

Dear Mr Greaves

**Land West of Ashwell Road, Bygrave - Solar Plant
26/01224/S73: Variation of Condition numbers 21, 26 and 29 of planning
permission reference (22/00741/FP)**

I am writing to you in my capacity as Chairman of Bygrave Parish Council.

Introduction

Planning permission was granted on 17 June 2024 for a ground mounted solar photovoltaic (PV) plant including battery energy storage; continued agricultural use, ancillary infrastructure, security fencing, landscaping provision, ecological enhancements and associated works. The Decision Notice set out a number of Planning Conditions to which approval was subject.

On 21 May 2026, we received notification from NHC that the developer, Pathfinder Clean Energy ("PACE"), had submitted a Section 73 application to vary three of those conditions, as follows:

- Planning Condition 26 – to amend the condition to provide for a four-week period during which the maximum number of daily articulated lorry visits would increase from two to eight
- Planning Condition 29 – to amend the wording to refer to "articulated lorry movements" as opposed to "HGV movements"
- Planning Condition 21 – to vary the colour scheme

As a Statutory Consultee, Bygrave Parish Council has been asked to consider PACE's application and provide a response to NHC by 20 June 2026.

Summary response by Bygrave Parish Council

Bygrave Parish Council has reviewed the application and its response is as follows:

- Proposed amendment to **Planning Condition 26 – strong objection**
- Proposed amendment to **Planning Condition 29 – position reserved pending receipt of further information**
- Proposed amendment to discharge of **Planning Condition 21 – supported but a further amendment requested below**

Set out in the attached is detail on Bygrave Parish Council's concerns, comments and information requests regarding this application for each of the proposed changes to the Planning Conditions.

Construction of the Battery Energy Storage System (BESS)

Bygrave Parish Council is concerned that in the Construction Traffic Management Plans, the assessment of the expected vehicle movements and construction timeframe make no mention of the work required in respect of the BESS. For example, according to the planning application, there will be 14 battery storage units each 14 m in length. These will need to be delivered to the site by articulated lorry, as they are too long for a rigid vehicle. There is no mention of these in the details of vehicle movements in the Plans.

We request confirmation that the BESS construction work has been taken into account in the Construction Management Plans. If not, we respectfully request that PACE be required to submit a revised Construction Management Plan.

Next steps

We would be grateful if you could arrange for us to receive the additional information requested.

We would be happy to discuss any points in our letter if that would be helpful.

James Colegrave
Chairman
Bygrave Parish Council

Proposed amendment to Planning Condition 26

Background

In the period prior to planning approval being granted, the route for construction traffic was robustly challenged by numerous parties including HCC Highways, Bygrave Parish Council, the local NHC ward Councillor, Bygrave villagers and other users of the proposed route. HCC Highways agreed not to recommend refusal of the application for the development subject to planning approval being subject to a number of planning conditions including a limit on the number of articulated lorry visits of a maximum of two per day.

The reasoning behind the imposition of this limit was set out in correspondence from Matt Armstrong (HCC Highways) to Harmand Sond and David Chapman (acting on behalf of PACE) dated 18 April 2023:

- The overriding point is that Ashwell Road / Bygrave Road is not designed for routine articulated lorry movements. The fact that its access with North Road needs widening to accommodate them testifies to this. However, with the various mitigations and measures you propose, along with the additional points we raise below, we are willing to accept an absolute maximum of 2 articulated lorry visits per day (i.e. a total of 4 two-way movements per day). I believe this level is what was presented early on, and a "slightly higher demand of 3-4" is a newer proposal which in our view tips this over the edge to a more routine daily use – along a stretch of highway which is not designed for this, and where many of its users will not be expecting vehicles of this size to approach.

Further background to the restriction was set out in Matt Armstrong's letter of 13 August 2023 which included the following commentary:

The applicant was seeking around 4 articulated lorry visits per day, but we have made clear that an absolute maximum of 2 articulated lorry visits per day is permissible (i.e. a total of 4 two-way movements per day). This will reduce the incidence of other highway users meeting such a vehicle along this route. In addition, all HGVs of whatever size must only use this route between 9:30am and 2:30pm, to avoid peak hours, avoid school opening and closing times, and avoid the existing/observed Ashwell Road HGV peak times.

PACE refers in its letter of 11 May 2026 to the two articulated lorry visit restriction being "imposed" but this does not accurately reflect events. In fact, PACE accepted this restriction which was confirmed via email (from Grant Price) dated 9 May 2023 and in its document of 13 June 2023 entitled "Transport Note: Summary of Post-Application Discussions".

Inclusion in planning approval of Planning Condition 26

HCC Highways requested that if planning approval were to be granted that it be subject to Planning Condition 26.

As noted above, PACE agreed to the Planning Condition and was asked on numerous occasions prior to planning approval being granted (including by two Councillors at the North Herts Council Planning Control Committee "PCC" meeting on 17 June 2024) how long construction was expected to take and whether this factored in the two articulated lorry visits daily limit. On each occasion, PACE's response was that construction would take 30-35 weeks and, yes, the two articulated lorry visits daily limit had been factored in. It is clear that this was pivotal to the PCC's decision to grant approval.

Whilst Bygrave Parish Council remains of the view that the construction route is not suitable, it takes comfort from the planning conditions (including Planning Condition 26) recommended by HCC Highways and agreed by NHC's PCC.

Events leading up to PACE's request to amend Planning Condition 26

PACE did not initially request a change to the daily limit of two articulated lorry visits but instead tried to get approval to a Construction Traffic Management Plan which did not comply with this

restriction set out in Planning Condition 26. Its first attempt was to commit to a **daily average**, over the whole of the construction period, of no more than two articulated lorry visits. This clearly did not meet the requirements of Planning Condition 26, so was rejected. Its next attempt was to commit to the daily limit of two articulated lorry visits for the **majority** of the construction period. Again this was rejected by HCC Highways. Following correspondence with PACE, HCC Highways offered a degree of flexibility permitting an increase from two to four visits in **exceptional circumstances**. We take this to mean that if exceptional circumstances were to arise, the limit for that day could be increased from two to four articulated lorry visits.

However, PACE rejected HCC Highways' proposal and stated that it wanted an increase to eight daily visits for a four-week period. HCC Highways refused to support this request on the grounds of **"public safety and network impact"**.

Why is PACE requesting a change to Planning Condition 26?

PACE has now stated that if it is to comply with the two articulated lorry restriction, there will be an increase in the total construction period from 30-35 weeks (as previously stated) to 49 weeks.

The reason given by PACE for this increase in the construction timeframe is "refinements in the construction programme"; this is not credible.

The proposed number of articulated vehicles has decreased from 336 to 226 but in spite of this, the construction period has increased by 50%. Presumably if 336 articulated vehicles had been required, the construction timeframe would have been more than double the 30-35 weeks initially claimed. Such big discrepancies from the initial calculations, on which approval was granted, cannot be explained away as the result of "refinements". It is more likely that detailed calculations were not carried out until recently; detailed calculations which one would have expected to be carried out to support PACE's claims that it could comply with the terms of Planning Condition 26 and deliver the project within 30-35 weeks. If detailed calculations were carried out, they must surely have been incorrect.

We note that PACE caveats the stated construction timeframes as "being subject to the constructor's timescales"; it would be helpful to understand what this means and what the likelihood is of the project being delivered within the stated timeframes.

We also note that the proposed amendment to Planning Condition 26 does not preclude PACE from requesting a further amendment in due course, suggesting a lack of confidence in its own projections and calculations.

Whatever the reason for PACE's recent calculations giving significantly different results to its earlier calculations, the fact still remains that the **information provided by PACE to the PCC** (information on which planning approval was granted) **was materially incorrect**.

Why does PACE want a 35-week construction period?

PACE sets out two reasons for wanting a 35-week construction period: security and storage; and residential amenity.

PACE states that there is an increased risk of theft of components associated with a longer period of storage on site before installation. However, any increase in risk could be readily addressed without increasing the limit on daily articulated lorry visits. First, we do not understand why (as PACE claims) construction work cannot begin until all the components are on-site; the development is bound to be staged in any event. Whilst it might be preferable, and possibly more efficient, to wait, we do consider it to be necessary. Secondly, PACE could put in place increased security measures at the site, such as an out-of-hours security presence, to mitigate any increased risk.

As regards residential amenity, we agree that an increased construction period would be disruptive and we do not believe this should be allowed. However, there are other, far more appropriate, solutions to address this than permitting more daily articulated lorry visits. For example, PACE could deliver a smaller development, could use smaller (non-articulated) delivery vehicles or could route some of the construction traffic through the landowner's property.

We agree that an additional 700 construction worker vehicle movements (which incidentally looks on the high side to us – has allowance been made for the average daily number of workers being lower for a longer construction period?) is not ideal but this could be addressed by other measures such as lift sharing; something which PACE undertook to look at as part of its application. In any event, assuming that the figure of 700 is accurate, the average number of weekly worker vehicle movements falls from 150 to 121 with a 49-week construction period.

The requested increase in the permitted number of daily articulated lorry visits would not, as PACE claims, improve amenity; it would have a significant detrimental impact. There would be a material adverse impact on road users from both a public safety and network perspective. In addition, the impact on the residential amenity of people who live in homes along the construction route would be severely increased.

Maximisation of profits

In our view, the key driver for PACE requesting the amendment to Planning Condition 26 is to **maximise profits**. A longer construction period may increase costs but, of more importance, a 49-week construction period is likely to mean that the development would not be operating until after the main Summer months in 2027, when solar generation is at its highest.

As shown above, PACE could deliver a development within 35 weeks without an increase to the permitted daily limit on articulated lorry visits but there would likely be an impact on PACE's profits.

In no circumstances should public safety and residential amenity be compromised simply to enable a developer to maximise its profits.

PACE's relationship with Bygrave Parish Council and the local community

Throughout the planning process and after planning approval was granted, PACE has refused to engage with Bygrave Parish Council and the local community and has largely disregarded our views and interests. Once planning approval was granted, PACE stopped responding to Bygrave Parish Council's emails including requests for meetings, agreement of the community benefit payments and the setting up of a community liaison group; something which PACE had previously committed to.

We were interested to learn from PACE's letter that the meeting which we had with them on 16 April 2026 was a consequence of advice from NHC that they liaise with us. We had been requesting a meeting for some time and were delighted when PACE finally agreed to it; we had no idea at the time that PACE had an ulterior motive for agreeing to the meeting. We had agreed an agenda with PACE in advance of the meeting but it was not until the meeting that PACE made us aware of the increased construction timeframe and their intention to increase the daily limit on articulated lorry visits to address this. We expressed our dismay at this, noting the number of times that PACE had confirmed that it could deliver on a 30-35 week construction timeframe and adhere to Planning Condition 26. We also raised our concerns about the impact on public safety of an increase in the number of daily articulated lorry visits and said that we believed that public safety had been a key driver for the two vehicle limit being agreed with PACE. PACE informed us that, according to HCC Highways, the limit was not imposed as a safety measure. This is at odds with the correspondence which we have now seen between HCC Highways and PACE and our revisiting of the correspondence prior to planning approval being granted.

It is clear from PACE's letter of 11 May 2026 that it has a concerning lack of understanding of the impact that the construction traffic will have on people living along and/or using the construction route. The letter states that "... A four-week window is short enough that residents can plan around it ... ". However, people who live along Bygrave/Ashwell Road (and the side streets) have no option but to use the construction traffic route; there is no alternative. The only way for these people to avoid the construction traffic over this four-week period would be to not leave or return to their homes on weekdays between the hours 9.30 am and 2.30 pm. Clearly, this is not practicable.

Another illustration of PACE's lack of understanding is its proposal that notification of the commencement of the increased delivery window be restricted to the residential properties on Ashwell Road and Bygrave Road that are within 500 metres of the site access. As stated above, the impact of construction traffic will be felt by everybody living on Bygrave Road and Ashwell Road (and the side streets). On this point we note that as regards general notification of construction work (not just the proposed 4-week window), PACE does not intend to include the people living in the houses on Bygrave Road close to the junction with the A507. Although these homes are not within Bygrave Parish, we consider this to be a serious omission. The people in these houses will be heavily impacted by construction traffic, particularly as many of them park on the road meaning that construction vehicles will have to use the opposite side of the road when travelling to the site.

The impact of construction traffic will be felt by everybody using the construction route which includes a significant amount of traffic to and from Ashwell and the surrounding villages.

PACE's proposed mitigations

PACE has stated that it would ensure that there was never more than one articulated lorry on Ashwell Road or Bygrave Road at any one time. The measures intended to deliver on this commitment are two marshals and use of holding bays. In our view, these measures are inadequate for this purpose.

PACE has stated that there is holding capacity for a maximum of eight articulated lorries. However, the offsite holding bay is for just two articulated vehicles and it is a public layby on the opposite side of North Road. Accessing the layby will require crossing oncoming traffic holding up traffic behind. There is also the very real possibility that other vehicles will already be in the layby, as is frequently the case. If it is not possible to access the layby, there will be no option but for the vehicle to proceed to the site. Whilst there will be capacity for six articulated vehicles on site, it is unclear whether these holding bays will be used by all construction traffic.

There will be just one marshal along Bygrave Road and Ashwell Road. They will not be in a position to help sort out any vehicle conflicts, for example if an articulated vehicle meets another vehicle (this includes cars) on a narrow part of the road or a blind bend (of which there are a number along the route).

How robust are PACE's construction traffic calculations?

We have received no credible explanation for the significant change in the estimated construction timeframe. Consequently, we have doubts over the robustness of PACE's updated calculations. These concerns are reinforced by our experience of dealing with PACE throughout the planning process where the documents submitted by, and on behalf of, PACE were of low quality with errors, inconsistencies and omissions. This is illustrated by reference to the Construction Traffic Management Plan which despite numerous iterations still contains, errors, typos and omissions.

We note that PACE has yet to provide details of the expected deliveries to the site on a week-by-week basis. The various iterations of the Construction Traffic Management Plan have included a graph headed "Typical Movements During Construction (weekly movements)" but the graph is the same in each and every iteration. The illustration provided is of absolutely no value; in fact it could well prove to be misleading.

At this stage of the planning process, with construction work expected to begin very shortly, we would have expected PACE to be in a position to provide a graph showing the actual expected weekly vehicle movements for this development, reflecting the length of the construction period and the specified limit on the number of daily articulated lorry visits.

We would also have expected an updated estimate to be provided for the number of construction worker vehicle movements; the estimate included in the latest versions of the Construction Traffic Management Plan remains unchanged from estimates submitted prior to planning approval being granted, despite changes to the construction timeframe and proposed changes to the articulated lorry deliveries.

Transport Note

We have reviewed the Transport Note submitted by PACE to support its Section 73 application. The Transport Note includes reference to documents which we have been unable to find on the planning portal for either this application or the original planning application, namely:

- TN01 – referred to on page 7 of the Transport Note
- January 2023 ATC surveys – referred to on page 8 of the Transport Note 8

We would be grateful if we could be provided with copies of these documents. We will then revert with any questions or comments on the Transport Note.

Planning approval principles

We understand that a basic tenet of planning rules is that a retrospective application should not result in approval being granted where it would not have been granted had the application been submitted before construction commenced. We believe that this should extend to a retrospective application to amend a planning condition.

It seems clear from correspondence between HCC Highways and PACE that had the application considered by the PCC on 17 June 2024 been based on a four-week window with eight daily articulated lorry visits, HCC Highways would have recommended refusal. This alone would likely have resulted in the PCC refusing planning approval. The fact that there was lengthy debate at the PCC meeting on construction traffic and planning approval was granted on the Chair's casting vote reinforces our view that planning approval would have been refused.

Bygrave Parish Council response

Bygrave Parish Council **strongly objects** to PACE's proposed amendment to Planning Condition 26 on the grounds of adverse impact to public safety and residential amenity.

There are other options available to PACE which do not cause such issues and we would suggest that PACE should pursue these.

Proposed amendment to Planning Condition 29

Background

To enable articulated lorries of length 16.5 m (the maximum length allowed in the UK) to access Bygrave Road from the A507, changes are required to the road junction including repositioning of the pedestrian refuge. Planning Condition 29 requires that these (specified) changes are made prior to the commencement of any HGV movements associated with the development construction.

PACE has requested that this Planning Condition be amended to refer to articulated vehicle movements as opposed to HGV movements.

Before Bygrave Parish Council can finalise its position, further information and clarification is required.

Why is PACE requesting a change to Planning Condition 29?

PACE has stated that “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.”

Information required by Bygrave Parish Council prior to finalising its position

Set out below is information / clarification that we require to be able to properly consider PACE’s proposal:

- Confirmation (from HCC Highways) that non-articulated HGVs are able to safely access Bygrave Road without changes being made to the junction.
- PACE refers to using rigid vehicles to deliver the fencing but the Construction Traffic Management Plan states that articulated lorries will be used. We require clarification on this point. We also question why rigid vehicles are not being used as a matter of course, as this would reduce the number of articulated lorry visits required.
- PACE states that this amendment to the Planning Condition would avoid a 3.5 month delay to the construction programme. We would like information to support this claim along with confirmation that if the proposed amendment were agreed to, it would not extend the overall construction timeframe. We would ask that the response also addresses the following points:
 - With a 49-week construction period, we would be surprised if the proposed amendment to Planning Condition 29 would have a material, if any, impact on the overall construction timeframe. We would have expected that the rigid vehicle deliveries could be carried out over the same period as the articulated lorry deliveries.
 - With a 35-week construction period, if there is a delay of 15 weeks (3.5 months) between the rigid vehicle deliveries commencing and the articulated lorry deliveries being permitted, this would leave just 20 weeks for the articulated lorry deliveries and the completion and clear up of the construction work. If the construction work can be done that quickly, there would seem to be no need to amend Planning Condition 26 to meet the promised 30-35 week construction time frame.
 - How long the changes to the junction are expected to take and whether or not these will require road closures or other traffic restrictions.

Bygrave Parish Council response

Bygrave Parish Council will provide a formal response on this proposed amendment before the deadline date. If we do not receive sufficient information to enable us to form an informed view, we will object to PACE's proposal.

Proposed amendment to discharge of Planning Condition 21

Background

Planning Condition 21 requires that 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.

PACE submitted proposals to NHC which have recently been approved. PACE is seeking to amend its proposals to discharge Planning Condition 21.

Why is PACE requesting a change to Planning Condition 21?

At the meeting on 16 April 2026, Bygrave Parish Council raised concerns over some of PACE's proposals to discharge Planning Condition 21, specifically the colour to be used for the ancillary buildings (BESS cabins, inverter cabins, substation), the CCTV poles and the CCTV cameras. We requested that they be in dark green eg RAL 6005, the colour which PACE proposes to use for the gates.

Following the meeting, PACE wrote to Bygrave Parish Council offering to change the colour of the BESS containers, inverter cabins and other ancillary equipment (including CCTV poles) to green to reduce their visual prominence.

Bygrave Parish Council response

Bygrave Parish Council **supports this proposed amendment** but requests that the CCTV cameras are also dark green.

We believe that this would then be consistent with that the Landscape and Visual Appraisal submitted by PACE with its planning application which stated (on page 23) "Any buildings or structures associated with the proposed development have been located so as to achieve a balance between operational requirements and restricting their wider visibility and will be painted in a dark recessive colour to minimise their influence."