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Via email: planning@north-herts.gov.uk

PACE Jolt Energy Ltd,
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11th May 2026

**RE: SECTION 73 APPLICATION TO VARY CONDITION 21 (EXTERNAL APPEARANCES),
CONDITION 26 (CTMP) AND CONDITION 29 (ENABLING WORKS) OF PLANNING PERMISSION
22/00741/FP LAND WEST OF ASHWELL ROAD, BYGRAVE, HERTFORDSHIRE, SG7 5EB**

Dear Sir/Madam,

I write on behalf of PACE Jolt Energy (the applicant) to submit a Section 73 application under the Town and Country Planning Act 1990 (as amended), seeking to vary Condition 21 (External Appearances), Condition 26 (CTMP) and Condition 29 (Enabling Works) attached to planning permission **22/00741/FP**, granted on 17th June 2024.

The approved development is for:

"Ground mounted solar photovoltaic (PV) farm including battery energy storage; continued agricultural use, ancillary infrastructure, security fencing, landscaping provision, ecological enhancements and associated works (as amended by information received 29 January 2024)"

The primary purpose of this application is to seek a narrowly defined and time-limited variation to Conditions 26 and 29 to allow a temporary increase in articulated lorry movements during a discrete phase of the construction programme, in the interests of reducing cumulative construction impacts and preserving residential amenity over an extended period.

As a matter of policy context, any transport-related refusal of this application is governed by the test set out at Paragraph 116 of the National Planning Policy Framework (December 2024): "Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." This test, replicated in Local Plan Policy T1, frames the matters set out in this letter and is engaged in detail in the Planning Policy Context section below.

The current wording of Condition 26 is as follows:

"Prior to the commencement of the development, a revised Construction Traffic Management Plan to CLOCS standard shall be submitted to and approved in writing by the Local Planning

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Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall confirm and identify details of:

- *The full phasing of construction and proposed construction programme.*
- *The methods for accessing the site, including wider construction vehicle routing and a commitment to not using the right of way network at any time.*
- *The numbers of daily construction vehicles including details of their sizes, at each phase of the development, with a commitment to a maximum of 2 articulated lorry visits per day (i.e. 4 two-way trips)*
- *The hours of operation and hours of all construction vehicle movements, with a commitment to all HGVs visiting the site (i.e. travelling along Ashwell Road / Bygrave Road) between 9:30am and 2:30pm only (as required by condition 5)*
- *Details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.*
- *Details of any hoardings.*
- *Control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels, and how it will ensure dirty surface water does not runoff and discharge onto the highway.*
- *The provision for addressing any abnormal wear and tear to the highway, to include a Highways Before & After survey*
- *The details of consultation with local businesses or neighbours.*
- *The details of any other Construction Sites in the local area.*
- *Waste management proposals.*
- *Signage*
- *Further assessment of the two tighter bends along Ashwell Road close to Wedon Way, with mitigation measures outlined if identified as necessary.*
- *Holding areas for HGV traffic associated with the development*
- *Ongoing monitoring of the construction route throughout the development construction*
- *Details of banksmen provision*

Reason: To ensure the impact of construction vehicles on the local road network is minimised."

A consequential amendment to Condition 29 is also proposed, to better align the wording of that condition with the distinction between vehicle types already established within Condition 26 and to reflect the practical purpose of the enabling works. This is a secondary matter and the applicant would be content for the Local Planning Authority to determine the Condition 26 variation independently should it see fit.

The current wording of Condition 29 is as follows:

"Prior to the commencement of any HGV movements associated with the development construction, temporary alteration works to the North Road / Bygrave Road junction for the duration of the construction period, as shown indicatively on drawing number C22028-ATP-DR-TP-007, shall be undertaken and retained for the duration of construction period. Within 3 months of the construction work being completed, the junction shall either be

returned to its original design or an alternative design which demonstrates long term betterment for highway users.

Reason: To ensure the North Road / Bygrave Road junction is safe and suitable to accommodate the level and type of vehicles to use it associated with development construction, whilst retaining a safe and suitable environment for all other highway users."

The current wording of Condition 21 is as follows:

"Prior to their erection on site details of the proposed colour finishes of all solar panels, frames, ancillary buildings, CCTV poles and cameras, equipment, and enclosures shall be submitted to, and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the development hereby permitted.

Reason: To ensure an appropriate visual appearance in the interests of minimising impact on the landscape in accordance with the NPPF and policies D1 and NE12 in the Local Plan."

Condition 21 has recently been discharged by the Local Planning Authority, with approval granted for a powder-coated grey finish across the solar panels, frames, ancillary buildings, CCTV poles and cameras, equipment and enclosures. These changes are sought following requests of the local Parish Council, who had stated a preference for colour finishes that blend in with the green scenery.

Background

The Approved Permission and Pre-Commencement Conditions

Planning permission 22/00741/FP was granted on 17th June 2024 for a ground mounted solar photovoltaic farm including battery energy storage at Land West of Ashwell Road, Bygrave. The permission is subject to a number of pre-commencement conditions, including Condition 26, which requires the submission and approval of a Construction Traffic Management Plan (CTMP), and Condition 29, which requires the completion of temporary highway alteration works at the North Road/Bygrave Road junction prior to the commencement of HGV movements associated with the development.

Discharge of Condition 26

In seeking to discharge Condition 26, the applicant prepared and submitted a Construction Traffic Management Plan (CTMP) to the Local Planning Authority, working closely with both the Case Officer and the Highway Authority over seven iterations (V1 to V7). Through this process, agreement was reached on the CTMP's content.

During the discharge process, the Applicant raised concerns regarding the practical implications of the two-articulated-vehicle-per-day limit for the delivery of key construction components. These concerns were set out in detail in correspondence with the Case Officer and Highway Authority dated 29th January 2026, and related to the impact of the restriction on the construction programme, cumulative highway impacts, and the availability of alternative delivery solutions.

Notwithstanding those concerns, and in order to enable the discharge of Condition 26 and allow construction to commence without further delay, the Applicant accepted the two-articulated-vehicle-per-day limit as set out in the condition. The CTMP has been agreed as acceptable by HCC Highways and at the date of this submission is pending approval.

Having been unable to resolve this matter through the discharge process, this Section 73 application is the appropriate mechanism through which to seek the necessary adjustment.

The Highway Authority's Position

During the discharge of Condition 26, the Highway Authority indicated a willingness to allow some flexibility on the daily delivery limit as an exceptional circumstances provision (Document Ref: *REDACTED Tophams - Highways Stance on Temporary Increase 02.03.2026*), offering to accept a maximum of 4 visits per day on the basis that such movements did not overlap on the highway network and took place within the approved 09:30-14:30 window. That offer was framed specifically as a contingency for deliveries delayed by adverse weather, road incidents, emergency works or other unavoidable causes, and was not a general concession to a higher routine limit.

The applicant acknowledges that offer but considers it insufficient to address the operational requirements of the module and frame delivery phase, which demands a structured and planned uplift over a concentrated period rather than a reactive exceptional circumstances provision.

Following further correspondence in which the applicant set out its case for a planned 4-week uplift to 8 visits per day, the Highway Authority objected in correspondence dated 27 April 2026 and 1 May 2026, stating that the proposed increase "is not in the interest of public safety and network impact" and that "spreading a lower level of movements out over a longer period ensures minimal impact day to day."

In further correspondence dated 14 May 2026, the Highway Authority elaborated on its reasoning, identifying specific operational concerns that hadn't been raised previously: that whilst the approach route readily accommodates cars passing articulated lorries, there are limited sections able to comfortably accommodate an articulated lorry meeting an oncoming larger vehicle (such as a large van or HGV), which the Authority states "can result in notable damage to kerbs, verges, embankments, and sometimes even scraping of vehicles (especially wing mirrors) against one another" and "and the need for possible awkward reversing manoeuvres to find a spot where two larger vehicles can pass by one another". The Authority described the 2-artic/day limit as a measure intended to minimise the probability of such conflicts, confirmed its continuing willingness to consider new evidence and reiterated a pragmatic approach, while making clear that the final decision rests with the Local Planning Authority (Document Ref: *REDACTED Tophams - Highways Stance on Temporary Increase 14.05.26*).

The applicant's response to the Highway Authority's objections is set out in the sections that follow.

The Need for This Application

This Section 73 application is not seeking to remove the enduring two-articulated-vehicle-per-day restriction, nor to introduce open-ended flexibility into the construction programme. Rather, it seeks a narrowly defined and time-limited variation to Condition 26 to allow a temporary increase to a maximum of eight articulated lorry visits per day for a period of no more than four consecutive weeks, to accommodate the delivery of PV modules and mounting frames.

PV modules and mounting frames are supplied in 40-foot containers and, by their nature, require delivery by articulated vehicles. The project requires approximately 226 articulated deliveries in total (452 two-way movements), the substantial majority of which fall within a discrete and clearly identifiable phase towards the beginning of the construction programme. The four-week uplift window will accommodate 160 of these deliveries (320 two-way movements) at a maximum of 8 visits per day. The residual 66 deliveries (132 two-way movements) will follow within the 2 artic limit.

Justification for the Proposed Variation to Condition 26

Construction Programme Implications

Under the approved two-articulated-vehicle-per-day regime, the 226 articulated deliveries required for PV modules and mounting frames would take approximately 113 working days, or around 22 weeks, to complete. Whilst certain other site activities can run in parallel and partially absorb this duration, the net effect on the overall construction programme is an extension of approximately 14 weeks compared with the timetable achievable under this proposed temporary uplift. The extended timeframe required has already been established within the CTMP approved via discharge of conditions ref: 25/01998/DOC.

An extended construction period would materially increase the duration over which construction traffic is present on the local road network. It is estimated that a 14-week programme extension would generate approximately 700 additional worker vehicle movements on Ashwell Road over that period, in addition to all other associated HGV movements arising from the extended programme. The cumulative impact on the highway network over a longer construction period would therefore be greater than that arising from a shorter, more concentrated delivery phase.

The 14-week figure is taken from the approved CTMP. The Apex Transport Statement Technical Note (TN05 Issue 1) addresses the same issue within an unchanged 35-week construction window, comparing the duration of the articulated delivery phase under each scenario; both analyses confirm that the existing restriction materially extends the period of intensive articulated activity on the local road network.

The Highway Authority's stated preference for spreading movements over a longer period, on the basis of minimising "day to day" impact, does not engage with this cumulative dimension. When assessed over the construction period as a whole, the proposed four-week uplift produces fewer worker vehicle trips and a shorter period of highway disruption than the alternative of a 2-artic/day limit throughout. The net effect of this proposed variation is a reduction in cumulative construction traffic impact.

The proposed variation also enables a more efficient overall vehicle mix outside the uplift window. Because the bulk module and frame deliveries are concentrated within the controlled four-week period, the construction manager has the programme resilience to deliver cabling and ancillary items by smaller, non-articulated vehicles where their cargo capacity permits, rather than consolidating those items onto articulated lorries. With potential to reduce the number of articulated vehicles on the local road network across the construction programme as a whole.

Amenity Considerations

The duration of construction activity is a recognised material consideration in the assessment of transport and amenity impacts. The relevant comparison is between two outcomes that flow from the condition itself:

1. Operation under the existing two-articulated-vehicle-per-day limit, which on the construction information now available to the applicant would extend the overall programme by approximately 14 additional weeks; and
2. Operation under the proposed four-week uplift, which would shorten that period correspondingly.

It is acknowledged that within the four-week uplift window, the daily intensity of articulated vehicle movements would be higher than under the existing limit. However, the approved hours of operation (09:30 to 14:30) remain unchanged regardless of the daily vehicle count, so the daily exposure window for residents on Ashwell Road and Bygrave Road is unaffected by the variation. The additional articulated vehicles fall within the same five-hour window each day rather than extending it.

The amenity case for the variation rests on duration, predictability and the feasibility of mitigation. A four-week window is short enough that residents can plan around it, and the dedicated traffic marshal, advance resident notification, daily monitoring log and tracking set out in the Mitigation Measures section are specifically designed for, and practicable within, that defined period. An equivalent intensity of mitigation could not realistically be sustained across an additional 14 weeks of construction traffic, which would otherwise extend noise, dust and vehicular disturbance over the local road network for a materially longer period to the detriment of local residents.

Security and Storage

PV modules, cabling and mounting systems are high-value components, and the period over which they are present on site is a material consideration in the security risk profile of the development. In practice, installation of modules, cables and mounting systems cannot proceed until deliveries are substantially complete, meaning that equipment delivered at the beginning of the delivery phase remain stored on site for a prolonged period before they can be installed and secured in position.

Under the existing two-articulated-vehicle-per-day limit, the module and frame delivery phase would extend to approximately 22 weeks, significantly increasing the duration over which these components are stored on site and therefore more exposed to theft risk, as well as being transported across the local road network. The proposed variation shortens that exposure period by concentrating the bulk of deliveries within a managed four-week window, allowing installation to follow more closely behind delivery. The security measures set out in the Mitigation Measures section are calibrated to this defined and shortened period.

Highway Safety

Detailed transport assessments were undertaken as part of the permitted scheme, including swept path analysis, visibility splay assessments and localised highway works along the construction route. These assessments, carried out by Apex Transport Planning and reviewed and accepted by the Highway Authority, demonstrated that articulated vehicles up to 16.5m in

length can safely utilise the approved route with appropriate management and mitigation in place. The Highway Authority's acceptance of the route was described in its April 2023 (ref: *REDACTED Tophams - Highways Response 18.04.2023*) correspondence as a 'reasonable and pragmatic approach,' noting that it 'accept[s] the very broad principle of this route subject to the above restrictions and measures.'

The same correspondence makes clear that the Highway Authority's concern about articulated lorry movements was directed at the routine, day-to-day use of the route that local residents and other road users would experience consistently throughout the construction period. The 2-artic/day figure was agreed as the ceiling for that routine baseline.

The proposed four-week uplift is a different kind of activity. It is a discrete, time-limited and closely managed delivery phase, not a change to the routine construction baseline. The 2-artic limit resumes in full immediately after the four-week window. The variation therefore does not seek to raise the ceiling on routine use; it asks only that a different category of activity, intensive but contained, be permitted within a managed window.

Automatic Traffic Counter (ATC) surveys undertaken by Apex in January 2023 and January 2024, and reviewed and accepted by the Highway Authority as part of the original application's evidence base, confirm that Ashwell Road already accommodates an average of 46 HGV movements per weekday, including a maximum of 13 OGV2 movements (4-axle rigid and articulated vehicles) per day. The route therefore already accommodates significant existing large vehicle movements on a routine basis, independently of the solar farm construction. The proposed temporary uplift to 8 articulated lorry visits per day within the approved 09:30-14:30 delivery window does not introduce a qualitatively different character of use to this route.

The Highway Authority's acceptance of the route's suitability for articulated vehicle use rests on the combined evidence base of the ATC surveys, swept path analysis, visibility splay assessments and localised highway works carried out at application stage, not on any single data set in isolation.

The proposed temporary uplift does not introduce any vehicle type, route, access point or management controls that have not already been assessed and accepted by the Highway Authority. Articulated vehicle movements during the four-week delivery window would continue to be managed through the booking system and site management controls set out in the approved CTMP, and would remain subject to the approved hours of operation (9:30am to 2:30pm) as required by Condition 5.

Response to 14 May Highways Correspondence

In further correspondence dated 14 May 2026, the Area Manager (East) for Highways Development Management set out additional reasoning for the Highway Authority's position, focusing on the geometry of the approach route and the possibility of meeting events between an articulated lorry and another larger vehicle. The applicant has carefully considered this further reasoning and addresses it directly below.

The applicant accepts that, while the route comfortably accommodates car-to-articulated meeting events (as the Highway Authority confirms by reference to the existing vehicle tracking analysis), there are fewer locations along the route at which two larger vehicles can pass one another. This is precisely why the approved CTMP includes the booking system, banksperson controls, route monitoring and holding-area provisions already accepted by the Highway Authority. Those measures are designed to manage meeting events between large vehicles, and

they continue to apply in full during the proposed four-week uplift window, supplemented by the additional vehicle tracking and dedicated traffic marshal set out in this proposal.

The proposed uplift in articulated vehicle movements would not materially alter the existing highway risk profile. Even at peak, the proposed articulated movements would add only a modest increment to the existing baseline HGV traffic already using the route. The existing traffic profile on Ashwell Road equates to approximately one HGV movement every 13 minutes during the working day, independently of any construction activity. By comparison, the proposed uplift would result in approximately one articulated vehicle movement every 18 minutes 45 seconds within the defined delivery window.

While this represents an increase in overall movements, it is clear that the additional frequency remains modest in the context of the existing baseline. Interactions with opposing vehicles are therefore not a new or intensified phenomenon, but a continuation of conditions already experienced on the route. These interactions would remain limited in number, short in duration, and predictable in nature. The assessment itself is based on robust worst-case traffic flows, whereas deliveries would occur during off-peak periods when lower background flows can be expected. Furthermore, all movements would be actively managed through the approved CTMP, ensuring coordination and control.

The uplift would therefore result in a temporary and controlled increase in activity, rather than any sustained or intensive change to the operation of the route.

Two further controls eliminate the most acute case raised by the Highway Authority. The proposed booking system, and the dedicated traffic marshal stationed within Bygrave village, ensures that no two articulated vehicles will be on the route simultaneously during the uplift window. The articulated-to-articulated meeting event - which would present the highest geometric demand on the route, and which gives rise to the reversing manoeuvres described by the Highway Authority - is actively prevented by the management framework, not left to occur and then resolved on the carriageway. The articulated-to-other-HGV meeting case that remains is the same case already accepted at the 2-artic baseline, and at the existing 46 HGV/day baseline that operates on the route independently of the development.

A quantitative response to the meeting-event analysis, drawing on the approved swept path assessment, the existing vehicle tracking and the ATC survey data, is provided in the accompanying Apex Transport Statement Technical Note (TN05 Issue 2), to which the Local Planning Authority and Highway Authority are respectfully referred.

Planning Policy Context

National Planning Policy Framework (NPPF, December 2024)

The proposed variation is consistent with the National Planning Policy Framework (NPPF, December 2024). The following provisions are of particular relevance.

Chapter 9 - 'Promoting Sustainable Transport' sets out the framework for assessing transport impacts of development. Paragraph 116 of the NPPF establishes the governing test for transport-related refusal:

"Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

This is the standard against which the Highway Authority's current stance must be assessed. In its correspondence dated 14 May 2026, the Highway Authority advanced reasoning grounded in the geometry of the approach route and the probability of meeting events between articulated lorries and other large vehicles; that reasoning is engaged within the Response to 14 May Highways Correspondence section of this letter. For NPPF purposes, the relevant point is that the reasoning does not establish either an 'unacceptable' impact on highway safety or 'severe' cumulative impacts on the road network, as required by Paragraph 116. The Authority's stated preference for spreading movements over a longer period 'to ensure minimal impact day to day' is a preference as to the distribution of movements; it is not a finding that the proposed distribution would result in unacceptable or severe impact under the NPPF test.

The route, the vehicle type and the management framework relied upon during the four-week uplift window are those already assessed and accepted by the Highway Authority in 2023, an assessment the Authority described at the time as a 'reasonable and pragmatic approach.' As the Apex Transport Statement Technical Note (TN05 Issue 1) confirms at paragraph 3.1.4, the two-articulated-vehicle-per-day figure secured by Condition 26 is not a fundamental safety threshold but a negotiated daily management figure agreed in the context of a longer construction phase. A modest temporary increase in the frequency of those movements, on the same route, in the same vehicles and under the same framework, does not engage the NPPF Paragraph 116 threshold of an 'unacceptable' impact grounded in evidence.

Paragraph 115 requires that transport impacts be appropriately mitigated and that restrictions should not be imposed on development where impacts can be managed to an acceptable level. The proposed four-week uplift is a proportionate response and is managed within the existing CTMP framework through the approved booking system, banksperson provision, route monitoring and restricted delivery hours. The variation also reduces the cumulative period of intensive articulated activity on the local road network from approximately 22.6 weeks to approximately 10.6 weeks, and accordingly reduces, rather than introduces, cumulative impacts that the existing daily limit would otherwise generate.

Paragraph 57 of the NPPF sets out the six tests for planning conditions: that conditions must be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects. The proposed variation maintains a condition that satisfies all six tests. The reasonableness test merits particular attention here. The stated reason for Condition 26 is 'to ensure the impact of construction vehicles on the local road network is minimised', and minimisation, properly understood, requires assessment across the construction programme as a whole rather than a snapshot of any given day in isolation. A rigid 2-artic/day limit whose practical effect is, as set out in the approved CTMP, to extend the duration of construction by approximately 14 weeks, and correspondingly to extend the period over which construction traffic is present on the local road network, sits in tension with that test of reasonableness because its practical effect is contrary to the condition's own stated objective. A condition directed at minimising construction vehicle impact is better served by a shorter and more concentrated construction programme than by a longer one.

Cumulative Impact and the Condition's Stated Objective

The stated reason for Condition 26 is *"to ensure the impact of construction vehicles on the local road network is minimised."* The proposed variation supports this objective directly. A construction programme shortened by 14 weeks, with a concentrated and closely managed module delivery phase of four weeks followed by a return to the 2-artic baseline, minimises the cumulative period over which construction traffic is present on the local road network. A

prolonged programme arising from rigid application of the daily limit produces the opposite result: more total vehicle movements, a longer period of disruption, and outcomes contrary to the condition's own stated purpose.

The word 'minimised' in the condition's reason is significant. It does not say 'controlled per day.' Minimisation of impact requires assessment across the construction programme as a whole, not a snapshot of any given day in isolation. The Highway Authority's stated preference, that spreading movements over a longer period 'ensures minimal impact day to day,' addresses only one dimension of that objective. A condition interpreted so as to extend the duration of construction traffic on the highway network cannot rationally be said to minimise impact.

The Highway Authority's preferred position does not reduce the volume of articulated traffic on the local road network. As set out above, the same 452 two-way articulated movements occur under either approach. What changes between the two approaches is the duration of the articulated delivery phase, and therefore the period during which intensive articulated activity is present on the route.

Under the 2-artic/day limit, that phase takes approximately 22.6 weeks. Under the proposed variation, comprising the four-week uplift window followed by a residual phase of approximately 6.6 weeks at the 2-artic baseline, the phase reduces to approximately 10.6 weeks, as set out in the Apex Transport Statement Technical Note (TN05 Issue 1). The variation therefore delivers a reduction of approximately 12 weeks in the period during which intensive articulated activity is present on the route, directly serving the condition's objective of minimising the impact of construction vehicles on the local road network.

The same minimisation analysis applies to worker vehicles, which are construction vehicles for the purposes of the condition. The 700 additional worker vehicle movements arising from the 14-week programme extension are a practical consequence of the existing daily limit, not of the development itself. A condition interpreted so as to add 700 worker vehicle movements to the local highway network, as the practical effect of its application, cannot rationally be said to minimise the impact of construction vehicles on that network. The proposed variation removes that practical effect.

Planning Practice Guidance

The Planning Practice Guidance on the Use of Planning Conditions reinforces this analysis. Paragraph 001 (Reference ID: 21a-001-20140306) requires conditions to be 'tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls', and Paragraph 008 (Reference ID: 21a-008-20140306) provides that conditions controlling the sequence of development should be agreed in light of the planned sequence for developing the site, the impacts on viability and the tests of reasonableness and necessity. When Condition 26 was imposed, the detailed construction methodology and logistics programme had not been finalised. The proposed variation tailors the condition to the construction sequence as now understood, in a manner consistent with these principles.

Reason for the Condition

The stated reason for Condition 26 is 'to ensure the impact of construction vehicles on the local road network is minimised.' For the reasons set out in the Cumulative Impact and the Condition's Stated Objective section above, the proposed variation supports this objective more effectively than continued operation under the existing daily limit.

The stated reason does not cite any local planning policy. The condition therefore stands on its own objective as a traffic management measure. The applicable test for any highway-related objection is accordingly that set out in NPPF Paragraph 116, which is replicated in Local Plan Policy T1: development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or where residual cumulative impacts on the road network would be severe. For the reasons set out in the preceding sections, the reasoning advanced by the Highway Authority does not establish that either limb of that test is met.

Mitigation Measures for the Module and Frame Delivery Phase

The applicant recognises that the proposed temporary uplift to 8 articulated lorry visits per day represents an increase above the baseline set out in the approved CTMP, and that appropriate mitigation should be put in place to manage its effects on the local road network and on residents during that period. The measures below are proposed specifically for the four-week delivery window and are in addition to, and consistent with, the controls already established in the approved CTMP.

Full details are set out in the amended CTMP (Addendum) submitted alongside this application, which will govern the construction programme in the event that the S73 variation is granted.

Dedicated Traffic Marshal

Two dedicated traffic marshals will be deployed for the full duration of the four-week module delivery window: one at a fixed location in Bygrave village, and one at the Great North Road layby. Their role will be to ensure that no two articulated vehicles are on the construction route simultaneously, communicate in real time with the site access point, and act as a visible point of contact for residents. Both marshals will be in continuous radio contact with the site manager.

Booking and Holding System

All articulated vehicle movements during the delivery window will be managed through the vehicle booking system established in the approved CTMP, with a maximum of 8 visits booked per day. Deliveries will be spaced at approximately 43-minute intervals across the 09:30 to 14:30 window, ensuring that no two articulated vehicles share the route at the same time. The site has total holding capacity for 8 vehicles (6 on the construction compound and 2 in the Great North Road layby), so no vehicle will need to wait on the public highway.

Restricted Delivery Hours

All articulated movements during the delivery window will remain subject to the approved hours of operation of 09:30 to 14:30, Monday to Friday only, as required by Condition 5. These hours sit outside the school run and the busiest weekday commuter periods, limiting interaction with peak local activity. This restriction remains unchanged from the approved CTMP and is not varied by this application.

Community Notification and Liaison

Not fewer than five working days prior to the commencement of the increased delivery window, the applicant will write directly to all residential properties on Ashwell Road and Bygrave Road within 500 metres of the site access, providing the start date, anticipated duration, daily delivery hours and the site manager's direct contact details. A dedicated WhatsApp notification group will be established for the duration of the window, connecting PACE's construction team with Bygrave Parish Council representatives and agreed community contacts, for real-time updates and queries. To provide additional flexibility, the four-week window can be structured as two

separate two-week periods within a broader indicative window, at the Parish Council's option. A further notification will be issued at the conclusion of the window to confirm reinstatement of the 2-artic/day baseline.

Daily Monitoring and Reporting

A daily movement log will be maintained throughout the four-week delivery window, recording arrival and departure times, total movements per day and any incidents or complaints received. The log will be made available to the Local Planning Authority and the Highway Authority on request.

Reinstatement of Baseline on Conclusion

On conclusion of the delivery window, the 2 articulated lorry visit per day limit will be reinstated and will apply for the remainder of the construction programme. The applicant will notify the Local Planning Authority and the Highway Authority in writing within two working days to confirm reinstatement. This commitment will be incorporated into the amended CTMP.

The applicant considers that these measures, taken together, provide a proportionate management framework for the four-week delivery window. They build on the controls already in place under the approved CTMP and ensure that the temporary uplift is managed in a manner that is transparent, accountable and subject to real-time oversight.

Proposed Variation to Condition 29 (Enabling Works)

Current Wording and Proposed Amendment

The current wording of Condition 29 is set out in the Background section of this letter. The applicant proposes a single amendment: to replace the reference to 'HGV movements' with 'articulated lorry movements' in the trigger for completion of the enabling works. All other wording of Condition 29 is unchanged.

Justification

The enabling works required under Condition 29 comprise temporary alterations to the North Road / Bygrave Road junction designed to accommodate the swept path requirements of articulated vehicles during the construction period. Rigid HGVs can navigate the existing junction geometry without these alterations; the works exist because of the physical constraints on articulated vehicle movements at this junction specifically.

Condition 26 already draws a clear distinction between HGVs generally and articulated lorries as a specific subset, imposing different controls on each category. The current wording of Condition 29, which uses the blanket term 'HGV movements', does not reflect that distinction. The proposed amendment aligns the language of Condition 29 with the approach already established in Condition 26 and with the physical purpose of the works themselves.

In practical terms, the amendment would allow the early phases of construction, which rely on rigid vehicles for tasks such as fencing, compound setup and civils, to proceed while the Section 278 agreement for the enabling works is finalised and the works are carried out. This would avoid an unnecessary delay of approximately 3.5 months to the construction programme without giving rise to any highway safety concern, as the junction in its current form is suitable for rigid HGV use.

The enabling works are funded entirely by the applicant and represent permanent improvements to the local highway network. Condition 29 already provides for the junction to be retained in an alternative design demonstrating long-term betterment for highway users, rather than being returned to its original form. The works therefore have the potential to deliver lasting public benefit to the safety and functionality of the junction beyond the construction period of the development.

This amendment is a secondary matter and the applicant would be content for the Local Planning Authority to determine the Condition 26 variation independently of this amendment.

Proposed Variation to Condition 21 (External Appearances)

Current Wording

The current wording of Condition 21 is as follows:

"Prior to their erection on site details of the proposed colour finishes of all solar panels, frames, ancillary buildings, CCTV poles and cameras, equipment, and enclosures shall be submitted to, and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the development hereby permitted."

Reason: To ensure an appropriate visual appearance in the interests of minimising impact on the landscape in accordance with the NPPF and policies D1 and NE12 in the Local Plan."

Discharge of Condition 21

Condition 21 has recently been discharged by the Local Planning Authority, with approval granted for a powder-coated grey finish across the solar panels, frames, ancillary buildings, CCTV poles and cameras, equipment and enclosures.

Proposed Amendment

The applicant now proposes to vary the approved colour scheme to a green finish across the relevant structures and equipment. Full details of the proposed colour profiles are contained within the supporting documents submitted alongside this application.

Justification

The proposed amendment arises directly from community engagement undertaken by the applicant in advance of this submission. During discussions with Bygrave Parish Council and the wider community, residents raised concerns about the visual prominence of the BESS containers, inverter cabins and ancillary structures within the local landscape, and specifically requested that these be finished in a recessive green colour. The applicant agreed to seek this variation as a constructive response to that feedback.

The amendment is consistent with the condition's stated purpose of ensuring an appropriate visual appearance in the interests of minimising landscape impact. A green finish more closely aligns with that objective in the rural setting of the development, and is consistent with the applicant's Landscape and Visual Assessment, which envisaged the use of dark, recessive colours to reduce the wider visibility of structures associated with the development.

Proposed Condition Wording

Proposed Condition 26 Wording

"The construction of the development shall be carried out in accordance with the approved Construction Traffic Management Plan s73 - V7.3 CTMP Tophams amended 15.05.26, which confirms and identifies details of:

- *The full phasing of construction and proposed construction programme.*
- *The methods for accessing the site, including wider construction vehicle routing and a commitment to not using the right of way network at any time.*
- *The numbers of daily construction vehicles including details of their sizes, at each phase of the development, with a commitment to a maximum of 2 articulated lorry visits per day (i.e. 4 two-way trips), save for a single period of no more than 4 consecutive weeks during the PV module and mounting frame delivery phase, during which a maximum of 8 articulated lorry visits per day (i.e. 16 two-way trips) shall be permitted, in accordance with the details set out in the Construction Traffic Management Plan Addendum s73 ADDENDUM - V7.3 CTMP Tophams.*
- *The hours of operation and hours of all construction vehicle movements, with a commitment to all HGVs visiting the site (i.e. travelling along Ashwell Road / Bygrave Road) between 9:30am and 2:30pm only (as required by condition 5)*
- *Details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.*
- *Details of any hoardings.*
- *Control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels, and how it will ensure dirty surface water does not runoff and discharge onto the highway.*
- *The provision for addressing any abnormal wear and tear to the highway, to include a Highways Before & After survey*
- *The details of consultation with local businesses or neighbours.*
- *The details of any other Construction Sites in the local area.*
- *Waste management proposals.*
- *Signage*
- *Further assessment of the two tighter bends along Ashwell Road close to Wedon Way, with mitigation measures outlined if identified as necessary.*
- *Holding areas for HGV traffic associated with the development*
- *Ongoing monitoring of the construction route throughout the development construction*
- *Details of banksmen provision*

Reason: To ensure the impact of construction vehicles on the local road network is minimised."

Proposed Condition 29 Wording

"Prior to the commencement of any articulated lorry movements associated with the development construction, temporary alteration works to the North Road / Bygrave Road junction for the duration of the construction period, as shown indicatively on drawing number

C22028-ATP-DR-TP-007, shall be undertaken and retained for the duration of construction period. Within 3 months of the construction work being completed, the junction shall either be returned to its original design or an alternative design which demonstrates long term betterment for highway users.

Reason: To ensure the North Road / Bygrave Road junction is safe and suitable to accommodate the level and type of vehicles to use it associated with development construction, whilst retaining a safe and suitable environment for all other highway users."

The only amendment is the replacement of "HGV movements" with "articulated lorry movements" in the first line. All other wording, including the drawing reference, reinstatement requirement and reason, remains unchanged.

Community Engagement and Stakeholder Notification

Hertfordshire County Council - Highways Team

The Highway Authority has been engaged throughout the determination of the original application and during the subsequent discharge of Condition 26. Multiple rounds of correspondence have taken place specifically in relation to the 2-artic/day restriction, including the Highway Authority's offer of an exceptional circumstances provision dated 2 March 2026, its objection to the proposed uplift in correspondence dated 27 April and 1 May 2026, and its elaborated operational reasoning in correspondence dated 14 May 2026.

The substance of those exchanges, and the applicant's substantive response, are addressed in The Highway Authority's Position and Response to 14 May Highways Correspondence sections of this letter.

The applicant notes and welcomes the Highway Authority's recognition during the discharge process that some flexibility on the 2-artic limit is appropriate. However, an exceptional circumstances provision of 4 artics/day does not meet the applicant's operational requirements for the module delivery phase, which demands a structured and planned uplift rather than a reactive contingency measure. The applicant therefore proposes the maintenance of the 2-artic baseline as the standard construction programme limit, with a planned and closely managed 4-week increase to 8 articulated lorry visits per day during the discrete module delivery phase, subject to the mitigation measures set out in this letter and in the accompanying amended CTMP.

North Herts District Council - Development Management Team

The applicant has maintained direct and ongoing engagement with the Local Planning Authority throughout the discharge of Condition 26, working closely with the case officer across seven iterations of the CTMP to ensure all planning considerations were addressed. In the course of those discussions, and in response to the proposed variation to the daily delivery limit, the case officer advised that engagement with Bygrave Parish Council should be undertaken prior to any S73 submission and that appropriate mitigation measures should be clearly set out. The applicant has acted on that advice. A meeting was held with the Parish Council on 16th April 2026 at which the proposed temporary uplift, its rationale and its mitigation measures were presented in detail. The applicant is committed to maintaining the constructive relationship established with the Parish Council and the wider Bygrave community throughout the construction period, and regards ongoing dialogue with local residents as an integral part of responsible construction management on this site.

Bygrave Parish Council

A meeting was held with Bygrave Parish Council on 16th April 2026 at which the proposed temporary uplift to the daily delivery limit was presented, along with its rationale and the proposed mitigation measures. Following that meeting, the applicant set out its proposals in writing on 30th April 2026 and delayed submission of this application to allow those proposals to be considered at the Parish Council's meeting of 5th May 2026.

The Parish Council provided a written response on 6th May 2026 (Document Ref: *REDACTED Tophams - Parish Stance on Temporary Increase 06.05.2026*). The response addressed the applicant's proposed mitigation measures, including the dedicated traffic marshal stationed in the village and the option of splitting the four-week delivery window into two separate two-week periods to align with community-determined dates. On the highway safety aspects of the uplift, the response stated that any changes to the daily delivery limit and associated mitigation measures should be confirmed by the Highway Authority as not creating risk for other road users. The applicant accepts that position, which is addressed in the Highway Safety and Response to 14 May Highways Correspondence sections of this letter.

MP and Local Councillors

The Member of Parliament for North East Hertfordshire attended the community meeting held with Bygrave Parish Council on 16th April 2026, at which the proposed temporary uplift to the daily delivery limit and associated construction traffic arrangements were among the matters discussed. The MP subsequently wrote to the applicant on 29th April 2026 referencing the forthcoming Section 73 application and raising the volume and intensity of construction traffic and its cumulative impact on the village and its roads. The applicant responded on 30th April 2026, indicating how the matters raised would be addressed through this application and the accompanying amended CTMP, and confirmed its intention to continue engaging with the Parish Council and local representatives as the application progresses.

Submission Documents

Enclosed within and including this letter documents submitted in support of the Section 73 application are:

- UKF092_S73_Covering_Letter_SUB
- s73 - V7.3 CTMP Tophams amended 15.05.26
- s73 ADDENDUM - V7.3 CTMP Tophams
- C22028.TN05.Iss1 - Ashwell Road_TN - Supporting Section 73 App
- S73 Tophams - Material Finish Details 15.05.2026

Supporting Evidence (Email Chains)

- REDACTED Tophams - Highways Stance on Temporary Increase 02.03.2026
- REDACTED Tophams - Highways Stance on Temporary Increase 01.05.26
- REDACTED Tophams - Highways Stance on Temporary Increase 14.05.26
- REDACTED Tophams - Parish Stance on Temporary Increase 06.05.2026
- REDACTED Tophams - Attached PDF Parish Stance on Temporary Increase 06.05.26
- REDACTED Tophams - Highways Response 18.04.2023

Request

The applicant recognises and agrees in principle with the objective of Condition 26: to minimise the impact of construction vehicles on the local road network in the interests of highway safety and residential amenity. That objective is shared by the applicant, and the controls established in the approved CTMP, including vehicle routing, hours of operation, the booking system and site management procedures, reflect a genuine commitment to responsible construction management.

When Condition 26 was imposed, the detailed construction methodology and logistics programme for the development had not yet been finalised. It is through the subsequent discharge process, and in particular through detailed engagement with the appointed PACE Construction Team, that the practical implications of the two-articulated-vehicle-per-day restriction for the module, cabling and mounting system delivery phase have become fully apparent. This new information demonstrates that strict adherence to the limit during this specific phase of construction would, contrary to the purpose of the condition, extend the overall construction programme by approximately 14 weeks, generate approximately 700 additional worker vehicle movements on the local road network, increase cumulative highway and amenity impacts, and reduce the applicant's ability to deliver the development within the committed CfD and grid connection timescales.

The original grant of permission engaged the presumption in favour of sustainable development under NPPF Paragraph 11 and Policy SP1 of the North Hertfordshire Local Plan. The public benefits associated with the development were afforded significant weight at that stage. The proposed variation does not disturb that planning balance; it preserves it, by ensuring that the consented development can be delivered in a manner that protects those benefits within the timescale on which they were assessed.

This application does not seek to set aside the controls that the Local Planning Authority and Highway Authority have put in place. It asks only that, in light of the detailed construction information now available and the governing NPPF test at Paragraph 116, a targeted and time-limited adjustment be made to Condition 26, in order to achieve an outcome that better serves the condition's own stated objective. The associated amendments to Conditions 29 (Enabling Works) and 21 (External Appearances) are addressed in their respective sections above. The applicant respectfully submits that this is precisely the type of proportionate refinement that the Section 73 process is designed to accommodate.

The applicant thereby requests that Condition 21 (External Appearances), Condition 26 (CTMP) and Condition 29 (Enabling Works) of planning permission 22/00741/FP be varied in the terms set out above.

All other plans and documents listed in the permission remain as approved, and the applicant confirms that the development will be implemented in accordance with the varied permission and all associated conditions.

Yours sincerely,

Callum Wright

Planning Manager UK - PACE

