trapped and perish. There is no guarantee that the land will be returned to farming after 30 years and may be brownfield land suitable for housing or industrial development. The solar farm is not essential. Poorer grade land could be used elsewhere. A solar farm will add to the poorly treated countryside that is irreversible with peace and quiet destroyed by other pollutants, industrial grade traffic, light and noise disturbance from noisy fans to provide cooling of storage batteries. Offshore wind farms could provide more electricity than solar parks. New developments should have solar panels on roofs and heat pumps or other efficient heating systems rather than the solar farm. The Parish Council strongly object to the amended application due to impacts on wildlife, loss of agricultural land, loss of public access to green space, contrary to NPPF, impact on views and vistas and will detract from the openness of the countryside, light and noise pollution. Farnham is isolated and valuable and there is danger this will be lost with encroaching development impacting on valuable flora and fauna habitats that are characteristic of the area. PRowS are identified as a valuable resource in the District Plan and Policy CFLR3 states that development should not adversely affect them. Due to the solar farm site being crossed by several PRowS, this policy cannot be complied with. The Parish Council consider Uttlesford District Council have made some extremely valid points and raised issues that need to be seriously considered by East Herts planning committee as there is a focus on current government guidelines and priorities established by central government. The loss of the most valuable and highly rated agricultural land in East Anglia. Food production is growing in importance as well as energy security. That is why planning authorities need to carefully consider and demonstrate why high-

grade agricultural land should be taken out of use. The planning authority needs to balance the requirements of energy sources and the food self-sufficiency.

- 6.4 Berden Parish Council object as a neighbouring Parish Council as there is a cumulative impact of solar farms and battery storage proposals in the locality of Pelham substation. The cumulative impact of these need to be considered by way of a comprehensive Environmental Statement. Renewable energy is supported and note that the battery storage is required to compensate the fluctuating nature of renewable energy supply. The 2017 battery storage facility in Uttlesford was meant to have enhance landscape screening, noise attenuation with a green finish to blend with the woodland behind. In reality the battery units installed were white and there was inadequate landscaping to screen the units, making is a blight on the landscape for several miles. The solar farms should not be dealt with in a fragmented way. There is a need for proper structured screening, buffers and regard taken of views, visual impact, noise and fire control measures. Suitable brownfield land or non-agricultural land is available within a reasonable search area, therefore the use of agricultural land is not the best approach for renewable energy proposals.
- 6.5 Campaign for Protection of Rural England (CPRE) advises that they support renewable and sustainable forms of electricity generation but maintains its strong objection the proposal as the land is identified as Rural Area Beyond the Green Belt and has similar protection to Green Belt for rural character and open countryside. The land provides a vital function as countryside for agriculture and recreation. The National Planning Practice Guidance (PPG), for Renewables and Low Carbon Energy is clear that renewable energy does not automatically override environmental protections and concerns of local communities. In regard to GBR2, the proposal is not an exceptional development as stated by the planning agent and Policy CC3 is not the principal policy. The proposal fails three of the five tests listed in Policy CC3. The development is industrial and the impact on the countryside will be changed for a generation. The PPG is supported by Ministerial statements of April 2013 and March 2015

confirming that renewable energy should not automatically override environmental protection. The proposal could be located on other land rather than open countryside. The proposal will be highly visually prominent in the landscape from all directions and the public rights of way run alongside the western boundary of the site, increasing visibility. The battery storage is a safety concern with fire risks of lithium-ion batteries and Hertfordshire Fire and Rescue Service is not equipped to deal with such risks. CPRE does not support the loss of Best and Most Versatile land that should be used for food production and the need for food security will only increase in the future. The request for a 40 year consent is not temporary and wildlife and habitat would be irreparably harmed with birds mistaking the glass panels for water, mammals being trapped and insects having compromised habitats. CPRE does not agree with the Council's screening opinion and asks the Council to reconsider for similar proposal as there will be significant environmental impacts.

7.0 Summary of Other Representations

7.1 577 responses have been received with 378 of these objecting and 196 supporting the proposal. The objections are on the following grounds:

Loss of countryside

- too much open countryside lost to development with housing and bypass.
- loss of walking, riding horses or cycling areas in the countryside
- not convinced land will revert to green field/farmland
- high yield farmland with quaint small villages surrounding will be destroyed
- devastation of the countryside
- rural Area Beyond the Green Belt is highly valued in accordance with Policy GBR2

Loss of farmland

- loss of acres of best and most versatile farmland

- agricultural production is required as a means of feeding the nation
- majority of land on the application site is Grade 2, with the remainder being Grade 3a agricultural land
- contrary to para 174 of NPPF as proposal does not recognize the economic and other benefits of the best and most versatile agricultural land
- the arable land is accessible and should be viable as the bypass only impacts on a small area of the farmland and there are tracks and bridges crossing over/under the bypass
- loss of prime arable land/farmland will further weaken food supply and increase carbon with more food being imported by air
- The previous Minister of State for Housing confirmed in a letter dated 28.7.21 that “the NPPF expects local authorities to protect and enhance valued landscapes, recognize the character and beauty of the countryside and the benefits of the best and most versatile farmland in their policies and decisions”, and “local authorities should protect all that we value in landscapes and natural capital”
- the proposal will turn farmland into a brownfield site
- Natural England Technical Note TIN 049 states that most of the UK land area is in agricultural use and how that important natural resource is used is vital to sustainable development
- the soil cannot be immediately returned to effective arable use after years out of production
- if no poor quality agricultural land within district then alternative sites should be considered not being bound by local government boundaries
- removal of topsoil means this area will not be returned to agricultural use

Impact on landscape

- proposal is at odds with Landscape Character Assessment commentary for area 150 Hadhams Plateau
- the development will adversely change the rural landscape for 40 years, which is “uncontained growth”

Location

- should be in hotter countries
- should be on large industrial buildings, brownfield sites or new dwellings
- this farmland is not more difficult to farm with the bypass and the farmland to the west of the bypass is being saved for more housing development
- not the right location for a solar farm
- should be on land bordering motorways and major roads and not spoil residents and animals lives
- safety hazard to aircraft due to location
- there are abandoned/unused/ and derelict areas such as old airfields or landfill sites that would be more suitable

Highway impacts

- unsustainable and dangerous on local rural roads

Impact on residential amenity

- there has been major disruption around Bishop's Stortford and the installation of the solar panels will take months to complete
- substantial local community hostility to the proposal
- screening of solar panels is minimal and will take 10 or 15 years to become effective
- the proposal will be an eyesore and there are some areas where there is no additional screening
- disruption to quality of life
- recent research proves solar farms are worse for the environment rather than a benefit
- noise from transformers and light pollution
- each inverter will emit audible noise (60 Db each)
- countryside is essential for mental health
- contrary to Policy VILL3 for Upwick Green due to impact on important views/vistas of the countryside
- significant impact on visual amenity of residents and visitors

- houses are located just metres away from the solar farm
- CCTV battery storage and fencing will be unsightly

Impact on natural environment

- negative impact on soil flora, fauna and wildlife and looking for habitat elsewhere
- emission of toxic fumes and other risks
- ruin beautiful wildlife used by walkers
- wildlife should be protected at all cost
- site is a green lung and recreational asset and solar farm is an industrial development
- damage character of local area
- biodiversity is crucial to maintaining and biodiversity gain does not account for the existing value/scarcity of the wildlife
- the development will damage the habitats for 2 generations and more in a key biodiversity area with heath, grasslands and woodlands
- the deer-proof fencing will restrict movement across the site
- the proposal will add to flooding from new developments
- agricultural land creates greater haven for wildlife than a solar factory
- bird and bat deaths are common as they mistake the glass of solar panels for water
- cleaning materials can contaminate the soil
- potential toxic chemicals leaching out from the panels
- impact on Patmore Heath SSSI has not been taken into consideration
- rural area will be urbanised

Size of proposal is excessive

- visual impact on environment
- maximum size allowed to be determined by the local planning authority
- visual impact of battery storage area in a rural setting
- lack of planning for fire of lithium-ion battery storage

Efficiency of solar energy

- it is questionable if solar farms produce clean energy
- inefficient due to the lack of sunshine
- use of soon to be redundant technology
- very difficult to recycle the solar panels once they are removed from the site
- no benefits to local community and only benefits its promoters and land owner
- weather is dark almost 40% of the time in the UK
- should be in much hotter countries
- excess solar gain in summer months can't be used/stored for sufficient time to be usable
- wind, wave and offshore energy are much more efficient with less detrimental impact on environment
- carbon footprint is significant over the build time, materials, shipping and decommissioning
- materials used are not commercially recyclable
- battery technology will be outdated in 10 years
- thousands of tonnes of concrete will be used to build the site, which is one of the least green building materials
- soon more cost-efficient methods of sustainable energy production will be found that is better than solar panels
- solar panels are better on rooftops

Cumulative impacts of development around Wickham Hall

- The 2500 new homes, A120 bypass and pending development at Upwick Hall is all too much to the loss of farmland
- other solar farms planned for Battles Farm/Pelham Spring, Stocking Pelham battery storage, Berden and Furneux Pelham

No economic benefits of development

- land could be used to meet housing shortage with great links to the town
- no economic benefits for the local community

- what capacity of electricity can be generated by the reduced site area
- Lack of decommissioning plan, so no obligation to return to greenfield. Therefore, uncontained growth contrary to the District Plan
- will the solar panels at end of life be recycled or destroyed

Heritage impacts

- inappropriate setting of historic hamlets and villages

Other comments

- community engagement and support not accurate
- environmental impact assessment was inadequate
- disingenuous consultation carried out by applicant with no details of the proposal replacing farmland used to grow essential food and crops

7.2 The 196 letters of support have been received and some of these are in the form of an online survey/questionnaire. The support letters and online survey are on the following grounds:

- Helps save our planet and one of the few initiatives that is working toward a sustainable planet
- Most ecologically and intelligent way to generate power
- Urgent to use renewable energy and lessen global warming
- Need more energy capacity
- Need local renewable energy
- Better than nuclear power
- Vital for planet and children's quality of life
- Best way to generate energy
- No loss of green belt land now and a small proportion of agricultural land
- Energy security is needed to ensure food security
- Significant biodiversity net gain with large-scale wildflower areas for insect population and no pesticides used
- Sustainable development

- The Bishop's Stortford Climate Group support the proposal on balance for 3 key reasons. 1. The need to stop importing gas. 2. Reduce dependency on fossil fuels will help minimise economic hardship. 3. Teetering on the brink of climate catastrophe and need to halve carbon emissions by 2030. Building solar farms represent one of the fastest and most cost effective ways of addressing these problems. The development will inevitably have visual impacts but the solar farm can be built quickly and address the need to increase the use of renewable energy capacity.
- East Herts Green Party supports the development as1. There is an energy crisis and a climate emergency and solar power is quicker to develop than wind. 2. The land will be returned to agriculture and solar panels do not degrade the quality of land for agricultural use. The land will improve during years of fallow. 3. The profitability of crops is decreasing. 4. The solar panels are close to the grid and local energy is efficient, 5. The concern of local people on the amenity impacted using the public footpaths is recognised but more trees and hedgerows and new paths will mitigate this. 6. Increase in biodiversity is welcomed. 7. Conditions will be added to ensure Biodiversity Net Gain and the land returned to green field rather than brownfield status after 40 years.

8.0 Consideration of Issues

Principle of Development

- 8.1 Paras 152, 153 and 158 of the NPPF state that the planning system should support the transition to a low carbon future and not require applicants to demonstrate the overall need for renewable energy. The Climate Change Act requires 1990 levels of greenhouse gas emissions to be cut by 80% by 2050. Para 11 identifies that there is a presumption in favour of sustainable development and para 84b supports decisions that enable diversification of agricultural rural businesses. Para 174 has been raised by several objectors in regard to protecting the best and most versatile agricultural land. The

paragraph also refers to the wider benefits of the natural environment such as biodiversity net gain.

- 8.2 The National Planning Practice Guidance (PPG) states that increasing the amount of energy from renewable technologies will help secure supply and reduce carbon emissions to slow down climate change, which is one of the core principles of the NPPF. Like other developments, other policies need to be taken into consideration in assessing the application for renewable energy. In order to maximise the energy generated by renewable energy generation, there is a need to store it, which will assist in securing supply. The government formally recognised this with The Infrastructure Planning (Electricity Storage Facilities) Order 2020 coming into force in December 2020. There are also other more recent research and publications on renewables and energy security that should be considered, such as the British Energy Security Strategy April 2022 and the older Overarching National Policy Statement for Energy (EN-1) 2011
- 8.3 The Overarching National Policy Statement for Energy 2011 is a National Policy Statement which is mainly intended as guidance to the Planning Inspectorate on Nationally Significant Infrastructure Projects, but which does also set out the Government's policy of delivery of major energy infrastructure. It sets out a commitment to, and roadmap to achieving, the Government's commitment to achieving 80% green house gas emissions by 2050, compared to 1990 levels. Achieving this will require a number of measures, including the electrification of many technologies which are currently powered by other means, resulting in a need for sustainable delivery of clean electricity, amongst other matters. The document also sets out a number of factors to be considered in the design of projects and the selection of suitable sites.
- 8.4 In regard to large scale solar projects, the Energy Security Strategy states that large scale projects on previously developed or lower valued land, where possible will be encouraged and where greenfield sites are proposed then mitigation measures should be in place. The Strategy also states that the government will support solar that is co-located with other functions and provides agriculture as an example,

which is the case for Wickham Hall, with the majority of the holding continued to be used for agriculture. The recent legislation reflects the need for securing renewable energy supply as well as reducing greenhouse gas emissions to address the climate change emergency.

- 8.5 East Herts District Plan supports renewable and low carbon energy and refers to the National Planning Policy Guidance with Policy CC3 taking a balanced approach to promoting renewable energy where the impacts can be satisfactorily mitigated. Policy ED2 of the District Plan also supports the principle of sustainable economic growth in rural areas where they are appropriately and sustainably located and do not conflict with other policies of the Plan.
- 8.6 Paragraph 2.3.2 of the District Plan identifies that one of the key challenges is protecting the high quality environment of East Herts, including its towns, villages and the countryside as well as protecting biodiversity and responding to climate change. The District Plan has policies which seek to protect these characteristics. The development site is within the Rural Area Beyond the Green Belt, Flood Zone 1 and an Area of Archaeological Significance.
- 8.7 The site has agricultural land Grade 2 and Grade 3a which are defined in the NPPF as being the best and most versatile agricultural land. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting valued landscapes, recognising intrinsic character and beauty of the countryside, minimising impacts and providing net gains for biodiversity, preventing pollution and help improve local environmental conditions.
- 8.8 The need for securing renewable energy supply as well as reducing greenhouse gas emissions to address climate change is considered to have significant positive weight but this does not automatically override environmental impacts which has been raised by objectors and also set out in Policy CC3 of the District Plan.

Sustainability and Climate Change

- 8.9 Paragraph 7 of the PPG and Policy CC3 of the District Plan are relevant to the proposed application. Paragraph 7 lists 6 considerations which include: the need for renewable energy does not automatically override environmental protections; the cumulative impacts on the landscape and local amenity; local topography and whether there could be damaging effects on the landscape; conservation of heritage assets; careful consideration of proposals in National Parks and Areas of Outstanding Natural Beauty or close to them; and protecting local amenity be given proper weight in planning decisions.
- 8.10 Similar to paragraph 7 of the PPG, Policy CC3 supports renewable energy generation subject to assessment of the impacts on: environmental and historic assets; visual amenity and landscape character; local transport networks; the amenity of neighbouring residents and sensitive uses; air quality and human health; and the safe operation of aerodromes. Part II of this policy states that the Council will attach particular importance to maintaining the special countryside character of the rural area, including the preservation of long-distance views from public rights of way.
- 8.11 The proposed solar farm with an output of approximately 35MW will contribute to the need for energy security and help address climate change by reducing carbon emissions. 35MW of renewable energy is equivalent to the electricity consumption of approximately 10,600 average homes or 15,430 electric vehicles annually. The carbon offset is approximately 16,130 tonnes each year. There is a direct link to the local community as the electricity generated would feed into the grid at Bishop's Stortford Substation, approximately 1350 metres to the southeast of the site, adjacent to Bishop's Stortford Rugby Club.
- 8.12 Paragraph 13 of the PPG requires great care to be taken to ensure heritage assets are conserved, including the impact on views important to their setting. The site itself is likely to have archaeology impacts and the Historic Environment officer is satisfied that this can be mitigated by a condition requiring an Archaeological Brief, Written Scheme of Investigation and a commitment to publication of any significant findings. In regard to the nearby Grade II listed buildings

of Wickham Hall, the proposed western boundary of the solar farm is approximately 1000 metres from the closest building and is and would continue to be visually separated due to the existing and proposed hedgerow and existing woodlands. To the north of the site is Upwich Lodge where the woodland is proposed to be planted. This woodland planting will also assist in retaining a countryside outlook for the residents of this property and other dwellings near to the northern boundary of the development site. The proposed solar panels will be approximately 180 metres from this listed building and will have the woodland planting to separate the visual impact. Upwick Hall is further to the north of the site and is connected via the Public Right of Way. To the west of the Hadham bypass site is Hadham Hall, Hadham Park and the Moated Mound. The solar farm will be visible in parts from these designated heritage assets, however due to the existing planting adjacent to the bypass and the proposed planting to the west of the solar panels, the harm is less than substantial due to the negative impact on the wider settings. The proposed solar farm is considered to have positive environmental impacts in regard to offsetting carbon emissions and providing a significant net gain in biodiversity.

- 8.13 Similar to the impact on heritage assets, the proposed solar farm will have an impact on visual amenity and landscape character. However the layout of the solar panels in 7 separate fields and separated by existing and proposed landscaping will assist in minimising this visual impact.
- 8.14 The environmental health officer has not raised any objection to air quality and with limited vehicles accessing the site and farm vehicles not working within the 7 areas means that there will be a reduction in vehicle emissions for the life of the development (up to 40 years). The existing public rights of ways will be retained and additional paths (permissive footpaths) will be created thus providing more outdoor open space for visitors to the locality. The proposal is not considered to have an impact on the local transport network apart from at the construction and at the decommissioning stage.

- 8.15 The Stansted Airport Safeguarding Authority has not objected to the proposal on safety grounds but has requested a condition for a glint and glare assessment to be undertaken.
- 8.16 Several site visits have been undertaken by the planning and landscape officers to determine the potential impacts of the solar farm on users of the public rights of way. As stated above, from various viewpoints along the footpaths, there will be glimpses of the solar panels but these long views are not considered significant due to the bypass infrastructure and associated planted hedgerows as well as the proposed hedgerow planting. The proposed solar panels will adjoin some footpaths where they are likely to be visible as stated by the landscape officer. However, the panels will be set in from the boundary and surrounding by wildflowers and hedgerow.
- 8.17 Whilst there will be a landscape and visual impact, the mitigation measures of additional hedgerows and other tree planting in addition to the wildflower and grassland around and under the solar panels will help reduce this impact. This impact also needs to be balanced against the benefits of the proposal which include significant biodiversity net gain, energy security, and a reduction in carbon by the production of renewable energy.

Agricultural Land

- 8.18 East Herts has approximately 34,000 hectares of agricultural land, all of which is Grade 2 and 3a, and so defined as best and most versatile. The applicant has advised that Wickham Hall currently farm approximately 1150 hectares. The proposed solar farm will take up approximately 5% of the area that is currently in agricultural use. In addition to this limited loss of agricultural land, the loss is not permanent and the land will be restored to agricultural use when energy production ceases at 40 years or earlier. Policy ED2 Rural Economy supports the sustainable growth and expansion of existing businesses in the rural area in principle where they are appropriately and sustainably located and do not conflict with other policies in the Plan.

- 8.19 The rural area is highly valued for its open and largely undeveloped nature and Policy GBR2 seeks to maintain this by concentrating development within existing settlements. Policy GBR2 of the District Plan is positively worded and identifies types of development that will be permitted provided they are compatible with the character and appearance of the rural area. The policy is silent on renewable energy proposals. Policy CC3 of the District Plan states that the Council will permit renewable energy generation subject to assessment and does not prohibit proposals of renewable energy in the countryside, which is approximately two-thirds of the District. The District Plan addresses the natural environment in Policies NE2, NE3 and NE4. All of these policies are a consideration in Chapter 15 of the NPPF, which seeks to conserve and enhance the natural environment.
- 8.20 Para 174 of the NPPF recognises the value of agricultural land but has a wider view of contributing to and enhancing the natural environment beyond in regard to net gains for biodiversity and the benefits of trees and woodland and gives these elements the same weight (para 174 b) and d). This is important in assessing the proposed solar farm as the proposal has significant net gains for biodiversity with the proposed wildflower planting, woodland planting and new hedgerows and additional planting in existing hedgerows. It is noted that Para 176 of the NPPF only gives great weight to National Parks and Areas of Outstanding Natural Beauty which are not applicable here.
- 8.21 Natural England commented on the proposal and did not raise any objections as the proposal was unlikely to lead to the long-term loss of best and most versatile agricultural land for future generations. Some of the infrastructure may impact on the agricultural land but this is limited and the development is proposed for up to 40 years, when it will need to be restored to its former state and continue to be used for agriculture. Therefore there is no permanent loss of agricultural land.
- 8.22 As a result, the proposal does not constitute a significant permanent loss of best and most versatile agricultural land, and conditions shall

be imposed to secure the protection of soil and reinstatement to the existing agricultural land grade at the end of the lifetime of the development.

- 8.23 Consideration needs to be given to the loss of agricultural production during the lifetime of the development. This would have an impact but given the size of the holding, it is not considered to be significant, and must also be considered in the context of the environmental benefits this proposal would bring which is afforded significant weight.

Landscape Character

- 8.24 The existing landscape character will change from arable fields to the proposed solar farm and associated infrastructure on a net area of 24ha. The remainder of the 59ha will include existing and proposed hedgerow and woodland, grasses and wildflower planting. This additional hedgerow and woodland planting will help mitigate the impacts of the proposal as well as strengthening the character of the district's landscape on a permanent basis. These measures are considered appropriate and in accordance with Policies DES2 II and DES3 II, which require mitigation measures and compensatory planting or habitat creation. The timeframe of the development is important in consideration of the impact on the landscape character as the compensatory planting will not be removed from the site at the decommissioning stage.
- 8.25 The landscape character around the site has changed significantly with the construction of the bypass and it is acknowledged that this shouldn't encourage development in the countryside, but it does change the character of the landscape. The bypass is permanent and has a number of mitigation measures in place, which includes hedgerow planting on the eastern and western side of the carriageway. The landscape officer notes that the solar farm will be visible to the users of the bypass and this would be transient and therefore not of primary importance to road users. The comments of the landscape officer state the highest adverse visual impact will be on users of the PRoWs as their attention or interest is likely to be on

the landscape and particular views, with the new hedgerows and wildflower plantings providing some long-term benefits.

- 8.26 The PRowS have been considered in the layout of the proposal and with amendments requested by officers, the users of the PRow will not be adversely affected in regard to the hedgerow planting and new woodland planting to the north of Area 6. In addition of providing additional planting adjacent to the PRowS where there isn't any, the permissive footpaths will provide additional footpaths for users of the PRowS and enhance the Rights of Way network in accordance with Policy CFLR3 of the District Plan.

Heritage Assets

- 8.27 Paragraph 8.11 and the summary of the conservation and design advisor and HCC historic environment advisor in Section 5 addresses the potential impacts on the designated heritage assets. The proposal will result in less than substantial harm to the significance of the designated heritage assets due to the negative impact on the wider settings of the Hadham bypass. Beyond the bypass, the proposal will be softened by the planting on either side as it matures, as well as the additional planting of hedgerow and woodland as part of the application.
- 8.28 Policy HA1 II. of the District Plan states that *"less than substantial harm should be weighed against the public benefits of the proposal."* Many of the objections received did not consider there were public benefits. However, the proposal will provide public benefits in regard to the use of renewable energy helping to reduce the reliance on fossil fuels and associated carbon reduction and contributing to energy security. The energy generated from the site will feed into the Bishop's Stortford grid which is in broad accordance with the government's objective for decentralised energy production. In addition to these benefits, there are significant improvements in biodiversity with additional woodland and tree planting, grasses and wildflowers attracting a range of wildlife.

- 8.29 The geophysical survey submitted with the application indicates that there are “no overriding heritage constraints” and based on this, the historic environment advisor has agreed that further archaeological investigation can be undertaken by way of a condition. The condition will prevent development commencing until a programme of archaeological work is secured in accordance with a written scheme of investigation, which requires trial trenching based on the results of the geophysical survey.
- 8.30 The proposal will result in less than substantial harm to the significance of the designated heritage assets due to the negative impact on the wider settings. Whilst this is given great weight, it is acknowledged that there are public benefits associated with the scheme in terms of energy security and sustainability which must be balanced against this in arriving at a decision.

Ecology and Biodiversity

- 8.31 The current arable fields provide limited ecological value, whereas the hedgerow and trees surrounding the arable land have greater ecological value and propose to be retained and enhanced as part of the development. The nearest Local Wildlife Site, Bloodhounds Wood, is approximately 220m from the eastern boundary of the development site and separated by a new hedgerow and wildflower seeding proposed on the eastern side of Area 7. The additional hedgerows proposed will assist in screening the solar panels and associated equipment but also improve wildlife corridors. The fencing proposed is to stop deer entering the solar panel areas but should not prevent smaller animals from the fields.
- 8.32 Extensive new planting in and around the solar panels includes wildflower planting, new hedgerows and strengthening of existing hedgerows, tree planting and woodland planting. There is also likely to be grasses underneath the solar panels, which would further strengthen the biodiversity benefits of the proposal. Drawing No. 7200/ASP1 Rev K provides the details of the planting areas and a condition is proposed for a Landscape Ecological Management Plan

be submitted and approved prior to commencement of the development to ensure the landscaping is appropriately maintained.

- 8.33 Policy GIP4 of the Neighbourhood Plan, which seeks to protect wildlife and increase biodiversity, is relevant to the access for construction traffic, where the Highway Authority have requested visibility splays for the access onto Hadham Road. This is not likely to result in any loss of existing trees or hedgerow as this access was used by some of the bypass construction traffic and has been upgraded with a cycle/footway crossing and new grass verges.
- 8.34 A nearby pond shows that the breeding of great crested newts has occurred and a Reasonable Avoidance Measures Method Statement (RAMMS) has been prepared as well as an Ecological Assessment to ensure they are appropriately protected from any impacts arising from the development.
- 8.35 Neither Herts Ecology nor Herts and Middlesex Wildlife Trust have raised bird injuries/deaths as an issue, which has been raised by objectors. The proposed planting regime, to be secured by condition, will genuinely enhance the biodiversity of the locality, which will have wider benefits to the community. This is considered to hold significant weight.

Impact on Amenity

Visual amenity

- 8.36 The proposed solar farm will create an impact on the character of the site as it will change from arable fields to rows of mounted solar panels and associated infrastructure. The area of the panels will be 22ha within 7 fields which will have perimeter deer-proof fencing and new and enhanced hedgerow helping to screen the panels. In addition, it is also proposed to plant woodland trees within the site as well as wildflower seeding around the perimeter of the mounted solar panels. The solar panels will be visible to users on the public rights of way on implementation of the development as shown on the Photomontage (Drawing No. 7200/PLP1). The photomontages

show the panels from four key areas on Bridleways 36, 35 and 10 at Day 1, Year 5, 10 and 15. The solar panels in Areas 4, 5 and 7 will be visible from some parts of the PRowS 35 and 10 when looking southeast as are the vehicles on the bypass. At year 5 these views of the panels will be glimpses and at year 10 and 15 they are not likely to be visible to users of the PRowS, including Bridleway 9, where Area 6 and 1 will be visible at close views. The immediate view of Areas 2 and 3 from the Bridleway 10 will be visible as these two fields are on the boundary with this Bridleway where it heads north towards Upwick Hall.

- 8.37 Whilst the comments from the Footpath Association in regard to the problems with the existing PRowS around Wickham Hall buildings is noted, this area is outside the development boundary and it is not considered reasonable to require this scheme to address an issue which is not caused by the proposal.
- 8.38 The comments of the Crime Prevention Design Advisor are noted. The scheme will make use of CCTV cameras, with monitoring arrangements, and fences. As such, crime prevention is considered to be adequately addressed and a suitable balance is struck between this and security arrangements which may have a greater impact on the landscape.
- 8.39 The scheme will result in some impact on glint and glare. This is discussed below with regards to impact on aviation. It could however have some impact on amenity, being a visually element not commonly found in rural areas. In views of the scheme from the nearest points, this is considered likely to be minimal due to the angle at which panels would be seen and the extensive screening. The panels would be visible in longer views, as considered above, and glare and glint would be part of this visual impact on the landscape.
- 8.40 Overall the impact on amenity in visual terms is considered acceptable.

Noise

- 8.41 Extensive discussions have been held regarding the noise impact of the proposals as electrical switching gear, including the sub stations, can create noise due to electricity passing through the equipment, and some of the units would be air conditioned, which would also generate some noise. The noise impact as focussed on sensitive receptors, which are generally residential buildings. Following the receipt of additional information, the Environmental Health team are satisfied that the proposal is acceptable and it has been demonstrated that noise levels can be at acceptable levels. Conditions have been recommended which ensure that the noise level from the equipment at the site would be below the background noise level (so that, as noise is cumulative, it does not significantly contribute to an increase in noise) both generally, and within certain octave brackets as electricity can generate a noise at a certain frequency. Additionally, conditions are recommended, and have been accepted by the applicant, to carry out a post-completion assessment to ensure that the levels of noise generated are in line with the assessments made. As some of the measures to reduce noise may require some screening to the electrical equipment at the site, or its cooling, a condition is recommended to secure the detailed design of these elements.

Highway Impacts

- 8.42 The highway impacts of the proposal will be during construction and the decommissioning stages of the development. A construction management plan is required by condition before any development commences on site. Visibility splays are also required to be in place prior to the first delivery of the solar panels and associated equipment and a decommissioning condition.
- 8.43 Once all of the construction is completed and the solar farm is operational, there will be very few trips generated and these will only be for maintenance purposes. The existing and proposed tracks are to be used for this. The vehicles used during operation will be smaller in size and much lower in number compared to the vehicles used in farming the land.

- 8.44 The conditions proposed will help mitigate the impacts of the construction traffic on highway safety grounds in accordance with Para 110 d) of the NPPF and Policies TRA1 and TRA2 of the District Plan.

Drainage

- 8.45 The Lead Local Flood Authority have raised some concerns with the proposal and objected on the basis of the lack of a suitable drainage strategy to demonstrate that the proposal would not increase flood risk to the site or elsewhere.
- 8.46 The concerns mainly relate to the absence of infiltration testing on the site, and there being no detailed drawings of drainage proposals.
- 8.47 It is not uncommon for infiltration testing to be undertaken after a planning application is granted. Without infiltration testing, existing and proposed run off rates cannot be accurately defined and so a detailed scheme cannot be designed.
- 8.48 Approximately half the site would be given over to impermeable development and the vast majority of this area, the area under the solar panels themselves, would actually still be permeable, although the panels would intercept rainwater above this ground and so water would infiltrate differently to the existing situation. However given the distance from more vulnerable flood uses and the largely agricultural nature of the surrounding area, the Council is satisfied that the site can still drain appropriately and these issues can be dealt with by condition. The Lead Local Flood Authority have recommended some conditions to be attached.

9.0 Planning Balance and Conclusion

- 9.1 Policy INT1 of the District Plan states that the Council *will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure*

development that improves the economic, social and environmental condition in the area.

- 9.2 The principle of renewable energy and energy security is supported by planning policy and this is given substantial weight.
- 9.3 Planning policy also seeks to protect the countryside and its range of functions for agricultural use, landscape character, the natural environment including minimising impacts and providing net gains in biodiversity, preventing pollution and overall improving local environmental conditions. Whilst the proposed solar farm would occupy best and most versatile agricultural land, and would result in a reduction of agricultural production, the proposal is not permanent and occupies a small area of Wickham Hall farm. For these reasons, the loss of the agricultural land is given moderate weight. Moderate weight is also given to the impact on the character of the landscape as the site is not a National Park or Area of Outstanding Natural Beauty, which is normally afforded great weight.
- 9.4 The biodiversity net gain of the proposal is given greater weight than the impact on the countryside character as the planting proposed will screen the solar panels for the majority of the time they are in place and the visual impact will be softened within 5 years. The impact is not permanent with the screen planting and the panels being in place for up to 40 years, whereas the biodiversity net gain will be permanent with the new trees, woodland and hedgerow planting being retained at the end of lifetime of the solar panels.
- 9.5 There will be less than substantial harm to the nearby heritage assets and this is weighed against the public benefits of the generation of renewable energy contributing to energy security and reducing greenhouse gas emissions to slow down climate change.
- 9.6 There are no other approved or existing solar farms nearby for the proposal to have a cumulative impact.
- 9.7 The application has been assessed against the development plan as a whole and all relevant material considerations. It is recognised that

the proposal would have some adverse impacts as set out above. However, the substantial benefits arising from this proposal would outweigh the harm and overall, the proposed solar farm would accord with the broader objectives of the development plan. On this basis it is recommended that planning permission is granted subject to conditions.

- 9.8 It is noted that the above assessment, of both benefits and disbenefits, is based on the scheme being temporary, and the applicant has indicated that they intend for it to be used for 40 years. Detailed discussions have been held regarding appropriately worded conditions to ensure that the scheme would be temporary. The developer has requested that the condition is worded in such a way to allow them to operate it for 40 years from when it starts to export electricity to the grid. However, some scenarios exist where the panels are installed but electricity export does not occur, or where there is a lag between the two. The impact on the landscape and the removal of productive land is however triggered by the installation of the scheme as opposed to the electricity generation and so officers consider that the time limit should relate to the installation of the scheme. In order to strike a balance between these issues and ensure that the environmental benefits are realised, a condition is recommended to require the removal of the scheme after 43 years, being a 40-year period for electricity generation and three years being the normal time period in which a planning permission needs to be implemented.

RECOMMENDATION

Conditions

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As Amended).

2. The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.

Reason: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

3. The scheme, as set out in the description of development, shall be removed from the site after a period of 43 years, starting on the date of this permission.

Reason: To ensure that the impacts of the proposal accord with the above assessment, in the interests of the character of the area, visual amenity and landscape character and the protection of best and most versatile land for agricultural production.

4. Not less than 12 months before the date at which the scheme shall be removed from the site as required by condition 3, or when the scheme ceases to generate electricity (whichever is the sooner), details of a decommissioning and site restoration scheme, in accordance with the Outline Decommissioning Scheme dated January 2022, shall be submitted to and approved in writing by the local planning authority. The decommissioning and site restoration scheme shall include:

- a) Removal of all above-ground structures, traffic routes and timetable;
- b) Removal of any cabling;
- c) Restoration details for the site, including for soil quality and timetable for implementation.

The agreed decommissioning and site restoration scheme shall be fully implemented and within the time agreed.

Reason: To ensure the impact on the landscape is limited and the site is available for agricultural use and traffic safety met.

5. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local

Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements;
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, temporary pedestrian routes/signage and remaining road and PROW width for pedestrian and vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

6. 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 as set out in the Archaeological Brief (P01/21/2601-2) and 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: The programme is required to be undertaken prior to the commencement of the development to secure the protection of and proper provision for any archaeological remains in accordance with Policy HA3 of the East Herts District Plan 2018 and the National Planning Policy Framework.

7. Development shall not commence until a LEMP has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall ensure the delivery of the agreed number of habitat and hedgerow units as a minimum (222.41 ha units, 53.39 he units) to achieve a net gain in biodiversity and include the following:
 - a) Description and evaluation of features to be managed
 - b) Aims and objectives of management
 - c) Appropriate management options for achieving target condition for habitats as described in the approved metric
 - d) Prescriptions for management actions, only definitive measures are acceptable
 - e) Preparation of a minimum 30-year, annual work schedule
 - f) Details of the body or organisation responsible for implementation of the plan
 - g) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met
 - h) Details of species and mixes selected to achieve target habitat conditions as identified in approved metric
 - i) Location of bat and bird boxes/structures
 - j) Compliance with the mitigation measures set out in Section 6 of the Ecological Appraisal
 - k) Contingency measures should the monitoring reveal that habitat condition targets are not being met

The plan shall be implemented as approved for the life of the development.

Reason: This Management Plan is required to be undertaken prior to the commencement of the development to secure the protection of and proper provision for protected species and habitats of ecological interest in accordance with Policies NE2 and NE3 of the East Herts District Plan 2018 and to ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with Policies DES3 and DES4 of the East Herts District Plan 2018.

8. Prior to any development commencing, an aviation Glint and Glare assessment shall be submitted to and approved in writing in consultation with the aerodrome safeguarding authority for Stansted. The assessment shall have no predictions of Red or Yellow glare for all departure and arrival routings, including circuits and Air Traffic Control.

Reason: In order to prevent ocular hazard and distraction to pilots using Stansted Airport.

9. Prior to any development commencing on site, details of any external lighting, in accordance with the recommendations set out in 6.1.7 Aspect Ecology Ecological Appraisal 2021, shall be submitted to and approved in writing. The development shall be implemented in accordance with the approved details.

Reason: In the interests of protecting against light pollution in accordance with Policies NE4 and EQ3 of the East Herts District Plan 2018.

10. Prior to the first use of the temporary access hereby approved, a visibility splay shall be provided fully in accordance with the details indicated on the approved drawing number H5234-5PD-002 C. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway during the construction phase.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in

accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

11. All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with Policy DES3 of the East Herts District Plan 2018.

12. No plant or machinery shall be operated on the site during the construction phase of the development hereby permitted before 0730hrs on Monday to Saturday, nor after 1800hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

Reason: To safeguard the amenities of residents of nearby properties, in accordance with Policy EQ2 of the East Herts District Plan 2018.

13. All battery storage containers, transformers, storage container, substations and power stations to be factory painted matt finish dark green, grey or black in colour.

Reason: To ensure the infrastructure is a dark muted colour to blend into the landscape in accordance with policy DES4 of the East Herts District Plan 2018.

14. Prior to the installation of any solar panels hereby approved, further acoustic modelling shall be carried out to demonstrate that the level of noise to be emitted from all external fixed plant and equipment at the development hereby approved shall not exceed 5dB below the background noise level (LA90T) when calculated 1m from the façade of the nearest noise sensitive property.

Equipment shall be installed in accordance with the approved specification used in the modelling and maintained in a fashion which does not result in an increase in noise generation for the lifetime of the development.

Reason: To ensure an adequate level of amenity to noise sensitive receptors, in accordance with EQ2 of the East Herts District Plan 2018.

15. Prior to the installation of any solar panels hereby approved, further acoustic modelling shall be carried out to demonstrate that the level of noise to be emitted from all external fixed plant and equipment at the development hereby approved shall not exceed 5dB below the background noise level (LA90T) in any octave band when calculated 1m from the façade of the nearest noise sensitive property.

Equipment shall be installed in accordance with the approved specification used in the modelling and maintained in a fashion which does not result in an increase in noise generation for the lifetime of the development.

Reason: To ensure an adequate level of amenity to noise sensitive receptors, in accordance with EQ2 of the East Herts District Plan 2018.

16. Prior to the to the installation of any solar panels hereby approved, details of the method for a post-completion noise impact assessment

shall be submitted to and approved in writing by the Council as local planning authority. Within three months of the first generation of electricity from the site, or such other time period as shall be agreed through the method, the post-completion noise impact assessment shall be submitted to the Council for approval.

Reason: To ensure an adequate level of amenity to noise sensitive receptors, in accordance with EQ2 of the East Herts District Plan 2018.

17. The development permitted by this planning permission shall be carried out in accordance with the Flood risk assessment and drainage strategy prepared by Sustainable Development and Delivery, DLP Planning Ltd, dated July 2021, and the following mitigation measures:
1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the greenfield surface water run-off rates for the relevant rainfall events up to and including the 1 in 100 year + 40% climate change event.
 2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event in above ground SuDS features.
 3. Discharge of surface water from the private drain into a suitable location, such as to ground, an ordinary watercourse or river.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure that surface water run off is adequately mitigated, in accordance with WAT1 and WAT5 of the East Herts District Plan 2018.

18. No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage

strategy and sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details, including a timescale for implementation. The scheme shall include the following:

1. Fully detailed drainage strategy indicating how surface water will be managed on the site including the access road, battery storage, inverters, and transformer areas including all SuDS features, discharge points and watercourses. If discharging to a watercourse, full details confirming the capacity and condition should be provided.
2. Assessment of SuDS management and treatment.
3. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
4. Detailed assessment of existing overland flow routes and demonstration of how these will be managed as part of the development, including during the construction phase.
5. Detailed post-development network calculations for all events up to and including the 1 in 100 year + 40% climate change event with half drain down times.
6. Detailed timescales for the implementation of the drainage scheme and timescales for provision of the details required by condition 19.

Reason: In the interests of sustainable drainage in accordance with policy WAT5 of the East Herts District Plan 2018.

19. Upon completion of the drainage works for the site and in accordance with the timing/phasing agreed under condition 18, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

1. Provision of a complete set of built drawings for site drainage.
2. Photos demonstrating the installation of SuDS features.
3. Details of all maintenance and operational activities for drainage systems on site.
4. Arrangements for adoption and any other measure to secure the operation of the scheme throughout its lifetime. Confirmation of who will be adopting and maintaining the system will be required.

Reason: To ensure the site is appropriately drained as required by policies WAT1 and WAT5 of the East Herts District Plan 2018.

20. No development shall take place until a detailed surface water management plan for the construction phase of the development is provided and approved in writing by the Local Planning Authority. The strategy should describe how surface water runoff will be held on site and discharged appropriately without increasing flood risk off site.

Reason: To ensure that construction has an acceptable impact on drainage, in accordance with policies WAT1 and WAT5 of the East Herts District Plan 2018.

21. Prior to the commencement of development, a scheme for the protection of soil during the construction and ongoing operation of the site, shall be submitted to and approved in writing by the Council as local planning authority.

Reason: In order to protect soil as a valuable natural resource and in accordance with CC2 of the East Herts District Plan 2018.

22. Prior to the commencement of development, full details of the security arrangements for the site, including details of CCTV and other security measures, shall be submitted to and approved in writing by the Council as local planning authority.

Reason: To ensure the security of the site in accordance with policy DES4 of the East Herts District Plan 2018.

Informatives

1. Other legislation
2. The decommissioning and site restoration scheme required by condition 4 will be expected to return the site to at least the current Agricultural Land Classification
3. Archaeological interest
4. Public Rights of Way
5. No use of cranes or tall equipment
6. Bats
7. Justification to grant