

Our Ref: LF/24079v1

9 December 2024

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Dear Mr Glover

Proposed Solar Farm Measuring 35.5 Hectares with Associated Battery Storage and Ancillary Infrastructure at Land Opposite Wymondley Grid Station and to the South of Sperberry Hill, St Ippolyts.
Application Reference: 24/02455/FP.

We write on behalf of the Sperberry Solar Focus Group, who have instructed us to review and comment on the above planning application.

In 2023 a similar application was refused by the Council for a 25MW solar farm, covering a greater area than currently proposed, albeit the same site area. The application was refused for the following reasons:

- 1. The application site is located within an area designated as Green Belt, within which there is a presumption against inappropriate development unless very special circumstances can be demonstrated. In the opinion of the Local Planning Authority this planning application proposes inappropriate development in the Green Belt which would harm the Green Belt by reason of inappropriateness and cause harm to the purposes of the Green Belt as defined in paragraph 147 of the National Planning Policy Framework (NPPF). Taken together, the Green Belt and other harms in this case are not considered to be clearly outweighed by the benefits identified. In the circumstances, looking at the application as a whole, very special circumstances are not considered to exist to justify the development in the Green Belt as required by NPPF paragraphs 148 and 151, Wymondley NP Policy GB1 and Local Plan Policy GB5.*
- 2. The proposal would result in unacceptable harm to the character and appearance of the surrounding area in which the site is located. Whilst*

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measures are proposed to mitigate the impact of the proposed development, and the proposal would not be permanent, there would nevertheless be long term harm to rural character and appearance of the area, including the visual amenities of users of the local public footpaths. The proposal would therefore conflict with Local Plan Policies NE2 and NE12 which seek to avoid unacceptable harm to landscape character and appearance.

It is acknowledged that the application now proposed has reduced the number of solar panels by 9%, without altering the potential output of the site and has increased the amount of landscaping within the overall site area.

Green Belt Impact

Whilst not comprised of any specific designations, the site is located within the Green Belt, within which there is a presumption that development is inappropriate unless '*very special circumstances*' exist. Whilst there are a number of exceptions to this case within NPPF paragraphs 154 and 155, the development of solar farms does not fall within any of these exceptions.

Noting the likely emergence of a new NPPF in the coming weeks, the consultation draft 2024, does not make any further allowances within the exceptions that would make this appropriate development within the Green Belt.

Accordingly, the Applicant is required to demonstrate '*very special circumstances*' exist to allow this development to come forward and obtain a planning permission.

It is important when assessing whether a scheme meets the '*very special circumstances*' test, to ascertain what the overall impact of the scheme is in the first instance.

Regard therefore needs to be given to the impact on the openness of the Green Belt. Unlike the recently approved solar farm to the east of Great Wymondley, this application site is crossed by two well used Public Rights of Way and is on land that does not benefit from any constraint such as the A1(M) or the A602 but is open to the landscape beyond and will fundamentally change that landscape.

Viewpoint 8 is located at the junction of PROW Footpath 21 and Bridleway 020. The imagery within the LVIA of this viewpoint clearly shows that the solar farm will be visible from this wider area for the duration of the development. The Applicant has made no attempts to landscape this southern viewpoint, probably due to any landscaping have a negligible benefit even after 10 years.

In this area, the landscape gently undulates which results in wide, long, distant, vistas and any intervening development becomes highly prominent, as the

applicant demonstrates. There is no urban backdrop such that the insertion of a solar farm in this location is highly intrusive and fundamentally erodes the openness of the Green Belt. The impact on the openness of the Green Belt is therefore substantial.

Character and Appearance of the Area

The impact on the character and appearance of the area is largely akin to the openness assessment. The site has vistas and views from both close quarters and from further afield. The applicant has demonstrated that this visual impact cannot be mitigated against.

The conclusions in respect of the previous application were as follows:

"It is considered that the scale and nature of the proposal would result in some inevitable adverse landscape and visual impacts, mostly of a significant nature. The proposed mitigation would deliver some visual and landscape benefits together with some biodiversity improvements to the local environment. The 40 year lifetime of the scheme is a significant period. Following decommissioning of the solar farm there would be no residual adverse landscape effects. Therefore, there would be conflict with LP Policies NE2 and NE12 which seeks to avoid unacceptable harm to landscape character and appearance, during the operation of the solar farm. In relation to the Wymondley NP, there would be no conflict with policy NHE8 which requires native species to be used to maximise biodiversity benefits. Overall, therefore it is considered that initially (and in excess of 10 years) the visual and landscape harm would be significant weight in the planning balance with moderate benefits arising in the later stages of the temporary period and post decommissioning."

With there being no guarantee of decommissioning, and the need for permanent solutions to achieve net zero, this identified impact would be permanent and moderate benefits must be reduced accordingly in the overall planning balance.

There is nothing in this re-submission that warrants a deviation from this position or that overcomes the reason for refusal in this respect.

Best and Most Valuable Agricultural Land (BMVAL)

The applicant has identified that the application site is comprised entirely of Grade 2 and Grade 3a agricultural land.

A historic Written Ministerial Statement (WMS) stated that there was a need for "*compelling evidence*" to justify development on BMVAL. This WMS was criticised in many appeal decisions relating to solar development, as being out of date and pre-dating the drive to Net Zero, such that it undermined the potential for progress to be made.

On the 15 May 2024 the Secretary of State for Energy Security and New Zero, Claire Coutinho, produced a WMS specifically dealing with Solar and BMVAL. The most pertinent sections states:

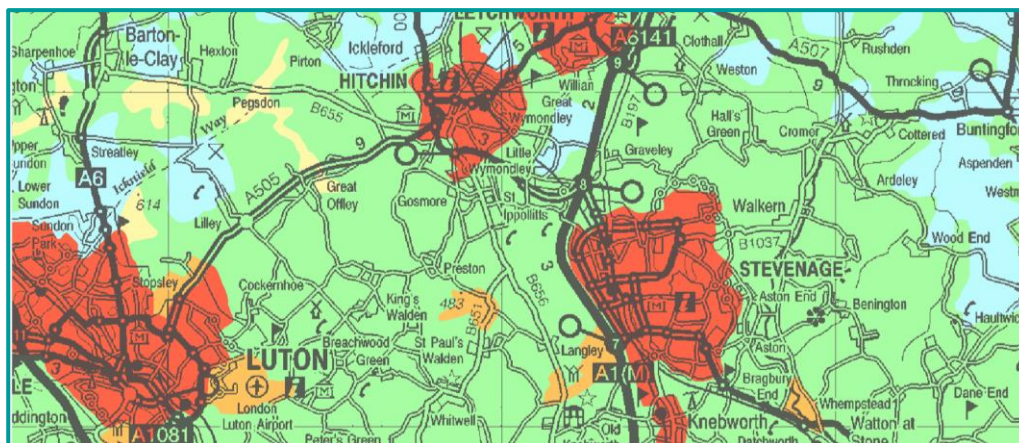
"The new National Policy Statement that we published in January makes clear that "applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible. The Government in Powering Up Britain: Energy Security Plan clarified that while "solar and farming can be complementary" developers must also have "consideration for ongoing food production.""

"This means that due weight needs to be given to the proposed use of Best and Most Versatile land when considering whether planning consent should be granted for solar developments. 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."

"When considering whether planning consent should be granted for solar development it is important to consider not just the impacts of individual proposals, but also whether there are cumulative impacts where several proposals come forward in the same locality."

The submitted Agricultural Land Class Survey demonstrates that almost 53% of this site is Grade 2 land, with the remainder also being BMVAL, at Grade 3a. The proposal, if approved, would therefore result in the loss of 34ha of BMVAL. Based on the need to look at matters in a cumulative manner, the recently approved solar farm to the east of Great Wymondley (21/03380/FP), will result in the loss of 27.4ha of Grade 2 land and 57.6ha of Grade 3a. In this immediate locality, this therefore results in the loss of 120ha of BMVAL. This is significant.

It is acknowledged that North Herts benefits from a significant expanse of good quality agricultural land. These two solar farms however, have targeted the smaller area of identified Grade 2 land, as opposed to looking at the wider expanse of Grade 3 land, or even the small areas of Grade 4 land situated between Hitchin, Stevenage and Luton.



The applicant has advanced no evidence to demonstrate that this is the only site upon which this scheme can be delivered, or that any exercise has been undertaken to show that the use of this higher quality land is necessary to meet the net zero obligations.

Further, no regard has been given to the cumulative impact of this proposal along with the granted solar farm to the north. When taken together, these proposals would largely decimate the extent of Grade 2 BMVAL within this small pocket of high-quality land to the east of Hitchin.

It is acknowledged that the remainder of the area falls as largely Grade 3 land, however, the Natural England mapping does not distinguish between Grade 3a and 3b land, such that there is a reasonable prospect of finding lesser quality land in this wider area and still being within 400m of a point of connection.

The applicant has therefore failed to demonstrate that the use of this higher quality land is necessary in this instance.

The applicant advises that the land can continue to be farmed, with grazing sheep, however, this is fundamentally different to the food production value of the land which has always been in arable use. The applicant has not provided any evidence to suggest that the grazing of sheep is of equal or better value than the arable productivity that has been prevalent on this site.

Further, it is acknowledged that not farming the land may improve the overall soil quality allowing for improved productivity in the future, however, whilst this application seeks a temporary use of the land as a solar farm, the planning statement acknowledges that this may not necessarily be the case if a future planning permission is granted. Regard must be given to NPPF Paragraph 163c. This is a change from earlier iterations of the NPPF and seeks to give significant weight in the planning balance to the reuse of established sites.

Accordingly, whilst the application may only be for a temporary 40 year period, there is a reasonable prospect that, in granting planning permission for this proposal, the land will be lost in perpetuity.

In addition to this site, there are on going agricultural uses of adjacent land, in particular the Wyck, which is operated as a vineyard. Vines are particularly sensitive to a change in the water course, such that the cessation of the arable farming of the application site could undermine this adjacent commercial operation and render the vineyard unviable. The Applicant has made no attempt to ensure that the proposed development will have no detrimental impact on the ongoing agricultural activities of adjacent land.

Ecology and BNG

It is somewhat concerning that the Ecological Assessment has been updated, but that the Bird Breeding Survey, which is acknowledged to be over 2years old, has not been re-visited.

The justification for not updating the breeding survey is due to the land not changing, but clearly factors on site have changed that should trigger the survey being revisited.

The original Bird Breeding Survey is also questionable. Only 3 surveys were undertaken, with all ceasing around 9 to 9.30am. It is recommended that 6 surveys should be undertaken between late March to early July, and up to mid-morning (10-11am) to allow for resident and migrant breeders, the latter of which may arrive later in the season, which also allow for species that arrive later in the morning, over the early risers.

Reliance cannot be placed on this survey; when it is 2years old and doesn't contain sufficient surveys. It is a reasonable assumption that the proposal could have a greater impact on protected species as clearly there has been 2no. breeding seasons since the survey was undertaken.

What we can take from the submitted reports is that 9no. Skylark territories will be lost as a direct result of this proposal and that no mitigation at all is proposed. The Ecological Assessment merely says that the land is still available for foraging but ignores the loss of actual breeding habitat.

These birds are on the Red list of conservation concern due to the drastic decline in UK population. The RSPB notes a decline of 63% of the population of Skylarks since 1967, resulting from changes in crop seasons and intensified grassland management. Their habitats are now further being destroyed through the use of arable land as solar farms.

There are two areas of grassland proposed within the site, which may be suitable for ongoing nesting, however, this is predicated on the proposed grass and maintenance/management regime, details of which have not been provided. Further, given the significant number of breeding territories within the site, the applicant has not demonstrated that the land shown as grassland is sufficient to accommodate the 9no displaced territories.

Heritage

This proposal is a marked improvement in respect of heritage impact, with the retention of a grassland area adjacent to the cluster of Grade II and II* listed buildings at Redcoats.

The impact relates to the setting of the buildings; as former farmyard cluster of barns and the farmhouse, the setting is clearly the agricultural landscape beyond which will be lost as a result of this proposed development. It is considered that this loss falls within the 'less than substantial harm' test and results in moderate harm on the scale within that test.

There is no doubt that the initial impact arising from the proposal will be greater than that experienced as the proposed landscaping becomes established, such that the presence of the solar farm will dissipate over time. However, the initial installation and few years prior to that maturity occurring is of concern to the functionality of the Redcoats cluster.

Redcoats operates as a wedding and event venue, alongside the restaurant and hotel accommodation, the setting of the barns is therefore of value and important to the attractiveness of the venue generally. The less attractive the setting, the less business is generated. It is important that any development does not result in detrimental harm to the viability of the Redcoats enterprise, as this may undermine the viable use of these heritage assets.

On this basis, should the Authority be minded to approve the application, it is requested that the landscaping be delivered early in the project and that vehicles do not use the track adjacent to Redcoats.

In accordance with NPPF Paragraph 205, great weight should be given to any harm arising from the development, in respect of heritage assets.

Point of Connection

The applicant advises that a connection can be made to the Wymondley Substation and the submission provides for that connection.

What the submission does not state is that a connection to that substation has been secured and that the operator has confirmed that the substation is adequate to cope with both the Great Wymondley solar farm and this solar farm.

Many solar farms have stated that they have an agreement to connect to a substation and weight has been attributed to that connection, when in real terms they have not secured that connection and then have difficulty in achieving the necessary connection.

If weight is to be afforded to the point of connection, then the applicant should be required to demonstrate that they have an agreement to connect and that the operator has confirmed that both solar farms can operate through the substation.

As priority should be given to the Great Wymondley Solar Farm due to it benefitting from planning permission and being double the size, it is necessary to ensure that the delivery of that site is not prejudiced as a result of this proposed development.

Energy Need

There is no doubt that there is a climate emergency and that all Authorities need to deliver infrastructure to mitigate and assist in achieving the Net Zero target. That doesn't mean every proposed solar farm is acceptable or in an appropriate location.

Following the change in Government, it also no longer means that solar is the only solution to achieve the targets, but that onshore wind is also a viable option.

The need to achieve Net Zero is important and any scheme that seeks to assist in that aim should be afforded significant weight in the planning balance. I certainly do not agree with the applicants proposed 'very substantial' weight, as this site is only delivering 25MW, to afford 'very substantial' weight to this scale of energy recovery, would leave no additional benefits for sites that achieve significantly higher levels of energy benefits. Similarly, to afford both a national and local benefit separately is double counting. The need is a national need that can only be achieved with parties at a local level fulfilling their part.

Conclusions

Essentially there is limited differences between this proposal and the previously refused application. There are improvements in respect of the impact on Redcoats and some land has been left aside to facilitate protected breeding birds, however, the impact on the Green Belt and wider landscape character remains the same.



There is nothing in this submission that would reasonably enable the Authority to deviate from their earlier refusal. If anything, the May 2024 WMS provides a greater burden on the applicant to demonstrate the use of BMVAL than was the case previously, so where the applicant states that it is not a relevant question as to whether this is the best site, is factually incorrect having regard to the WMS.

We strongly implore the Local Planning Authority to remain consistent in their decision making. This is simply the wrong location for a solar farm and will fundamentally undermine the character of the area and the openness of the Green Belt.

Yours sincerely

LIZ FITZGERALD
Managing Director