

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 12 SEPTEMBER 2024  
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2023/1802/MAJ

LAND EAST OF A6129, STANBOROUGH, HATFIELD, AL8 7TB

INSTALLATION OF 10MW SOLAR PHOTOVOLTAIC ARRAY ACROSS  
APPROXIMATELY 10 HECTARES OF LAND WITH INSTALLATION OF 1.5MW  
BATTERY ENERGY STORAGE SYSTEM AND ASSOCIATED LANDSCAPING

APPLICANT: J.Reddington Ltd

**1 Site Description**

- 1.1 The application site is in the administrative boundaries of Welwyn Hatfield Borough Council (WHBC). The land is situated to the south/south-west of Welwyn Garden City. The site area is approximately 10.3 hectares in size.
- 1.2 The site is positioned to the east of the A6129 and A414, which are both classified A-roads. It is also to the east of the Oldings Corner roundabout which provides connections with other key roads in the borough (A1001 Comet Way) and the strategic road network (A1M motorway). To the south of the application site is a telecommunications station and Warren Lodge Stables, which comprises of a horse paddock and several ancillary stable buildings. To the south-west is the Oldings Corner retail park. To the east/north-east of the site lies the River Lea, and beyond that is woodland and the southern lake of Stanborough Park. To the north of the site is the south side car park associated with Stanborough Park, and beyond that, the A1629 (Stanborough Road) towards Welwyn Garden City.
- 1.3 The land on which the site is located is classed as agricultural land. It has also been used during the summer months by a car-boot sales operator, for occasional weekends and bank holidays. The site is not presently in use for any agricultural purposes.
- 1.4 Access is currently provided from the A6129 (by utilising an existing left-in arrangement from the southbound carriageway) and the A414 (via a left-out arrangement onto the eastbound carriageway which is currently used by the car boot sales operator for egress). Informal access for pedestrians is evident to the north of the site, which arises from regular trespassing from the southern car park at Stanborough Park into the site, through forced gaps in the boundary fencing.
- 1.5 The parcel of land is generally flat grassland in the northern sector, with the southern sector comprising more undulating terrain. The site gradually slopes up towards the southern boundary close to the intersection roundabout for the

A6129 and A414. The application site sits at a lower ground level to the surrounding roads. This combined with the existing mature boundary landscaping screens the application site to an extent from surrounding viewpoints.

- 1.6 The application site is located within the wider setting of the Welwyn Garden City Conservation Area and the Grade II listed Woodhall Farm Cottages.

## **2 The Proposal**

- 2.1 The proposal is for the installation of a 10MW solar photovoltaic array across approximately 10 hectares of land, with the installation of a 1.5MW battery energy storage system and associated landscaping. The proposed development would comprise of:

- 14,925 no. PV panels arranged on 3.1m high racks;
- Generator compound comprising steel shipping container, containing transformer, inverters and battery storage;
- Temporary construction compound;
- Fencing and CCTV;
- Maintenance track;
- Planted security bunds at the northern and southern boundaries which would be approximately 5m in height and planted with grasses and native flowers;
- Land levelling to create optimal conditions for solar capture; and
- Topsoiling of the site to increase biodiversity net gain and the introduction of new agricultural activities, comprising beekeeping and sheep grazing.

- 2.2 A Solar Farm Layout Plan has been submitted (SSF.Layout.05 Rev B). This plan illustrates the proposed layout for the site, in the context of its immediate surroundings. A Landscape Plan (SSF.Land.07 Rev B) has also been submitted, which shows the location for the landscape infrastructure including:

- Landscaping improvements to the south of the site comprising of a landform to be planted with native grass and protective trees;
- Hedge planting to the northern boundary, adjacent to Stanborough Park south side car park;
- 8m buffers from the top of the bank of the River Lea and the adjacent ditch;
- Palisade security fencing;
- Biodiversity enhancements such as bird and bat boxes; and
- Maintained and enhanced tree and hedgerow planting;

- 2.3 The proposal would connect with a substation known as “Welwyn primary” on an 11kV connecting voltage. This connection would be formed via the local electricity distribution network through underground cables from the substation. There is currently an offer in place by the Distribution Network Operator (DNO) which is UK Power Networks. The offer in place by the DNO to connect to the grid indicates that the location proposed is technically viable. The applicant considers the cabling works could be carried out under UK Power Network’s permitted development rights as a Statutory Undertaker. The cable route does not therefore form part of the development, and it is the responsibility of the applicant to ensure the proposal complies with permitted development legislation in this regard. Figure 1 below demonstrates the proximity of the substation to the

proposed development. This diagram has been extracted from the submitted Key Green Belt & Planning Justification Summary (page 7).



Figure 1: Proximity of substation to application site (Key Green Belt & Planning Justification Summary (page 7)).

- 2.4 The proposed development would be formed of individual solar panels mounted on racks and arranged in rows. The solar panels would be slanted and positioned at an angle to maximise their solar efficiency. The upper most point of the panels would be positioned approximately 3.1m above the ground level and would face in a southerly direction at an angle of (up to) approximately 30 degrees. The panels would be arranged in rows approximately 2.5m apart from one another. The lower edges of the panels would be approximately 1.7m above ground level. The panels would be distributed across the majority of the application site, with the exception of the generator compound, internal maintenance tracks, areas for planting/ecological enhancements, drainage swales and landscape buffers.
- 2.5 To the north-west of the application site, close to the entrance to the site on the A6129, is where the generator compound would be located. The compound would be surrounded by palisade fencing for security purposes and would comprise of three steel shipping containers within the compound, containing one for a transformer, one for storage and one for battery storage.
- 2.6 The compound would house a 1.5 MW/4MWh battery energy storage system, consisting of two battery units, each with an approximate capacity of 750 kW/2000 kWh. The purpose of this is to allow for excess energy to be stored during periods of surplus sunlight, for use during periods of higher demand than what is being produced (such as when there is cloudy weather or at night). The battery modules would be arranged within a racking system within an internal monitoring and fire suppression system, as well as a Heating, Ventilation and Air Cooling (HVAC) unit.
- 2.7 The storage containers for the general and battery storage facilities would be approximately 2.6m in height and 29sqm in footprint with lockable steel doors. The storage container which would house the transformer station would be around the same size. However, it would be set on 350mm high legs to protect it from surface water, meaning it would be 2.96m at its tallest point and approximately 15sqm in total footprint. The proposed inverter would be approximately 660mm in height, 363mm in width and 1.051m in length. These features would all be utilitarian in appearance due to their functional purpose.
- 2.8 For security purposes, the application proposes earth bunds at the northern and southern edges of the site boundary, as well as security gates, palisade fencing and security cameras on mounted poles with motion sensors which would be up to 3m in height. The security measures do not propose permanent lighting.

- 2.9 The main entrance is to be provided via an existing access on the A6129. The site egress would be via an existing access onto the A414 Great North Road.
- 2.10 In addition to the above, the application is accompanied by a number of detailed supporting documents to aid the analysis of the scheme. The main documents are listed below:
- OS Plan of Development
  - Existing Site Plan
  - Works and Access Plan
  - Grading Plan
  - Drainage Plan
  - Elevations of: Racking for Panels, Battery Storage Containers, General Storage Containers, Transformer/Switching Details and Invertors
  - Security Camera Location Plan
  - Existing Pathways and Tracks
  - Potential Pathway Routes
  - Clearing Plan
  - Cross Section Plan
  - Planning Design and Access Statement (August 2023)
  - Glint and Glare Assessment (June 2023)
  - Ecological Assessment (July 2023)
  - Construction Traffic Management and Transport Statement (April 2024)
  - Agricultural Quality of Land Report (February 2023)
  - Landscape and Visual Impact Assessment (June 2023 and August 2024) and Landscape and Visual Technical Note (June 2024)
  - Archaeological Desk Report (July 2023) and Magnetic Geophysical Survey (February 2024)
  - Flood Risk Assessment and Surface Water Management Plan (February 2024)
  - Eccles Associates Ltd Letter (March 2024) and Phase II Geotechnical and Geoenvironmental Interpretative Report August 2023
  - Biodiversity Net Gain Assessment February 2024 (Plus BNG Metric, addendum documents and additional supporting information)
  - Key Green Belt and Justification Summary – Part 1: Main Report and Part 2: Appendices (June 2024)
- 2.11 The application suggests the development would be fully reversible with no lasting impacts on the land. The project seeks permission for a temporary period of 25 years, after which all solar PV array infrastructure, including modules, mounting structures, cabling, inverters, and transformers, would be completely removed from the site. In terms of decommissioning, the application notes that these components would be recycled or disposed of in accordance with best practices and market conditions at that time. The applicant considers that the effects of the decommissioning process are expected to be similar to, or even less than, those experienced during the construction phase.
- 2.12 The application also states that the development would not adversely affect the structure and quality of soils or lead to any loss of agricultural food production as the temporary nature of the project ensures that the land would not suffer irreversible effects, and once the development is decommissioned, the land would be restored to its original state.

2.13 Following the submission of the application in August 2023, the applicant has considered the views of the Council and the comments received from statutory and non-statutory consultees. In response, the applicant has amended the proposed development, to address the relevant comments. Several supplementary documents have also been submitted during the course of the application to respond to technical matters raised by consultees. The most recent versions of the documents are listed above. The submission of this information triggered additional consultations to the relevant technical consultees, which invited further comments on the supporting information. The latest comments are published in full on the Council's website and are discussed throughout this report.

2.14 The following main amendments have been made during the application process:

- A letter was submitted in November 2023 in response to comments raised by consultees and neighbours. This included commentary on regrading in Flood Zones 2 and 3, lack of information and justification regarding the import of waste, regrading of land and restoration of soils, water/bank voles, green infrastructure/green corridor and inability to submit pre-application advice due to offer for grid connection. Several amended and plans were also submitted to accompany this.
- A letter was submitted in April 2024 in response to comments raised by consultees. This included commentary on highways, archaeology, regrading of the land and flood risk/drainage.
- Updated Biodiversity Net Gain (BNG) Assessments, Biodiversity Net Gain Metrics and supporting documents were submitted to respond to consultations with the Herts Ecology Team at Hertfordshire County Council, Herts and Middlesex Wildlife Trust (HMWT) and the Environment Agency.
- An Archaeological Geophysical Survey was completed.
- A revised Construction Traffic Management and Transport Statement was submitted in response to consultation with the Highway Authority at Hertfordshire County Council.
- A revised Flood Risk Assessment and Surface Water Management Plan was submitted in response to consultation with the Lead Local Flood Authority.
- A Key Green Belt and Justification summary was submitted to respond to comments raised by the case officer.
- Additional clarification about Glint and Glare to the A6129 and the adjacent Local Nature Reserve was provided by the applicant's agent.
- A revised Landscape and Visual Impact Assessment (22 August 2024) was submitted to respond to the Council's landscape consultant's comments about the LVIA.
- Revised illustrative section plans were submitted.

### **3 Reason for Committee Consideration**

3.1 This application is presented to the Development Management Committee because it is a major application, and it is a departure from the adopted Local Plan.

3.2 The application was also called-in by Councillor Moore on 6 October 2023 for the reasons set out below:

*“I would like to call in planning application 6/2023/1802/MAJ which relates to the solar farm application on land East of A6129 Stanborough. This is because the application raises unusual or sensitive planning issues which would benefit from the consideration of the Committee. The location of the solar farm next to the Stanborough Reed Marsh Nature Reserve requires consideration in terms of the visual impact and the lack of consideration of glare on the nature reserve in the supporting documents. There should also be consideration for the planning conditions to include the requirement for the land to return to its original designation if the solar farm is removed.”*

#### **4 Relevant Planning History**

- 4.1 The application site does not have a detailed planning history. The relevant history is detailed below:
- 4.2 Application Number: 6/2023/1876/EIA  
Decision: Decided (the proposal is not considered to be EIA Development and an ES is not required)  
Decision Date: 13 October 2023  
Proposal: Request for a screening opinion to determine whether an Environmental Statement is required

#### **5 Relevant Planning Policy**

##### *National Planning Policy Framework*

- 5.1 The National Planning Policy Framework, December 2023 (NPPF) sets the context for plan making and decision making from the national perspective. Its overall content and principles are of relevance to this scheme. At its heart there is a presumption in favour of sustainable development. This means approving development proposals that accord with the development plan without delay (para 11).

##### *Statutory Development Plans*

- 5.2 The current planning policies for Welwyn Hatfield are set out in the statutory Development Plan which comprises: the policies of the Welwyn Hatfield Borough Council Local Plan 2016-2036 (Adopted October 2023), the Hertfordshire Waste Local Plan adopted 2012-2016 and the Hertfordshire Minerals Local Plan adopted 2007.
- 5.3 The Welwyn Hatfield Borough Council Local Plan has Development Plan status in relation to S70 of the Town and Country Planning Act 1990. This obliges the Local Authority to have regard to its provisions unless material considerations indicate otherwise.
- 5.4 The analysis at Section 10 considers the principal policies relevant to determining this application. Although they may not be specifically referenced, other relevant policies and issues will have been given due consideration in the overall assessment process as well as in the framing of potential conditions on the scheme.

##### *Other Planning Documents*

5.5 Other planning documents that are relevant to the consideration of this application are listed below:

- Supplementary Planning Guidance, Parking Standards, January 2004
- Supplementary Design Guidance, February 2005
- Planning Obligations, Supplementary Planning Document, February 2012
- Interim Policy for Car Parking Standards and Garage Sizes, August 2014
- Planning Practice Guidance (PPG)
- National Policy Statement on Energy (EN-1)
- National Policy Statement on Energy (EN-3)
- National Design Guide

## **6 Site Designation**

6.1 The site is designated as Green Belt in the Welwyn Hatfield Borough Council Local Plan. It also lies within the Middle Lea Valley Landscape Character Area, and it is located within a Sand and Gravel Belt.

## **7 Representations Received**

7.1 The application was advertised by means of site notice, press advert and neighbour notification letters. In total, representations have been received from 4 interested residents, comprising 1 objection, 1 comment in support and 2 general comments. All representations received are published in full on the Council website and summarised below:

### *Objections*

- The proposed site is directly next to a well-used park, river, and haven for wildlife.
- The proposed panelling would be very extensive and visible.
- The installation would not be in keeping with the populated area and needs to be sited away from human activity and wildlife, where there is large open space.
- The proposal would involve the re-location of the car-boot sale and no alternative site has been identified.

### *Support*

- It would be great.

### *Comments*

- The statement regarding the lack of visibility of the site from public roads, footpaths, bridleways, and other public land is contradicted in the Glint and Glare Assessment which refers to gaps in the vegetation screening the site at the moment.
- A winter-based re-assessment of Glint and Glare should be carried out, to ensure that the many busy roads adjacent to the site are not adversely affected from lower sun in the sky and gaps in vegetation screening.



- It is essential that the fire service is a consultee on this application due to the inclusion of battery storage in this location which has potentially severe environmental implications should there be a fire.

7.2 Hatfield Town Council have submitted the following comments:

*“The Members were supportive of this application and wished to encourage the use of renewable energy. A request to use screening to protect the local nature reserve be considered. There was concern regarding access to and from the site, during construction and Cllr’s asked that the Traffic Plan ensued a safe pathway for members of the public between Welwyn Garden City and Hatfield throughout and after the build. Reassurances were sought that were the solar panels subsequently removed the land would not be used for housing instead i.e. necessary to maintain the green belt between Hatfield and Welwyn Garden City.”*

## **8 Consultations received**

- 8.1 No objections have been received in principle from statutory consultees. The consultation responses received are summarised below, and where appropriate, are expanded upon in later sections of this report.
- 8.2 The following consultees have responded advising that they have no objections to the proposal in principle, some of which are subject to suggested conditions, obligations or informatives being applied:
- Environment Agency
  - Natural England
  - National Highways
  - Active Travel England
  - Network Rail
  - HCC Waste and Minerals (Spatial Planning)
  - HCC Transport Programmes and Strategy
  - HCC Lead Local Flood Authority (LLFA)
  - HCC Historic Environment Advisor
  - HCC Fire and Rescue Service Water Officer
  - Hertfordshire Ecology
  - Herts and Middlesex Wildlife Trust (HMWT)
  - Hertfordshire Constabulary Police Architectural Liaison Officer
  - Place Services Heritage Advisor
  - Thames Water Development Control
  - Affinity Water Ltd
  - Cadent Gas Ltd
  - National Grid
  - National Air Traffic Safeguarding (NATS)
  - WHBC Public Health and Protection
  - WHBC Landscape and Ecology
- 8.3 No formal response was received from the following: Herts and Middlesex Bat Group, Luton Airport Safeguarding.

## **9 Analysis**

9.1 The main planning issues to be considered in the determination of this application are:

1. **Principle of development**
2. **Heritage**
3. **Impact on landscape, visual impacts and quality of design**
4. **Agricultural Land**
5. **Transport, access and traffic**
6. **Residential amenity and the impact on neighbouring occupiers**
7. **Ecological impacts of the development**
8. **Other considerations:**
  - i) **Ground Conditions**
  - ii) **Flood Risk/Drainage**
  - iii) **Glint and Glare**
  - iv) **Green Infrastructure**
  - v) **Security**
  - vi) **Decommissioning and temporary nature of site**
  - vii) **EIA**
  - viii) **Other**

#### **1. Principle of development**

- 9.2 The Climate Change Act 2008 (as amended) sets a legally binding target in the UK to reduce all greenhouse gas emissions to net zero by 2050. Renewable energy generation is an important part of reducing carbon emissions. Significant increase in renewable and low carbon generation, carbon capture and storage will be required to achieve the Government's net zero commitment by 2050, amongst other things.
- 9.3 Since the Climate Change Act 2008, several national initiatives have been introduced to help meet targets. The Carbon Plan 2011 identifies the emission reductions needed in five key areas of the economy: buildings, transport, industry, electricity, and agriculture to meet targets. The Clean Growth Strategy 2017 outlines the plan to grow the national income while cutting greenhouse emissions. The Resource and Waste Strategy 2018 outlines the actions the UK will take to minimise waste, promote resource efficiency and move towards a circular economy. The Clean Air Strategy 2019 demonstrates how the national government will tackle all sources of air pollution and boost the economy.
- 9.4 In May 2019, the UK Parliament also declared a national climate emergency, setting a new goal of achieving net zero emissions by 2050. The declaration of the UK's climate emergency was influenced by a report published by the Committee on Climate Change 'Net Zero – The UK's contribution to stopping global warming advice report' (May 2019). The report recommended a new emissions target for the UK, aiming for net-zero greenhouse gases by 2050. The accompanying Net Zero Technical Report highlighted the potential for various renewable energy sources, including 29-96 GW of onshore wind, 145-615 GW of solar power, and 95-245 GW of offshore wind in the UK.
- 9.5 The Energy White Paper of December 2020 stipulates that setting a net zero target is not enough: it must be achieved, partly through how energy is produced and confirms that solar is one of the key elements of the future energy mix. In October 2021, the Government published the Net Zero Strategy: Build Back

Greener which seeks the accelerated deployment of low-cost renewable generation such as solar.

- 9.6 The British Energy Security Strategy 2022 was published by the Government on 7th April 2022 and sets out a strategy for providing the energy we need in a safe, secure and affordable way, and at the same time ensuring that we do all we can to meet our net-zero commitments. The 'Powering Up Britain: Net Zero Growth Plan (the NZ Growth Plan)' was published on 30 March 2023 and sets out a package of proposals that the Department for Energy Security and Net Zero (DESNZ) says will help meet the carbon budgets up to 2037. The Net Zero Strategy builds on the Government's 10-point plan for a green industrial revolution (November 2020).
- 9.7 The Progress in reducing UK emissions - Report to Parliament (June 2023) outlines that the UK's transition to net zero emissions is not progressing as expected, and current targets are still being missed. The report highlights that the development of new fossil fuel projects is actively hindering the country's efforts to achieve its climate goals. The 2024 Progress Report to Parliament reiterates that urgent action is needed to get on track for the UK's 2030 target.
- 9.8 The Department for Energy Security & Net Zero Overarching National Policy Statement for Energy (EN-1)<sup>3</sup> (January 2024) and The Department for Energy Security & Net Zero National Policy Statement for Renewable Energy Infrastructure (EN-3) are also relevant documents. The proposed development does not meet the threshold for a Critical National Priority infrastructure, nor does its capacity (up to 10MW) mean that it is considered a nationally significant infrastructure project (NSIP). However, these documents remain a material consideration due to the nature of the development proposed.
- 9.9 Welwyn Hatfield Borough Council (WHBC) declared a climate emergency in June 2019 and set itself the target of being net zero by 2030. The Council have also committed to the following:
1. Reducing carbon emissions from our own estate and operations to net zero by 2030, or a justification for a later date if the review finds this unachievable.
  2. Comply with statutory obligations to mitigate and adapt to climate change.
  3. Support, encourage and engage residents, communities, businesses and other partners to reduce carbon emissions with the aim to be Net Zero as a borough by 2050.
  4. Embed climate change mitigation and adaptation into our plans, strategies and policies.
  5. Reduce carbon emissions across the borough by promoting energy efficiency measures, sustainable construction, renewable energy, sustainable transport and behavioural change.
- 9.10 The applicant sets out the need for the proposed development in the submitted Planning, Design and Access Statement. The applicant has also explained that this site was selected following a feasibility exercise that demonstrated it had optimal qualities for the stationing of the proposed development. The assessment took into consideration a large range of factors, including the following which are listed in the Planning, Design and Access Statement:

- Abundance of sunlight (insolation) making it highly suitable for solar energy generation.
- Convenient accessibility for connecting to the local electricity distribution network, with a feasible point of connection and viable distance to the substation.
- Availability of relatively flat land that requires minimal preparation.
- Adequate distance from potentially sensitive residential areas or other sensitive land uses.
- Absence of any ecological designations in the area where the solar panels are intended to be installed.
- No impact on public access rights.
- No interference with an existing agricultural or recreational land use.
- Natural screening of the proposed development due to the perimeter boundaries comprising thick belts of mature hedgerows and trees.
- Good access to the site during both construction and operational phases, with immediate access to the main highway network, avoiding any traffic on rural or residential roads.

9.11 In addition, the applicant has stated that the land was assessed in terms of feasibility and development/planning risks which involved the following:

- Proximity to an existing grid connection with capacity to accept the development;
- An offer to connect to the grid from the DNO;
- Avoidance of any sensitive areas as defined by the EIA regulations;
- Separation from local population to avoid local controversy and neighbour impacts;
- Land which is not suitable for conventional uses (i.e. no loss of higher grade agricultural land, existing planning uses or hope for future development given the site comprises Green Belt and is not allocated within the Local Plan);
- Good access to the site for construction, and avoidance of residential and/or rural roads;
- Avoidance of prohibitive land designations such as AONB and Conservation Areas; and,
- Location within an area of low flood risk.

9.12 Policy SP1 of the Local Plan advocates sustainable development and this is broadly consistent with the NPPF. Achieving sustainable development means that the planning system has three overarching objectives (economic, social, and environmental), which are interdependent and need to be pursued in mutually supportive ways.

9.13 The application site is not previously developed. It is located within the Metropolitan Green Belt, as defined by Policy SP3 which states that Green Belt boundaries have been defined as shown on the Policies Map. Green Belt boundaries will be maintained throughout the plan period and will only be reviewed through a review of this plan. In villages and other rural areas of the borough that lie within the Green Belt, development will be restricted so as to be consistent with the type of development envisaged in national planning policy and other policies of this plan.

- 9.14 Paragraph 157 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate... it should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 9.15 Paragraph 160 of the NPPF states that to help increase the use and supply of renewable and low carbon energy and heat, plans should:
- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts);
  - b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
  - c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.
- 9.16 Paragraph 163 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions;
  - b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas; and
  - c) in the case of applications for the re-powering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.
- 9.17 Annex 2: Glossary of the NPPF defines renewable and low carbon energy. It states that this includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).
- 9.18 The Local Plan acknowledges that one of the key challenges for the Council is addressing climate change, protecting the environment and delivering sustainable development, and that renewable energy can help to ensure that development is more sustainable. It states that in 2014, the borough had higher per capita carbon dioxide emissions than the UK as a whole.

9.19 Paragraph 13.29 of the Local Plan additionally sets out that:

*“The Hertfordshire Renewable and Low Carbon Energy Study 2010 identified opportunities areas for a range of renewable and low carbon technologies within the borough. This was a high-level assessment and the opportunity areas for wind and solar (primarily beyond the urban area) did not fully reflect the restrictions which green belt policy would place upon wind and solar energy proposals, which would be required to demonstrate very special circumstances that outweigh the harm to the green belt, and any other harm. As such, proposals for wind and solar farms will be considered on a case-by-case basis, taking into the site specific circumstances. Recent changes to national planning policy on wind energy do enable Neighbourhood Plans to identify areas that are suitable for wind energy. This approach complements other changes which require proposals to demonstrate that the concerns of the local community can be overcome before a proposal can be deemed acceptable. As such, the Council will work with local communities, landowners and developers to ensure that renewable energy proposals are appropriately considered. The Council will also work with developers to ensure that renewable energy solutions are integrated into all new built development where it is appropriate.”*

9.20 In light of this, it is acknowledged that the Local Plan does not currently identify specific sites for renewable and low carbon energy and all applications for such projects will be considered on a case-by-case basis.

9.21 It is not considered that there are any approved small or large-scale solar farms within the Borough. There is a solar farm located outside of the borough in Potters Bar, which is adjacent to the railway line and falls within the jurisdiction of Hertsmeare Borough Council. There are no known wind farms within the administrative boundaries of Welwyn Hatfield Borough Council, either.

9.22 Policy SP10 of the Local Plan explains that proposals that adopt sustainable design and construction principles...will be supported. This should be demonstrated via a Sustainable Design Statement and associated plans. One of the listed criteria within this policy includes the use of renewable and low carbon energy infrastructure, where it is appropriate and consistent with other policies.

9.23 Similarly, Policy SADM13 of the Local Plan states that all major development proposals must demonstrate that they have sought to maximise opportunities for renewable and low carbon sources of energy supply, where consistent with other Local Plan policies.

9.24 The National Planning Practice Guidance (NPPG) under Paragraph: 013 Reference ID: 5-013-20150327 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. Particular factors a local planning authority will need to consider include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether

- (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and
- (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- 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;
- the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

- 9.25 The application site is currently open and undeveloped land in the Green Belt. It is not allocated for housing or for any other use in the Local Plan, nor does it benefit from planning permission for any other forms of development. The land is not previously developed and is agricultural by nature.
- 9.26 The land is therefore greenfield land. It is poorer quality agricultural land, and the proposal would enable agricultural activities to continue around the arrays, which is discussed later in this report. The proposal is also for a temporary period of 25 years and it is intended to be fully reversible.
- 9.27 The anticipated visual impacts of the proposal and the effect on the landscape from glint and glare are set out within the submitted Landscape and Visual Impact Assessment (LVIA) by Liz Lake Associates and Glint and Glare Assessment by Mabbett and Associated Ltd. The proposed development incorporates measures to assist in mitigating landscape and visual impacts too. The solar arrays would not follow the daily movement of the sun.
- 9.28 The proposal incorporates security measures such as fencing and CCTV, but not security lighting. These matters are discussed later on in this report.
- 9.29 The proposal would ensure heritage assets are conserved in a manner appropriate to their significance. This is discussed later on in this report.
- 9.30 In terms of energy generating potential, the submission sets out that the site holds optimum energy generation potential due to its southerly facing aspect, which would be enhanced through the regrading of the land. This is discussed later on in this report.

9.31 The application site is located to the south-west of Welwyn Garden City, outside the settlement boundaries of Welwyn Garden City in the Metropolitan Green Belt. As the application site is in the Green Belt, this presents a constraint to the development.

*Appropriateness in the Green Belt*

9.32 Paragraph 142 of the NPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

9.33 Paragraph 152 of the NPPF notes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Within that context the main issues to consider in terms of Green Belt policy are:

- the appropriateness of the development in Green Belt;
- the effect on the openness and purposes of the Green Belt; and
- whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

9.34 The proposal would involve engineering operations due to the development proposing the reprofiling of the land, creation of earth bunds and the formation of new hard surfacing. As such, Paragraph 155(b) of the NPPF is relevant. This form of development is not inappropriate in the Green Belt provided it preserves its openness and does not conflict with the purposes of including land within it. However, it is considered that both spatially and visually there would be a greater impact on openness by virtue of the resultant development being of a materially larger and utilitarian design, compared to the open, undeveloped, and verdant character of the land at present. This is discussed in greater detail in the sections below. The proposal would not therefore comply with exception 155(b) of the NPPF.

9.35 Another exception covers material changes of use under Paragraph 155(e) of the NPPF. This exception also requires the openness of the Green Belt to be preserved, as well as the purposes of including land within the Green Belt. Whilst it is considered there would be a greater impact on openness as set out above, the applicant maintains that the site would be utilised for the grazing of sheep and beekeeping during the lifetime of the solar farm's operation. These activities are more akin to an agricultural use. In addition, the application seeks permission for a temporary time period. On this basis, no permanent change of use would arise as a result of the development as it would be reversible in nature. In addition, there would be a greater impact on openness and the purposes of including land in the Green Belt. Therefore, the proposal would not be captured by Paragraph 155(e) of the NPPF either.

9.36 Paragraph 156 of the NPPF states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases, developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider



environmental benefits associated with increased production of energy from renewable sources.

- 9.37 Policy SADM34 of the Local Plan states that within the Green Belt, as defined on the Policies Map, planning permission will be granted for development in accordance with national policy and other policies in this plan.
- 9.38 The proposed development would not meet any of the relevant exceptions in the NPPF and as such it is considered to be inappropriate development in the Green Belt by definition. This position is not disputed by the applicant, who has confirmed in their submission that the primary elements of the scheme represent inappropriate development in the Green Belt, given they do not comprise one of the forms of appropriate development listed in the NPPF.
- 9.39 As per the requirements of Paragraph 153 of the NPPF, substantial weight must be attributed to any harm to the Green Belt. Therefore, substantial harm is identified by virtue of the site being inappropriate development by definition. An assessment on the openness and purposes of the Green Belt is set out below.

#### *Openness of the Green Belt*

- 9.40 Paragraph 142 of the NPPF sets out that the essential characteristics of Green Belts are their openness and their permanence. There is no definition of openness in NPPF but, in the context of the Green Belt, it is generally held to refer to freedom from, or the absence of, development. However, assessing the impact of a proposal on the openness of the Green Belt requires a judgement based on the circumstances of the case.
- 9.41 The clear conceptual distinction between openness and visual impact, in *Timmins V Gedling BC* [2014] EWDC 654 (Admin), was found to be incorrect in the Court of Appeal judgement *Turner v SSCLG & East Dorset Council* [2016] EWCA Civ 466. This judgement confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect, and assessing openness was found not to be limited to measuring the volume of the existing and proposed structures on the site. Many factors were found to be relevant and could include how built-up the Green Belt was and how built-up it would be if the proposed development went ahead.
- 9.42 Such an approach on openness of the Green Belt was further confirmed in the Court of Appeal Judgement, *Samuel Smith Old Brewery (Tadcaster) & Oxtan Farm v North Yorkshire CC & Darrington Quarries Ltd* [2018] EWCA Civ 489 which indicated that when a development was likely to have visual effects within the Green Belt, the decision-maker was required to consider how those effects bore on the question of whether the development would preserve the openness of the Green Belt.
- 9.43 The site currently comprises of soft landscaped, open and undeveloped land, therefore spatially, it is generally free from built development. As such, the site in its current form maintains the openness of the Green Belt, due to its undeveloped, verdant nature.
- 9.44 Despite the gaps between the rows of proposed solar panels and the introduction of additional ecological enhancements and landscaping, the solar arrays,

addition of raised structures, perimeter fencing, maintenance tracks and CCTV features would not reflect the existing rural landscape. As such, the proposed development would undoubtedly contrast with its existing character and appearance in spatial terms, resulting in a more intrusive and utilitarian form of development than existing. As such, the proposal would have an adverse impact in terms of the spatial aspect of the openness of the Green Belt.

- 9.45 Visually, the effect of the development would be shaped by a more complex combination of factors. The submitted Landscape and Visual Impact Assessment (LVIA) does not include a section on the openness of the Green Belt. However, the applicant has provided a separate Key Green Belt and Planning Justification Summary upon request, which elaborates on this. The LVIA does not include a Green Belt assessment as Liz Lake Associates (who the applicant has appointed to provide specific landscape and visual input to the issues associated with the site) considers that the 'Guidelines for Landscape and Visual Impact Assessment', 3rd Edition does not mention Green Belt or assessing the openness of the Green Belt as part of the process.
- 9.46 The Planning, Design and Access Statement (PDAS) also includes a chapter on openness and visual amenity, but there are no visual images used in this assessment. Within this chapter of the report, the applicant refers to a site selection process which was carried out at the pre-planning stage to inform the location of the development. It notes that siting a renewable energy scheme of this magnitude necessitates extensive open ground due to the specific land take requirements of ground-mounted solar arrays, therefore, in most cases this will involve the selection of greenfield sites in the open countryside. It goes on to state that the height and visual impact of the proposed structures were assessed from surrounding viewpoints to feed into the site selection process.
- 9.47 The proposed site was selected in order to avoid more sensitive areas and to preserve the landscape and ecological resources within the surrounding boundaries. No details of alternative sites which were considered have been provided with the application as there is no policy requirement for applicants to demonstrate a sequential assessment for site selection in respect of solar energy developments of this scale. However, further details are provided within the Key Green Belt and Planning Justification Summary regarding the site selection process for this site.
- 9.48 The feasibility and viability of a grid connection is a primary consideration in identifying and assessing potential sites. The applicant notes that the first steps are therefore to identify an available grid connection with sufficient capacity for economies of scale, then locate available and suitable previously developed land for the proposed development. If no suitable previously developed land is available, a second phase would be carried out to identify suitable undeveloped land, focusing on constraints such as:
- Proximity to the grid connection point to minimise cable run;
  - Distance from settlements to reduce visual impacts on residential areas;
  - Existing natural screening and potential for additional planting;
  - Avoidance of heritage assets;
  - Flat topography and appropriate field size/shading;
  - Adequate site access for construction and decommissioning;
  - Avoidance of the best and most versatile agricultural land;

- Avoidance of landscape and land-use designations;
- Limited nature conservation designations and opportunities for biodiversity enhancements;
- Low flood risk;
- Potential for commercial agreements with landowners.

9.49 Whilst the preference for siting solar farms on brownfield land is acknowledged, the applicant considers that it is important to recognise that the substantial costs associated with brownfield development often render solar farms financially less competitive in comparison to residential or commercial development. In addition, whilst solar panels can be deployed on roof tops, the prospect of finding the equivalent of a 10MW scheme across 25 acres of rooftops within the Borough is highly unlikely, given the fragmented nature of ownership of industrial buildings combined with the need for a viable and cost-effective grid connection in close proximity. The availability of suitable large-scale solar opportunities on brownfield sites therefore remains severely limited. Sites of a similar size to the application site that comprise land outside of the Green Belt are generally commercially unviable to house a solar energy project of this size or are not allocated for this purpose.

9.50 Throughout the design evolution of the proposed development, the applicant has sought to ensure that the visual and spatial impact of the proposed development has been minimised as much as possible. The PDAS sets out that the land does not have the feel or appearance of land traditionally associated with the Green Belt, nor is it used for such activities at present. The applicant considers that the site is currently visually influenced by the A6129, A414 and A1M intersection, which constitutes an intrusive and noisy feature from within the site, with associated streetlights, a telecoms tower and power cables interjecting into the skyline. It is also noted in the PDAS that the site is 'cut-off' from the wider Green Belt due to the position of the A-roads to the north and south perimeter and the River Lea and Stanborough Park on the eastern boundary, including a belt of woodland averaging approximately 10m high. There are no Public Rights of Way or bridleways through, or directly adjacent to the site. As such, existing recreational uses of the site for pedestrians are through the informal pathway at the rear of the car park at Stanborough and the vehicular accesses.

9.51 The PDAS suggests that the highest degree of visibility is from the pathway adjacent to the A6129 which lies to the west of the application site. This is because of its elevated position, particularly heading south, where the proposed development could be visible through gaps in the boundary vegetation. However, the applicant also considers that the site should be viewed in the context of the busy A6129 road alongside it, noting that drivers travelling south towards the A414/A1(M) and A6129 intersection would perceive the site in a different manner, due to the key views towards the site remaining outside of their sightline. Towards Oldings Corner Retail Park, the PDAS suggests the interjection of the busy roads and higher topography would prevent views of the site, but it is acknowledged that pedestrians of the A6129 and A1001 may be afforded some views through gaps in vegetation as set out above.

9.52 In terms of the eastern boundary, the PDAS states that glimpsed views may be possible from the southern perimeter path around Stanborough Lake, over the Reed Marsh. To the northern boundary, the report considers that the overflow car park at Stanborough Lakes would be largely restricted by the proposed earth

mound which would be heavily planted. Beyond that, no views are anticipated to be possible from the A6129.

- 9.53 The PDAS concludes that the installation of photovoltaic panels would have a temporary impact on the openness of the Green Belt, regardless of whether they are visible or not. However, the applicant considers that perceptions of openness would be limited for anyone outside of the site and that the visual setting is influenced by man-made structures and activities associated with traffic on the busy roads, resulting in a more urbanised character. The applicant refers to the LVIA in this regard, suggesting that this document concludes the development would not lead to any undue levels of adverse visual or landscape harm.
- 9.54 Whilst it is noted that the existing site may not be used for 'typical' Green Belt purposes at present, in terms of openness, other than when it is used occasionally for car boot sales, the site generally provides a visual transition between the busy roads that border the site, and the Wildlife Sites, River and Stanborough Lakes beyond. This is due to the greenfield nature of the site which is devoid from built structures and large areas of hard surfacing, as well as the mature perimeter landscaping. Whilst the presence of the roads (including the associated hardstanding, street lighting, traffic noise, signage and motor vehicles) undoubtedly influence the glimpsed views from public vantage points around the site, the site itself contributes to the openness of the Green Belt by virtue of its undeveloped character.
- 9.55 The proposal would introduce hard boundary treatments, enclosures, solar arrays and associated infrastructure and paraphernalia within the site, which could have the effect of a considerable reduction in openness compared to the existing situation visually. Furthermore, the solar panels have the potential to result in glint and glare from sunlight, which to some extent could diminish the sense of Green Belt openness from public viewpoints due to being more visible in the wider landscape.
- 9.56 The development proposes engineering works through the addition of earth bunds at the northern and southern boundaries of the site, which would be planted with grasses and native flowers in order to aid their assimilation into the landscape. The proposal also seeks to alter the topography in places through the importation of soils, in order to level the site for laying the solar panels. This would create optimal conditions for solar capture, topsoil the site for other enhancements and level some slight undulations across the surface. The existing site lies between 3-9m below the road levels of the adjacent A6129 and A414 roads, sloping up towards the southern boundary. Cross section plans have been provided which demonstrate the existing site profile against the proposed, to show the differences in the context of the existing topography of the site. Except for the earth bunds at the northern and southern edges of the site which would extend up to 5m in height, the remainder of the levelling works would be distributed across the site depending on the topography of the specific piece of land. The land levels would be increased up to approximately 2m in some places, however this would generally be where there are existing hollows. The works would therefore seek to align the land with the land it would be adjacent to. This would be for the panels to be positioned on as it would result in optimal solar capture. As the overall appearance would be more consistent across the site in respect of land levels, it would reduce the visual impact of the topographical changes proposed.

- 9.57 In the short term, the proposed earth mounds would likely appear as manmade landforms which would not be insignificant in volume, at a height of up to 5m. Over the estimated 15 years it would take to enable the proposed landscaping scheme to fully establish, it is acknowledged that these features could appear more obvious within their surroundings. However, as the vegetation matures, the bunds would assimilate into the landscape and appear as natural features. Such features are relatively common alongside motorways or railway lines, to provide an appropriate soft landscaped buffer. This would result in a degree of visual containment from the northern and southern boundaries of the site. The earth bunds therefore have the potential to reduce a visual loss of openness from public vantage points at the site egress point onto the A414, alongside the A6129 closest to the intersection, the A414 road and from Warren Lodge Stables.
- 9.58 During winter when some trees and other landscape features are not in leaf, there are likely to be glimpsed views of the site available through gaps in the boundary landscaping, particularly for pedestrians walking alongside the A6129 in a southerly direction. It is unlikely that anything other than glimpsed views would be obtained from the footpaths alongside the A414, due to differences in land levels and screening along the boundary. In addition, whilst it is acknowledged that views towards the site would generally appear out of the sightlines of drivers of the vehicles travelling south on the adjacent roads, this does not factor in passengers of the cars still being able to obtain views. However, it is accepted that views are likely to be fleeting and primarily towards the direction of travel (the road), therefore would generally only be experienced kinetically (unless there are poor traffic conditions on the road and the vehicle is stationary). This would reduce the visual impacts from the road.
- 9.59 In terms of views from Stanborough overflow car park, it is acknowledged that at present there are limited views available due to an informal footpath being formed between the car park and the site. However, there are no Public Rights of Way that run directly through or adjacent to the site, with the nearest footpaths and cycle routes positioned to the west of the site alongside the A6129. The proposal would seek to enclose the site at the northern perimeter to prevent the informal route through the site. In addition, an earth mound would be positioned in this location to restrict access and would also serve to prohibit views into the site. Therefore, it is expected that the number of individuals accessing the site itself would decrease due to the informal routes being blocked, and this would prevent views from the south of the existing car park. As set out by the applicant, glimpsed views may also be possible from the southern perimeter path around Stanborough Lake, over the Reed Marsh. However, views would be through the mature landscaping along the boundary and would not be direct. As such, it is accepted that from these public vantage points, in visual terms there is unlikely to be an unduly detrimental impact on the openness of the Green Belt.
- 9.60 The landscape proposals include bunds along the northern and southern boundaries planted with whips, as well as localised level changes to smooth existing undulations. A 50m length of new hedge planting is also proposed, with diverse grassland shown underneath PV panels. The gaps between the panels would serve to break up the arrays and provide views between the rows of panels to the grass in between and which would continue to grow beneath the panels as well. The proposed landscaping measures would result in a significant degree of visual containment, where glimpsed views are more likely than direct

ones. The proposed palisade fencing would appear more solid in construction. However, it is acknowledged that this form of fencing is often used for security measures, such as alongside the railway line. When this type of fencing is viewed against a backdrop of mature soft landscaping, the views appear less urban in nature.

- 9.61 The applicant was asked to explore the possibility of using a less visually prominent material for the proposed security fencing, such as a darker coloured weldmesh. However, this would not offer sufficient levels of security for the site, being much easier to vandalise and cut through than palisade fencing. The fencing was added to the proposal to address the concerns of Hertfordshire Constabulary on security grounds; therefore, it must be of a sturdy construction to serve its intended purpose. It is noted that there is an existing palisade fence of a similar form to that proposed around the railway line nearby, as demonstrated by the applicant on the submitted security plan. This provides an indication of what the fencing could look like against a backdrop of established landscaping. There is existing fencing surrounding the telecommunications station to the southern boundary of the site and ancillary buildings in this location too, therefore the palisade fencing would be viewed in this context from certain viewpoints to the south of the site. The colour of the proposed fencing could also be controlled via the proposed hard and soft landscaping condition, to reduce the visual impacts in a similar manner.
- 9.62 Whilst the site undoubtedly retains openness at present due to its undeveloped nature, it is acknowledged that the perceived openness is strongly influenced by the presence of the existing road network, including traffic noise, vehicle movements and associated infrastructure from the A6129, A414 and A1(M). This affords the area a more urbanised character. The site is also heavily screened by existing vegetation and the proposed landscaping would improve this situation. The proposed development would not therefore have a significantly greater adverse effect on openness beyond that of the application site itself, as the harm would generally be localised and well segregated visually. The submitted LVIA concludes that the development would not lead to any undue levels of adverse visual or landscape harm too, as a result of the existing site characteristics, screening nearby and proposed mitigation.
- 9.63 To conclude, whilst the proposed earth bunds and planting would reduce the impact of the proposed development, the proposed landscaping would take up to 15 years to fully establish, which is over half the lifetime of the development. The proposal would materially change the openness of the site in both visual and spatial terms compared to the existing arrangement. For the above reasons, it is considered that the proposal would result in harm to the visual openness of the Green Belt in both actual and perceived terms. However, the mitigation measures would, over time, improve this situation, resulting in more localised impacts visually. Therefore, whilst there would still be a negative impact on openness, this would be modest, reducing to limited once the landscape and ecological enhancements are fully established and have assimilated into the landscape.
- 9.64 The PPG indicates that when assessing the impact of a development on the openness of the Green Belt, the duration of the development and its remediability, and the degree of activity it would be likely to generate, are matters to take into consideration. Apart from during the construction phase and during

de-commissioning, the development would generate minimal activity. The operational life of the development would be 25 years and whilst the application sets out that the land would be returned to its former condition following the expiration of this period meaning it would not be permanent, this is still a lengthy period of time. Therefore, this does not reduce the level of harm identified beyond the moderate harm identified above in the first instance, which would only reduce to limited harm once the landscaping is fully established. This harm, in addition to the harm by way of inappropriateness, carries substantial weight against the proposed development, in line with the NPPF. The applicant acknowledges this in the PDAS, noting that *“the identified temporary and limited impact on openness must be weighed against the very special circumstances put forward”*.

*Purposes of including land within the Green Belt*

- 9.65 It is also necessary to consider whether the proposal would result in greater harm to the five purposes of including land in the Green Belt when compared to the existing development. Paragraph 143 of the NPPF states that the Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 9.66 As part of the Council’s Draft Local Plan examination, a Green Belt Study titled the ‘Welwyn Hatfield Green Belt Study Stage 3 March 2019’ (Stage 3 Green Belt Study) was produced. The three key aims of the Study were to:
- Undertake a comprehensive and rigorous assessment of the Green Belt to establish which areas are ‘most essential’ to retain; and which areas, if developed, could have less harm on the Green Belt;
  - Review the existing ‘washed over’ settlements and consider the extent to which they contribute to the openness of the Green Belt and whether there is any justification in terms of their openness (or lack of) to inset them; and
  - Assess the contribution to the Green Belt purposes of all land within the Borough to establish if there are any areas of weaker performing Green Belt that may be more suitable (in Green Belt terms) for a new settlement.
- 9.67 The majority of the application site falls within Parcel 29 (P29) which was assessed in the Stage 3 Green Belt Study.
- 9.68 The parcel adjoins the settlements of Welwyn Garden City and Hatfield to the north and south respectively, both of which are first tier settlements. These settlements are located within approximately 1km of each other across the application site. There are areas of woodland present surrounding the shallow

valley of the River Lea and at Stanborough Reedmarsh Local Wildlife Site and Local Nature Reserve. This portion of the parcel also contains a small lake, however there are no significant separating features between the settlements. Connecting features between the settlements within the parcel include the railway line at its eastern edge and the A6129 which passes through the central portion of the parcel and along its southern edge. These connecting features act to reduce the perception of separation between the settlements. The A1 (M) which passes along the western edge of the parcel acts to both connect and separate Welwyn Garden City and Hatfield.

- 9.69 The assessment considered P29 to make limited or no contribution to purpose 'a' (unrestricted sprawl of large built-up areas); a significant contribution to purpose 'b' (preventing the merging of neighbouring towns); a partial contribution to purpose 'c' (safeguarding the countryside from encroachment); a significant contribution to purpose 'd' (preserving setting and special character historic towns); and a significant contribution to purpose 'e' (assisting urban regeneration). The assessment found the release of all, or part of P29 to cause "very high" harm as any further perceived loss of separation between Welwyn Garden City and Hatfield would constitute significant harm to Green Belt Purpose 2 (b) and Purpose 4 (d).
- 9.70 The applicant submitted a Key Green Belt and Planning Justification Summary during the application process, as the original submission did not discuss the purposes of the Green Belt in detail. The applicant considers that the findings of the Stage 3 Green Belt Study must be viewed within the context of evaluating which areas of Green Belt land in the district should be released for housing, therefore a more nuanced analysis is required as the assessment for this application fundamentally differs from the original purpose of the study. The applicant also considers that the development would comprise low lying temporary structures that would sit lightly on the land and the presence of a solar farm in the wider countryside would not alter the fundamental character of the land, nor its Green Belt designation. Grass would grow under the solar panels, and impacts would remain limited and localised as a result. This section of the Key Green Belt and Planning Justification Summary concludes that the land would remain part of the countryside, rather than becoming urbanised, as it would with a housing development.
- 9.71 It is considered that the proposed development, by virtue of its proposed use, scale and location, would not conflict with purpose (a) above.
- 9.72 In terms of purpose (b), it is acknowledged that the gap between Welwyn Garden City and Hatfield is fragile, with openness in the valley surrounding the River Lea playing a key role in preventing coalescence. The land within the parcel plays a significant role in inhibiting the physical and/or visual coalescence of the towns as the gap is narrow, visually open and has few separating features. However, whilst the application site is positioned in this narrow gap between the settlements, it is not immediately adjacent to the built-up parts of Hatfield or Welwyn Garden City. There are also several main roads which provide a physical and visual separation between the two settlements, including the A6219, A414 and A1(M) motorway. Whilst it is therefore accepted that any development on the site may have some impact on the fragile gap between the neighbouring towns, this would be perceived differently from public vantage points close to or within the site, compared to if the site was viewed from the air or via aerial imagery or



on maps. As a matter of fact and degree on the ground, the solar panels would be perceived as low lying features and spaces would be retained between the solar arrays, with grass in between. Various improvements are proposed to the landscaping and biodiversity across the site, which would reduce the visual impacts of the development. The land would also continue to be used for agricultural purposes and would be of a fully reversible nature, albeit the impacts would be perceived for up to 25 years, which is still a considerable length of time. Taking the above factors into account, it is considered that the proposal would result in a very limited impact on purpose (b).

9.73 In terms of purpose (c), the application site comprises open undeveloped land. Notwithstanding the fact that the land would remain in an agricultural use for sheep grazing and beekeeping, it would represent a clear encroachment of engineered development into what is presently open countryside in terms of its physical form and the associated boundary treatments. By virtue of the introduction of features of utilitarian design and appearance and associated infrastructure, the proposal would introduce a more urban form of development into the countryside. While views of the site would be localised and to an extent mitigated by landscape improvements, it is considered that the proposed development would represent a minor encroachment into the countryside which would be temporary. The proposal would therefore conflict with purpose (c) and limited harm would arise in this regard, albeit of a temporary nature.

9.74 In terms of purpose (d), Welwyn Garden City (as designed by Ebenezer Howard) is the only identified historic town within the Borough. As set out in paragraph 23 of the Welwyn Garden City Conservation Appraisal:

*“On 11 June 1920 Louis de Soissons, architect and town planner for Welwyn Garden City from 1920 until 1962, produced the first Master Plan of Welwyn Garden City. The formal civic and business centre with Parkway and Howardsgate contrasted with the informal residential sectors. The agricultural belt was relatively small and the company, Welwyn Garden City Ltd., was anxious to buy more land in order to secure an open countryside setting as well as to realise Howard’s vision of the symbiotic relationship between town and productive farmland near at hand.”*

9.75 The masterplan for Welwyn Garden City did not involve significant overlap between rural and urban areas, with one merging into the other, but rather a low-density settlement pattern with a strong element of tree cover, wide central boulevards and grass-verged roads to promote a sense of green space. It is not therefore possible to identify specific areas of open land within the Green Belt that are key particular characteristics of the planned town, and there is no intervisibility between the historic core (the south-western area developed before WW2) and the surrounding countryside, but some value with respect to Green Belt Purpose 4 can be attached to the presence of land that constitutes an open, undeveloped setting.

9.76 The Welwyn Hatfield Green Belt Stage 3 Study sets out that the connection between a historic town’s historic character and the wider countryside does not have to be physical, indeed successions of development often isolate core historic areas from the surrounding countryside; it is often a visual connection. This visual connection can be defined through movement through the area, or views into or out of the settlement. Undeveloped land close to the historic south-

western core of Welwyn Garden City is considered to make the strongest contribution to preserving the town's historic setting. Land considered important to the historic setting of Welwyn Garden City is shown on Figure 4.1 of the Stage 3 Green Belt Study. The application site is open land that lies to the south-west of the existing settlement of Welwyn Garden City, which is shown within this area.

- 9.77 The proposed development would be seen within the context of the intervening road infrastructure, existing mature landscaping and the landscaping features proposed. However, it would be partially visible from some public vantage points (particularly in the winter) and glimpsed views from public vantage points would be more likely in the earlier stages of the development, before the planting fully matures. This would, to a degree, contrast with its current open, undeveloped character on the very edge of Welwyn Garden City. On this basis, it is considered that there would be some very limited harm to the setting and special character of Welwyn Garden City under exception (d), by virtue of the proposed development.
- 9.78 In terms of purpose (e), due to the nature of the proposed development, it would not disincentivise the urban regeneration of sites elsewhere. There would, as a result, be no conflict with this purpose.
- 9.79 Drawing on the above, the proposed development would be in conflict with Paragraph 154 of the NPPF as it would be classed as inappropriate development in the Green Belt. It would also cause moderate harm to the openness of the Green Belt compared to its present undeveloped state (which would reduce to limited harm when the landscaping is fully established) and would conflict with several of the purposes of the Green Belt. Therefore, the proposed development would, by definition, result in harm. As outlined at Paragraph 153 of the NPPF, when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. As a consequence, substantial weight must be attached to this harm. Accordingly, there is also conflict with Policy SP3 and Policy SADM34 of the Local Plan, which has similar aims.
- 9.80 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The key issue therefore is whether Very Special Circumstances (VSC) exist to outweigh the harm caused by reason of inappropriateness and any other harm. What constitutes very special circumstances will depend on the weight of each of the factors put forward and the degree of weight to be afforded to each is a matter for the decision taker.
- 9.81 In the case of *Redhill Aerodrome Ltd v SSCLG* [2014] the judgment of the Court of Appeal held that the meaning of "any other harm" refers to any other harm whatsoever and is not restricted to Green Belt harm. Therefore, the assessment of the Green Belt balance and conclusion will be performed at the end of this report, when all other material considerations have been assessed.

## 2. Heritage

9.82 Policy 200 of the NPPF states that in determining applications, Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Paragraph 201 of the NPPF states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

9.83 The NPPF also indicates the requirement to consider heritage matters as follows:

*“203. In determining applications, local planning authorities should take account of:*

*a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

*c) the desirability of new development making a positive contribution to local character and distinctiveness.*

9.84 Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

9.85 Paragraph 209 of the NPPF is also applicable which states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. A balanced judgement will be required for applications that directly or indirectly affect non-designated heritage assets having regard to the scale of any harm or loss and the significance of the heritage asset.

9.86 In exercising its planning functions, the local planning authority has a general duty with regard to listed buildings. Section 66(1) of the Planning Listed Buildings and Conservations Areas Act 1990 states:

*“66.—(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local respects listed planning authority or, as the case may be, the Secretary of State shall have buildings in special regard to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses.”*

9.87 Section 72 of the Planning Listed Buildings and Conservations Areas Act 1990 additionally states:

*“In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned respects in subsection (2), special attention shall be paid to the desirability of conservation preserving or enhancing the character or appearance of that area.”*

9.88 Policy SP11 of the Local Plan states that the protection, enhancement and management of the environmental, ecological and historic assets within the borough, will be sought commensurate with their status, significance and international, national and/or local importance.

9.89 Policy SADM15 of the Local Plan deals with proposals which affect designated heritage assets and the historic environment. It states that a Heritage Statement, Heritage Impact Assessment and/or Archaeological Assessment will be required if the scale and/or nature of the proposal are likely to have an impact on the significance of all or part of the asset. An assessment may be required in locations which are not designated but where the potential to contain heritage assets exists or further understanding of the significance of known heritage assets is needed.

9.90 The applicant has supplied a Planning, Design and Access Statement which states that no heritage assets would be affected by the proposed development as it does not feature in any areas of archaeological or heritage significance, and it does not feature in the setting of a listed building. It also says the proposed development would not negatively affect archaeological heritage assets, as confirmed by the accompanying archaeological assessment, which indicates limited archaeological interest on the site. The applicant's statement concludes that the proposal is therefore unlikely to have any effect on heritage assets.

9.91 The proposed development site lies within the wider setting of the Welwyn Garden City Conservation Area and the Grade II listed Woodhall Farm Cottages, list entry: 1348179 (south of the farmhouse).

9.92 The Council's Built Heritage Consultant at Place Services has reviewed the proposal. Their comments state that the proposal would not adversely impact the setting of the Conservation Area due to the distances involved and intervening development. There would also be no impact to the significance of Woodhall Farm Cottages as the application site has been divorced from the setting of the listed buildings by the intervening railway line.

9.93 In terms of archaeology, the site is not located in an Area of Archaeological Significance and no heritage assets of archaeological interest are known at the development site. However, upon review of the submitted Desk Based Archaeological Report, the County Council's Historic Environment Advisor identified that the wider area contained some evidence of prehistoric and Roman activity, and evidence for medieval and post-medieval occupation. There have been very few archaeological investigations carried out in the area, the closest being at Stanborough School and the Herts Constabulary HQ, c.300m to the north/north-east. As the application site is of a substantial size and is undeveloped, it is considered that any below-ground archaeological features and finds that might be present could be expected to have survived relatively intact.

- 9.94 The applicant sought to address these comments via the submission of an Archaeological Geophysical Survey (magnetic). The County Council's Historic Environment Advisor has reviewed this document and has concluded that the results of the survey do not indicate the presence of substantial below ground archaeological remains within the site, and it appears unlikely that remains worthy of preservation in situ, which may be a constraint on the development, are present within it. Nonetheless, due to the size of the site and its location in an area that has some potential for remains, the development may still have an impact on heritage assets of archaeological interest.
- 9.95 Hertfordshire County Council's Historic Advisor has therefore confirmed that no objections are raised to the proposed development on archaeological grounds in principle, subject to the suggested planning conditions to secure the appropriate level of investigation that this proposal warrants. The suggested wording of the condition is set out later in this report.
- 9.96 Subject to the inclusion of the above condition, no concerns are therefore raised in regard to heritage and the proposal would accord with Policy SP11 and SADM15 of the Local Plan and the NPPF in this regard.

### **3. Impact on landscape, visual impacts and quality of design**

- 9.97 The Government attaches great importance to the design of the built environment. The NPPF notes that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy SP9 of the Local Plan deals with place making and high-quality design and Policy SADM11 refers to amenity and layout. Policy SADM16 is relevant regarding landscape setting.

#### *Landscape and Visual Impacts*

- 9.98 The NPPF sets out at Paragraph 135 that planning decisions should be sympathetic to local character, including the landscape setting. Paragraph 180 of the NPPF additionally confirms that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- 9.99 Policy SADM16 of the Local Plan states that proposals will be expected to help conserve and enhance the borough's natural and historic landscape and sit comfortably within the wider landscape setting. Proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition. Proposals should take full account of the relevant Landscape Character Assessment and adopt the strategy and guidelines for managing change set out therein.
- 9.100 The Site lies in National Character Area profile (111) North Thames Basin as defined by Natural England. The East of England Landscape Framework (Landscape East 2010) also places the site within the Plateau Estate Farmlands Landscape Character type.
- 9.101 The Welwyn Hatfield Landscape Character Assessment 2005 identifies the different landscape character areas within the borough, many of which extend

over the borough boundaries. The Landscape Character Assessment identifies the site as lying within Landscape Area 65: Middle Lea Valley West which is a linear east-west area between the A1(M) in the West (Lemsford) and the western urban edge of Hertford. Each character assessment sets out a strategy and objectives for improving landscape character and quality within each area, and the Council will seek to deliver these within development in accordance with Policy SADM16. The strategy and guidelines for managing change in this LCA are to 'improve and conserve'. These include, but are not limited to the following:

- Support the Environment Agency's initiative in encouraging a partnership approach to habitat management in the Lea at Bayfordbury.
- Encourage habitat protection within the Upper Lee to safeguard the survival and dispersal of notable species, including the barbel.
- Ensure that any proposals for development within this area pay due regard to safeguarding its important associated historic and ecological features.
- Promote the use of low-density stock grazing as a management technique.
- Ensure that any further proposals for mineral extraction in this or adjoining areas avoid areas of historic or ecological importance and are adequately screened from view.
- Encourage the development of best-practice guidelines to safeguard existing nature conservation interest in working mineral extraction sites to create suitable conditions for maximising nature conservation potential and to minimise management needs within restored sites.
- Ensure that all landowners and developers are aware of the BAP objective of creating a 'necklace' of interconnected wetland habitats along the river valleys.
- Resist the targeting of redundant or derelict pasture for development.
- Resist development that could lower the water table within river valleys and affect wetland habitats.

9.102 The site is located on agricultural land at Stanborough within a gap between Welwyn Garden City and Hatfield, adjacent to the A414 road and junction 4 of the A1(M) motorway. The site forms an elongated shape bound to the east by the River Lea and boating lakes at Stanborough Park (South Side), to the south by the A414 which wraps tightly around the northern edge of Hatfield, and to the west by the A6129/A1(M) and junction 4 interchange.

9.103 The lakes and undulating hills of the countryside parkland at Stanborough Park beyond the River Lea were formed out of gravel extraction at the time of building the A1(M) motorway and form a valuable resource for the local communities nearby, including walking and water based recreational activities, beyond the busy settlement edges and its associated infrastructure. Towards the southern end of the park abutting the southern boundary and the embanked East Coast Mainline Railway running north-south, is an area of habitat known as Stanborough Reedmarsh and includes a mosaic of willow woodland and marsh that follows the River Lea.

9.104 The measures proposed to mitigate against the potential adverse landscape and visual impacts of the development include:

- Retain existing trees on site and supplement with new tree planting as appropriate for the location.

- Reinforce existing vegetation along the northern and southern boundaries of the site and to reflect the mixed native nature of the large scale planting often required to soften large road infrastructure and roads, which will help to reinforce the edge and qualities associated with the transition to the narrow valley form below.
- Retain and protect the areas of marsh that exist at the edges of the Site, preserving the landscape and ecological resource, which fits with the location (Stanborough Reed Marshes nearby).

- 9.105 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) with the application, and the Council has appointed landscape consultants, Wynne-Williams Associates, to review this document. The document considers whether the landscaping proposals illustrated on the submitted landscape masterplan will be sufficient to mitigate the landscape and visual effects of the development in the long term.
- 9.106 Comments were initially provided regarding the chosen methodology and content of the submitted version of the LVIA. These included a detailed methodology not being provided, a failure to provide an assessment of landscape value for the existing site and surroundings (including methodology for assessment of value), a failure to provide an assessment of landscape value for the existing site and surroundings (including methodology for assessment of value), and the LVIA lacking a summary of the character effects on the site itself, including throughout the full operational phase of the development. A Landscape and Visual Technical Note was submitted to respond to these comments. A revised version of the LVIA was then submitted following further discussions and the Council's landscape consultants have reviewed this version.
- 9.107 The LVIA concludes that, overall, the application site is considered to make a mixed contribution to the local landscape, and a limited contribution to the wider character of the area, since it contains some attributes that are representative of the local landscape character. However, it is somewhat fragmented from wider parcels of agricultural land (to the west or east) and influenced by surrounding land uses, noise and infrastructure associated with road, rail and settlements. As a result of elements that temper the character and being bound by infrastructure, the site is not perceived as rural and tranquil. Whilst there are features such as views towards the strongly wooded backdrop at Stanborough Lakes that make some contribution to the sense of perception and legibility in the local landscape, the site contains no features or attributes of rarity and there appear to be no associations connecting the site with notable people, historical events or the arts. The site contains no cultural interest or historical attributes that influence it or provide a deep sense of time depth. Overall, the site is not remote, secluded or tranquil, given its proximity to infrastructure, settlement and industrial/commercial land uses nearby at the edge of Hatfield. It is acknowledged to have some landscape value overall, which is classed as medium to low.
- 9.108 Natural England have confirmed that there are no objections to the application as the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 9.109 Overall, the LVIA concludes that, as proposed, the scale and degree of change on the Middle Lea Valley West Landscape Character Area would be relatively small and the significance of the landscape effect with regard to the proposed

scheme locally would represent a moderate to slight adverse effect. Once an appropriate landscape management scheme has established, the significance of the landscape effects in the longer term would change and would represent a slight adverse to negligible effect on the landscape resource and a local area of landscape character within the valley, given the extensive nature of the landscape restoration proposals and significant quantities of new landscape planting that will have established.

- 9.110 Beyond the lifetime of the development, the proposed landscaping planting scheme would continue to contribute to the long-term character of the site and a small part of the Middle Lea Valley West edge. The planting would contribute to the overall long-term character of the site and a small part of the Middle Lea Valley West edge, forming a longer-term positive addition to the character of the area locally. In addition, the planting would provide an improved longer-term softening and layering of tree canopies within the site itself, helping to provide an increasing green infrastructure contribution as part of the interface with the established road network. This would have a positive influence on the character of the site itself in the long term and the edge of the LCA. Overall, the visual effects would be limited and localised and range from generally slight adverse to negligible effect, given the extensive amount of existing vegetation present in the landscape, and the contribution of new planting being proposed on the northern and southern edges of the site. The LVIA also states that it should be noted that for some views, the effects are considered to be short lived, largely because they occur on transient routes – e.g. roads or rail – in these locations the views are often periodic views experienced whilst moving along a route, where the presence of built form is a characteristic of the local landscape in this location. As such, the change experienced is not always the focus of the view.
- 9.111 The revised LVIA (August 2024) is considered to be a fair appraisal of the site and proposed development and the overall conclusions/levels of harm on landscape and visual matters are agreed. In summary, there would be an adverse impact on the Landscape Character Area and visual effects of the site. However, a well-designed scheme, set within a landscape management framework, would assist in preventing long term landscape or visual impacts wherever possible. A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscaping, as well as timeframes, can be secured by condition. Once fully established, the landscape planting scheme would also form a longer-term addition to the character of the area locally, which would remain beyond the lifetime of the solar development. The effects would therefore be reduced to 'slight adverse to negligible' once fully established.
- 9.112 It is important to emphasise that even with the additional mitigation measures, there would be limited and localised harm to the landscape character and appearance of the application site.

#### *Trees and hedges*

- 9.113 Local Plan Policy SADM16 additionally sets out that proposals that would result in loss of or harm to: Local Wildlife Sites, other habitats, species and ecological assets of local importance, including ecological networks, woodland, orchards, protected trees and hedgerows and allotments, will be refused unless the mitigation hierarchy has been fully implemented to avoid, reduce and remediate



and compensate direct and indirect adverse impacts; and the need for, and benefits of, the development outweigh the loss or harm.

- 9.114 The application has been considered by the Council's Landscape and Ecology Officer and is considered sufficient in principle. The plans show some existing trees on site, but no Arboricultural information has been supplied at this stage. Most of the trees look to be around the periphery of the site, so the impact is likely to be minimal. Should planning permission be approved, an Arboricultural Impact Assessment and Arboricultural Method Statement would be required detailing the protection of the trees and any special methods of construction to minimise the impact on the retained trees, as well as the suggested landscaping conditions. A tree survey and a tree protection plan would also be secured.
- 9.115 In terms of the proposed landscaping mitigation measures and specific details of hard and soft landscaping, this information can also be secured by condition. It will also be important for detailed cross section plans detailing proposed land levels to be provided.
- 9.116 Subject to the inclusion of such conditions, it is considered that the proposal would be acceptable in this regard.

#### **4. Agricultural land**

- 9.117 The NPPF (Annex 2: Glossary) states that BMV agricultural land is land in Grades 1, 2 and 3a of the Agricultural Land Classification. Paragraph 180 of the NPPF sets out that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things:

b) recognising 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, and of trees and woodland.

- 9.118 Policy SP11 of the Local Plan states that the protection, enhancement and management of the environmental, ecological and historic assets within the borough, will be sought commensurate with their status, significance and international, national and/or local importance. The best and most versatile agricultural land that has the greatest potential for local food security will be protected.
- 9.119 A Ministerial Statement dated 15 May 2024 (Solar and Protecting our Food Security and Best and Most Versatile (BMV) Land) was published earlier in the year which identifies the importance of delivering robust UK food security in addition to combatting energy security threats through the deployment of renewable energy. The statement explains that:
- “For all applicants the highest quality agricultural land is least appropriate for solar development and as the land grade increases, there is a greater onus on developers to show that the use of higher quality land is necessary.”*
- 9.120 The statement also clarifies that *“in balancing both the need for energy security and food production, we are concerned that as large solar developments proceed at pace, more of our ‘Best and Most Versatile’ (BMV) land could be used for solar PV instead of food production”*.

- 9.121 To assist in assessing land quality, the Ministry of Agriculture, Fisheries and Food (MAFF) developed a method for classifying agricultural land by grade. The MAFF Agricultural Land Classification system classifies land into five grades numbered 1 to 5, with grade 3 divided into two subgrades (3a and 3b). The system was devised and introduced in the 1960s and revised in 1988.
- 9.122 The application states that the site has not contained a formal planning or agricultural use for many years and therefore does not contain any agricultural or commercial occupants, aside from the car boot sale operator. It also sets out that the site is degraded and unsuitable for agriculture, having been stripped of its topsoil at some point in the past.
- 9.123 The submitted documents include an Agricultural Land Classification Survey. The survey concludes that the land was assessed as comprising Subgrade 3b quality for the following reasons:
- The undisturbed land is poorly drained (Wetness Class III or IV) with a heavy textured topsoil (heavy clay loam or heavy silty clay loam). Under the local climate this combination means that the land is usually too wet for spring cultivation, which mainly limits arable cropping to autumn sowings.
  - The slightly disturbed soil profiles have a relatively high concentration of hard stones within the topsoil. Stoniness is likely to increase machinery wear and reduce the quality of root crops. These stony soils also have insufficient moisture to offset climatic deficits and the resultant droughtiness is likely to lead to low average yields of arable crops.
- 9.124 The survey also identifies a small area of non-agricultural land which is non-agricultural and is formed of the access track in the north-west and areas of scrub in the south-east and south-west.
- 9.125 Whilst it is acknowledged that the site does not therefore include soils which are considered to be BMV, the applicant considers that the agricultural use would be able to continue once the solar farm has reached the end of its lifespan regardless, due to its temporary nature.
- 9.126 In addition, the proposal sets out that the development would enhance the opportunities for agricultural opportunities in future (through methods such as beekeeping and grazing of sheep) due to the regrading of the land which would involve the restoration of the soils. The existing topsoil would be stripped, stored on site and re-used as the growing medium for seeding and planting following importation. This would represent a benefit compared to the existing situation.
- 9.127 For the above reasons, it is therefore considered that the principle of the use of the agricultural land for a solar development would not conflict with the aims of the NPPF or the Local Plan in this regard.

## **5. Transport, access and traffic**

- 9.128 The National Planning Policy Framework is clear that transport policies have an important role to play in facilitating sustainable development with encouragement provided to sustainable modes of transport to reduce reliance on the private car and to achieve safe and suitable access to the site.

- 9.129 Policy SADM2 of the Local Plan supports proposals that would not have unacceptable impacts on the local or strategic transport network and highway safety with satisfactory and suitable levels of parking. Other relevant policies from the Local Plan are SP4 transport and travel, SADM3 sustainable travel for all, SADM12 parking servicing and refuse, and SP12 green infrastructure.
- 9.130 Subject to the mitigation measures to be secured through conditions and Section 278 Agreements, as referred to elsewhere in this report, the proposal is considered acceptable in terms of access, highway capacity and highway safety. These matters are discussed below:

*Trip Generation and Impact on Highways Network*

- 9.131 National Highways have been consulted and have commented on the application, due to the vicinity of the A1(M) which is to the west of the site that forms part of the Strategic Road Network (SRN). National Highways have confirmed that the proposed development is unlikely to have a material impact on the SRN in terms of Glint and Glare and drainage infrastructure subject to the suggested conditions, therefore no objection is raised to the development in this regard.
- 9.132 Hertfordshire County Council (HCC) as Highway Authority has also reviewed the application submission and have no objection to the proposed development, subject to the recommended planning conditions. Initial comments raised several concerns about the potential implications of the importation of inert material and the highways implications arising from such an operation. This was largely to do with the access into the site from the A6129 due to the need to bring HGV's into the site across a shared footway/cycleway. Concerns were also raised with respect to the possibility of vehicles turning right into the site via the central reservation. The forecast traffic impact of the development proposals in the AM and PM peak hours is set out below:

With site operating hours of 07:00-17:00 on weekdays only, deliveries will occur between around 07:00 to 16:30, with empty tippers egressing between around 07:30 until 17:00. The following volumes of HGV traffic could be expected during the weekday network peak hours:

- 07:00-08:00: 2-3 arrivals plus 1-2 departures;
- 08:00-09:00: 2-3 arrivals plus 2-3 departures;
- 16:00-17:00: 1-2 arrivals plus 2-3 departures; and
- 17:00-18:00: 0 arrivals and 0 departures.

- 9.133 A revised Construction Traffic Management and Transport Statement was submitted to address these concerns, which included the submission of a Road Safety Audit (Stage 1). The Highway Authority has concluded that the signage strategy and modifications to the existing access and egress points are satisfactory in order to accommodate both construction and operational traffic.
- 9.134 The Highway Authority is content that the trip generation of the proposed development site would not have a material impact on the adjoining local highway network. It is also noted that, compared to the existing use of the site which is used for car boot sales during the summer months, there will be a significant reduction in the overall number of trips generated by the site.

9.135 For the above reasons, it was concluded that the proposed development would not likely have a severe impact on the local highway network.

*Access:*

9.136 The proposed access strategy seeks to retain the existing access and egress arrangements, with some modifications to improve visibility and facilitate the entry and exit of HGV's. The Highway Authority note that the applicant should enter into a minor works Section 278 agreement in order to approve the proposed changes to the existing access and egress arrangements. The applicant has confirmed in writing that they are willing to enter into the Section 278 Agreement to facilitate these works.

*Sustainable transport:*

9.137 The site is well situated to access the local and strategic highway network. As such, opportunities for sustainable travel are more limited. However, given the site's proposed use as a solar farm with a maintenance requirement generating relatively few trips, it is noted that the vast majority of trips would be vehicular based. However, given the bus services available and good level of service frequency to the adjoining settlements of Hatfield and Welwyn Garden City and also to further afield towns of Hemel Hempstead and St Albans, it is concluded that good opportunities exist to travel by public transport (should this mode be suitable for staff either working on the construction or operational requirements of the development). Given the nature of the site, it is noted that trips on foot are likely to be limited. However, the site does provide access to the footway network which can be used to join a number of local bus routes. There are therefore alternative modes of travel available.

*Rights of Way:*

9.138 The site does not contain any Rights of Way footpaths or bridleways, nor are any directly adjacent to the site. Therefore, no Public Rights of Way are considered to be affected by the proposal.

*Internal layout and parking:*

9.139 The access roads are illustrated. However, the Highway Authority recommend that a clear method for vehicular routing is prepared, including turning and parking areas for the generator compound and at the extents of the solar farm. Parking for the construction and operational phases should be detailed on the layout. A planning condition is suggested to ensure this issue is fully considered as the proposal develops.

*Construction:*

9.140 The construction of the proposed development would take place over an approximately 12-month period. The application suggests that the development of the solar farm would require temporary shipping containers to be brought in over a 30-40 week construction phase, equating to 1-2 per day, plus 3-4 vans per day for site workers. It is also considered that the landscaping of the site would necessitate the importation of material to be brought to the site over the duration of the construction period, at a rate of approximately 20 deliveries per day.

9.141 To ensure construction vehicles do not have a detrimental impact in the vicinity of the site, a robust Construction Traffic Management Statement has been prepared. The Highway Authority is content that, having reviewed this, the development can be accommodated on the adjoining local highway network. The Construction Traffic and Management Plan is a critical element of ensuring that all materials being brought into the site may be done so in a safe and suitable manner from the adjoining local highway network. Therefore, a condition is recommended to ensure the development is carried out in accordance with the recommendations within this document.

## **6. Residential amenity and the impact on neighbouring occupiers**

9.142 Policy SADM11 “Amenity and Layout” states that proposals are required to create and protect a good standard of amenity for buildings and external open space in line with the Council’s SDG. This is expanded upon in the Council’s Supplementary Design Guidance (SDG) which sets out the guidelines with regard to residential development for the provision of adequate amenity for future occupants and the protection of neighbouring residential amenity. New development should not cause a loss of light or be unduly dominant over adjoining properties.

9.143 Policy SADM18 of the Local Plan concerns environmental pollution and states that a Noise and Vibration Impact Assessment will be required for proposals with the potential to cause disturbance to people or the natural environment due to noise and/or vibration and for proposals that are considered to be sensitive to noise and/or vibration. Policy SADM11 also refers to external lighting schemes and states that glare and light spillage should be minimised.

9.144 4 representations have been received from interested residents, none of which raise specific concerns regarding residential amenity.

9.145 The development would introduce earth bunds measuring up to 5m in height, solar panels which would be approximately 3.1m in height, security cameras on mounted poles, boundary treatments and a generator compound which would house the shipping containers. Due to the separation distances involved between adjoining buildings and properties, and the detailed design of the scheme in terms of its layout and landscaping, it is not considered that the proposal would result in any adverse impacts by way of overbearing presence, a loss of privacy or a detrimental effect on light.

9.146 In terms of potential glint and glare, the nearest residential properties would be a considerable distance from the site. A desk-based evaluation has been undertaken by the applicant to evaluate the potential for effects of glint and glare towards sensitive receptors, including residential dwellings.

9.147 The assessment factors in residential dwellings within 1km of the application site. It states that only the receptor points closest to the site and with a visual line of sight to the panels have been modelled, as others would be screened from the panels via different receptors, buildings or vegetation. The nearest residential buildings are located to the south-east and south-west of the application site in Hatfield and to the north-west of the site in Welwyn Garden City (all over 100m away from the proposed solar arrays). Warren Lodge Stables which is used for the keeping of horses is located to the south-west of the application site,

approximately 85m away from the site boundaries and 115m away from the proposed solar arrays.

- 9.148 No glare is predicted within the report to any residential properties and therefore no mitigation is required in this regard. The solar panels would face in a southerly direction and due to the existing landscaping, topographical changes and the distances involved, it is not considered that the development would result in adverse impacts to dwellings to the south-east or south-west. The residential buildings to the north-west are positioned at a higher land level to the application site and are visually separated due to the existing earth bunds, mature landscaping and A1(M) and A6129 roads. It is considered that because of the distances between the buildings and the closest panels, together with the existing and proposed intervening vegetation and differences in land levels, the development would not unacceptably harm the living conditions of sensitive receptors in this regard.
- 9.149 In terms of noise, the Council's Public Health and Protection Officer has been consulted and has not raised any concerns on the grounds of noise to sensitive receptors, such as residential properties.
- 9.150 The proposal seeks to minimise external lighting too, which can be controlled by condition.
- 9.151 In addition to the impact of built form and earth bunds themselves, the proposal has the potential to impact on amenity through operational impacts during construction. The extent of the development is such that there is potential for noise and atmospheric pollution nuisance during the construction phases, mainly to ecological areas surrounding the site. These impacts can be managed and mitigated in line with best practice and can be secured through the implementation of a site-specific Construction Environment Management Plan (CEMP), which can be required by condition, and Environmental Health legislation pertaining to noise and dust.
- 9.152 Therefore, on the basis of the information which has been provided, and due to the separation distances involved and site-specific characteristics, it is considered that the proposed development would respect and sufficiently maintain the amenity of surrounding uses. The development would accord with Policy SADM11 and SADM18 of the Local Plan, the SDG and the NPPF in this regard.

## **7. Ecological impacts of the development**

- 9.153 All public bodies have a legal duty to conserve biodiversity having regard to species and habitats listed within the Natural Environment and Rural Communities Act 2006. Paragraph 180 of the NPPF states that the planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 186 goes on to list principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 186(d) that "opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate".

- 9.154 Policy SADM16 of the Local Plan states that proposals will be expected to maintain, protect, conserve and enhance biodiversity, the structure and function of ecological networks and the ecological status of water bodies. All developments that are not otherwise exempt will be required to deliver a measurable biodiversity net gain of at least 10%. This is consistent with the mandatory requirement to deliver a measurable BNG of at least 10%.
- 9.155 An assessment has been carried out to identify the likely effects of the proposed development in terms of ecology. The most important ecological consideration relates to the site's location which is directly within the river valley corridor of the River Lea and immediately adjacent to it. The site is also adjacent to a Local Nature Reserve (LNR), Stanborough Reed Marsh. There are several Local Wildlife Sites nearby too.
- 9.156 The majority of the application site itself is of little intrinsic ecological significance, being described as improved grassland. It is described as 'greenfield' land within the Green Belt and degraded and unsuitable for agriculture, having been stripped of its topsoil at some point in the past. It appears to have been in continuous agricultural use (arable or hay cutting) between 2000 and 2016 as seen from aerial photos, with more recent photos showing the majority of the site under some form of regular management.
- 9.157 However, amendments to the BNG report and metric now indicate the site to be of High Strategic Significance. This is due to the site's location which is directly in the river valley corridor of the River Lea, adjacent to Stanborough Reed Marsh LNR and a Local Wildlife Site. Therefore, its strategic significance should be recognised as high. Furthermore, the Local Plan indicates the site is adjacent to an identified Key Park area and is immediately linked to the 'Green Corridor'.
- 9.158 Following the submission of amended documents, the County Council's Ecology Officer has confirmed that the information provided is acceptable and there is no fundamental reason to object to the proposals on the grounds of ecology. However, it is important to note that there are still some concerns regarding the potential impacts on habitats within the Local Wildlife Site (Meadow W of Stanborough Yachting Lake) during vegetation clearance and the construction period. Therefore, appropriate avoidance and mitigation measures must be demonstrated through the submission of a robust Construction Ecological Management Plan (CEMP). This can be secured by condition.
- 9.159 The BNG plans maintains a predicted Net Gain of 23.59%, which is not disputed by Hertfordshire Ecology. The BNG increase of 23.59%, along with its ongoing maintenance and management for a period of 30 years, can be secured through the suggested conditions, as well as conditions to ensure the mitigation measures contained within the Ecological Assessment are followed.
- 9.160 Herts and Middlesex Wildlife Trust and Natural England do not object to the proposed development on ecological grounds, either.

## **8. Other considerations**

### ***i) Ground Conditions***

- 9.161 The proposal requires the importation of some 57,000m<sup>3</sup> of inert material to level the land and provide two earth bunds. The justification for the regrading works

includes the need to level the land to provide for optimal solar efficiency (an average 10% gain in power output over the lifetime of the solar farm), to provide additional security to the site, to reduce glint and glare, and to provide additional visual screening. Whilst this is evidently not an insignificant volume of material, considering the size of the area this material would be distributed across, the average depth of the engineering material would be limited across the site. Section plans have been submitted to provide a comparison between the existing and proposed land levels as a result of the proposed development. These also provide an idea of how the earth bunds would appear in relation to other parts of the site, including the topographical changes near the roads.

- 9.162 The County Waste and Minerals team have been consulted and have considered the quantity of material required. Their comments confirm that the Waste Planning Authority do not object to the proposal, but if the importation figure changes in future, they must be re-consulted.
- 9.163 The Environment Agency initially raised concerns to the proposed development on the grounds that there was a lack of detailed design provided for the proposed development due to a lack of information relating to the import of waste/ soils and the management of surface water. The applicant was advised to confirm the regulatory regime for the importation of the 57,000m<sup>3</sup> material that would be used.
- 9.164 Following the submission of additional information to confirm the landscaping works would conform with the CL:AIRE Code of Practice and which identified a suitable source site that could in theory be signed off under the Code, the Environment Agency confirmed this satisfactorily addressed the concerns raised. This is subject to a condition which requires a report detailing the source (donor site) for all earthworks and soil forming material to be imported, the precise volume to the nearest cubic metre for each of the sources identified, the history and details of the materials to confirm previous use and current status, and all chemical and physical testing of the material to be imported to confirm it is physically and chemically suitable for use.
- 9.165 Therefore, a suitably worded condition has been drafted to this effect. It is therefore considered that subject to the inclusion of the suggested condition, the proposal would be in accordance with the principles stated in the NPPF and adopted/emerging Minerals Local Plans.
- 9.166 Cadent Gas have also commented and have confirmed that there are no objections raised in principle, subject to the recommended informatives regarding nearby gas pipelines and infrastructure.

#### ***ii) Flood Risk/Drainage***

- 9.167 Paragraph 167 of the NPPF seeks to steer new development to areas with the lowest probability of flooding from any source. Flood Zones are the starting point for this approach. The Environment Agency identifies Flood Zones 2 & 3 and all land outside those zones is in Flood Zone 1. The application site is mostly located within Flood Zone 1. However, there are also parts of the site which are adjacent to the River Lea which are in Flood Zones 2 and 3.



- 9.168 Paragraph 169 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
  - b) have appropriate proposed minimum operational standards;
  - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
  - d) where possible, provide multifunctional benefits.
- 9.169 Policy SP10 and SADM14 of the Local Plan relate to flood risk and surface water management are consistent with the NPPF.
- 9.170 An assessment has been carried out that identifies the potential impacts of the proposed development with respect to flood risk and drainage. The proposal has incorporated sustainable drainage measures into the layout for the proposed development, to reduce or remove the potential for adverse effects.
- 9.171 The assessment includes a Flood Risk Assessment and Surface Water Management Plan by Woodland Environmental Ltd. Hertfordshire County Council in their capacity as the Lead Local Flood Authority (LLFA) initially objected to the FRA because the details provided were not sufficient. The applicant submitted a revised document to address these concerns in April 2024. Following re-consultation, the LLFA has confirmed no objection on flood risk grounds, advising that subject to the proposed condition to secure a more detailed construction surface water management plan, the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk, if carried out in accordance with the overall drainage strategy.
- 9.172 The Environment Agency have also confirmed that the proposed development is acceptable subject to the suggested informatives regarding flood risk activity permits.

### ***iii) Glint and Glare***

- 9.173 The application is accompanied by a Glint and Glare Assessment to assess the impact on nearby sensitive receptors. This includes discussion about potential hazards to light-sensitive receptors such as road users, train drivers, occupants of nearby dwellings, pilots, and air-traffic control personnel, to ensure the glazed surfaces or areas of metal cladding would not have a detrimental impact.
- 9.174 A comment from an interested resident highlighted concerns about the assessment being carried out in the summer, because in winter the sun would be lower in the sky and deciduous vegetation would not provide as much screening around the site boundaries. This point was raised with the applicant who provided further clarification on the methodology which was utilised in the assessment. The Glint and Glare Assessment was carried out initially in July 2023 using computer modelling based on topographical data of the site and surrounding area. The computer modelling was then augmented with qualitative on-site evidence of the relevant heights and density of vegetation surrounding the site, with a review of photographic evidence of the site throughout the year.

For the sake of completeness, both the A6129 and A414 were included in the model.

- 9.175 Aside from the gap where the site entrance sits, the vegetation cover surrounding the only affected area of the A6129 is extremely dense, providing near total screening of the carriageway, even in the winter months. No glare was predicted during the winter months due to the angle of the sun, with the remaining months of the year affected for a short window of approximately 1.5 hours in the morning between March to October. The assessment considered that there was potential for glare with temporary after-image on one short section of the A6129 southbound. However, since the panels would face in a southerly direction, traffic on the A6129 northbound, closest to the boundary with the development site, would remain unaffected. In addition, there is no line of sight for drivers in a 50-degree cone either side of the direction of travel on any other roads within the area. The panels would be offset from the highway, with a level difference and vegetation providing further separation. The assessment concludes that any glare at any time of year would be significantly mitigated by the bank of vegetation, to within acceptable levels. The County Highway Authority have not raised any concerns with regard to the proposal in this regard, either.
- 9.176 National Highways have also been consulted due to the proximity of the A1(M) motorway and the application site. Their comments note that although the site is lower than the trunk road, there is a bund with trees along the side of the A1(M) at this location, therefore the adjacent road (A6129) is not visible to users on the Strategic Road Network (SRN). The risk on the A6129 where it joins the roundabout next to the top of the slip road (at the end of the network) is low. The response goes on to state that the only section of the SRN which might be affected by the proposal is the overbridge between the two roundabouts, as it is above the bund and roundabout levels. The overbridge has not been included in the assessment. However, given the existing vegetation and the statement in the report that anti-reflective coating would be applied on the panels, National Highways consider that the glint and glare impact on the SRN would be minimal, therefore have no objections on these grounds.
- 9.177 Luton Airport Safeguarding and National Air Traffic Safeguarding (NATS) were both consulted on the proposed development and have not objected or provided any comments. The development site is not in the vicinity of any NATS infrastructure, nor is it within the consultation zone for any planning applications that include proposals for solar energy in relation to non-domestic installations within 6km of Luton Airport Aerodrome, as identified on the London Luton Airport Safeguarding Map. Therefore, there are no anticipated impacts arising from the development which would necessitate further consultations or information being provided with the application.
- 9.178 National Rail have not raised any concerns with the submitted assessment regarding potential glint or glare to railway infrastructure users.
- 9.179 The report concludes that no risks are identified to the modelled receptors with regard to the surrounding road infrastructure, residential dwellings or the railway infrastructure, either. Therefore, it is not considered that further mitigation measures are required in this instance.

9.180 It is noted that a comment has been made about potential glare on the adjacent Nature Reserve. However, no concerns have been raised in this regard from the Council's Statutory Consultee for ecology/biodiversity (Hertfordshire Ecology), Natural England or Herts and Middlesex Wildlife Trust. In addition, the assessment approach for glint and glare includes potential impacts on road safety, rail safety and residential amenity which are noted within the UK Government National Policy Statement for Renewable Energy Infrastructure (EN-3). It is important to note that there is no national or local planning policy or guidance that specifically relates to the impact of glint and glare on wildlife. In light of the above, no concerns are raised with regard to the impacts of glint and glare to the adjacent Nature Reserve.

#### ***iv) Green Infrastructure***

9.181 Policy SP12 of the Local Plan states that the Council will work with partners to actively support the creation and enhancement of strategic green infrastructure across the borough. Opportunities to link existing green spaces and to improve public access and amenity will be supported in order to provide a comprehensive network of functional and linked spaces for the benefit of wildlife, biodiversity and the community. The Council will aim to ensure there is no overall net loss in green infrastructure across the borough within the plan period. Development that would compromise the integrity, functionality or cause significant fragmentation of the green infrastructure network will not be permitted.

9.182 Priorities for the creation and enhancement of green infrastructure include river corridors, sites designated for their nature conservation, heritage and/or landscape value and areas of Urban Open Land that are important for community recreation. Development proposals within the borough should plan positively for, and contribute to, the creation and management of high quality, multifunctional green spaces that are linked to the surrounding green infrastructure network.

9.183 Policy SP12 also includes references to the Welwyn Hatfield Green Corridor. The council will work with partners and developers to enable the delivery of a Green Corridor located east to west across the borough between Welwyn Garden City and Hatfield. The Green Corridor Project will provide new strategic connections to Ellenbrook Country Park, Symondshyde Great Wood and Heartwood Forest in the West, and Stanborough Park, the Commons Wood Nature Reserve, and Moneyhole Lane Park to connect to Panshanger Park, the River Mimram and Lea Valley in the east. Proposals for development within or adjacent to the Green Corridor must have regard to the aims, objectives and projects identified in this document and avoid any negative impact upon existing ecological assets, valuable areas of green or blue infrastructure and public rights of way. Development that would jeopardise implementation of the Green Corridor project will not be permitted.

9.184 The Green Corridor Strategic Framework Plan 2016 was included as part of the Local Plan evidence base (ENV/12) and informed the development of Policy SP12. The document sets out visions and objectives. The Green Corridor Strategic Framework Plan 2016 sets out the following visions and objectives:

- To provide clearly defined routes from Welwyn Garden City to Hatfield, and east-west across the Borough, that are accessible to all.

- To create a network of footways, cycleways and bridleways along the proposed route.
- To create a safe and welcoming environment for those using the green corridor.
- To protect and enhance the wildlife habitats and biodiversity that can be found along the route.
- To improve existing and create new multi-functional green spaces along the green corridor.
- To safeguard against coalescence between principal settlements.
- To work with local authorities to provide new connections to other strategic green infrastructure assets in neighbouring boroughs (most notably Panshanger Park, Ellenbrook Country Park and Heartwood Forest) .
- To promote awareness and interest in the green corridor from local residents, schools and community groups.
- To enable children and young people to enjoy and learn about the natural environment of the green corridor.
- To support and encourage community involvement in the delivery and on-going maintenance of the green corridor.
- To put in place a comprehensive management plan to ensure the maintenance of this route once delivered.

9.185 The applicant has set out their position regarding the development in the context of this policy and has included hypothetical paths on an illustrative plan which have been considered in this regard, to demonstrate why these paths would not be suitable in the context of the development. This is summarised below:

**Potential Path A** – This path would enter into the site at Stanborough South Car Park and run along the eastern edge of the development towards the south of the site. At this point it would have nowhere to go as it would either reach Warren Lodge Stables or have no means of crossing the railway line. It would therefore have to cross back into the existing footpath around Stanborough Park lake by the Reed Marsh. This would not provide much of a benefit in terms of connectivity and would also introduce the potential for greater levels of human disturbance to the river corridor and Reed Marsh, undermining their ecological value. It would be beneficial from an ecological perspective to preserve the undisturbed character of the western edge of the Reed Marsh, in line with the proposal for beekeeping and native species planting to enhance the ecological value of the site, with a Biodiversity Net Gain predicted to be around 23.5%. Users of such a footpath would also have limited visual amenity as the river would be largely screened by dense vegetation and the solar development would have security fencing surrounding it. Therefore, it would not result in a meaningful increase to the perception of green amenity value.

**Potential Path B** – This path would again enter into the site from Stanborough South Car Park, and then run along the western boundary of the development before egressing onto the A6129/ A414 gyratory near Tesco. As pedestrians can already traverse a similar route on the existing footpath alongside the A6129, this would not be a beneficial route to create. Users would also be immediately enclosed by a security palisade fence with a view over solar panels. The site is also secluded and would not be overlooked by any natural surveillance.

- 9.186 The proposed Green Corridor between Welwyn Garden City and Hatfield has the potential to connect to a number of strategic green infrastructure assets. Figure 8 of the Local Plan indicates the broad extent of the Green Corridor, its onward linkages including to existing green infrastructure, and its relationship to the new development sites allocated elsewhere in the plan. The application site appears in the general vicinity of the area marked for the green route, particularly along the river corridor. It is also in the area labelled as a 'key park' on the diagram. However, the application site does not form part of Stanborough Park. In addition, the area shown for a green route on the plan is a broad area which is shown for indicative purposes, and it does not mean all land within the green area would be expected to form a new route.
- 9.187 The main objective in the area specific to Stanborough appears to be to achieve a route from Stanborough Park along the River Lea towards Strategic Development Site SDS2, with a link from the centre line of this path towards Hatfield House. Given the existing route along the river corridor at Stanborough Lakes, this route would likely involve linking the northernmost section of the existing path with these areas. In comparison, the application site is constrained by the railway line, Reed Marsh and river, as well as the position of Warren Lodge Stables. Furthermore, the routes which have been explored would not provide much of an improvement compared to existing routes, due to such constraints. It is therefore considered that the proposal would not impede a viable route or sever the green corridor.
- 9.188 Active Travel England have not raised any comments on the proposed development. In addition, Hertfordshire Constabulary consider it very unwise to have a footpath within the fence line, as it would dramatically reduce security (for both the site and potential users). Their comments set out that keeping cyclists and pedestrians on well used paths with good surveillance would be far safer. Furthermore, if footpaths were introduced in this location, there would also be a need for lighting for security purposes, which has potential to result in harm to ecology, especially on the side of the Reed Marsh, as this could impact the diurnal rhythms of wildlife.
- 9.189 It is therefore concluded that the introduction of footpaths in this location would be inappropriate on security and ecological grounds and would not provide a meaningful connection to existing infrastructure. The proposed development would not impede or sever the Green Corridor, nor would the proposal jeopardise the implementation of the Green Corridor project.

#### **v) Security**

- 9.190 Hertfordshire Constabulary initially raised concerns about security on site, regarding the potential for crime to occur here. As a result, the proposed security fence has been increased in height to 2.4 metres and it would fully surround the site. CCTV and bunding is to remain as proposed. On the basis of this increase in security and provided it is incorporated into the design, no concerns are therefore raised on a crime prevention perspective. Conditions will secure the specific details of any hard landscaped features.

#### **vi) Decommissioning and temporary nature of site**

- 9.191 The proposed development is for a temporary time limited period of 25 years (although it is recognised that this is still of a relatively significant longevity). A

condition can be imposed to ensure that the solar installation will be removed, and the land restored to its former condition or a condition to be specified and agreed in writing by the Local Planning Authority, once it is no longer operational.

- 9.192 When the operational period of the development ceases, it is important to understand how the land would be returned to its former state, with the exception of the ecological and landscaping improvements which would be permanent. It is therefore also important to secure a decommissioning statement by condition. This would detail how the equipment would be removed from the site and how the land would be restored. It would also be accompanied by a construction traffic management plan and environmental/biodiversity mitigation measures, to ensure the surrounding areas are not detrimentally impacted during these phases of decommissioning the site.

#### **vii) EIA**

- 9.187 A Screening Request was submitted to the Local Planning Authority in August 2023 to determine whether the proposed development was likely to have significant effects on the environment. The proposal has therefore been screened under the Environmental Impact Assessment (EIA) Regulations 2017.
- 9.188 The proposed development is not contained within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations). However, the proposed development falls under the description of '3(a) industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1)'.
- 9.189 Under Schedule 2 of the Regulations, industrial installations for the production of electricity, steam and hot water need to be screened by the Local Planning Authority to determine whether significant environmental effects are likely and hence whether an assessment is required, if it exceeds the following thresholds or criteria: The area of the development exceeds 0.5 hectares.
- 9.190 The Local Planning Authority issued a response on 17 October 2023 which stated that, taking into account the selection criteria set out in Schedule 3 of the EIA Regulations (insofar as they are relevant to the proposed industrial installations for the production of electricity, steam and hot water) as well as normal planning controls, it was considered that the proposal would not be likely to have significant environmental effects. Accordingly, the proposal was not considered to be EIA Development and did not require full environmental assessment. It is considered that this stance remains.

#### **viii) Other**

- 9.191 The proposed development would include 1.5MW battery storage, therefore increased risk of fires is a material consideration. The submission acknowledges that within the proposed containers, the battery modules would be arranged within a racking system with an internal monitoring and fire suppression system. Each container would have a heating, ventilation, and air cooling (HVAC) unit to regulate temperatures. Hertfordshire County Council's Fire and Rescue Service have not raised an objection to the proposal, nor have they raised any specific safety concerns over the development being in this location. Hertfordshire Highways have not raised any concerns with regard to access for emergency vehicles, either. The comments from the Water Officer at Hertfordshire County

Council's Fire and Rescue Service confirm that the application will require a condition for the provision and installation of fire hydrants. This is to ensure there will always be adequate water supplies and hydrants available. However, subject to this condition being imposed, no specific concerns are raised.

- 9.192 A comment from an interested resident has highlighted the fact that the existing car boot sale on the site would need to be relocated and has asked if a new site has been identified. Whilst the site may be used for car boot sales at present, as there is no record of a historic decision notice for this as a permanent use, it is likely that the land is utilising temporary permitted development rights set out within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the car boot sale. A car boot sale is not a safeguarded land use in local or national planning policy. Therefore, the loss of the use of the land for this purpose is not a concern for this development, nor is there a policy requirement to identify an alternative site.

## **10 Planning Balance**

### *Very Special Circumstances (VSC)*

- 10.1 Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the NPPF then states that when considering any planning application, local planning authorities should ensure that substantial weight is 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 resulting from the proposal, is clearly outweighed by other considerations.
- 10.2 The proposed development constitutes inappropriate development in the Green Belt. There would also be a moderate loss of Green Belt openness compared to the existing site, which would reduce to a limited impact on openness when the proposed mitigation measures are fully established. There is also conflict with several of the purposes of including land in the Green Belt. In accordance with the NPPF, substantial weight is attached to each of these harms to the Green Belt.
- 10.3 Added to this is "any other harm" arising from the development. Other harms comprise the impact on the landscape character of the area. In terms of the impacts on the landscape, it is considered that the proposed development would result in moderate to slight adverse effects on the Landscape Character Area. However, this would reduce to slight adverse to negligible effects when the proposed landscaping scheme is fully established. The visual effects would be limited and localised and would also range from slight adverse to negligible effect. However, even with the proposed mitigation measures, there would be limited and localised harm to the landscape character and visual appearance of the site.
- 10.4 A number of factors, none of them "very special" when considered in isolation, may when combined, amount to very special circumstances. However, the test is a stringent and demanding one. Very special circumstances require a set of circumstances that are compelling and outside the norm. These must clearly

outweigh the harmful effects of the development, and harmful effects to the Green Belt must be given substantial weight.

10.5 In this case, the applicant accepts that the proposal is inappropriate development in the Green Belt and that the impact of the temporary construction of solar panels on the land, along with associated landscaping works and infrastructure, could also be said to cause adverse harm to the Green Belt by way of an impact on openness. As such, the applicant has set out a case for very special circumstances. These considerations are listed in Section 17 of the submitted PDAS and Paragraph 7.9 of the Key Green Belt and Planning Justification Summary and can be summarised as the following:

- There is no land outside the Green Belt in the district that is available or suitable for the proposed development, and the Council has not allocated any brownfield land that could generate equivalent renewable energy benefits in its Local Plan. There is therefore no alternative site to accommodate the proposed use without using land within the Green Belt;
- The proposed development would only have a limited impact on the openness of the Green Belt and only conflict with one of the five purposes of including land within the Green Belt in this location;
- The project will significantly contribute to meeting the urgent demand for renewable energy generation, aligning with both local and national imperatives to transition towards secure and sustainable energy sources. This should be afforded very substantial weight;
- Energy generation is able to make an immediate contribution to the transition to net zero, due to the project's confirmed grid connection point, an advantage of very substantial weight underscored in numerous appeal decisions for similar proposals.
- A significant biodiversity net gain would be delivered (over 20% above baseline conditions), addressing the substantial biodiversity decline witnessed in the UK over the preceding decades, and in above the requirements set out in the Environment Act 2021. This should be accorded moderate weight;
- The project will generate direct employment opportunities during both the construction and operation phases, while contributing to broader economic prosperity through the provision of clean and reliable energy resources. A benefit of moderate weight;
- The proposed development would be temporary, and the land would be restored to an improved state following cessation of the proposed use. This should be accorded substantial weight; and
- A new agricultural use of the land will also occur alongside energy generation in the form of grazing, allowing soil health to regenerate without the need for the use of fertilisers and pesticides. The proposals to ensure a new beneficial use of the Green Belt for food production should be afforded significant weight.

*An assessment of the harms and benefits:*

It is accepted in case law that there is no prescribed list of what might constitute very special circumstances. It may be that a single aspect of a proposal may itself be a very special circumstance (VSC) sufficient to justify development or it may be that a number of circumstances may cumulatively amount to very special



circumstances. As Lord Justice Pill said in *South Bucks District Council v Secretary of State for Transport, Local Government and the Regions* [2003] EWCA Civ 687, [2003] All ER (D) 250 (May): “It is of the essence of very special circumstances that the applicant establishing them is in a very special category.” However, by their nature the existence of very special circumstances must relate to a particular site.

- 10.6 The proposal is considered to constitute inappropriate development in the Green Belt by definition. There would also be a moderate loss of Green Belt openness (which would reduce to limited when the landscaping scheme has established fully) and conflict with several of the purposes of including land in the Green Belt, albeit these harms are viewed to be limited. Whilst it is acknowledged the applicant considers the fact that the development would result in a limited impact on the openness and purposes of the Green Belt would be a benefit, in accordance with the NPPF, any harm to the Green Belt attracts substantial weight. Therefore, this is not viewed to be a benefit of the scheme.
- 10.7 The proposed development would also result in moderate to slight adverse effects on the Landscape Character Area which would reduce to slight adverse to negligible effects over the duration of the development. The visual effects would be limited and localised and would range from slight adverse to negligible effect. The proposed landscaping improvements would however remain after the lifetime of the development and once the solar arrays and ancillary equipment and infrastructure have been removed, the open character of the site would return. The proposed planting would improve the long-term position of the Landscape Character Area and the site itself, as it would remain after the 25-year period has ceased. The harm is therefore viewed to be limited as it would be localised and entirely reversible.
- 10.8 Paragraph 156 of the Framework acknowledges that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases, the required case for very special circumstances may include the environmental benefits of the production of energy from renewable sources. The wording of this paragraph therefore reiterates that there will be some situations in which the environmental benefits of the development constitute the very special circumstances necessary to justify the proposal. The determination of whether very special circumstances exist is a matter of planning judgement based on a consideration of all relevant matters. The NPPF is also clear that renewable and low carbon energy supply make a valuable contribution to cutting greenhouse emissions and that renewable energy projects should be located where impacts are, or can be made, acceptable.
- 10.9 The Climate Change Act 2008, as amended, sets a legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100%, Net Zero by 2050. Recently, the Government committed to reduce emissions by 78% compared with 1990 levels by 2025. The Clean Growth Strategy 2017 anticipates a diverse electricity system based upon the growth of sources of renewable energy.
- 10.10 The Energy White Paper of December 2020 stipulates that setting a net zero target is not enough: it must be achieved, partly through how energy is produced and confirms that solar is one of the key elements of the future energy mix. In October 2021, the Government published the Net Zero Strategy: Build Back

Greener which seeks the accelerated deployment of low-cost renewable generation such as solar.

- 10.11 The Department for Energy Security & Net Zero Overarching National Policy Statement for Energy (EN-1) refers to the British Energy Security Strategy and acknowledges the importance of addressing the underlying vulnerability to international energy prices by reducing dependence on imported oil and gas, improving energy efficiency, remaining open minded about onshore reserves including shale gas, and accelerating deployment of renewables, nuclear, hydrogen, CCUS, and related network infrastructure, so as to ensure a domestic supply of clean, affordable, and secure power as there is a transition to net zero.
- 10.12 WHBC also declared a Climate Emergency in 2019 with the overall organisational target goal of meeting Net Zero by 2030 and 2050 for a borough wide target. An important element of the aspirations contained within the Climate Change Strategy is the commitment to reducing carbon emissions across the borough by promoting energy efficiency measures, sustainable construction, and renewable energy.
- 10.13 Renewable energy development is central to achieving a sustainable low carbon future. The development would have a capacity of 10MW, which would result in a reduction of around 1,800 tonnes of carbon dioxide emissions annually. It would produce enough clean, renewable energy to power the equivalent of approximately 3,000 homes in the borough. It is not disputed that larger solar schemes would result in greater solar gain. However, each MW generated through a renewable solar development is energy which has not been generated through carbon-based methods. Therefore, just because the level of output would not be as high as the upper level of small-scale solar farms (up to 49.9MW), this does not mean it would not result in positive cumulative environmental impacts which would assist in addressing the declared Climate Emergency. Whilst this development would therefore only make a small contribution to the Government's overall targets, given the imperative of achieving the statutory Net Zero target by 2050, even this contribution to cutting greenhouse gas emissions (in contrast with sites at the upper level of "small scale" solar farms) attracts a large amount of weight in favour of the development.
- 10.14 The Ministerial Solar and Protecting our Food Security and Best and Most Versatile (BMV) Land Statement (15 May 2024) reiterates the importance of solar power being a key part of the Government's strategy for energy security, net zero and clean growth. This position was also reinforced in National Policy Statement (EN-3), which states that solar also has an important role in delivering the government's goals for greater energy independence and the British Energy Security Strategy states that government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW). Documents such as the British Energy Security Strategy additionally reinforce the need for electricity to come from low carbon sources for energy security and economic stability. The proposed solar farm development would make an important contribution to this additional capacity and embodies a crucial step towards achieving nationwide energy resilience. The development would therefore contribute to addressing energy security through the creation of the first solar farm in the borough.

- 10.15 In recent years both the Government and the Council have declared an Environmental and Climate Change Emergency. Various recent government publications have also highlighted the need to significantly increase generation from onshore wind and solar energy production, as these methods seek to ensure that by 2035 all electricity will originate from low carbon sources and achieve net zero emissions by 2050. In order to achieve such targets, it is imperative to acknowledge the difficulties in locating larger scale solar farms in areas which have a high percentage of Green Belt land. This is because it is not realistic to expect solar developments to be located on brownfield land or on roof top installations only. To achieve ambitious targets for reducing carbon emissions, it is clear that considerable growth in large scale solar farms will be necessary and this cannot be achieved solely by the use of brownfield land or roof top installations. It is important to note that there are no large-scale or small-scale solar farms which have been approved elsewhere in the borough and the Local Plan does not allocate specific sites for such purposes. Therefore, if approved, this would be the first solar development on a greenfield site in the borough which makes a considerable contribution to renewable energy. The development would still be located on a greenfield site within the Green Belt, which is inappropriate by definition. However, the demand for electricity is likely to increase and unless larger scale renewable energy sites are approved, the deficit will continue to grow if schemes such as this are not consented as a matter of urgency. This is therefore considered to be a key benefit of the development as it would help meet an identified local need and would assist the Council in achieving its ambitious targets for achieving net zero across the borough by 2050.
- 10.16 There is no policy requirement for the applicant to undertake an alternative sites assessment and the submission demonstrates how the proposal has considered the factors set out within the PPG for determining large scale ground-mounted photovoltaic farms (Paragraph: 013 Reference ID: 5-013-20150327). Although this is not necessarily a benefit, the applicant has demonstrated how they have sought to locate the development on a greenfield site which would have minimal impacts in terms of site constraints. In addition, it is essential for solar developments to be close to to an existing substation which has the capacity to import the generated amount of electricity. The proposed development would benefit from an immediate connection to the grid at the Welwyn Primary substation nearby, which is undoubtedly beneficial in enabling the energy produced to be exported without delay. The applicant has also confirmed there is currently a grid connection offer in place with UK Power Networks, which is a factor which should be afforded positive weight in favour of the development.
- 10.17 In terms of agricultural land, the proposed development would be on land which does not fall within the category of Best and Most Versatile (BMV). The proposal would also involve the importation of material which would enhance the quality of the topsoil, creating an opportunity to restore the soils for the purposes of agriculture. Furthermore, the site would be utilised for the grazing of sheep and beekeeping during the lifetime of the solar farm's operation, which are agricultural activities. Therefore, the development would not adversely affect the structure and quality of soils or lead to any loss of agricultural food production. It would also enhance the opportunities for agricultural activities on site, compared to the existing situation. These would be benefits which would remain after the lifetime of the development.

- 10.18 The Biodiversity Net Gain (BNG) is currently estimated to be 23% which is verified by Hertfordshire Ecology. A 10% requirement for BNG is mandatory under the Environment Act. However, transitional arrangements apply, and this application is not required by law to deliver this. Therefore, the biodiversity and ecological enhancements can be afforded some positive weight in the balancing exercise as they constitute a net benefit to biodiversity beyond what is currently expected via national and local planning policy. The enhancements to biodiversity would also be permanent and would remain after the operational period of the site has ceased and returned to its former, undeveloped state.
- 10.19 There would be enhancements to landscaping and drainage measures as part of the development. These would be consistent with the NPPF and the requirements of the Development Plan to mitigate the effects of the development. As set out above, once fully established the benefits of the landscaping scheme would be permanent and would remain once the operational period of the site has ceased, and it has been decommissioned. The drainage measures would also remain. However, it is important to emphasise that these measures are only proposed because of the impacts of the development. Therefore, the weight which can be attributed to these factors is lessened because the enhancements are required to mitigate the proposed development.
- 10.20 The development would provide benefits in respect of employment directly as part of the site construction, operational phase and decommissioning phase, and then long-term operation, indirectly as part of the wider renewable energy sector within the UK, and in addition to supporting wider economic prosperity in respect of domestic energy security. Through this investment in renewable energy infrastructure, the development would create opportunities for skilled employment and job expansion, with a base of green energy skills within the local area, thus supporting the government's target of generating 250,000 green jobs. In addition, as set out above, there would be energy security and economic benefits through the creation of a development which would have the ability to power the equivalent of up to 3,000 homes in the borough.
- 10.21 In terms of the development being of a temporary nature, it is noted that it would still be in situ for up to 25 years, which is not an insubstantial period of time. However, it would not be permanent. The Planning Practice Guidance sets out that circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area, or where it is expected that the planning circumstances will change in a particular way at the end of that period. A temporary planning permission may also be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a 'meanwhile use'). 25 years would be classed as a lengthy, but not permanent change, after which all solar PV array infrastructure, including modules, mounting structures, cabling, inverters, and transformers, would be completely removed from the site. The harmful impact to the Green Belt would be both temporary and reversible, with the harm more localised due to the unique site circumstances and mitigation measures proposed. The decommissioning of the site can also be secured by condition, to ensure it does not result in a permanent change to the landscape and the Green Belt.

*Balancing exercise*

- 10.22 The proposal is inappropriate development in the Green Belt by definition. There would also be a moderate loss of Green Belt openness, which would reduce to limited harm to openness throughout the duration of the development. There would also be conflict with several of the purposes of including land in the Green Belt, albeit limited. Although the harmful impacts to the Green Belt would be both temporary and reversible, with the harm more localised, in accordance with the NPPF, such harm to the Green Belt attracts substantial weight.
- 10.23 Added to this is “any other harm” arising from the development. In this case, the other harm comprises of harm to the Landscape Character Area and visual effects on the site itself. The harm to the Landscape Character and site would be localised and the adverse effects would be reduced over time due to the proposed landscaping scheme. Once the operational phase of the development has ceased and it has been decommissioned, there would be no residual adverse landscape effects. This harm therefore attracts limited weight as it would be entirely reversible.
- 10.24 There are also a range of benefits that weigh in favour of the proposal.
- 10.25 The National Planning Policy Framework sets out a presumption in favour of sustainable development and states that the planning system should support the transition to a low carbon future and support renewable and low carbon energy and associated infrastructure. It adds that when such projects are located in the Green Belt, very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. This wording acknowledges that in some scenarios, the wider environmental benefits of a development may outweigh the substantial harm to the Green Belt.
- 10.26 Renewable energy development is central to achieving a sustainable low carbon future. The development would have a capacity of 10MW, which would result in a reduction of around 1,800 tonnes of carbon dioxide emissions annually. The site would also benefit from an immediate connection to the grid at the Welwyn Primary substation nearby which would enable the energy to be exported without delay. The proposed development would therefore provide a significant and valuable contribution to cutting greenhouse emissions and the site already benefits from a grid connection offer, which attracts substantial weight in favour of the development.
- 10.27 Furthermore, there is a need to reduce reliance on the foreign market and enhance energy security. Substantial weight is therefore attached to the contribution the site would make to improving energy resilience and security.
- 10.28 The Local Plan does not allocate specific sites for large scale renewable energy projects and unless renewable energy projects are approved on a case-by-case basis, this deficit is likely to grow. Therefore, moderate weight is attributed to the fact that there is an identified need to increase renewable energy generation, to assist the Council in meeting its targets for net zero across the wider borough by 2050.
- 10.29 The economic benefits of development would include investment in construction and related employment for its duration, as well as the ability to power the equivalent of up to 3,000 homes in the borough. This is a key objective of the

NPPF and as such the economic benefits of the proposal carry moderate weight in favour of the proposal.

- 10.30 In terms of the agricultural use of the site, the proposal would involve the importation of material which would enhance the quality of the topsoil. The proposal would not result in the temporary or permanent loss of agricultural land either, as the land could continue to be used for agricultural purposes, whilst also being used to produce solar energy. The improvement in agricultural land quality through the soil improvements over the lifetime of the development would attract moderate weight in favour of the development, as this would be a permanent change to the site.
- 10.31 In terms of Biodiversity Net Gain (BNG), the development would deliver a 23% uplift in measurable gains to biodiversity through ecological enhancements on site, which would be permanent changes. This would exceed the 10% policy requirement under Policy SADM16 of the Local Plan and the mandatory requirement under national policy, which does not apply to this development due to the transitional arrangements. Moderate weight is therefore attached to the ecological benefits this would bring.
- 10.32 The proposed enhancements to landscaping and drainage measures would be consistent with Local and National Planning Policy and whilst the benefits would remain after the temporary lifetime of the development ceases, they are effectively required to mitigate the effects of the development. These factors are therefore afforded limited weight.
- 10.33 In regards to the development being of a temporary nature for 25 years, it is accepted that the harm to the Green Belt and landscape would be temporary and reversible. However, 25 years is still a considerable period of time. It is considered that due to the length of time proposed, only limited weight should be afforded to the temporary nature of the proposal.
- 10.34 Taking all matters into consideration, officers are of the view that the factors in support of the proposal would outweigh the identified harm arising from the proposed development. In light of the above, it is concluded that 'very special circumstances' do exist. The principle of the proposed development within Green Belt is therefore considered to be acceptable in this instance.

### *Conclusions*

- 10.35 The impacts of the proposal have been considered in terms of Green Belt, heritage, landscape and visual impacts; agricultural land, transport, access and traffic; residential amenity and impact on neighbouring occupiers; glint and glare; environmental impacts; and ground conditions. Other material considerations have also been considered.
- 10.36 It is considered that the environmental benefits of the development would significantly outweigh the harm to the Green Belt and the limited impact on the landscape. Subject to the conditions discussed in this decision, there would be no harm in respect of any of the other issues.
- 10.37 Taking all matters into consideration, officers are of the view that the factors in support of the proposal clearly outweigh the harm. In light of the above, it is

concluded that 'very special circumstances' outweighing the harm do exist. These factors, when considered collectively, clearly outweigh the 'definitional harm' to the Green Belt by virtue of the inappropriateness identified and demonstrate that very special circumstances do exist which would justify development in the Green Belt. As a result, officers conclude that the material considerations and benefits in favour of the proposal would clearly outweigh the harm. Accordingly, the test in Paragraph 153 of the NPPF is met and the very special circumstances do exist to justify the grant of planning permission.

10.38 Subject to the imposition of relevant conditions, the proposal is considered acceptable in terms of the above and is not contrary to the aims and objectives of saved policies of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework

## **11. Recommendation**

11.1 It is recommended that the Committee resolves to grant outline planning permission subject to:

a) The following conditions:

## **12. Planning Conditions**

1. Prior to the commencement of the development hereby permitted, a pre-works chamber and pipe survey shall be carried out and submitted to and approved by the Local Planning Authority in consultation with National Highways for the A1(M). This survey will be to verify the route and depths of pipes and chambers and to ensure measures are addressed before work commences.

REASON: In the interest of the safe and efficient operation of the Strategic Road Network, and to protect the integrity of the trunk road and local road drainage assets in accordance with DfT Circular 01/2022, the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

2. Prior to the commencement of the development hereby permitted, a postworks Management Plan shall be submitted and approved by the Local Planning National Highways Planning Response (NHPR 22-12) December 2022 Authority in consultation with National Highways for the A1(M) and subsequently implemented as approved.

REASON: In the interest of the safe and efficient operation of the Strategic Road Network, and to protect the integrity of the trunk road and local road drainage assets in accordance with DfT Circular 01/2022, the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

3. At the end of the construction period and before first use of any of the solar panels, a post-works chamber and pipe survey shall be submitted and approved in writing by the Local Planning Authority in consultation with National Highways for the A1(M).

REASON: In the interest of the safe and efficient operation of the Strategic Road Network, and to protect the integrity of the trunk road and local road drainage assets in accordance with DfT Circular 01/2022, the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

4. Prior to the commencement of development hereby permitted, a Biodiversity Gain Plan shall be submitted to, and approved in writing by, the local planning authority. The content of the plan shall ensure the delivery of the agreed number of habitat units as a minimum to achieve a net gain, as stated in Biodiversity Net Gain assessment and include the following.
  - a). Description and evaluation of features to be managed;
  - b). Ecological trends and constraints on site that might influence management;
  - c). Aims and objectives of management;
  - d). Appropriate management options for achieving aims and objectives;
  - e). Prescriptions for management objectives;
  - f). Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - g). Details of the body or organisation responsible for implementation of the plan; and
  - h). Ongoing monitoring and remedial measures.

The approved plan shall thereafter be implemented in accordance with the approved details.

REASON: To ensure that the agreed biodiversity gains are delivered and maintained in the interests of local biodiversity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

5. Prior to the commencement of development hereby permitted, a pre-commencement check for signs of otter and water vole shall be carried out on-site in line with the recommendations of the Ecological Appraisal (3.3.5). Full details of the results of this pre-commencement check shall be submitted to the Local Planning Authority and approved in writing.

REASON: In the interests of local biodiversity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

6. To protect any mammals commuting through or foraging within the site, any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

REASON: In the interests of local biodiversity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

7. In order to protect breeding birds, their nests, eggs and young, development should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.



REASON: In the interests of local biodiversity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

8. Prior to the commencement of development hereby permitted, full details of Arboricultural Information in accordance with BS:5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must not be carried out other than in accordance with the approved details. The Arboricultural Information must include:
  - a) A Tree Survey
  - b) An Arboricultural Impact Assessment
  - c) A Tree Protection Plan
  - d) An Arboricultural Method Statement

The development shall not be implemented other than in accordance with the approved details.

REASON: To ensure the satisfactory protection of retained trees, shrubs, and hedgerows during the construction period and in the interest of visual amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

9. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) for biodiversity has been submitted to and approved in writing by the local planning authority. The CEMP shall include a review of any ecological impacts informed by the submitted ecological report (Ref: ECO 991 dated 17 July 2023) and the following:
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of 'biodiversity protection zones'
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timings of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) 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 the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

10. Prior to the commencement of the development hereby permitted, the vehicular access and egress shall be provided and thereafter retained at the position(s) shown on the approved plans, drawing number 2007610-012 Rev B, A6129 Construction Access Amendments and drawing number 2007610-008 Rev C, A414 Egress Construction Vehicle Tracking. Arrangement shall be made for surface water drainage

to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

11. Prior to the commencement of the development hereby permitted (above slab level), additional layout plans (for construction and as built), drawn to an appropriate scale, shall be submitted to and approved in writing by the Local Planning Authority, which clearly demonstrate that all on-site parking spaces and structures can be accessed by a vehicle, and that on-site turning space and internal access roads are sufficient to enable all vehicles to enter and exit the site in forward gear.

REASON: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

12. Prior to the commencement of the development hereby permitted, a detailed construction surface water management plan for the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include details and a method statement for interim and temporary drainage measures during the demolition and construction phases. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system.

The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Local Planning Authority.

REASON: To prevent flooding and pollution offsite in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

13. Prior to the commencement of the development hereby permitted, a Grazing Management Plan (GMP) and Beekeeping Plan shall be submitted to the Local Planning Authority. This shall detail which parts of the site shall be used for the grazing of livestock and keeping of bees during which months of the year, and how the grazing and beekeeping is to be managed. The development shall not be carried out other than in accordance with the approved details. Any changes to the GMP and Beekeeping Plan during the lifetime of the permission shall be submitted to the Local Planning Authority for approval and shall not be carried out except in accordance with that approval. Within three years of the first operational use of the solar farm, the grazing of livestock and Beekeeping shall commence on the site in accordance with the GMP.

REASON: To ensure that part of the site remains in agricultural use in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

14. Prior to the commencement of the development hereby permitted, an earthworks report shall be submitted to and approved in writing by the Local Planning Authority. The report shall be limited to the following details:

1. Details of the source (donor site) for all earthworks and soil forming material to be imported.
2. The precise volume to the nearest cubic metre for each of the sources identified in (1).
3. History and details of the materials to confirm previous use and current status (e.g. has it been excavated).
4. All chemical and physical testing of the material to be imported to confirm it is physically and chemically suitable for use.

The approved details shall be adhered to in full.

REASON: To ensure the proposed development can be achieved in a way that protects land quality and controlled waters and complies with waste legislation and shows the materials being used is not waste, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

#### 15. Archaeology

A. Prior to the commencement of the development hereby permitted, an Archaeological Written Scheme of Investigation shall be submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as suggested by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

C. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

REASON: To protect heritage assets of archaeological importance in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

16. Prior to the commencement of the development hereby permitted, a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas, together with a timetable for the implementation of the landscape management plan, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details and timetable.

REASON: In the interest of landscape and visual amenity and in accordance with Policy SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

17. Prior to the commencement of the development hereby permitted, full details of hard and soft landscape works shall be submitted and approved by the Local Planning Authority in writing. Thereafter, the development shall be carried out in accordance with the approved details prior to the first use of any part of the development (or within such a period as may first be agreed in writing with the Local Planning Authority. The landscaping details to be submitted shall include:

- a) Existing and proposed levels and contours (including cross-sections) showing earthworks and mounding;
- b) Trees and hedgerow to be retained;
- c) Planting plans, including written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants noting species, sizes, planting centres, number and percentage mix, and details of seeding or turfing;
- d) Hard surfacing materials;
- e) Means of enclosure and boundary treatments; and
- f) Details of car parking layouts, other vehicle and pedestrian access and circulations areas.

All agreed landscaping comprised in the above details of landscaping must be carried out in the first planting and seeding seasons following the first use of the site or in agreed phases, whichever is the sooner: and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: In the interest of visual amenity and in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

18. No development above ground level shall take place in any phase or phases until a scheme for the provision of fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development must not be occupied until the scheme has been implemented in accordance with the approved details.

REASON: To ensure water infrastructure provision is made for the local fire service to discharge its statutory firefighting duties in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

19. The construction of the development hereby approved shall be carried out in accordance with the submitted Construction Traffic Management & Transport Statement by Ardent Consulting Engineers dated April 2024, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to ensure that the construction of the development shall be carried out in a safe and suitable manner from the adjoining local highway network in accordance with the Local Plan and the National Planning Policy Framework.

20. No external lighting shall be installed on the site unless a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved scheme.

REASON: To prevent light pollution, to protect the character of the area, and to avoid harm to protected species, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

21. The Local Planning Authority shall be notified in writing within 1 month of the date of the first operational use of the development. The development hereby permitted shall be removed and the land restored to its former condition, or a condition to be specified and agreed in writing by the Local Planning Authority, following the cessation of the use or 25 years from the date of the first operational use of the development, whichever occurs soonest.

REASON: The application site lies within the open countryside and Green Belt and it is important that once the development has ceased the openness of the site is restored and the site made available for full agricultural use, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

22. No less than six months prior to the decommissioning of the development hereby approved, or within six months of the cessation of electricity generation by the solar farm, whichever occurs soonest, a detailed decommissioning plan shall be submitted to the Local Planning Authority for approval, which shall detail how the equipment is to be removed from the site and how the land will be restored. This shall be accompanied by a construction traffic management plan and environmental/biodiversity mitigation measures. The decommissioning and mitigation measures shall be carried out in accordance with the approved details.

REASON: The application site lies within the open countryside and Green Belt, and it is important that once the development has ceased the openness of the site is restored and the site made available for full agricultural use, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Class A of Part 2 of Schedule 2 shall take place unless permission is granted on an application made to the Local Planning Authority.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of the impact on the

Green Belt, biodiversity and visual amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

#### 24. Approved Drawings

The development/works shall not be started and completed other than in accordance with the following plans:

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
SSF.OS Plan.01		OS Plan of the Property & Development	29 August 2023
SSF.Battery .30		Battery Storage Container Elevations	29 August 2023
SSF.Invertor.27		Invertor Elevation/Detail	29 August 2023
SSF.Racking.31		Racking for Panels	29 August 2023
SSF.Storage.e.29		General Storage Container Elevations	29 August 2023
SSF.Transformer.28		Transformer/Switching detail	29 August 2023
SSF.Exist.02	A	Existing Site	29 November 2023
SSF.Land.07	B	Landscape Plan	29 November 2023
SSF.Drain.08	B	Drainage Plan	29 November 2023
SSF.Layout.05	B	Solar Farm Layout Plan	29 November 2023
2007610-012	B	A6129 Construction Access Amendments	22 April 2024
2007610-008	C	A414 Egress Construction Vehicle Tracking	22 April 2024

REASON: To ensure that the development is carried out in accordance with the approved plans.

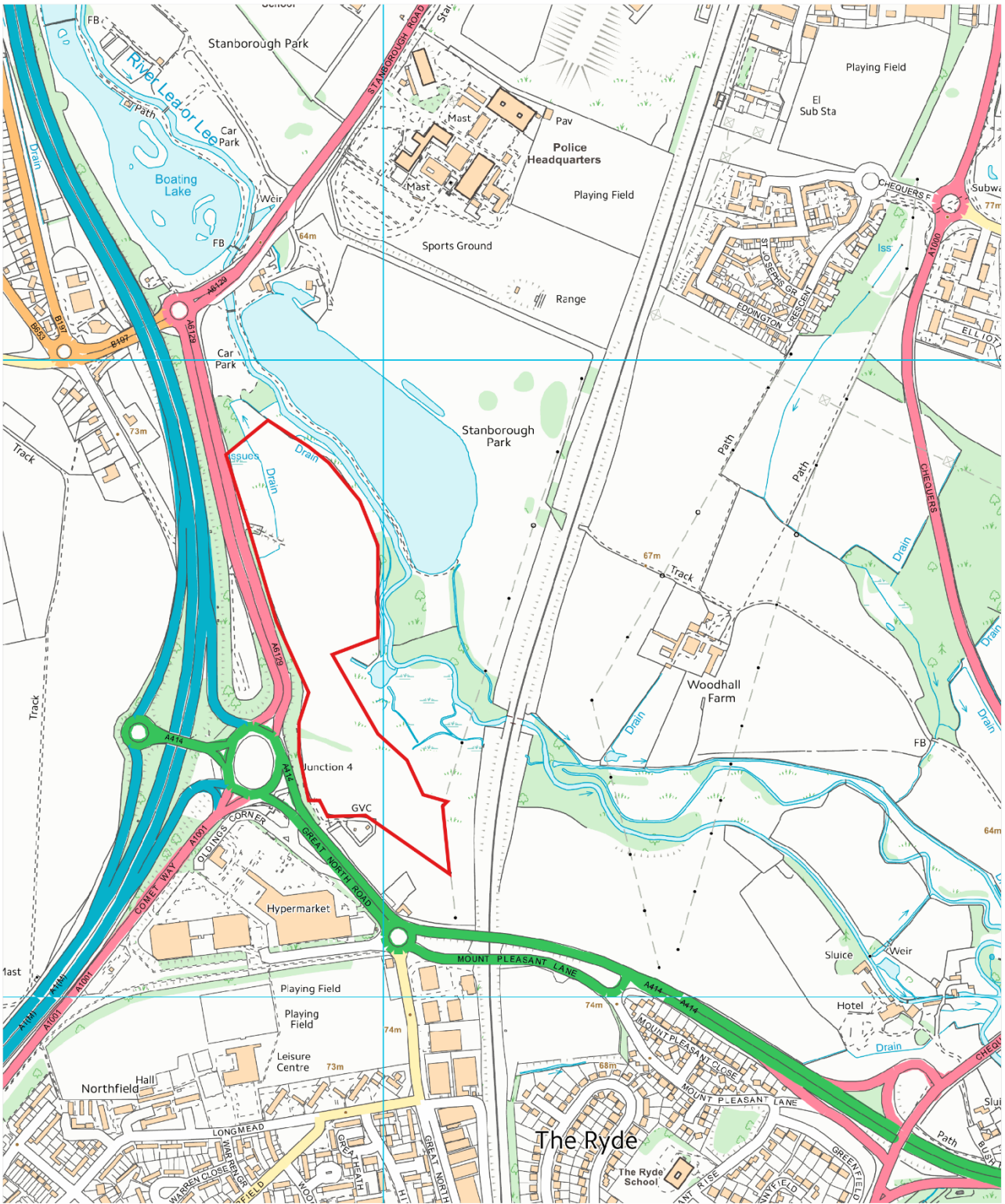
#### POSITIVE AND PROACTIVE STATEMENT


The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see

Officer's report which can be viewed on the Council's website or inspected at these offices).

Emily Stainer (Development Management)

Date: 2 September 2024



 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title:		Scale:	
	Land East of A6129 Stanborough Hatfield AL7 7TB		1:5000	
	Development Management Committee		Date:	29-08-2024
	6/2023/1802/MAJ		Drawn:	R.Islam
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