

Date of expiry of statutory period

Wednesday 29 January 2025

Extension of statutory period

Thursday 12 June 2025

Reason for Delay

Amendments to the application including the red line site boundary and delays in receiving additional information.

Reason for Referral to Committee

The site area for this application exceeds 1 hectare. Under the Council's scheme of delegation, the application must be determined by the Council's Planning Control Committee.

1.0 Site History

- 1.1 21/03380/FP – Full planning application for solar farm with associated battery storage containers, transformer stations, storage buildings, fencing etc. including means of access. This application was resolved to be granted by NHDC planning control committee on 22 November 2022, but the application was called-in by the Secretary of State (SoS) for determination. Following a call-in inquiry, the development was approved on 11 March 2024.

2.0 Policies

2.1 North Hertfordshire District Council Local Plan 2011-2031

Adopted 8th November 2022.

Policy SP1: Sustainable Development in North Hertfordshire
Policy SP5: Countryside and Green Belt
Policy SP6: Sustainable transport
Policy SP12: Green infrastructure, landscape and biodiversity
Policy SP13: Historic Environment
Policy T1: Assessment of transport matters
Policy NE2: Landscape
Policy NE4: Biodiversity and geological sites
Policy NE7: Reducing flood risk
Policy HE1: Designated heritage assets
Policy HE3: Non-designated heritage assets
Policy HE4: Archaeology

2.2 National Planning Policy Framework

Section 2: Achieving sustainable development

Section 13: Protecting Green Belt land
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

2.3 **Wymondley Parish Neighbourhood Plan (September 2019)**

Policy NHE1: Landscape Character
Policy NHE2: Biodiversity
Policy NHE3: Wildlife and Ecology
Policy NHE9: Historic Character and Heritage Assets
Policy GB1: Green Belt
Policy FR1: Flood Risk
Policy TM1: Roads

3.0 **Representations**

Consultees

3.1 **NHDC Environmental Health (Contaminated Land)** – No objection.

3.2 **NHDC Environmental Health (Air Quality)** – No objection.

3.3 **NHDC Environmental Health (Noise)** – No objection.

3.4 **NHDC Ecology** – No objection subject to conditions and the submission of a Biodiversity Net Gain Plan.

3.5 **HCC Highways** – No objection.

3.6 **HCC LEADS Archaeology** – No objection subject to three conditions.

3.7 **National Grid** – No objection subject to an agreement with the applicant and National Grid for the part of the cable route that is located on National Grid land.

3.8 **St Ippolyts Parish Council** – No objection.

3.9 **Neighbour and Local Resident Representations**

The application has been advertised via neighbour notification letters, the display of site notices and a press notice. At the time of finalising this report, one objection has been received.

3.10 The objection and issues raised are summarised as follows:

- Electromagnetic fields
- Electrical hazards
- Noise pollution
- Aesthetic concerns
- Habitat disruption

- Stray voltage and grounding issues
- Maintenance related disruptions
- Electrical interference
- Fire hazard
- Safety during extreme weather

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 This application relates to the solar farm scheme located to the north-east of Little Wymondley and the east of Great Wymondley which was granted planning permission in March 2024 (Council reference: 21/03380/FP).
- 4.1.2 The solar farm scheme was resolved to be granted by NHDC on 22 November 2022. The application was subsequently called-in by the Secretary of State (SoS) for determination. Following a call-in inquiry, the development was approved on 11 March 2024.
- 4.1.3 The current planning application relates to two areas of land, the first of which extends from the Stevenage Road/Arch Road/Blackmore End Road roundabout to the west of Little Wymondley in a south-westerly direction adjacent to Ash Brook before turning south towards the Wymondley substation. The second consists of land from the southern edge of the solar farm site in a roughly south-westerly direction adjacent to Wymondley Nursing Home before joining Stevenage Road and heading west along Stevenage Road up to the junction of Priory Lane and Tower Close. The exact location of the two areas of land can be seen in greater detail in the accompanying Statutory Plans and General Arrangement Plans.
- 4.1.4 The application site consists of two areas of land covering a total area of approximately 1.71 hectares including agricultural fields, greenfield land, woodland, public highway, road verges, a public bridleway, and would also cross Ash Brook watercourse in two locations.

4.2 **Proposal**

- 4.2.1 This application seeks full planning permission for an underground electricity cable route around 1.9km in length which would be installed from the Priory Farm Solar Array site to National Grid's Wymondley Substation. The underground cable installation would comprise two HV cable circuits and one fibre cable circuit. The cables would be wholly buried underground, within a trench that would be 900-1350mm deep and 900mm wide.
- 4.2.2 The previously approved solar farm scheme 21/03380/FP included a grid connection cable from the solar farm National Grid's Wymondley Substation off Blakemore End Road, St Ippolyts. The approved cable route runs from the solar farm site, west along Gravely Lane, before heading south along Priory Lane. The cable route then runs west along Stevenage Road, before heading south down Blakemore End Road, west along Sperberry Hill, and then north into Wymondley Substation.
- 4.2.3 The applicant has indicated that the reason for this subsequent application is to provide an alternative grid connection cable route that would be less disruptive than the currently

approved route. The amended cable route would avoid the use of Graveley Lane, Priory Lane, Blakemore End Road and Sperberry Hill, which in turn would prevent the need for any temporary road closures on Priory Lane and Graveley Lane. The applicant has confirmed that whilst the amended route would still utilise part of the highway network (Stevenage Road), the affected section of Stevenage Road could be kept open during the works, with one-way signalised traffic controls employed to safely manage the flow of vehicles.

4.2.4 The application is supported by the following documents:

- Planning Application Drawings
- Planning Statement
- Ecological Assessment
- Arboricultural Impact Assessment
- Heritage Impact Assessment
- Transport Statement

4.3 **Key Issues**

4.3.1 The key issues are:

- Principle of the proposed development and effect upon Green Belt
- Effect upon residents and neighbouring properties
- Highways Matters
- Impact upon Heritage and Archaeology
- Ecology and Biodiversity
- Trees and Landscaping

Principle of the proposed development and effect upon the Green Belt

4.3.2 Planning permission was previously granted for an underground grid connection cable as part of the solar farm scheme 21/03380/FP. The current planning application proposes an alternative underground grid connection cabling route to serve the solar farm. On this basis, it is considered that the proposal is acceptable in principle.

4.3.3 The site is in the open countryside within the Green Belt, with a small section of the site along Stevenage Road, located within the Little Wymondley settlement boundary. Local Plan Policy SP5 therefore applies which states:

“We support the principles of the Green Belt and recognise the intrinsic value of the countryside. Green Belt and Rural Areas Beyond the Green Belt are shown on the Policies Map.”

4.3.4 The applicant has confirmed that no above ground development is proposed. The construction phase is expected to last around 8 to 10 weeks. Therefore, any disruption would only be on a temporary basis. Once installed, the underground cables would not be visible and there would be no associated operational phase activities. Furthermore, the proposal would not result in the loss of agricultural land.

- 4.3.5 It is therefore concluded that due to the subterranean nature of the proposed development, there would be no impact upon the Green Belt, and the proposal would accord with Local Plan Policy SP5.

Effect upon residents and neighbouring properties

- 4.3.6 The applicant has clearly identified the benefits of this alternative grid connection cabling route when making a comparison with the previously approved cabling route. I agree with the applicant that by virtue of the new route using fewer public roads, this would be far less disruptive overall to local residents, especially during the construction and installation phase. The Highways Authority have also confirmed that they welcome this approach from a highway safety point of view.
- 4.3.7 One neighbour objection was received which has raised numerous concerns. These concerns are summarised in paragraph 3.10 of this report. Although I accept that residents may experience some noise and disruption associated with the construction phase, this would only be for a temporary period and was deemed to be acceptable by the Secretary of State by virtue of the previous cabling route approved through the solar farm application.
- 4.3.8 The applicant has confirmed that once installed, the cabling would be entirely underground and not visible above ground level. Based on the information presented by the applicant within the submission, I am satisfied that there would not be any electrical or fire hazard related issues associated with the proposal. Regarding all other matters, I am satisfied these have been addressed through the application supporting documents or are matters that can be suitably addressed by condition.

Highway Matters

- 4.3.9 The applicant has indicated that the reason for this application is to provide an alternative grid connection cable route that would be less disruptive than the currently approved route by omitting Graveley Lane, Priory Lane, Blackmore End and Sperberry Hill. The applicant has also set out details of proposed mitigation measures in 3.8.2 of their accompanying Planning Statement to minimise disruption during the construction phase. HCC Highways have confirmed in their consultation response that they welcome this approach from a highway safety point of view.
- 4.3.10 The accompanying Transport Statement (dated October 2024) confirms that all works associated with the grid connection cable route will be carried out by licence under Section 50 of the New Roads and Street Works Act. Therefore, the Highways Authority expects that works and traffic management associated with highway safety will be monitored by HCC's Network Management Team and covered by Section 50 licence compliance.
- 4.3.11 In conclusion on this matter, the proposed development would not result in any adverse impacts upon highway safety and would comply with policy T1 of the North Herts Local Plan.

Impact upon Heritage and Archaeology

- 4.3.12 The proposal is for the installation of a cabling route which would require the excavation of a narrow trench with limited wider ground works. As a result of this, the applicant

undertaken a Heritage Impact Assessment which is attached to Appendix C of the Planning Statement.

- 4.3.13 The report concludes there are varying degrees of archaeological potential throughout the cabling route ranging from low potential up to high potential and proposes the implementation of an appropriate archaeological mitigation strategy that is designed to take cognisance of the possible impacts upon heritage assets by the proposal and avoid, minimise or offset any such impacts as appropriate.
- 4.3.14 In response, the Senior Historic Environmental Advisor from Hertfordshire LEADS has recommended a suitable mitigation strategy and the imposition of conditions requiring the submission of an Archaeological Written Scheme of Investigation to agree the scope of the works required, and the subsequent submission of a Site Investigation and Post Investigation Assessment.
- 4.3.15 In conclusion on this matter, the proposed development would comply with policy HE4 of the North Herts Local Plan.

Ecology and Biodiversity

- 4.3.16 The applicant has provided a detailed Ecological Assessment report of the likely ecological effects of the cable installation. A copy of the report is attached to Appendix A of the Planning Statement.
- 4.3.17 The report confirms that the survey area does not form part of any statutory designated sites. Furthermore, no direct or indirect impacts on statutory designated site for nature conservation are anticipated by virtue of separation distance, the restricted scale and nature of proposed development and lack of functionally linked land.
- 4.3.18 The survey area does contain one non-statutory designated site; Wymondley Substation Local Wildlife Site (LWS). Direct impacts are anticipated at Wymondley Substation LWS to facilitate the new cable installation. However, the impact is small and will be mitigated for via the implementation of a soil management. In this regard, a suitable pre-commencement condition has been imposed to address this matter.
- 4.3.19 The proposed development is subject to mandatory Biodiversity Net Gain (BNG) requiring a minimum of a 10% net gain for habitat units. This is an obvious benefit brought about by the proposed development. The applicant has confirmed in the technical note produced by Avian Ecology (dated 04 March 2025) that the narrow characteristics of red line boundary of the cabling route site mean that there is limited scope to achieve 10% on-site net gain, with the provision of an off-site mitigation area being a more realistic proposition, possibly within the boundaries of the consented solar farm site (Council reference: 21/03380/FP). NHDC's senior ecologist has confirmed that off-site mitigation would be an acceptable approach, the exact details of which can be agreed through the submission of a Biodiversity Net Gain Plan.
- 4.3.20 In conclusion on this matter, the proposal would accord with Local Plan Policies SP12 and NE4.

Trees and Landscaping

- 4.3.21 A tree survey of the cabling route together with an Arboricultural Impact Assessment are attached to Appendix B of the Planning Statement. The tree survey confirms that the application site includes a total of thirteen individual trees, sixteen groups of trees, three woodlands and one hedgerow. Further details are provided on the Tree Survey Plan drawings (Drawing Nos. 12556-T-04 and 12556-T-05). The proposed cable route passes a diverse collection of deciduous and coniferous species, with over half of the surveyed material being graded as high and moderate quality. Much of the material is mature roadside planting, or groups of trees and woodland forming riparian planting and screening features. There are no veteran or ancient trees or woodland located on or adjacent to the site.
- 4.3.22 The applicant has confirmed that the proposal would not result in the need to remove any trees, woodland or hedgerows due to the construction methods that will be utilised along the route which includes mechanically excavated trench, trenchless HDD solutions, broken trench/hand digging techniques and the routing of the cable trench to make use of existing gaps in tree cover where possible.
- 4.3.23 On the basis of the above, it is therefore concluded that the proposal would not result in any adverse impacts relating to trees or landscaping on or adjacent to the application site, and there would be no conflict in relation to Local Plan Policies NE2 and NE4.

Planning Balance and Conclusions

- 4.3.24 Following an assessment of the application, it is considered that the proposed development is acceptable in principle by virtue of the previous underground grid cabling route approved as part of the solar farm application 21/03380/FP. Also of significance, is the reasoning behind this application to provide an alternative cabling route and the direct correlation this has with the solar farm permission 21/03380/FP.
- 4.3.25 I agree with the applicant's assertions that the new route would be less disruptive to local residents and road users in terms of traffic management during the construction phase by virtue of the new route requiring far fewer public roads to accommodate the cabling route.
- 4.3.26 In terms of the effect upon the Green Belt, I consider there would be no material harm. In essence, the proposed development is for an engineering operation with no associated permanent structures or development proposed above ground level. Although there would be some disruption associated with the construction phase, this disruption would be temporary lasting around 8 to 10 weeks. Once installed, the cabling would be entirely underground and not visible.
- 4.3.27 The proposed development is also subject to 10% mandatory biodiversity net gain (BNG), which is an obvious benefit brought about by the scheme.
- 4.3.28 Overall, the proposal would accord with the relevant local plan policies, and where applicable, I am satisfied other matters can be suitably addressed by condition.

4.4 Alternative Options

None applicable (see 'Key Issues' section of this report above).

4.5 **Pre-Commencement Conditions**

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

5.0 **Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 **Recommendation**

- 6.1 That full planning permission be **GRANTED** subject to the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed below:

- Drawing No. 3656-01-002a – Statutory Plan (1 of 3)
- Drawing No. 3656-01-002b – Statutory Plan (2 of 3)
- Drawing No. 3656-01-002c – Statutory Plan (3 of 3)
- Drawing No. 3656-01-003a – General Arrangement (1 of 3)
- Drawing No. 3656-01-003b – General Arrangement (2 of 3)
- Drawing No. 3656-01-003c – General Arrangement (3 of 3)
- Drawing No. 3656-01-004 – Cable Trench Details Plan
- Transport Statement 3656-01-TS01 produced by Axis dated October 2024
- Heritage Impact Assessment produced by AOC Archaeology dated July 2024
- Arboricultural Assessment (Rev A) produced by FPCR dated July 2024
- Ecological Assessment Report (v2) produced by Avian Ecology dated August 2024
- Ecological/BNG Information Note produced by Avian Ecology dated 4 March 2024

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. A) No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning

authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

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

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

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

Reason: To comply with the provisions of Local Plan Policy HE4.

4. No development shall take place (including ground works or vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) should be informed by the 2024 Ecological Assessment and include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures to avoid or reduce impacts during construction to include Reasonable Avoidance Measures (RAM's) for Herptiles and Hedgehogs.
 - d) The location and timing of sensitive works to harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the living conditions of nearby residents and to ensure that construction works do not have a harmful environmental effect during the construction phase of the development.

5. During the installation of underground cables, no spoil or material shall be stored adjacent to Stevenage Road, Little Wymondley within the extent of flood zone 3, nor along any part of Priory Lane.

Reason: To ensure that the storage of spoil and other material does not impede flood water flows nor increase flood risk during construction of the development, and to comply with Policy NE7 of the North Hertfordshire Local Plan 2011-2031.

6. No excavation of trenches for cabling within Wymondley Transforming Station Local Wildlife Site (LWS) shall take place until a soil management plan has been submitted to and approved in writing by the Local Planning Authority. The soil management plan shall include the following:
 - i) An ecological survey of the route across the LWS.
 - ii) Details relating to the lifting, storage and replacement of turves, including the season when this will take place.
 - iii) Proposed aftercare and management.

The works shall be undertaken in accordance with the approved management plan.

Reason: To minimise the impact upon the ecological and biodiversity interest of the Wymondley Transforming Station LWS in accordance with Policy NE4 of the North Hertfordshire Local Plan 2011-2031.

7. During the construction phase of the development hereby approved, no construction activities shall take place outside of the following hours: Monday to Friday 08:00-18:00, and Saturdays 08:00-13:00. No construction activities shall take place at any time on Sundays or bank holidays, and piling shall only be undertaken between 09:00 and 17:00 Monday to Friday.

Reason: To protect the living conditions of local residents in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

8. No development shall take place until an Arboricultural method statement identifying measures to protect trees and hedgerows to be retained, has been submitted to, and approved in writing by, the local planning authority. The statement shall include a tree and hedgerow protection plan and measures to protect trees and hedgerows during site preparation, construction, and landscaping operations.

Reason: To protect trees hedgerows, and to safeguard the character and appearance of the area.

9. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that **development may not begin** unless:

- a) A Biodiversity Gain Plan has been submitted to the planning authority, and
- b) The planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be done which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

7.0 **Appendices**

7.1 Appendix 1 – Secretary of State (SoS) decision letter for application 21/3380/FP.

Proactive Statement:

Planning permission has been granted for this proposal. The Council has acted proactively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informatives:

Highways Informatives

1. HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) Street works licence (New Roads and Street Works Act - Section 50): The applicant is advised that they are not authorised to carry out any work within the Public Highway and that to do so they will need to enter into a legal agreement with the Highway Authority (NRSW agreement). This consent is separate and additional to any planning permission that may be given. Before proceeding with the proposed development, the applicant shall obtain the requirements and permission for the associated placement of apparatus within the adjacent highway as part of the proposal via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx> or by telephoning 0300 1234 40047. This should be carried out prior to any new apparatus is placed within the highway.

AN2) Gravel / shingle driveways: Where loose gravel or shingle is used, a suitable measure to prevent material spilling onto the road/footpath/verge must be installed. It is an offence under section 148 of the Highways Act 1980 to deposit debris onto the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Further information is available by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.