
Sperberry Hill Solar Array and BESS Project



Technical Note 01

Updated Green Belt Assessment

Prepared for: Brockwell Storage and Solar Limited

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3732-01-TN01

1.0 INTRODUCTION

- 1.1.1 This Technical Note has been prepared on behalf of the Applicant, Brockwell Storage and Solar Limited (BSSL) in response to the Government's adoption of a revised National Planning Policy Framework (NPPF) in December 2024, which introduced a fundamental change in Green Belt policy that must be considered in determining the planning application for the Sperberry Hill Solar Array and BESS project.
- 1.1.2 By way of context, the application relates to the erection of a solar farm with associated battery storage and ancillary infrastructure on land to the south of Wymondley substation and south of Sperberry Hill, St Ippolyts, North Hertfordshire (the 'Site'). The proposal is referred to as the 'Resubmission Scheme' as it relates to a similar development, for which planning permission was refused by North Hertfordshire District Council (NHDC) on 22 November 2023 (NHDC ref: 22/00709/FP), hereafter referred to as the '2023 Scheme'.
- 1.1.3 The NPPF was updated on 12th December 2024 with a subsequent correction amendment on 7th February 2025. As for previous versions, it sets out the Government's planning policies for England and how these are expected to be applied. It remains a material consideration in planning decisions.
- 1.1.4 The most significant change relevant to the Resubmission Scheme is related to Green Belt policy. An associated update to Planning Practice Guidance (PPG), specifically in relation to the new NPPF Green Belt policy, was subsequently published on 27th February 2025.
- 1.1.5 This amendment relates to the introduction of the concept of 'grey belt' land. The NPPF Glossary defines grey belt land as follows:



“Grey belt: For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development”.

- 1.1.6 The key relevance of grey belt is that development in the Green Belt should not be considered inappropriate where it would utilise grey belt land and meet the other criteria listed in NPPF paragraph 155, which reads:

“The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

b. There is a demonstrable unmet need for the type of development proposed⁵⁶;

c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework⁵⁷; and

d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below”.

- 1.1.7 This represents a step change in national policy. In short, in certain circumstances, development which was previously acknowledged as constituting ‘inappropriate development’ in Green Belt policy terms (including solar farms), might no longer be so.

- 1.1.8 Subsequent to the publication of the NPPF on 12th December 2024, this change has, unsurprisingly, given rise to a flurry of applications and planning / appeal decisions focused on grey belt.

- 1.1.9 What has been notable about this early flurry of activity is the differing interpretation and application of the revised Green Belt / grey belt policy and the associated paragraph 155 tests. However, as referenced previously, on 27th February 2025, the



Government published its much-awaited associated update to the PPG on Green Belt. Not only does this add much need clarity around the definition of grey belt land and the application of the paragraph 155 tests; it provides confirmation (removes ambiguity) around certain long established Green Belt considerations such as 'large built-up areas', 'towns' and 'villages'.

- 1.1.10 In the context of what is now well-defined policy, BSSL has given detailed consideration to the implications of the NPPF amendments on Green Belt on the Resubmission Scheme.

2.0 CORE PRINCIPLES RELATED TO GREY BELT AND THE PARAGRAPH 155 TESTS

- 2.1.1 The first point of principle relates to PPG itself. On 30th January 2025, the Court of Appeal¹ determined that the legal status of the Government's planning policies in the NPPF and its guidance in the PPG is basically the same. No legal distinction exists between them. They are not legislation. Their status is equivalent in the sense that both of them are statements of national policy issued by the Secretary of State. Further, that where the NPPF policy is in relatively broad terms, the need for elucidation or explanation in the PPG may be greater.
- 2.1.2 In short, PPG carries the same weight as the NPPF in policy terms and, as is the case for grey belt, its more detailed explanation on the approach to considering this matter is a statement of national policy.
- 2.1.3 The other core principles established in PPG are as follows (quotations are directly from PPG, emphasis added):
- Where sites are considered as potentially being grey belt through application / appeal processes (as opposed to through plan making), the key factor is not whether some wider strategic parcel drawn up in pre-existing Green Belt review² meets the definition of the grey belt; rather

¹ *Mead Realisations Limited v Secretary of State for Housing, Communities and Local Government* [2025] EWCA Civ 32

² *In this regard, it is now considered that the North Hertfordshire District Council Green Belt Review 2016 is of limited utility in any grey belt assessment.*



the question is “*whether the **site** strongly contributes to the Green Belt purposes a. b. or d.*” - i.e. the application site itself, not a wider notional parcel within which it sits.

- In terms of Green Belt purpose a. and ‘sprawl’, this is about land which “*if developed, result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt)*”. Conversely, if a site has “*physical feature(s) in reasonable proximity that could restrict and contain development*” – such as woodland planting, topography, or a major road; then the PPG indicates that it probably does not contribute strongly toward checking unrestricted sprawl. Further, where an area / site is “*partially enclosed by existing development, such that new development would not result in an incongruous pattern of development*” and / or is “*subject to other urbanising influences*” its contribution to purpose a) is reduced.
- In terms of purpose a) “*villages should not be considered large built-up areas*”.
- In terms of purpose b) the prevention of merging relates to towns only and not villages. As expert commentators on the new PPG have put it³: “*National green belt policy is not interested in preserving local gaps or wedges between particular bits of villages or hamlets Of course, those gaps can be very important. And we have other kinds of local policies which can protect them - buffers, local green spaces, wedges national green belt policy is about curbing the sprawl and merger of our largest cities and towns*”.
- Again in relation to purpose b) “*areas that contribute strongly are likely to be free of existing development and include all of the following features:*
 - *forming a substantial part of a gap between towns*

³ Zack Simons KC in <https://www.planoraks.com/posts-1/the-grey-belt-has-arrived>



- the development of which would be likely to result in the loss of visual separation of towns”
- Whereas, features that weaken or negate an area’s contribution to purpose b) include “being able to be developed without the loss of visual separation between towns. This could be (but is not limited to) due to the presence or the close proximity of structures, natural landscape elements or topography that preserve visual separation” and where areas “form part of a gap between towns, but only a very small part of this gap, without making a contribution to visual separation”.
 - In terms of purpose d) a historic town means exactly what it says and “this purpose relates to historic towns, not villages”.
 - With regard to footnote 7 (as referenced in the NPPF Glossary definition of grey belt), PPG is clear “... grey belt excludes land where the application of policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development. In reaching this judgement, authorities should consider where areas of grey belt would be covered by or affect other designations in footnote 7. Where this is the case, it may only be possible to provisionally identify such land as grey belt in advance of more detailed specific proposals”. In short, where there are detailed specific proposals (such as CVS) the local planning authority (LPA) can make its determination as to whether any areas or assets referenced in footnote 7 would provide a strong reason for refusing or restricting development. As the same expert commentator states (our footnote 5): “whether or not there actually will be a strong reason to refuse under footnote 7 ... will normally depend on the actual scheme you’re bringing forward, what its uses are, what needs it’s meeting, what its public benefits package looks like, how big it is, how it’s designed, what alternatives you’ve considered, what mitigation measures you’re using etc”.
 - The first test in NPPF paragraph 155 requires an assessment to “consider the extent to which release or development of Green Belt land (including but not limited to grey belt land) would fundamentally



undermine the purposes (taken together) of the remaining Green Belt across the plan area as whole". In making this judgement LPAs "should consider whether, or the extent to which, the release or development of Green Belt Land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way".

- Finally, where development is ultimately determined to be not inappropriate, it causes no Green Belt harm, specifically *"if development is considered to be not inappropriate development on previously developed land or grey belt, then this is excluded from the policy requirement to give substantial weight to any harm to the Green Belt, including to its openness."*

2.1.4 BSSL has undertaken an assessment of the Resubmission Scheme in the context of these core principles.

3.0 GREY BELT ASSESSMENT

3.1.1 This section considers the Resubmission Scheme in the context of Green Belt purposes a), b) and d) and then considers the scheme in the context of NPPF footnote 7. For ease of reference, the 5 Green Belt purposes are reproduced below as being:

"a) to check the unrestricted sprawl of large built-up areas;

b) to prevent neighbouring towns merging into one another;

c) to assist in safeguarding the countryside from encroachment;

d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land".

Purpose a)

3.1.2 The Resubmission Scheme site does not directly adjoin the boundary of a large-built up area, but does sit within a circa 2km wide gap between Hitchin (approximately



1km to its north-west) and Stevenage (approximately 1km to its east). Within this band of Green Belt, the site falls to the south of the villages of St Ippolyts and Little Wymondley.

- 3.1.3 With regards Purpose a) of the Green Belt, in determining ‘the 2023 Scheme’ the Officer concluded at Paragraph 4.5.68 of the NHDC Committee Report that:

“The site lies within parcels of land that make both an important contribution to checking the sprawl of Stevenage and Hitchin. Officers consider that a parcel of land does not need to abut a large town for it to contribute to the purpose of the checking the unrestricted sprawl of large built-up areas. The site would be close to Stevenage, approximately 1km to the east. Nevertheless, there are physical buffers between the site and Stevenage, including the A1(M) and woodland that limit the effect upon this purpose of Green Belt.”

- 3.1.4 The Officer concludes in Table 1 of the NHDC Committee Report that the 2023 Scheme would have had a ‘Limited’ degree of harm to Purpose a) of the Green Belt.

- 3.1.5 Since the determination of the 2023 Scheme, the footprint of the proposed development has been reduced for the Resubmission Scheme, however for the benefit of assessing the Resubmission Scheme against Purpose a) of Green Belt, this is a negligible change. The application boundary for the Resubmission Scheme site also remains consistent with that for the 2023 Scheme. On this basis, the Officer’s conclusions on the 2023 Scheme continue to hold weight in considering the Resubmission Scheme.

- 3.1.6 With reference to the key considerations set in PPG:

- The closest ‘large built up areas’ are Stevenage, which lies to the east of the A1(M), and Hitchin, which is separated from the site by Wymondley Transformer Station and St Ippolyts. The Site is therefore not adjacent to a large built-up area.
- There are physical features within a reasonable proximity to the Site, such as woodland, built form and the A1(M) that form buffers and contain development.



- The Site is partially subject to urbanising influences including electrical infrastructure which crosses the site.

3.1.7 In conclusion, based on the new PPG criteria, the Resubmission Scheme site makes only a weak to moderate contribution to Purpose a) of the Green Belt. This conclusion is not inconsistent with the Officer's findings for the 2023 Scheme that it would result in a 'limited harm' to Purpose a). It is therefore demonstrably the case that the Resubmission Scheme site does not 'strongly contribute' to Purpose a).

Purpose b)

3.1.8 As referenced above, the Resubmission Scheme site would be located between the towns of Hitchin and Stevenage.

3.1.9 With regards Purpose b) of the Green Belt, in determining 'the 2023 Scheme' the Officer concluded at Paragraph 4.5.69 of the NHDC Committee Report that:

"The site lies within a parcel of land that has been identified ... as preventing the merger of Letchworth and Hitchin with Stevenage. Whilst gaps would remain the proposal would diminish the separation of these settlements, albeit to a limited degree. Therefore, officers consider that there would be a limited effect upon Green Belt purposes (a) and (b)."

3.1.10 The Officer concludes in Table 1 of the NHDC Committee Report that the 2023 Scheme would have had a 'Limited' degree of harm to Purpose b) of the Green Belt.

3.1.11 As for Purpose a) above, the beneficial changes to the Site footprint are a negligible change in Green Belt terms, and the Officer's conclusions on the 2023 Scheme should continue to hold weight in considering the Resubmission Scheme.

3.1.12 With reference to the key considerations set in PPG:

- The Resubmission Scheme site forms a very small part of the gap between Hitchin and Stevenage, occupying just 2.07% of the total land within Strategic Green Belt Parcel 9 of the NHDC 2016 Green Belt Review, and just 2.57% of the total land within Strategic Green Belt Parcel 10.



- The ZTV submitted with the LVIA demonstrates there is no visual connectivity between the Resubmission Scheme and the towns of Hitchin and Stevenage because of the influence of landform and vegetation.

3.1.13 In conclusion, based on the new PPG criteria, the Resubmission Scheme site makes only a weak to moderate contribution to Purpose b) of the Green Belt. This conclusion is not inconsistent with the Officer's findings for the 2023 Scheme that it would result in a 'limited harm' to Purpose b). It is therefore demonstrably the case that the Resubmission Scheme site does not 'strongly contribute' to Purpose b).

Purpose d)

3.1.14 Purpose d) can be dealt with swiftly. The Resubmission Scheme site makes no contribution to preserving the setting or special character of any historic town. This was acknowledged at Paragraph 4.5.71 of the NHDC Committee report for the 2023 Scheme.

Footnote 7

3.1.15 As set out in Section 2.0 previously, in considering whether land is grey belt, consideration needs to be given whether the land contains or affects areas or assets identified in NPPF footnote 7 (excluding Green Belt). Then, if such areas (or designations) are present, whether they would provide a strong reason for refusing or restricting development. In making these considerations it is entirely appropriate (indeed PPG states it may only be possible) to have regard to the detailed specifics of a proposal. Such regard is unfettered and can include a scheme's benefits, design, mitigation and consideration of alternatives.

3.1.16 The Resubmission Scheme site is not covered by any of the designations / areas / assets listed in footnote 7. The closest relevant assets are designated heritage assets located in proximity to the Resubmission Scheme site boundary. The Resubmission Scheme would not result in the loss of these assets but would have an indirect impact on their setting. The effect of the 2023 Scheme on these heritage assets was not determinative in the decision to refuse that application, and Paragraph 4.7.7 of the NHDC Committee Report stated that the 2023 Scheme met



the NPPF tests and accorded with Local Plan policies related to protection of heritage assets.

- 3.1.17 On the basis of the above, there are no areas or assets listed in NPPF footnote 7 that provide a strong reason for refusing or restricting the development.

Conclusions on Grey Belt

- 3.1.18 The Resubmission Scheme site does not strongly contribute to Green Belt purposes a), b), or d).
- 3.1.19 With regard to the areas and assets in NPPF footnote 7 and in the context of the Resubmission Scheme as proposed, including consideration of its benefits, design, mitigation and consideration of alternatives, there is no strong reason for refusing or restricting the development.
- 3.1.20 Based on the foregoing findings, the Resubmission Scheme site demonstrably comprises grey belt.

4.0 NPPF PARAGRAPH 155 TESTS

- 4.1.1 NPPF paragraph 155 sets 4 tests, here referred to as criteria (a)-(d). Of these, criterion (d). relates solely to residential development and has no relevance in this situation. This subsection assesses the Resubmission Scheme in the context of the other 3 criteria.

Criterion (a).

- 4.1.2 This criterion requires that the development would use grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan as a whole. In making this assessment consideration should be given whether, or the extent to which, the development of Green Belt Land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way.
- 4.1.3 As set out in Section 3.0 above, the grey belt land component of criterion (a) is already met.



- 4.1.4 The concept of a single development in the Green Belt affecting the ability of all the remaining Green Belt across North Hertfordshire from serving all five of the Green Belt purposes in a meaningful way, is very difficult to grasp or envisage. What is clear is that at the scale of the Resubmission Scheme site, the NHDC Committee Report for the 2023 Scheme concluded that there would be moderate harm to a single Green Belt purpose (Purpose c)), and limited or no harm to remaining Green Belt purposes. It is difficult to conceive that based on this overall localised moderate/limited harm at a site-scale, that consenting the Resubmission Scheme would ‘fundamentally undermine’ the purposes of the remaining Green Belt at the macro-scale across North Hertfordshire. On this basis, the Resubmission Scheme would clearly comply with the provisions of criterion (a) of NPPF paragraph 155.

Criterion (b).

- 4.1.5 This criterion requires there to be a demonstrable unmet need for the type of development proposed. This is relatively easy to address, as set out in Section 4.0 of the submitted Planning, Design and Access Statement, and as reinforced by Matter 5 in the Applicant’s letter dated 5th March 2025⁴, there is a critical need for the proposed development.
- 4.1.6 It is clearly the case that the Resubmission Scheme meets Criterion (b).

Criterion (c).

- 4.1.7 Criterion (c) requires that the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the NPPF. NPPF paragraph 110 indicates that significant development should be focussed on locations that are or can be made sustainable, through limiting the need to travel. This paragraph goes on to say that opportunities to maximise transport solutions will vary between urban and rural areas, and this should be taken in to account in both plan-making and decision-making. NPPF paragraph 115 seeks to ensure, amongst other things, that sustainable transport modes are prioritised taking account of the type of development

⁴ Ref: 3732-01/NDR-02



and its location, safe access can be achieved and any significant impacts on the capacity of the highway network or highway safety can be acceptably mitigated.

4.1.8 The submitted Transport Statement (TS) contained as Appendix M of the PDAS sets out that the scheme would generate minimal levels of traffic during its operational life. It then concludes that the overall increases in traffic across the local highway network during both the construction and operation phases would have a negligible effect on its safety and operation. Accordingly, Criterion (c) of NPPF paragraph 155 is also demonstrably met.

4.1.9 In conclusion, the Resubmission Scheme would demonstrably be in a sustainable location, with particular reference to the provisions of paragraphs 110 and 115 of the NPPF.

5.0 CONCLUSION

5.1.1 In conclusion:

- The Resubmission Scheme application site is grey belt land, as introduced in the December 2024 version of the NPPF.
- The Resubmission Scheme, i.e. the submitted scheme on the application site, demonstrably meets / accords with all of the relevant criteria in NPPF paragraph 155.
- As a consequence of the above, the Resubmission Scheme is not inappropriate development in national Green Belt policy terms.
- As such, it causes no Green Belt harm and is excluded from the policy requirement to give substantial weight to any harm to the Green Belt, including to its openness.

