

Our Ref: 5468-01/NMA

18 March 2026

Paul Chaston
North Hertfordshire District Council
Development and Conservation
PO Box 10613
Nottingham
NG6 6DH

Dear Paul,

PROPOSED NON-MATERIAL AMENDMENT TO PLANNING PERMISSION REF APP/X1925/V/23/3323321 / 21/03380/FP (AS AMENDED BY APPLICATION REF: 25/01033/NMA) FOR PROPOSED SOLAR ARRAY WITH ASSOCIATED BATTERY STORAGE CONTAINERS AND ANCILLARY DEVELOPMENT INCLUDING MEANS OF ACCESS AND GRID CONNECTION CABLE ON LAND AT GRAVELEY LANE AND TO THE EAST OF GREAT WYMONDLEY, HERTFORDSHIRE

Introduction

We write on behalf of our client, AGR Solar 4 Limited (the Applicant), to apply for a Non-Material Amendment (NMA) under Section 96A of the Town and Country Planning Act 1990 (as amended), to planning permission APP/X1925/V/23/3323321 / 21/03380/FP (as amended by application ref: 25/01033/NMA) in respect of the above development ('the Consented Development').

The Non-Material Amendment application comprises:

- This Covering Letter;
- Planning Application Form;
- A revised set of Planning Drawings:
 - Drawing No. 3004-01 003 Rev V – General Arrangement (Site Plan);
 - Drawing No. 3004-01-009 Rev B – Battery Storage Container;
 - Drawing No. 3004-01-012 Rev O – Landscape Plan;
 - Drawing No. 3004-01-ATR03 Rev A - swept path assessment – northern access;
 - Drawing No. 3004-01-ATR01 Rev E - swept path assessment construction phase;
 - Drawing No. 3004-01-D04 Rev A – proposed passing place and junction visibility splays;
- New Planning Drawings:
 - Drawing No. 3004-01-017 – Water Tank;
 - Drawing No. 3004-01-018 – Harmonic Filter;
- An updated Construction Environmental Management Plan (3004-01-CEMP V7, dated 05/03/2026);
- An updated Construction Traffic Management Plan (3004-01-CTMP02, dated 02/03/2026);
- An updated Landscape and Ecological Management Plan (v7, dated 05/03/2026);
- Priory Farm Solar Array Battery Safety Management Plan (BSMP);
 - BSMP Appendix A – Battery Container Manufacturer's Manual;
 - BSMP Appendix B - On-Site Incident & Fire Response Plan v3;

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- Updated drainage details:
 - Surface Water Drainage Plan Update Covering Letter (Weetwood, dated 13/03/2026);
 - Proposed Drainage Layout (Drawing refs: 5208-100-P9, 5208-101-P9, 5208-102-P9, 5208-103-P9, 5208-104-P9, 5208-105-P7);
 - 5208 SW Storage N1 (Northern Network) R5, 5208 SW Storage N2 (Southern Network 1) R4, 5208 SW Storage N3 (Southern Network 2) R5;
 - Outfall and Basin Details (ref: 5208-602-P3);
- Schedule of Equipment and Buildings v2;
- Trina Solar PV Panels Specification (ref: TSM-NEG19RC.20 625-650W);
- Trina BESS Storage Container Specification (Elementa 2 Pro);
- Harmonic Filter Photo Example;
- Updated Landscape Details:
 - Drawing No. 3004-01-020 DoC12 Soft Landscape Proposals Rev J;
 - Drawing No. 3004-01-021 DoC12 Soft Landscape Proposals Rev J;
 - Drawing No. 3004-01-022 DoC12 Soft Landscape Proposals Rev J;
 - Drawing No. 3004-01-023 DoC12 Soft Landscape Proposals Rev J;
 - Drawing No. 3004-01-024 DoC12 Hard Landscape Proposals Rev L;
 - Drawing No. 3004-01-025 DoC12 Hard Landscape Proposals Rev L; and
- Planning application fee of £298 (excluding the Planning Portal handling fee).

Project Background

Planning permission APP/X1925/V/23/3323321 (local authority ref: 21/03380/FP) was granted by the Secretary of State for Local Government on the 11th March 2024 following a call in for decision under Section 77 of the Town and County Planning Act (TCPA) 1990. The planning permission was granted with 28 conditions.

Following this decision, the Applicant conducted a design review of the approved development, resulting in several changes to the general arrangement. These modifications aimed to optimise efficiency by incorporating the latest available technology while closely reflecting the originally approved layout, and were approved via a NMA application on 15th May 2025 (ref: 25/01033/NMA). The NMA also included for the amendment of the description of the development, to state the following:

A solar array with collocated battery storage containers and ancillary development including means of access and grid connection cable.

The Applicant are now proposing to bring forward an updated site layout via a 2nd NMA application, which would further improve the scheme's technical efficiency and maximum the export of renewable energy.

Proposed Non-Material Amendment

The following summarises the proposed amendments to the layout of the approved development as shown on the General Arrangement 3004-01-003 Rev V:

- Increasing the number of inverter / transformer units from 17 to 19;
- Increasing the BESS units from 68 to 76;
- Additional welfare building and storage buildings, from 2 to 5;
- Increasing the density of solar panels;

- Reduction in the length of access roads proposed on site; and
- Addition of a water tank and 3no. harmonic filters.

The amendments proposed would not extend outside of the current 'fenced development areas' and no changes to the red line boundary are required.

The description of development remains unchanged from that approved under application ref: 25/01033/NMA.

The water tank is now required on site to store water in accordance with the On-Site Incident & Fire Response Plan and is detailed on Planning Drawing 3004-01-017.

The 3no. harmonic filters are required to clean up electrical distortion so the facility can safely and reliably connect to the grid and are detailed on Planning Drawing 3004-01-018.

Furthermore, the BESS container technology has been updated from the BYD MC Cube to Trina Elementa 2 Pro. Updated details have been provided as part of this submission to reflect this change.

The following table summarises the amendments in numerical terms:

Component	GA Rev F (Approved under Original Permission 21/02280/FP)	GA Rev U (Approved under NMA 1 25/01033/NMA)	GA Rev V (Proposed under NMA 2)
Inverter/Transformer Units	21 units = 624.2 m ²	17 units = 425 m ²	19 units = 483.3 m ²
Battery Storage Containers	21 units = 624.2 m ²	68 units = 1,006.4 m ²	76 units = 1,121.3 m ²
Welfare Building / Control Building	1 unit = 14.8 m ²	1 unit = 14.8 m ² (renamed from Control Building)	3 units = 44.3 m ²
Storage Building	1 unit = 30 m ²	1 unit = 30 m ²	2 units = 59.1 m ²
Switchgear Building	1 unit = 52.3 m ²	3 units = 156.9 m ²	3 units = 180 m ²
Solar MV Transformers	Not included	9 units = 133 m ²	9 units = 131.76 m ²
Water Tank	N/A	N/A	78.5 m ²
Harmonic Filters	N/A	N/A	3 units = 96 m ²
Solar Tables	325,417 m ²	324,126 m ²	350,822 m ²
Total Development Footprint	326,417 m²	325,892 m²	353,016 m²
% Change in Total Development Footprint from Original Permission	-	-0.3%	+8.0%

It can be seen from the above that the amendments proposed under the 2nd NMA would result in an increase in development footprint of just 8%, all of which would lie within the same 'fenced development areas' as currently approved.

Approved Planning Application Drawings

The amendments described above result in the need for changes to some of the approved drawings listed under Condition 2. The following table sets out the drawings which are proposed to be amended, and those that remain unchanged from the 1st NMA.

Drawing Number	Title	Approved Revision	1 st NMA Approved Revision	2 nd NMA
3004-01-003	General arrangement (site plan)	Rev F	Rev U	Updated - Rev V
3004-01-012	Landscape plan	Rev F	Rev N	Updated - Rev O
3004-01-005	Indicative inverter-transformer station	-	Rev A	Remains unchanged
3004-01-006	Storage building	-	-	Remains unchanged
3004-01-007	Control building	-	Removed	Remains Removed
3004-01-008	Switchgear building	-	Rev B	Remains unchanged
3004-01-009	Battery storage container	-	Rev A	Updated - Rev B
3004-01-015	Solar MV Transformer	NA	-	Remains unchanged
3004-01-016	Welfare Building	NA	-	Remains unchanged
3004-01-017	Water Tank	NA	NA	New drawing
3004-01-018	Harmonic Filter	NA	NA	New drawing
3004-01-ATR01	Swept path assessment construction phase	Rev D	-	Updated - Rev E
3004-01-ATR03	Swept path assessment – northern access	-	-	Updated - Rev A
3004-01-D04	Proposed passing place and junction visibility splays	-	-	Updated - Rev A

On this basis, we propose that Condition 2 is re-worded as follows:

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans/drawings:
 - i) Drawing No. 3004-01-001 Rev B – location plan
 - ii) Drawing No. 3004-01-002 Rev B – statutory plan (location plan)
 - iii) Drawing No. 3004-01 003 Rev V – general arrangement (site plan)
 - iv) Drawing No. 3004-01-012 Rev O – landscape plan
 - v) Drawing No. 3004-01-004 – illustrative PV frame and panels
 - vi) Drawing No. 3004-01-005 Rev A – indicative inverter-transformer station
 - vii) Drawing No. 3004-01-006 – storage building
 - viii) Drawing No. 3004-01-008 Rev B – switchgear building
 - ix) Drawing No. 3004-01-009 Rev B – battery storage container
 - x) Drawing No. 3004-01-010 Rev A - indicative deer/stock fencing, access track and CCTV
 - xi) Drawing No. 3004-01-011 – typical cable trench
 - xii) Drawing No. 3004-01-015 – solar MV transformer
 - xiii) Drawing No. 3004-01-016 – welfare building
 - xiv) Drawing No. 3004-01-017 – water tank
 - xv) Drawing No. 3004-01-018 – harmonic filter
 - xvi) Drawing No. 3004-01-D04 Rev A – proposed passing place and junction visibility splays
 - xvii) Drawing No. 3004-01-D05 - forward visibility splays
 - xviii) Drawing No. 3004-01-ATR03 Rev A - swept path assessment – northern access
 - xix) Drawing No. 3004-01-ATR01 Rev E - swept path assessment construction phase.

Reason - To provide certainty.

Approved Documents / Drawings to Discharge Conditions

In addition to the amendments to the approved planning application drawings, a number of documents and drawings submitted to discharge planning conditions have been amended to reflect the updated site layout as shown on General Arrangement 3004-01-003 Rev V for consistency, and to reflect the change in BESS container technology.

The following table identifies the documents and drawings that have been submitted to discharge conditions, which details are proposed to be updated as part of this 2nd NMA, and which details remain unchanged.

Condition No.	Discharge of Condition Ref	Submitted Docs / Dwgs	2 nd NMA Revision
3	25/01085/DOC	Approved details to be replaced: Schedule of Equipment and Buildings Jinko Solar PV Specification (ref: JKM625-650N-66HL4M-BDV-Z1-EU) BESS container specification (BYD MC Cube)	To be replaced by: Schedule of Equipment and Buildings v2 Trina Solar PV Panels Specification (ref: TSM-NEG19RC.20 625-650W) Trina BESS Storage Container Specification (Elementa 2 Pro) New details added – Harmonic Filter Photo Example All other details remain unchanged
6	24/01807/DOC	Construction Environmental Management Plan (CEMP) v6 (dated 03/02/2025)	To be replaced by - Construction Environmental Management Plan (CEMP) v7 (dated 05/03/2026)
8	24/01648/DOC	Construction Traffic Management Plan 3004-01-CTMP01 (dated 05/09/2024)	To be replaced by - Construction Traffic Management Plan 3004-01-CTMP02 (dated 02/03/2026)
9	24/01578/DOC	Landscape and Ecology Management Plan V6 (dated 27/08/2025)	To be replaced by - Landscape and Ecology Management Plan V7 (dated 05/03/2026)
10	24/01809/DOC	On-Site Incident & Fire Response Plan (dated 15 th April 2025)	To be replaced by: Priory Farm Solar Array Battery Safety Management Plan (BSMP) BSMP Appendix A – Battery Container Manufacturer's Manual BSMP Appendix B - On-Site Incident & Fire Response Plan v3 (dated 11/03/2026)
12	24/01658/DOC	3004-01-020 DoC12 Soft Landscape Proposals Rev I 3004-01-021 DoC12 Soft Landscape Proposals Rev I 3004-01-022 DoC12 Soft Landscape Proposals Rev I 3004-01-023 DoC12 Soft Landscape Proposals Rev I 3004-01-024 DoC12 Hard Landscape Proposals Rev K 3004-01-025 DoC12 Hard Landscape Proposals Rev K	To be replaced by – 3004-01-020 DoC12 Soft Landscape Proposals Rev J 3004-01-021 DoC12 Soft Landscape Proposals Rev J 3004-01-022 DoC12 Soft Landscape Proposals Rev J 3004-01-023 DoC12 Soft Landscape Proposals Rev J 3004-01-024 DoC12 Hard Landscape Proposals Rev L 3004-01-025 DoC12 Hard Landscape Proposals Rev L

Condition No.	Discharge of Condition Ref	Submitted Docs / Dwgs	2 nd NMA Revision
		3004-01-026 DoC12 Landscape Details Rev C	3004-01-026 DoC12 Landscape Details Rev C - Remains Unchanged
13	24/01337/DOC	SPECIFICATION FOR A PROGRAMME OF TARGETED ARCHAEOLOGICAL EXCAVATION (PCAS Archaeology, July 2024)	Remains Unchanged
17	25/01093/DOC	Approved details to be replaced: Proposed Drainage Layout (refs: 5208-100-P8, 5208-101-P8, 5208-102-P8, 5208-103-P8, 5208-104-P8, 5208-105-P6) 5208 SW Storage N1 (Northern Network) R4, 5208 SW Storage N2 (Southern Network 1) R3, 5208 SW Storage N3 (Southern Network 2) R4	To be replaced by: Surface Water Drainage Plan Update Covering Letter (Weetwood, dated 13/03/2026) Proposed Drainage Layout (refs: 5208-100-P9, 5208-101-P9, 5208-102-P9, 5208-103-P9, 5208-104-P9, 5208-105-P7). 5208 SW Storage N1 (Northern Network) R5, 5208 SW Storage N2 (Southern Network 1) R4, 5208 SW Storage N3 (Southern Network 2) R5 Outfall and Basin Details (ref: 5208-602-P3) All other details remain unchanged.
18	25/01209/DOC	Approved details to be replaced: Proposed Drainage Layout (refs: 5208-100-P8, 5208-101-P8, 5208-102-P8, 5208-103-P8, 5208-104-P8, 5208-105-P6) 5208 SW Storage N1 (Northern Network) R4, 5208 SW Storage N2 (Southern Network 1) R3, 5208 SW Storage N3 (Southern Network 2) R4	To be replaced by: Surface Water Drainage Plan Update Covering Letter (Weetwood, dated 13/03/2026) Proposed Drainage Layout (refs: 5208-100-P9, 5208-101-P9, 5208-102-P9, 5208-103-P9, 5208-104-P9, 5208-105-P7). 5208 SW Storage N1 (Northern Network) R5, 5208 SW Storage N2 (Southern Network 1) R4, 5208 SW Storage N3 (Southern Network 2) R5 Outfall and Basin Details (ref: 5208-602-P3) All other details remain unchanged.
20	24/01808/DOC	Wymondley Transforming Station LWS: Soil Management Plan (dated 24 th September 2024)	Remains Unchanged
21	24/01923/DOC	Arboricultural Method Statement (dated July 2024) and Addendum to Arboricultural Method Statement (dated 26 th June 2025)	Remains Unchanged
22	24/01647/DOC	Skylark Mitigation Strategy V3 (dated: 22/07/2024)	Remains Unchanged
23	24/01659/DOC	Grazing Management Plan (Axis, July 2024, ref: 3004-01-GMP-01)	Remains Unchanged
25	24/01649/DOC	S278 HIGHWAY WORKS LEVELS GA AND KERBING & SURFACING GA (ref: PGC1021-C-202 P5), WORKS AND VIS SPLAYS (ref: PGC1021-C-203 P5), LEGAL PLAN (ref:	Remains Unchanged

Condition No.	Discharge of Condition Ref	Submitted Docs / Dwgs	2 nd NMA Revision
		PGC1021-C-204 P3), PRIVATE ACCESS ROAD GA (ref: PGC1021-C-205 P1), SITE LOCATION PLAN (PGC1021-C-220 P1).	
26	24/01721/DOC	S278 HIGHWAY WORKS LEVELS GA AND KERBING & SURFACING GA (ref: PGC1021-C-202 P5), WORKS AND VIS SPLAYS (ref: PGC1021-C-203 P5), LEGAL PLAN (ref: PGC1021-C-204 P3), PRIVATE ACCESS ROAD GA (ref: PGC1021-C-201 P3)	Remains Unchanged

Consideration of Materiality

Section 96A of the Town and Country Planning Act 1990 (brought into force in England via the Planning Act 2008) states that:

“(1) A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material;

(2) In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted...”¹

On-line Planning Practice Guidance provided by the Department for Communities and Local Government states that:

“There is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application...”²

The judgement on ‘materiality’ in any particular case is one of fact and degree, considered against the development as a whole, not just part of it. The benchmark for forming the judgement is the original planning permission, and the extent to which the proposed amendments could give rise to materially different planning judgements.

In Axis’ experience the following questions are frequently used to interrogate the materiality of a proposed change.

1. Is the proposed change significant in terms of its scale (magnitude, degree etc.) in relation to the original approved development?
2. Would the proposed change result in a detrimental impact either visually or in terms of amenity in the context of the development as a whole?
3. Would the proposed change result in other impacts which would be materially different to the original approved development such that they could alter the planning judgments made by the decision maker?

¹ Town and Country Planning Act 1990. (s96a). London: HMSO.

² Department for Communities and Local Government, 2014. Planning Practice Guidance. Flexible Options for Planning Permissions. Paragraph 002 Reference ID 17a-002-20140306 [online] <https://www.gov.uk/guidance/flexible-options-for-planning-permissions#Making-a-non-material-amendment>

4. Would the interests of any third party or body who participated in or were informed of the original decision be disadvantaged in any way?

1. Is the proposed change significant in terms of its scale (magnitude, degree etc.) in relation to the original approved development?

The proposed amendments, which would improve technical efficiency and maximise export of renewable energy by increasing the density of development within the site by just 8%, all of which would lie within the same ‘fenced development areas’ as currently approved, are minor in scale when considered in the context of the remainder of the development.

2. Would the proposed change result in a detrimental impact either visually or in terms of amenity in the context of the development as a whole?

The change would be barely noticeable from publicly accessible viewpoints as the BESS stations, inverter / transformer units, welfare and storage buildings, water tank and harmonic filters are located within the solar PV array areas. In addition, the additional solar PV panels all sit within the same ‘fenced development area’ as currently approved. The solar PV panels are 3m in height, i.e. the same as the battery units and taller than the inverter/transformer units, welfare and storage buildings, water tank and harmonic filters, and would therefore screen the majority of this infrastructure. As such, it is unlikely that someone looking into the site would perceive a change in the context of the view and the additional units would not alter the magnitude of visual change compared to the approved layout. Furthermore, once the proposed boundary vegetation has matured, the additional infrastructure would not be visible from the vast majority of locations.

It is therefore considered that there would be no material change in the visual impact of the proposed development on nearby receptors and no material change in landscape character or visual amenity.

In relation to harm to the greenbelt, primarily for the reasons set out above, the proposed amendment would not materially alter the judgement made by the Secretary of State. The decision concluded that the “*proposal would have an adverse impact insofar as the spatial aspect of openness is concerned (IR12.3), and would result in a significant loss of openness, both spatially and visually, in the Green Belt (IR12.4).*”. The principal impact on openness stems from the presence of the solar PV array. As identified previously, the additional infrastructure proposed would lie wholly within the same ‘fenced development areas’ as currently approved. As such, the change in impact on openness when considered in the context of the entire development is very minor and is not considered material to the conclusions reached by the SoS.

3. Would the proposed change result in other impacts which would be materially different to the original approved development such that they could alter the planning judgments made by the decision maker?

We have provided a brief review in the following table of the other key environmental topics addressed in the original application.

Topic	Impact of the change
Heritage	A comprehensive archaeological site investigation has been conducted (pursuant to Condition 13) which involved trenches across the entire site, including the three previously proposed ‘no dig’ zones (known as Areas 1-3). The results of the trial trenching identified that the remains present in Area 1 are buried at sufficient depth and are robust enough in nature to enable standard micro-

Topic	Impact of the change
	piling of the solar panels in this area, without the need for concrete feet. No further archaeological mitigation work was found to be required in this area. However, remains exposed in Areas 2 and 3 are considered to be vulnerable to both piling operations and, due to the shallow depth of overburden, construction operations associated with the installation of concrete feet, including potential rutting and compaction. The remains in this area would also be impacted by cable trenching. Further site evaluation work will therefore be undertaken within Areas 2 and 3 in accordance with the approved Written Scheme of Investigation (WSI) submitted to discharge Condition 13 (PCAS Archaeology, July 2025). The purpose of the programme of targeted excavation is to identify and sample any archaeological remains on the site and to record and interpret them prior to their destruction by construction groundworks, preserving them by record. No significant archaeological remains were identified outside of the three main areas referred to above and consequently no other parts of the site are considered to require any form of archaeological mitigation works. The proposed development would continue to accord with the archaeological mitigation works approved under Condition 13, as summarised above.
Flood Risk and Drainage	The revised configuration has been considered within an updated detailed drainage design included within this submission, prepared pursuant to Conditions 17 and 18. The drainage design has ensured that sufficient attenuation has been provided, and the internal turning heads and passing bays would remain permeable.
Ecology	The revised configuration has been accounted for within an updated detailed landscaping scheme (see drawing ref: 3004-01-012 Rev O, as well as 3004-01-020 to 023 Rev J) and Landscape and Ecological Management Plan (v7, dated 05/03/2026). The BNG delivered from the proposed development will remain significantly in excess of the 10% requirement. As such the proposed amendment would not have any material ecological impact.
Noise	Condition 16 requires that details must be provided prior to installation of plant that demonstrate compliance with the source noise levels detailed in Section 6.2.3 of the Noise Impact Assessment reference R21.0906/DRK dated 7 October 2021. The primary source of noise from BESS units is associated with inverters / transformers. The number of these units has increased slightly from 17 to 19. The introduction of two additional units is unlikely to result in any material change in noise levels from the installed plant. Irrespective, the controls in place by virtue of Condition 16 means there would be no material impact on nearby noise sensitive receptors.
Traffic and Transport	The amendment would not have a material impact on the construction traffic management proposals. Nevertheless, an updated CTMP has been submitted (ref: 3004-01-CTMP02, dated 02/03/2026) that considers the slightly amended proposals. Whilst there would be some additional deliveries required, these would occur outside the main peak HGV periods. In the context of over 1,000 HGV one-way deliveries associated with the whole development, the additional deliveries would not be material.

4. Would the interests of any third party or body who participated in or were informed of the original decision be disadvantaged in any way?

On the basis that the amendment would not have a material impact on any of the environmental issues considered in the original determination of the application, and the fact that that amendments relate solely to land within the ownership and control of the applicant, we do not consider that the interest of any third party or body would be disadvantaged.

On the basis of the above, we consider that the amendments proposed do not have a material impact on the planning judgements made when the original application was determined. As such, it is considered that the amendments are non-material in nature and thus can be subject to an application under Section 96A of the Town and Country Planning Act 1990.

We trust the contents of this letter are self-explanatory and look forward to receiving your decision on the non-material amendment application.

If you have any queries regarding the proposed amendments or wish to discuss this application in further detail, then please do not hesitate to contact the undersigned.

Yours faithfully

H. Walsh

Hannah Walsh

Associate on behalf of Axis