

DEVELOPMENT MANAGEMENT COMMITTEE – 15 OCTOBER 2025

Application Number	3/24/1275/FUL
Proposal	Construction and operation of a circa 24MW (AC) solar farm development with a (Battery Energy Storage System) BESS, and associated infrastructure
Location	Land to the West of Ware, Ware Park Farm, Ware, Hertfordshire, SG12 0DU
Parish	Hertford Town Council
Ward	Hertford Bengoe

Date of Registration of Application	12 th July 2024
Target Determination Date	
Reason for Committee Report	Major application
Case Officer	Joanna Russell

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 Proposal comprises the construction and operation of up to 24 MW solar farm development, and associated infrastructure on land covering 18.3 ha, and includes:

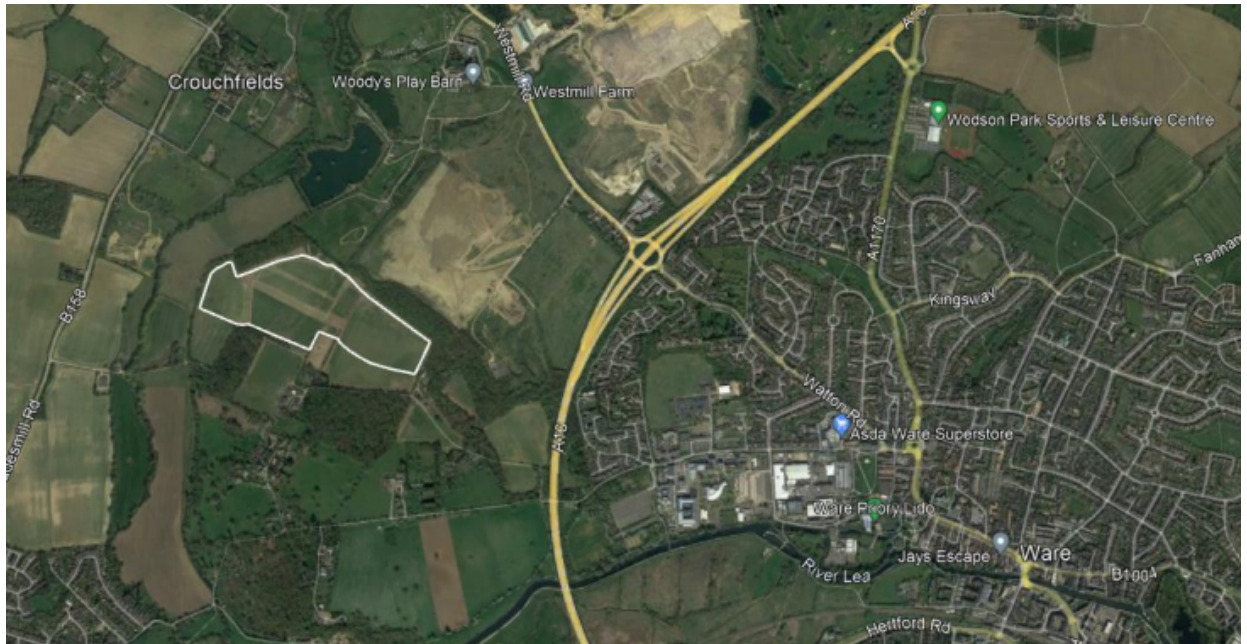
- Solar PV modules mounted onto arrays;
- Battery Storage System (BESS);
- Inverter/ Transformer units;
- Access tracks;
- Onsite cabling;
- Fencing and security measures; and
- Substation.

1.2 Underground cabling will also be required to connect to the nearby Glaxo Smith Kline (GSK) site who will be the off taker for any renewable energy generated by the solar farm with any excess generation being exported to the local electricity network.

1.3 The main issues arising from the proposals are considered in section 4 of this report.

2.0 Site and Surroundings

- 2.1 The Site is situated approximately 880m northwest of GSK, Ware and is agricultural land. It is located within the Metropolitan Green Belt and part of the site is located within an area of archaeological potential.



- 2.2 To the south and north-west of the site are blanket TPO's however there are no TPO's on the application site itself. The River Rib is located to the western side of the site, however the site is in flood zone 1. Public Right of Way Hertford 096 runs close to the eastern boundary of the site. The site falls within the area covered by the Bengoe Neighbourhood Plan. The topography of the site is gently sloping from south to north, with few distinguishing landscape features.
- 2.3 Access to the site can be gained via an existing private access off the B158 to the west, and existing farm access tracks. The site is made up of 3 fields. Field 1 is the most easterly within the application site. It comprises a broadly rectangular parcel of land which is largely flat in terms of topography and 4.8ha in size. This parcel is screened by mature woodlands located to the north, east and south.
- 2.4 Field 2 is the largest of the parcels of land, approximately 8.9ha and is irregular in shape. A mature copse of woodland is located along the southern and northwestern boundary. This woodland offers screening. However, the Field slopes from west to east, meaning that part of this field is viewed from long range vantage points to the west.

- 2.5 Field 3 is the western part of the site and is approximately 2.76ha in size. To the west is a mature hedgerow which offers visibility screening. Circa 188m to the west is the River Rib and flood risk associated with this feature is predominantly concentrated to the fields separating the site from the River Rib. This field slopes from west to east, however given the local topography it is largely screened from public vantage points with mature woodland to the north and south offering further natural screening.
- 2.6 There are no ecological designations within or in close proximity to the boundary of the Site.
- 2.7 The surrounding area is predominantly characterised by agricultural land. Westmills Farm lies to the north of the site and comprises a multi functional leisure and tourist destination, including camping and caravan site, restaurant, golf course, 3 fishing lakes, zorb strike, a fishing tackle shop, Garden Centre, Art and Pine furniture shops and model car offroad track, as well as Edge Outdoor Activities.
- 2.8 Westmill Quarry characterises much of the land to the north of the Application Site, further introducing an industrial land use to the wider west of Ware area. Residential properties are approximately 40m and 90m to the south of the Site. Ware Carmel monastery is circa 300m to the southeast of the site.
- 2.9 The site itself is remote and well contained by the boundary vegetation, rows of trees with only occasional gaps in the hedgerows (to the northeast) giving visibility from the public rights of way routes that are distant from the edges of the site.

3.0 Planning History

- 3.1 There is no relevant planning history.

4.0 Main Policy Issues

- 4.1 The main planning issues of the application relate to the provision of renewable energy, economic benefits, acceptability of the proposed location, landscape / visual impact, transport, noise and health safety considerations. The relevant policies in the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), and the adopted East Herts District Plan 2018 (DP), are referenced in the table below.

Main Issue	NPPF	East Herts District Plan
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Principle of Development (renewable energy infrastructure)	Chapter 2 and 14 Government white papers and policy statements	INT1, DPS2, DPS4, GBR1, CC3, ED2
Green belt Impact	Chapter 13	GBR1
Economic considerations	Chapter 6	ED2 Vision and Strategic objectives
Landscape Visual Impact	Chapter 12, 15	DES2, DES3, DES4
Heritage Assets	Chapter 16	HA1, HA2, HA3, HA4, HA7, HA8
Ecology and Biodiversity	Chapter 15	NE2, NE3, NE4
Pollution	Chapter 1, 15	EQ1, EQ2, EQ3
Transport	Chapter 9	TRA1, TRA2, CFLR3,
Drainage	Chapter 14 And also NPPG	WAT1, WAT3, WAT5
Community Facilities	Chapter 19	CFLR7

Bengeo Neighbourhood Plan polices:

HBN3 Nature conservation
HBC1 Enhanced community facilities
HBC2 Listed buildings and structures
HBC3 Non designated buildings and structures
HBT1 Traffic congestion and road safety
HBH3 Landscape design
HBB1 Local business development

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

5.0 Summary of Consultee Responses

- 5.1 HCC (Hertfordshire County Council) Highway Authority: Raise no objection subject to the imposition of a condition relating to the impact of the construction phase.
- 5.2 Lead Local Flood Authority (LLFA): Advise that the applicant has provided a Flood Risk Assessment (FRA), which accounts for the local flood risk issues and surface water drainage. Following a review of the submitted documents, the details are in accordance with NPPF and Local Plan policy WAT1, WAT3 and WAT5.

- 5.3 HCC Archaeology: No objection subject to imposition of a condition requiring a watching brief to be submitted and implemented.
- 5.4 HCC Ecology advisor: No objection subject to the imposition of conditions.
- 5.5 Natural England: The proposed development will not have a significant adverse impact on statutorily protected nature conservation sites or landscapes. No objection.
- 5.6 EHDC (East Herts District Council) Conservation and Urban Design Advisor: No objection - concurs with the findings in the heritage report that there would be no harm to the setting of the designated heritage assets in the vicinity of the site.
- 5.7 EHDC Environmental Health (Noise and light): No objection to the proposal.
- 5.8 EHDC Environmental Health (Land): Recommend condition requiring a scheme to deal with ground contamination.
- 5.9 EHDC Landscape Officer: Raises no objection. Concludes that there would be some adverse landscape impact but this of an acceptable level.
- 5.10 EHDC Sustainability Officer: Raises no objection.
- 5.11 UK Power Networks There is no UK Power equipment in the area and therefore no objection.
- 5.12 Affinity Water: There is no objection to the scheme subject to conditions relating to contamination through ground works, during construction and surface water drainage. The developer is also asked to contact the developer services.
- 5.13 The following external/internal consultees were also notified of the proposed development and have not provided any response:

Fire Hydrants
Hertfordshire Fire and Rescue
Hertfordshire Property
Cadent Gas Ltd
Fields in Trust
Herts and Middlesex Wildlife Trust

6.0 Town Council Representations

6.1 Hertford Town Council: Received 3 public comments – all in support and 2 were residents in Hertford. Summary of comments made:

- Visibly, the change of use of the land from agriculture to solar farm would be a disbenefit. However, offsetting this with carbon reduction and biodiversity net gain it would meet the Council's own objectives, subject to the following outstanding issues:
- The unknown and potential impact of the future cabling link between the solar farm and GSK, of which not even a proposed route has been submitted with this application.
- The potential vulnerability of the site to further applications for development if the cable route cannot be achieved after the planning application for the solar farm has been granted.
- Possible development of the site for housing after the 40 years and if approval is given for the solar farm
- The unresolved vehicular access for construction, the eventual dismantling of the installation and ongoing maintenance
- The maximisation of the potential for biodiversity net gains by extending the under seeding on the parcels to be occupied by solar panels, with a meadow mix designed to enhance biodiversity and managed for wildflowers and cut or conservation grazed to maximised biodiversity.
- The additional hedge planting specified above should be required to reduce the visual impact of the proposal on popular walking routes.

7.0 Summary of Other Representations

7.1 51 responses have been received from 47 households and 1 from CPRE. 39 of these from 38 households are in support, and 12 of these over 9 households plus CPRE are in objection. The issues raised are summarised below:

Support

- The area is out of public gaze

- The land is not used for food production as it is set aside and is low grade
- Solar panels would make a productive use of the land
- Benefit of power generation to grid and local business
- Environmental benefits of creating renewable energy
- Given the climate change emergency, the proposal is welcomed
- Visual impact will be minor – screening proposed is appropriate
- Solar farms can provide havens for wildlife
- The proposal will improve biological diversity, moving away from monocrop farming to regenerative farming practices
- The proposal helps the farming industry move towards net zero
- Decommissioning bond secures cessation after 40 years
- The proposal will be beneficial for the local community
- Renewable energy allows future generations to live safely
- Farming needs to diversify to survive
- The use is preferable to more houses
- Solar requires minimal maintenance, is quiet and does not contaminate land or water
- Benefit of grazing land and letting it turn to pasture
- The extra HGVs during the 6 months construction will not be an issue as the road widens at the bridge where there is a footpath
- As a society we should accept short term nuisance for long term benefits to society

Objection

- The land is green belt and performs an important function as open countryside
- The proposal would result in the loss of agricultural land and threaten food security
- The proposal would have an adverse landscape impact
- The cumulative effect of similar applications on green belt in Hertfordshire is damaging
- The proposal industrialises the land
- Solar energy should be achieved on previously developed land and on buildings
- The proposal would bring the planning system into disrepute
- 40 years cannot be considered temporary
- The proposal will result in significant noise
- Detrimental impact on wildlife / ecology
- Detrimental highways impact – lorries using a narrow lane with no pavement
- Pollution from lorries
- Site access is not appropriate

- The use of the employment site has recently reduced – energy is not required
- Concern about cabling

7.2 All of the above representations have been considered in the preparation of this officer report.

8.0 **Consideration of Issues**

Principle of Development

8.1 The principle of the development falls for consideration with regard to the provision of renewable energy, the location of the proposal within the rural area, the economic benefits of the provision, the loss of agricultural land; and its appropriateness within the Green Belt.

8.2 Consideration is also given to recent appeal decisions relating to similar development, in particular Land northeast of Wandon End, North Hertfordshire ref 22/03231/FP (North Hertfordshire Council) which was determined by appeal decision dated 15th July 2025.

Renewable Energy

8.3 The NPPF was updated in December 2024 to elevate the overall significance given to the benefits associated with developments for renewable energy or associated with the provision of renewable energy infrastructure. Paragraph 168 states that *‘When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future’*.

8.4 In June 2019 the UK declared a climate emergency and amended the Climate Change Act 2008, introducing a legally binding target to achieve ‘net zero’ by 2050. The pathway to net zero is now firmly enshrined in the UK’s statutory and policy provisions.

8.5 The National Infrastructure Strategy – Fairer, Faster and Greener (November 2020), sets out the UK Government’s plans to deliver on its ambition to ‘deliver an infrastructure revolution’ a radical improvement in the quality of the UK’s infrastructure to help level up the Country, strengthen the Union and put the UK on the path to net zero emissions by 2050.

- 8.6 The Energy White Paper 'Powering Our Net Zero Future' (December 2020) highlights that clean electricity will become the predominant form of energy, entailing a potential doubling of electricity demand and consequently a fourfold increase in low-carbon electricity generation. This transition must be secured while retaining the essential reliability, resilience and affordability of energy.
- 8.7 The government paper 'Net Zero. Build Back Greener' (Oct 2021) sets out the vision for a decarbonised economy. It confirms that the net zero economy will be underpinned by cheap clean electricity, made in Britain. It highlights that *'a clean, reliable power system is the foundation of a productive net zero economy as we electrify other sectors – so we will fully decarbonise our power system by 2035, subject to security of supply.'*
- 8.8 As well as helping to address climate change, the British Energy Security Strategy (April 2022) indicates that renewable energy has a key role to play in providing greater energy security for the country and reducing our need to import energy.
- 8.9 The Government paper 'Powering Up Britain' (March 2023) states that *'One of the foundation stones of thriving economies is access to cheap, abundant and reliable energy... After decades of reliance on imported fossil fuels, the new department's mission is to replace them with cheaper, cleaner, domestic sources of energy... Energy security and net zero are two sides of the same coin'.*
- 8.10 Turning to the battery storage element of the proposal, the Energy White Paper 2020 is one of a number of recent government publications that highlight the need for battery storage to support the growth in renewable energy. It sets out that storage is needed to increase the reliability and security of the energy system by providing the ability to store surplus electricity in times of low demand and/or high production and releasing it when demand is high. Recognising the crucial role battery storage has in meeting the growth of electricity demand and maintaining a secure energy supply, the Clean Power Action Plan 2030 sets a target of achieving 23-27 GW of battery capacity by 2030, which represents a 400-500% increase over 5 years.
- 8.11 Battery Energy Storage Systems (BESS) are a separate and distinct facility. Whilst they are sometimes provided as part of a solar farm, they can, and often are, standalone development. In being co-located with the proposed solar farm the proposed BESS would make efficient

use of land and would enable the energy produced to be used effectively as well as providing flexibility for the grid. In accordance with recent appeal decisions, the benefit of this element of the proposal should be given significant weight.

- 8.12 In July 2019, East Herts Council approved a Climate Change Declaration in recognition of the climate emergency. This declaration committed the council to take action to address the causes and impacts of climate change across the district and is directed through the Climate Change Strategy 2022-2026.
- 8.13 In July 2023, the Council agreed a climate emergency, which both amplifies and accelerates efforts to tackle climate change in terms of reducing greenhouse gas emissions, restoring natural environments and planning for the local impacts of climate change.
- 8.14 On the basis of the above, the principle of renewable energy infrastructure is supported.

Locationality

- 8.15 While Local Plan policy DPS2 generally seeks to limit development outside of settlement hierarchy, policy CC3 specifically relates to renewable and low carbon energy and states that: *'The Council will permit new development of sources of renewable energy generation, including community led projects, subject to assessment of the impacts upon:*
- (a) environmental and historic assets;*
 - (b) visual amenity and landscape character;*
 - (c) local transport networks;*
 - (d) the amenity of neighbouring residents and sensitive uses;*
 - (e) air quality and human health; and*
 - (f) the safe operation of aerodromes...*

In considering the impact of renewable technologies, 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'.

- 8.16 Taking account of the wider policy context as detailed above, and the specific guidance in Local Plan policy CC3, while it is preferable for development to be located on previously developed land, given the nature of the proposal, the application site could be an appropriate

location in principle for the proposed development, subject to its detailed impacts.

Economic Consideration

- 8.17 Chapter 2 of the local plan sets out the vision for East Herts in 2033. This includes that the *'local economy in the District will have been supported, with provision having been made for the accommodation requirements of existing and new businesses...'*
- 8.18 Paragraph 81 of the NPPF seeks to ensure that planning decisions help create the conditions in which businesses can invest, expand and adapt, with significant weight to be attached to:
- '...the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.'*
- 8.19 Policies relating to the rural economy are also appropriate, with paragraph 84 of the NPPF seeking to achieve the following:
- 'a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
b) the development and diversification of agricultural and other land-based rural businesses;...'
- 8.20 Paragraph 85 sets out that decision should recognise that sites to meet local business needs may need to be found adjacent to or beyond existing settlements.
- 8.21 The Proposal will connect directly into the GSK Ware factory. The cable route will go out the north of the factory and will connect to the proposed solar farm via the adjacent land parcels.
- 8.22 The submission advises that the upgraded grid connection will allow additional export capacity for GSK which will enable futureproofing of their facility through electrification and also that this is key to them achieving their net zero targets.

- 8.23 The Ware plant is a major energy user. The application outlines that in total the factory consumes approximately 57GWh of electricity per annum, the equivalent to 19,600 houses. The proposal is estimated to generate approximately 21GWh of electricity per annum, the equivalent to 7,200 houses. This would significantly reduce their reliance on wholesale energy and assist in their target towards achieving carbon neutrality by 2045.
- 8.24 The proposal would contribute towards the sustainability and future energy security and therefore contribute to the economic stability of a significant local employer, which constitutes a nationally significant facility in Medical and Scientific Research and Development. In this regard the proposal is supported.

Community Support

- 8.25 The application is accompanied by a commitment to implement a Community Benefit Fund for the benefit of the locality of £15,000 per year for the 40 year lifespan of the solar farm. This can be used in accordance with Local Plan policy CFLR7 which supports the provision of community facilities in conjunction with new development.

Loss of Agricultural Land

- 8.26 Policy ED2 of the District Plan relates to the rural economy and outlines that where proposals result in the loss of an agricultural or employment use in a rural area, evidence will be required to demonstrate that the current agricultural or employment use is no longer needed or viable.
- 8.27 NPPF Paragraph 180(b) seeks to recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – *‘including the economic and other benefits of the best and most versatile agricultural land [BMV], and of trees and woodland’*.
- 8.28 Footnote 62 of NPPF states that *‘Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.’*
- 8.29 The application is accompanied by an agricultural land classification report. This demonstrates that the BMV Grade 2 and 3b land equates

to just a fifth of the overall site area. The importance of this in the context of agricultural performance is that the farming regime which can be adopted will largely be determined by the potential of the poorest quality land on the Site, thereby limiting the extent to which the capacity of the higher quality land can be exploited. In this instance, cropping is therefore limited to a conventional combinable crop rotation principally for animal feed.

- 8.30 Therefore, there is only a limited loss of food security from the proposal. This is in compliance with the aspirations of Footnote 62 of NPPF.
- 8.31 The installation of the arrays would occupy less than approximately 5% of the Application Site area. The infrastructure associated with the development, including inverter/ transformer units and access tracks will cover less than 10% of the ground. The BESS will cover less than an additional 1% of the Site. On this basis, the remainder of the land would be accessible for the growth of vegetation and can be utilised for biodiversity enhancements for the lifespan of the proposal.
- 8.32 Officers have given due regard to the consideration of previous appeal decisions in relation to Solar Farm and BESS applications in determining the level of adverse weight to be afforded in the balance. In particular, it has been noted by appeal Inspectors that loss of agricultural land is not considered to be 'significant' within the planning process if less than 20ha in size.
- 8.33 Of additional consideration is that the proposal will not permanently remove best and most versatile agricultural land from an active agricultural use. Whilst there will be temporary loss of a range of agricultural land classifications, this is entirely reversible. The cessation of the development after 40 years of operation and reinstatement of former use is a matter that can be controlled by the imposition of a condition.
- 8.34 While the land used for solar energy generation will cease to be used for arable production, the application advises that it would still be compatible with sheep grazing and as such will not therefore be wholly lost to potential of agricultural use during the period of a temporary consent.
- 8.35 Taking account of the above, and in light of recent appeal decisions, it is concluded that the proposal would not have a significant impact on agricultural productivity and no objection is raised to the proposal on this basis.

Green Belt Impact

- 8.36 As set out in paragraph 147 of the NPPF, where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.
- 8.37 Paragraph 148 of the NPPF advises that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.
- 8.38 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.
- 8.39 Paragraph 151 of the NPPF confirms that, most renewable energy projects will constitute inappropriate development and that very special circumstances will be required. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
- 8.40 The proposed development is not appropriate within the Green Belt and is by definition harmful to the Green Belt. Therefore, a case of very special circumstances is required. This has been made and is set out below. It will be considered in the planning balance section of the report once it is established if 'any other harm' exists.

Very Special Circumstances Case

- 8.41 The applicant has submitted a case for very special circumstances to support development in the green belt which is harmful by reason of inappropriateness. They are as follows:
- The power generated by the solar farm will directly supply GSK Ware site. This shows confidence in the business through a long-term investment in energy.
 - A long-term, cost-effective energy agreement means job security. This has indirect benefits to the local community where employees live, as they will be spending wages in local shops and services etc.

- A significant biodiversity net gain.
- The location of the solar farm close to the GSK factory mean that employees can see where their renewable energy is coming from.
- The proposal helps the Government meet their legally binding targets for net zero and increased renewable energy.
- The Site will be utilised for sheep grazing and will not lead to a permanent loss of agricultural land.
- A Community Benefit Fund will be provided of £15,000 per year for the 40-year lifespan of the solar farm.
- Limited other impact.

Landscape Considerations

8.42 Paragraph 013 of the National Planning Practice Guidance sets out the planning considerations that relate to large scale ground-mounted solar photovoltaic farms and states that:

‘The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively’.

- 8.43 The guidance recognises that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.
- 8.44 It advises that with effective screening and appropriate land topography, the area of a zone of visual influence could be zero.
- 8.45 Local Plan policy CC3 requires new development of sources of renewable energy to be assessed against visual amenity and landscape character. Policy DES2 states that development proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district’s landscape. In accordance with the requirements of the policy, a Landscape and Visual Impact Assessment (LVIA) has been provided which addresses the impact, mitigation and enhancement opportunities of the proposal.
- 8.46 The appraisal notes that there are limited landscape features on the site itself, although the site is bound by woodland to the north, south and east. To the western boundary a narrow tree belt bounds the site.

- 8.47 Several compacted earth tracks are evident across the site, primarily along the field boundaries providing access for farm vehicles. There are no public rights of way accessing the site although there are several in the wider LVIA study area. The closest public footpath lies 0.05km from the south east corner of the site, connecting the western edge of Ware to the Hertfordshire Way recreational route. There are several public bridleways and footpaths to the west of the site and west of the River Rib, these are generally located on the boundaries of fields and woodlands.
- 8.48 There are no landscape designations located on the site although Waterford Heath Local Nature Reserve (LNR) lies 1.9km to the west of it and a Site of Special Scientific Interest (SSSI) lies approximately 2km to its north east. The closest areas of Ancient Woodland lie to the north west of the site, located between the railway line and the A602.
- 8.49 The appraisal identifies that the Site is located entirely within the Natural England National Character Area (NCA) 111: Northern Thames Basin, as well as the majority of the study area. The north of the study area lies within NCA 86: South Suffolk and North Essex Clayland.
- 8.50 The site and immediate surroundings fall within Landscape Character Area (LCA) 76 Ware Parklands of the East Herts District Landscape Character Assessment 2007.
- 8.51 The Appraisal sets out in detail the predicted effects of the development during construction and once completed at years 1 and 15. In summary, landscape character is more likely to be affected at a local scale and this is not considered to be significant.
- 8.52 There will be limited effects on the site-specific landscape characteristics of the proposed site, including the landform, vegetation and land use. These site characteristics are generally of low value and low sensitivity.
- 8.53 Potential changes in view are likely to be experienced from residential receptors, local road users and users of the public right of way network up to 1.5km from the centre of the site. Due to the topography of the site and the surrounding woodland context, views of the site as a whole are not possible, with receptors experiencing partial views of the proposed development. The most severe visual effects are anticipated to be substantial / moderate at construction, reducing to moderate upon completion. Generally, the majority of visual effects are

anticipated to be moderate, reducing to moderate/ slight or slight upon operation once landscape proposals have further established.

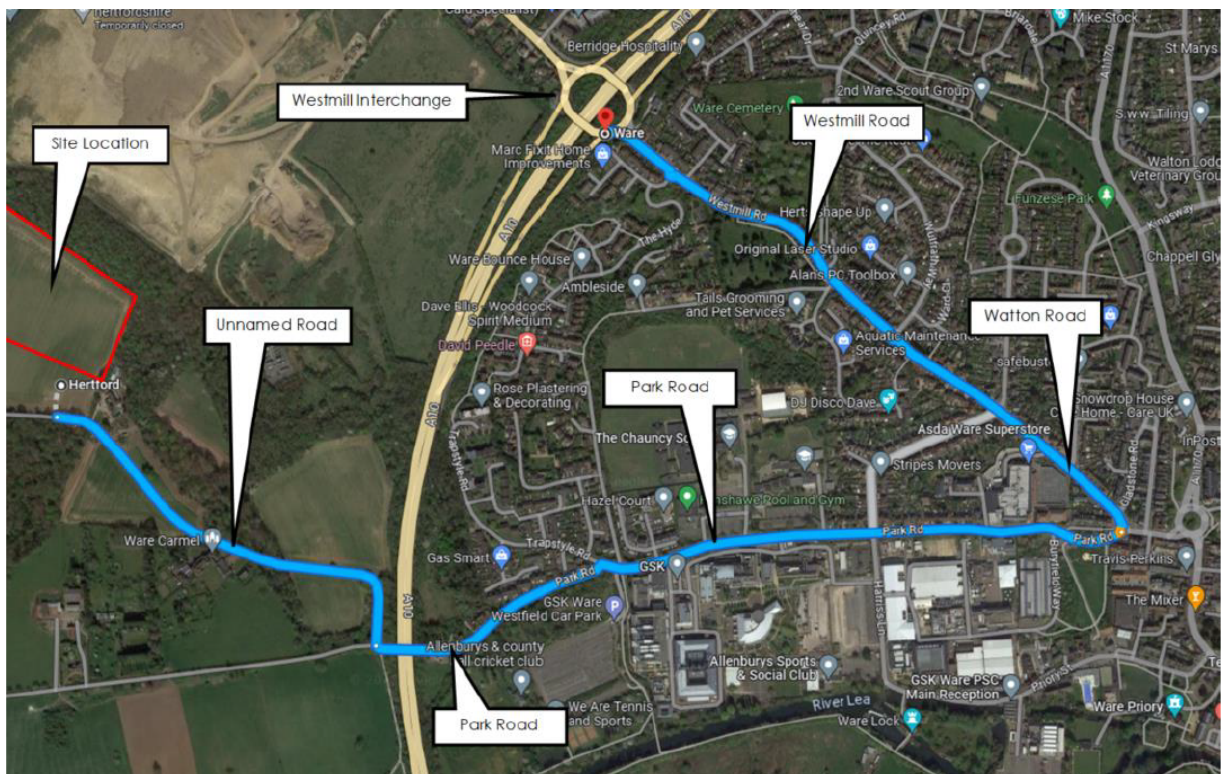
- 8.54 The submission includes an addendum to the initial landscaping proposals and LVIA which proposes reinforcement of planting along the southern and eastern boundaries of the site. The Landscape Officer considers that this additional information has addressed their initial comments and supports the conclusions of the Landscape Visual Impact Appraisal that there would be a minor adverse impact upon landscape character and a minor adverse impact upon visual receptors.
- 8.55 Initial Landscape Officer comments advised that the western portion of the site occupies the highly sensitive valley slopes. Development should be contained within the flatter plateau area alongside a suite of robust mitigation and enhancement measures that serve to protect highly sensitive views from the wider area and delivers a permanent landscape enhancement.
- 8.56 An amended layout was consequently put forward to include the partial removal of solar panels from within field 3 and the introduction of a grassland landscape buffer alongside a smaller block of woodland and a 5m shelterbelt to the western side of field 2. This reduces landscape and visual impacts compared with the initial submission.
- 8.57 The revised Landscape Proposal Plan confirms the shelterbelt would comprise a native hedgerow alongside the existing track with native trees to the grassland side. The landscape officer has advised that they fully support this approach in principle, but it must in practice achieve a density of canopy cover to provide year-round screening. This can be secured via condition.
- 8.58 While the retention of some panels within field 3 continues to introduce development within an otherwise open river corridor, this is balanced against the creation of grassland here (albeit beneath the panels) that is more characteristic of the river corridor landscape than the current arable land use. On this basis, the impact on landscape would be adverse, however is not considered significant.
- 8.59 The amendments also reduce the visual impact on the most sensitive visual receptors i.e. users of the restricted byway and footpath (Hertford 001) to the southwest. From here the area of panels visible would be reduced and partially screened by the shelterbelt. The impact on views would be adverse but not significant.

- 8.60 In accordance with local plan policy DES2, the impacts, mitigation and enhancement opportunities of the proposal have been appropriately addressed, and subject to mitigation measures as detailed in the submission and required by condition, the harm in terms of landscape impact is not sufficient to warrant refusal of the proposal. The Landscape Team have raised no objection to the proposal on this basis. Regardless, the harm will be balanced against the public benefits of the proposals in later sections of this report.

Transport

- 8.61 District Plan Policy TRA2 states that *'development proposals should ensure that safe and suitable access can be achieved for all users. Site layouts, access proposals and any measures designed to mitigate trip generation produced by the development should: (a) Be acceptable in highway safety terms; (b) Not result in any severe residual cumulative impact; and (c) Not have a significant detrimental effect on the character of the local environment'*.
- 8.62 The Transport Statement submitted with the application outlines the potential transport impacts of the proposals. Once the development is operational, the site will generate an average of one vehicle trip per month. During construction, the impact would be significantly greater.
- 8.63 The construction period of the proposed development is anticipated to take approximately 3 months. The maximum number of staff employed on the construction of the development is up to 60. It is unlikely that all staff will be onsite at the same time, and therefore an estimated daily average of 30 staff members on site has been assumed.
- 8.64 The submission advises that car/van sharing will be actively encouraged (along with other sustainable modes of transport, where possible). It is anticipated that construction workers will generate 20 trips in a morning and 20 trips in an evening.
- 8.65 The scheduling of HGV movements will be strictly managed through the construction traffic management plan (CTMP) to ensure disruption is kept to a minimum. This includes the provision of a passing place – the applicant has demonstrated to the satisfaction of the highways authority that this can be provided. The majority of the HGV movements are associated with the delivery of the solar panels and the structures supporting them. It is anticipated that there would be an average of 60 HGV deliveries per month, or around 3 per day (6 two-way trips).

- 8.66 Working hours at the site and deliveries can be agreed to avoid the peak drop-off and pick-up periods associated with schools located along the proposed construction vehicle route and school parking along Park Road. This can be agreed through submission of the final CTMP (required by condition).
- 8.67 It is proposed that a construction compound and HGV turning area will be provided within the site and will remain for the duration of the construction period. It will be of a sufficient size to store materials for the construction of the solar farm, and for vehicles to park and turn around.
- 8.68 A CTMP has been prepared to include additional information for the construction phase of development (including routing and timings of vehicle movements to minimise impact on the local community and traffic in the vicinity of the site). The proposed vehicle routing is shown below:



- 8.69 Hertfordshire County Council Highways Authority has advised that it is satisfied that it is feasible for the site to be constructed in a way that reduces risks to the member of the public who use the public rights of way and highway network around the proposed solar farm. The applicant has illustrated that construction can be achieved with the use of banksmen, signs, a passing place, a lorry waiting area and suspension of parking. These along with timescales would need to be

included in a final iteration of a CTMP which can be secured by condition.

- 8.70 Subject to the imposition of conditions, the proposals would accord with policy TRA2.

Heritage Impact

- 8.71 Section 66 and 72 of the Listed Buildings and Conservation Areas Act 1990 require that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reiterated in the policies in Chapter 21 of the Local Plan.
- 8.72 A Heritage Assessment has been submitted which identifies that there are no heritage assets within the application site. The application site is within the setting of the following:
- Tudor Deer park – Non designated heritage asset.
 - Ware Park – Locally Important Historic Park and Garden (non-designated heritage asset). The site contributes to its setting.
 - Pomarium and walled garden, Forecourt Wall and Hermitage and Grotto all Grade II listed. All lie to the south of the proposed development. The Grotto is on the Building at Risk list.
 - There also a number of Grade II listed buildings located further away from the proposed development; South Lodge, The Lodge, Riversdale Mill House and Gauge House and Westmill Farmhouse. These were historically associated with Ware Park and therefore have historic association with the landscape. The Heritage Officer has advised that due to the distance, the topography and the vegetation, there is no intervisibility between these buildings and the application site, so that their setting would not be directly affected, and they are scoped out of further discussion.
 - The Heritage Officer has advised that the Hertford Conservation Area, including the listed buildings within it, would also not be impacted, as there would be no intervisibility and they are similarly scoped out of further discussion.
 - The Heritage Officer has advised that the building range to the south of Ware Park Farm, which is attached to the northern wall of the Pomarium's walled garden, is of historic significance.

However, due to the presence of modern farm buildings between these structures and the application site, their setting would not be impacted by the proposals, and they have been scoped out of further analysis.

- 8.73 The Council's Heritage Officer has considered the submitted Heritage Statement and assessed the significance of the assets and the impact of the proposal upon them. They have concluded that through the proposed development, the rural character of the site would be altered; however, this is reversible. The historic pattern of the fields would be retained and due to the low height of the arrays, the openness of the site would be preserved. The surrounding woodland would not be affected, and new hedgerows would be planted to provide screening. The vegetation, combined with the topography, would prevent any views of the solar farm from within the historic designated landscape and from the Listed Buildings. The changes to the character of the rural landscape by the solar farm would not cause harm to the significance of the heritage assets. Thus, there is no objection to permission being granted.
- 8.74 On this basis, the proposals would preserve the character, setting and appearance of the nearby heritage assets in accordance with the requirements of the 1990 Act, the NPPF and Local Plan policy.

Archaeology

- 8.75 District Plan policy HA3 seeks applicants to engage with the Hertfordshire Historic Environment Unit where a proposal has the potential to impact upon the archaeological value of a site.
- 8.76 The proposed development lies partly within the Area of Archaeological Significance no. 48, as identified in the Local Plan. This covers Ware Park Farm and Ware Park Manor, along with some surrounding fields. The area was part of a large deer park in the medieval and post-medieval period and it is possible that the origins of the park stretch back into the Anglo-Saxon period.
- 8.77 The submitted geophysical survey report resulted in 'two roughly oval anomalies' being identified, that are likely archaeological in origin and prehistoric in date. The submitted Heritage Statement has assessed the potential for previously identified archaeological deposits to survive in the application site to be high and potential for previously unidentified archaeological deposits to be medium to high. The Heritage Statement also notes an 'Archaeological Exclusion Area' has

been placed around the archaeological anomalies so as to avoid direct impact of known archaeological remains during development.

- 8.78 The County Archaeologist has considered the submitted Heritage Statement along with the geophysical survey report and has concluded that the proposal is likely to have an impact on heritage assets with archaeological interest, which can be mitigated post-determination. They have recommended that conditions can be imposed to mitigate against any potential impact in this regard.
- 8.79 Subject to the imposition of conditions, the archaeological impact is acceptable and in accordance with Local Plan policy HA3.

Drainage / water management

- 8.80 Local Plan policy WAT1 addresses the management of flood risk. Policy WAT3 relates to the quality of water, and WAT5 requires appropriate sustainable water management and Sustainable Drainage Systems to be implemented.
- 8.81 The proposed solar farm is classified as essential infrastructure, which is considered acceptable in terms of flood risk in Flood Zone 1 and 2 (low to medium risk). The application site sits within Flood Zone 1.
- 8.82 A Flood Risk Assessment (FRA) has been submitted. This identifies that the majority of the site is at a negligible risk of flooding from all sources. There is a negligible risk of fluvial flooding across the majority of the site with a medium risk at the westernmost extent adjacent to watercourses. The risk of groundwater flooding is assessed as negligible for most of the site but low to high below ground and low above ground in the western extent. A low risk of surface water flooding is identified where there are small isolated areas of surface water ponding.
- 8.83 The FRA outlines a range of approaches to how this risk can be mitigated including that runoff will shed off the proposed solar panels/infrastructure footprints, and flow overland with some infiltration at source. It identifies that the stilted nature of the solar panels means increases in impermeable area would be negligible. Passive drainage (i.e. field-scale soil treatment, vegetation cover between solar arrays, and under-sowing) will be utilised to manage and reduce the flood risk posed by the surface water runoff from the proposed development. Concentrated runoff from hardstanding areas (building footprints) will be intercepted and attenuated by SuDS features (i.e. filter drains).

- 8.84 Recent changes to National Planning Policy Guidance makes clear that a proportionate approach should be applied to assessing flood risk. The Sequential Test is not required to consider surface water flooding if it can be shown that a development can be made safe from surface water flooding for its lifetime without impacting on flood risk elsewhere. Therefore, on the basis that this can be demonstrated within a site-specific FRA, there is no requirement to consider the Sequential Test for surface water.
- 8.85 Hertfordshire as Lead Local Flood Authority have advised that the applicant has provided an FRA to account for the local flood risk issues and surface water drainage at this location. Following a review of the submitted documents, they consider that the details are in accordance with NPPF and Local Plan policy WAT1, WAT3 and WAT5. They have recommended conditions requiring the submission and implementation of a surface water drainage scheme.
- 8.86 Turning to the matter of groundwater, the application site is located near an Environment Agency defined groundwater Source Protection Zone 1 (SPZ 1) corresponding to the Wade Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.
- 8.87 The consultee in this regard has advised that subject to the imposition of conditions, there would be no objection to the proposal. On this basis, the impact on the groundwater source protection zone is concluded to be acceptable.
- 8.88 Subject to the imposition of conditions, the proposals accord with policies WAT1, WAT3 and WAT5 regarding sustainability and water management.

Trees, Ecology and Biodiversity

- 8.89 In England, Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under the statutory framework for BNG which came into effect on 12th February 2024, every grant of planning permission, subject to some exceptions, is deemed to have been granted subject to the condition that the biodiversity gain objective is met. The objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat

- 8.90 Alongside the statutory requirement, District Plan Policy NE2 states that *'All proposals should achieve a net gain in biodiversity where it is feasible and proportionate to do so, as measured by using and taking into account a locally approved Biodiversity Metric, and avoid harm to, or the loss of features that contribute to the local and wider ecological network'*.
- 8.91 Policy NE3 states that *'Development should always seek to enhance biodiversity and to create opportunities for wildlife...with evidence provided in the form of up-to-date ecological surveys'*. Part II-VIII of the policy also state that harm to trees and hedgerows will be resisted.
- 8.92 The application is accompanied by a Preliminary Ecological Appraisal (PEA). This sets out the methods and findings of a desk study, an extended Phase 1 habitat survey, a badger survey, a great crested newt (GCN) Habitat Suitability Index (HSI) and eDNA survey of two ponds and surveys to evaluate the population of breeding birds.
- 8.93 Based on the findings of the surveys, the report describes the habitats present on the site, the potential for protected or notable species to be present and the results of the species surveys.
- 8.94 HCC Ecology have assessed the submission and advised that the site has been assessed as being of low intrinsic ecological value and they have no reason to consider that there is a fundamental ecological constraint to the proposal subject to suitable mitigation and compensation measures. Areas of Woodland and hedgerows adjacent to the application site are priority habitats and should be retained and suitably safeguarded.
- 8.95 HCC Ecology advise that there is sufficient information on great crested newts for determination. The two ponds identified outside the site were assessed and although the ponds did have some suitability for this species, EDNA surveys conducted within the optimal season, found no evidence of their presence.
- 8.96 Precautionary measures relating to badger presence as detailed in the PEA, in addition to a pre-construction walk over survey can be secured by condition.
- 8.97 In order to ensure that protected species are suitably safe guarded, compensation measures outlined in the supporting ecology reports and landscaping strategies can be secured by condition. Method statements based on the mitigation within the PEA can be secured

through condition requiring submission and implementation of a Construction Environmental Management Plan.

- 8.98 The PEA states that the grassland habitats planted under and around the solar arrays will support a greater insect prey resource for nesting birds, resulting in increased breeding populations of many farmland birds. This general increase is considered as offsetting the loss of nesting habitat to sky larks. To ensure this, a farmland bird management and monitoring plan can be secured by condition.
- 8.99 With regard to BNG, a Statutory Biodiversity Metric has been submitted which reflects the landscaping as revised post submission. This shows a calculated Net gain of 89.06% for area habitats (30.04 biodiversity units) and a net gain for Hedgerows of 1,553.64% (6.06 biodiversity units). On this basis, the statutory BNG condition would be met and exceeded.
- 8.100 The proposed BNG includes areas of medium distinctiveness habitats and sufficient BNG units to be considered as a significant enhancement.
- 8.101 How BNG target habitats and their condition are achieved and maintained for 30 years will need to be demonstrated using a Habitat Management and Monitoring Plan (HMMP). This will be secured by condition along with the Biodiversity Gain Plan.
- 8.102 The application is accompanied by an Arboricultural Impact and Method Statement underpinned by survey work. This identifies that the development is not expected to require the removal of existing trees and hedgerows. Indirect impact on the retained trees can be minimised by the use of a protective barrier along the edge of the development, and this can be secured by condition.
- 8.103 On the basis of the above, the proposals accord with Local Plan policies NE2 and NE3 and subject to the imposition of conditions, no objection is raised to the ecology impact of the proposal.

Amenity / pollution / public safety

Noise

- 8.104 Local Plan policy EQ2 seeks to minimise noise impact with particular consideration given to the proximity of noise sensitive uses.

- 8.105 The application is accompanied by an Operational Noise Technical Note (and supplementary information relating to the impact of the operation of the transformers) on nearby noise-sensitive residential properties. This concludes that noise from the development would not adversely affect residential amenity.
- 8.106 Environmental Health Officers have reviewed the submitted information and agree with the conclusions of the assessment that noise from the site will have a negligible/low impact and that the low frequency noise from the transformers would be below the guideline level set out in the NANR 45 criteria for low frequency noise and therefore they have no objection to this application. As such the proposal accords with policy EQ2 in terms of noise impact and can be conditioned to ensure that this remains the case.

Ground Contamination

- 8.107 The application is accompanied by a Contamination Desk Study report. The Councils Environmental Health Officers advise that in light of the submitted information, it will be necessary for the applicant to demonstrate that the potential for ground contamination has been appropriately assessed and managed, and recommend imposition of a condition to secure this.

Public Safety

- 8.108 The proposal includes the installation of a Battery Energy Storage System (BESS). The BESS will be within containerised units.
- 8.109 The proposed battery is a 15 MWh system (5 MW, 3 hour system), this system will be used to store the solar power at peak generation times when the GSK facility is unable to use it. The BESS will then discharge this power later when the GSK facility requires it. The system will be designed to ensure that GSK can utilise the maximum amount of energy from the solar array.
- 8.110 Hertfordshire Fire and Rescue have been consulted on the application but have made no comment. Regardless, guidance does exist - The National Fire Chiefs Council (NFCC) Guidance on Grid Scale Battery Energy Storage Systems. It should be noted that the NFCC produced updated draft guidance for consultation in August 2024, to take into account technological development of BESS, although a final version has not yet been issued.

- 8.111 The guidance includes a number of best practice recommendations for developments to incorporate.
- 8.112 In addition, the Department for Energy Security and Net Zero published guidance on Health and Safety in Grid Scale Electrical Energy Storage Systems in April 2024. This document includes many of the principles within the NFCC guidance.
- 8.113 In light of the above guidance, submission of a comprehensive Battery Safety Management Plan can be required by condition and the Fire and Rescue Service would be a consultee for any forthcoming discharge of condition submission.

9.0 Planning Balance and Conclusion

- 9.1 The proposal will support the supply of renewable energy. The principle of this is supported by overriding government policy and also local and national planning policy, with the NPPF requiring Local Authorities to give 'significant' weight to the benefits associated with renewable and low carbon energy generation.
- 9.2 The location of the site within the green belt is a consequence of the need to locate the facility in close proximity to GSK who will benefit from a large proportion of the generated energy.
- 9.3 There would be an economic benefit in terms of energy security for a significant local employer which is a national bio-medical research and development company with the proposal enabling the business to invest and adapt and address the challenges of the future. Great weight is attributed to this benefit.
- 9.4 The proposals would also result in new tree and landscape planting, delivering a BNG of 89.06% for area habitats and a net gain for Hedgerows of 1,553.64%. The proposals would also result in limited positive economic benefits in terms of construction job generation and an ongoing contribution proposed by the applicant and towards the provision of community facilities for the life of the development. These have been attributed limited positive weight as part of application decision making.
- 9.5 Some harms have been identified as arising from the proposal. These need to be balanced against the benefits identified above. The proposal would result in harm to landscape character, noting the temporary nature of the installations and mitigation from proposed landscaping / planting. There would be limited harm from the

temporary loss of agricultural land. In addition, the proposals would result in increased construction vehicle traffic, which notwithstanding compliance with policy TRA2 is attributed some limited harm in terms of the balance.

- 9.6 All other matters relating to flood risk, heritage impact, etc are neutral or mitigated through planning condition.
- 9.7 The application site is located within the Green Belt and as concluded above, the proposed development represents inappropriate development and is by definition harmful to the Green Belt.
- 9.8 A case for very special circumstances has been made and consideration is also given to how Inspectors have recently dealt with this matter in similar applications.
- 9.9 It is concluded that the benefits of the proposal as detailed above, along with the specific geographical requirement to locate the facility in close proximity to GSK, provide very special circumstances which outweigh the harm by inappropriateness to the Green Belt and the other harms identified.
- 9.10 On this basis, applying the NPPF presumption in favour of sustainable development, on balance and for the reasons detailed above, it is recommended that planning permission be granted for the proposal.

RECOMMENDATION

Grant planning permission subject to the following conditions:

Time limit

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).

Approved plans

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.

Details of colour / finish of equipment

3. Notwithstanding the details contained in the plans approved under Condition 2, no development shall take place until full details of the:

- final positioning;
- design; and
- materials
- of any above-ground structures, including, but not restricted to Solar panels and support structures, Sub-stations, BESS units, security fencing, CCTV cameras and supports, Security lighting and supports, all fencing and gates, and hard landscaping have been submitted to the Local Planning Authority and approved in writing. The approved details shall be implemented and retained in full thereafter.

Reason: In order to safeguard the character and appearance of the surrounding area, in accordance with Policies DES2 and DES4 of the East Herts District Plan 2018.

Temporary period only

4. Planning permission is granted for a temporary period only and shall cease to have effect 40 years following the date of first use. Written notification of the First Use Date shall be given to the local planning authority within 30 days of it happening.

Reason: To allow the site to return to its agricultural use in accordance with East Herts District Plan policy ED2.

Removal if use ceases

5. In the event the development ceases to provide energy to the grid or GSK Ware for a continuous period of 12 months, a scheme of restoration for the removal of the solar farm and all associated development, shall be submitted to and approved in writing by the local planning authority within 3 months from the end of the 12-month period. The approved scheme of restoration shall then be fully implemented within 12 months of written approval being given, unless otherwise agreed in writing by the local planning authority.

Reason: To allow the site to return to its agricultural use, and to safeguard landscape character in accordance with East Herts District Plan policies ED2 and DES2.

Battery Energy Storage safety

6. Works to form the Battery Energy Storage infrastructure shall not commence until a Battery Safety Management Plan (BSMP) has been submitted to, and approved in writing by, the local planning authority. The BSMP will include details of battery management, fire suppression systems, fire hydrant provision, water supply, maintenance and emergency access to ensure any fire risk is minimised. The BSMP will demonstrate consideration of the National Fire Chiefs Council guidance in accordance with National Planning Policy Guidance and any relevant Fire Protection Association guidance. An Emergency Response Plan will also be provided to Hertfordshire Fire and Rescue Service and the Local Planning Authority that summarises the installed battery system characteristics, layout, and electrical isolation procedures. The Development shall be implemented in accordance with the approved details prior to the Battery Energy Storage Infrastructure being brought into use and retained as such thereafter.

Reason: In the interests of safety and to ensure that the proposed development would accord with the relevant fire safety guidance, including guidance from the National Fire Chiefs Council and international standards; and in accordance with East Herts District Plan policy DES4.

Construction Traffic Management Plan

7. The development shall not commence until a 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 Construction Traffic 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, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.
- l. Detailed information on car sharing and sustainable travel options for workers on site to reduce the impact of single occupancy car travel to the site
- m. Information on any signs required including the use of banksmen
- n. Information on the suspension of parking along Trapstyle road
- o. Detailed information on the construction of any passing places along with the material required to do so.
- n. Best Practicable Means (BPM) shall be used in controlling dust emissions during all site preparation, demolition, construction and ancillary activities

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) and East Herts District Plan Policy TRA2.

Construction Environmental Management Plan

8. No development shall take place (including demolition, vegetation clearance or ground works – but excluding any investigatory works required in connection with discharge of a planning condition) until a Construction Environmental Management Plan (CEMP) including a section for ecology has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
 - A review of any ecological impacts informed by the submitted ecological report Preliminary Ecological Appraisal, by BSG Ecology. Date: 22/02/2023.
 - Risk assessment of potentially damaging construction activities.
 - Identification of 'biodiversity protection zones'
 - A set of method statements outlining practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
 - The location and timings of sensitive works to avoid harm to biodiversity features.
 - The times during construction when specialist ecologists need to be present on site to oversee works.
 - Responsible persons and lines of communication.

- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person

Development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure sensible working practices which protect ecology on and adjacent to this site in accordance with East Herts District Plan policy NE3.

Landscaping scheme

9. No development shall commence until a landscaping scheme has been submitted to, and approved in writing by, the local planning authority. The submitted scheme should be in accordance with the details illustrated on the Landscape Proposals Plan (Ref: 154011-PL-8100-G) and shall include detailed planting proposals, planting locations and dimensions, species, densities, sizes, mixes and protection for new planting areas, hard surfacing materials and a timetable for implementation. The landscaping of the site shall take place in accordance with the approved details and implementation programme. Any planting which within a period of five years of planting dies, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of landscape impact and visual amenity and in accordance with East Herts District Plan policies DES2 and DES3

LEMP

10. No development shall commence until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The LEMP shall include:
 - a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Proposals for ecological enhancements for habitats and species;
 - d) Aims and objectives of management;
 - e) Appropriate management options for achieving aims and objectives;
 - f) Prescriptions for management actions;
 - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);

- h) Details of the body or organisation responsible for the implementation of the plan;
- i) Ongoing monitoring and adaptive management measures; and
- j) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The Development shall be implemented in accordance with the approved details and the management prescriptions shall be implemented across the site for a period to be agreed in the LEMP.

Reason: to ensure appropriate management of the landscaping in the interests of ecological value in accordance with East Herts District Plan policy NE3.

Farmland Birds

11. Prior to commencement of development, a farmland bird management and monitoring plan shall be submitted to and approved in writing by the local planning Authority.

This must define target species and appropriate enhancement measures with boundary vegetation forming a critical part of these.

Management and monitoring of the buffer zones and hedgerows should be managed against specific criteria relating to nesting birds.

The development shall be carried out in accordance with the approved Farmland Bird Management and Monitoring Plan for the lifetime of the development.

Reason: To protect farmland birds in accordance with East Herts District Plan policy NE3.

Badger walk over

12. Prior to commencement of the development and including vegetation clearance, any excavation for the cable connection route or access arrangements, a badger walk-over survey of the site and 30m of

adjacent land (access permitting) shall be carried out by a suitably qualified and experienced ecologist to check for badger activity. If badgers will be impacted on by the development proposals, appropriate mitigation to safeguard them must be submitted to the Local Planning Authority for approval. A licence may be required from Natural England to proceed lawfully.

Reason: To ensure badgers are protected from harm during construction in accordance with national legislation and East Herts District Plan policy NE3..

Ecological Enhancements

13. Prior to the first use of the development, all on site ecology enhancements shall be implemented in accordance with those detailed in the Preliminary Ecological Appraisal report by BSG Ecology.

Management of the features shall be included in the LEMP required for submission by condition 10.

The measures shall be retained as approved thereafter.

Reason: In the interest of the ecological enhancement of the site and in accordance with East Herts District Plan policy NE3.

HMMP

14. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), is submitted to and approved in writing by the Local Planning Authority. It shall be prepared in accordance with the approved Biodiversity Gain Plan and include:
- (a) a non-technical summary;
 - (b) the roles and responsibilities of the people or organisation(s) delivering the HMM.
 - (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 40 years from the completion of development; and
 - (e) the monitoring methodology and frequency in respect of the created or enhanced habitat.
 - (f) details of any fees payable to the LPA to account for the 40 year monitoring period.

Notice in writing shall be given to the Council when the:

- (a) HMMP has been implemented; and
- (b) habitat creation and enhancement works as set out in the HMMP have been completed

The use shall not commence until:

- (a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- (b) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and in accordance with East Herts District Plan policy NE3.

Archaeology

15. No development shall take place within the proposed development until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work and in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This shall include any archaeological mitigation strategy required in light of the trial trenching, to include mitigation of construction, operation and decommissioning impacts.

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 and the National Planning Policy Framework.

16. Prior to first use of the development, details of the analysis, publication and dissemination of results, and archive deposition of the Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The measures shall implemented as approved within 12 months of first use of the development.

Reason: To secure the protection of and proper provision for any archaeological remains in accordance with Policy HA3 of the East Herts District Plan and the National Planning Policy Framework.

Surface Water Drainage Details

17. Prior to commencement, in accordance with the submitted FRA (Flood Risk Assessment for the proposed development at Land to the West of Ware Park Farm, prepared by Enzygo, August 2023, REF SHF.3052.003.HY.R.001.A), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented. The scheme shall address the following matters:
- I. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration feature/s
- Or
- II. If infiltration is proven to be unfavourable, then Greenfield runoff rates for the site shall be agreed with the Lead Local Flood Authority. The post development runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% Annual Exceedance Probability (AEP). The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network.
 - III. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).
 - IV. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:

- 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.
 - 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.
- V. The design of the basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.
- VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
- VII. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 181,182 and 187 and the East Herts District Plan policy WAT5 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Surface Water Construction details

18. Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA and Drainage Strategy

(Flood Risk Assessment for the proposed development at Land to the West of Ware Park Farm, prepared by enzygo, August 2023, REF SHF.3052.003.HY.R.001.A) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with the NPPF and policy WAT5 of the District Plan.

Surface Water Scheme Verification

19. Prior to first use of the development, a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include a full set of “as built” drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with the NPPF and Policies WAT1, WAT3 and WAT5 of the District Plan (2018).

Ground / water contamination

20. The development hereby permitted shall not commence until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:
 1. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.

2. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
3. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.
4. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted to and approved by the Local Planning Authority prior to first use of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework, and to protect human health and the environment in accordance with policy EQ1 of the adopted East Herts District Plan 2018.

Contamination during development

21. If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority:

A Remediation Strategy/Report detailing how contamination will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or

surface water in accordance with policy EQ1 of the adopted East Herts District Plan.

Tree / shrub removal

22. Any significant tree/shrub works, or removal should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

Reason: To protect ecology on and adjacent to the site and in accordance with policy NE3 of the adopted East Herts District Plan 2018.

Trees and Hedgerows retained

23. 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.

External Lighting

24. With the exception of lighting required during the construction phase (which shall be managed through the CEMP – condition 8), no external

lighting shall be provided without the prior written permission of the Local Planning Authority.

Reason: In the interests of protecting against light pollution in accordance with Policy EQ3 of the East Herts District Plan.

Development to meet acoustic criteria

25. The development shall meet the following external acoustic criteria at any occupied premises used for residential purposes, determined by measurements, calculations and/or procedures agreed in writing by the local planning authority. Between the hours 23.00 and 07.00 at a position 1 metre from any façade, excluding corrections for facade reflection effects

- LAeq,15 minutes 35dB
- Noise Rating NR 40 over any 15-minute period

Within 4 months of the development being brought into operational use, compliance with the stated criteria shall be verified to the local planning authority in writing and compliance shall be maintained thereafter.

Reason: In order to safeguard the amenity of the surrounding area, including residential occupiers in accordance with East Herts District Plan policy EQ2.

Decommissioning (at the End of the Year Period) - Scheme of restoration

26. Eighteen months before the end of the 40-year period taken from the first use date submitted under condition 3, a scheme of restoration shall be submitted to and approved in writing by the local planning authority including:

A written scheme of restoration for returning the site to fields on cessation of the use of the solar farm and associated development at the site. The approved scheme of restoration shall be implemented and completed within 12 months of the end of the 40-year period taken from the date submitted under condition 3.

Reason: In order to safeguard the long-term appearance of the site and the surrounding area, in accordance with policies DES2 and DES4 of the East Herts District Plan.

Community fund

27. Prior to first use of the development hereby approved, details of how the Community Benefit Fund will be managed and administered for the lifetime of the development, will be submitted to and approved in writing by the Local Planning Authority. The fund will thereafter operate in accordance with the approved details.

Reason: To ensure the provision of appropriate community facilities in accordance with East Herts District Plan policy CFLR7

Approved Plans

Plan Ref	Version	Received
154011-PL-8100 Landscape Proposals Plan	G	22.1.25
GBR.0052.DEV.M2.001.0.J Solar Array Layout		1.7.25
501-FEC-GSK WARE-0007 Location Plan	2.0	15.7.24

Supporting Documents

Plan Ref	Version	Received
Design and Access Statement		8.7.24
Transport Statement Aug 24	4	22.8.24
154011/8001 Theoretical Zone of Influence	A	22.1.25
154011/8002 Key View A	A	22.1.25
154011/8003 Key View B	A	22.1.25
154011/8004 Key View C	A	22.1.25
154011/8005 Key View D	A	22.1.25
154011/8006 Key View E	A	22.1.25
154011/8007 Key View F	A	22.1.25
154011/8008 Key view location plan	A	22.1.25
154011/8009	B	22.1.25

Photomontage from location B 154011/8011	B	22.1.25
Photomontage from location D 154011/8012	B	14.7.25
Wider context illustrative montage		
154011/8013 Photomontage from location C Comparison	A	14.7.25
Agricultural land use assessment		8.7.24
Agricultural quality		8.7.24
Biodiversity statement		8.7.24
Equestrian needs assessment		8.7.24
Executive summary		8.7.24
Green belt – vsc		8.7.24
Historic listings		8.7.24
Noise technical note		8.7.24
Planning statement		8.7.24
PEA		8.7.24
Arb impact assessment and method statement		8.7.24
Arb survey		8.7.24
BNG Matirix		15.7.24
FRA		15.7.24
Phase 1 desk top study		15.7.24
LVIA drawing		24.7.24
Heritage Statement incl archaeology		28.8.24
Archaeology Geographical survey		28.8.24
Supplementary Highway information - response		1.11.24
Supplementary Ecology information - response		14.11.24
Draft CTMP		13.12.24
LVIA		22.1.25
Transformer noise supplement		2.4.25
GSK infographic		1.5.25
LVIA addendum		1.5.25
Planning balance document		1.5.25
Planning balance executive summary		1.5.25
BNG statement		1.7.25

BNG metric		1.7.25
D1003 Draft Proposed passing places plan	A	22.8.24

Informatives

1. Other legislation
2. Archaeological interest
3. Public Rights of Way
4. No use of cranes or tall equipment
5. Bats
6. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
7. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
8. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles

leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

9. Construction Traffic Management Plan (CTMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>