



Department for
Communities and
Local Government

Mr Joshua Mellor
Lightsource Renewable Energy Holdings
Ltd
7th Floor
33 Holborn
London
EC1N 2HU

Our Ref: APP/X1925/V/15/3131943

Date: 31 October 2016

Dear Mr Mellor

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY LIGHTSOURCE SPV 114 LIMITED
LAND SOUTH OF THREE HOUSES LANE, THREE HOUSES LANE, CODICOTE,
HERTFORDSHIRE, SG4 8SU
APPLICATION REFERENCE No. 14/02360/1**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, John Woolcock BNatRes(Hons) MURP DipLaw MRTPI, who held a public local inquiry on 7-10 June 2016 into your client's application for planning permission for the installation and operation of a solar farm and associated infrastructure, in accordance with application reference no. 14/02360/1 dated 1 September 2014.
2. On 27 July 2015, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority, North Hertfordshire District Council.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the application should be refused.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, and agrees with his recommendation. He has decided to refuse planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Policy and Statutory Considerations

5. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

6. In this case the development plan includes the saved policies of the North Hertfordshire District Local Plan No.2 with Alterations (LP), which was adopted in 1996. The Secretary of State considers that the development plan policies of most relevance to this case are those set out by the Inspector at IR9. The Secretary of State also acknowledges that the proposed submission North Hertfordshire Local Plan 2011-2031 was published for public consultation on 19 October 2016. He notes that this emerging plan at Policy SP11 looks to support proposals for renewable and low carbon energy development in appropriate locations and Policy NE12 identifies the impacts that will need to be assessed in considering such proposals. The Secretary of State has had regard to the emerging plan but given that it has not yet been subject to examination he gives it limited weight.
7. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'). He has also had regard to the Written Ministerial Statement, dated 25 March 2015, which amongst other matters, concerns solar energy and the protection of the local and global environment.
8. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the application scheme or their settings or any features of special architectural or historic interest which they may possess.

Main Issues

9. The Secretary of State agrees with the Inspector that the main issues are those set out at IR73.

Harm to the Green Belt

10. The Secretary of State has taken account of the Inspector's views at IR75-76 and agrees that the proposal would be inappropriate development in the Green Belt. The *Framework* states that when located in the Green Belt inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The *Framework* provides that substantial weight should be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The Secretary of State agrees that the solar panels and associated equipment would have a significant adverse effect on the openness of the Green Belt and the security fencing and electrical equipment would also adversely affect the countryside. He attaches substantial weight to the harm which arises because the scheme is inappropriate development in the Green Belt. Like the Inspector (IR77), the Secretary of State considers the proposal would be at odds with one of the purposes of the Green Belt, and would erode its openness and harm the Green Belt.

The effect on the landscape character and visual appearance of the area

11. In respect of the scheme's impact on character and appearance, the Secretary of State agrees with the Inspector that the solar panels and associated infrastructure would be utilitarian structures in this countryside location. The construction of the panels, along with their regular arrangement in long rows, would be out of keeping with the character of the area and the proposed development would introduce a discordant element at odds with the historic and mature landscape character of the locality. The Secretary of State agrees that the magnitude of change would be at least Medium, and possibly High, and with Medium sensitivity, this would result in an adverse effect of either Moderate or Moderate/Major significance for the landscape resource (IR 79).

12. Turning to visual effects, for the reasons given by the Inspector at IR80 the Secretary of State agrees that those using footpaths and the lane for recreational purposes and from nearby residences the scheme would be likely to have an adverse effect on visual amenity. Furthermore he accepts the Inspector's view that the separation distance, local topography and blocks of woodland combine to limit the likely visual impact of the scheme in its wider context (IR81). The Secretary of State agrees with the Inspector's conclusion that the scheme would harm the character of the area, but would have a limited and localised adverse effect on its appearance, and would have an adverse effect of Moderate significance on the local landscape (IR82).

Agricultural land and soils

13. Having carefully considered the Inspector's analysis at IR83-85, the Secretary of State agrees with him that the likely loss of productivity from using 3.8 hectares of the best and most versatile agricultural land would weigh significantly against the proposal.

Biodiversity

14. For the reasons given by the Inspector at IR87, the Secretary of State concurs with his view that the proposed development would be likely to enhance biodiversity because of the tree, hedgerow and wildflower planting, and from resting the soil from intensive farming for 30 years. He also agrees with the Inspector that the conservation benefits weigh, to some extent, in favour of the proposal.

Heritage assets

15. The Secretary of State agrees with the Inspector at IR88 that the proposed development would not have a significant effect on the setting of any nearby listed buildings and would not adversely impact on the registered historic parks and gardens in the wider area. He concurs with the Inspector that any archaeological interest in the site could be safeguarded by imposing an appropriate condition and overall the proposal would have a negligible effect on heritage assets and would comply with LP Policy 16.

Highway safety

16. The Secretary of State agrees with the Inspector's comments at IR89 that there is no convincing evidence that construction traffic would significantly increase the risk to those using the local highway network, provided appropriate conditions were imposed. He notes that there is no objection from the Highway Authority subject to conditions and he agrees that there is no reason to find against the proposal on highway safety grounds.

Residential amenity

17. The Secretary of State agrees with the Inspector at IR90 that the proposed development would not have an overbearing or dominating effect on the outlook from nearby dwellings. Noise from electrical equipment could be controlled by the imposition of an appropriate planning condition, and so would not have an unacceptable adverse effect on the living conditions of nearby occupiers. He agrees with the Inspector that there are no reasons to find against the proposal on residential amenity grounds.

Drainage and flood risk

18. For the reasons given at IR91, the Secretary of State agrees with the Inspector that subject to the imposition of appropriate conditions drainage is not a consideration that weighs against the proposal.

Other considerations

19. The Secretary of State notes that permission is sought for 30 years and agrees with the Inspector at IR92 that for this period any harm to the landscape would be considered to be long term. He accepts the duration and reversibility of the development is a material consideration, but the loss of openness for this part of the Green Belt for 30 years, and the landscape harm, albeit reducing over time as screen planting matured, would endure for a long time. The Secretary of State agrees that the duration and reversibility of the development are factors that should be given limited weight in the planning balance.

Renewable energy

20. For the reasons given at IR95, the Secretary of State considers the scheme, with an estimated installed capacity of 5 MW and average electrical output of 4,575 MWhr/yr, would make a significant contribution to achieving renewable energy targets. Overall he agrees with the Inspector that the wider environmental and energy security benefits of the proposal weigh significantly in favour of approving the application (IR95). However, for reasons given by the Inspector at IR96, the Secretary of State also agrees with the Inspector that having taken account of the Applicant's sequential analysis there is nothing to require the study area used to contribute to national targets by means of solar energy development.

Very special circumstances

21. The Secretary of State agrees with the Inspector's analysis at IR97-101 and his considerations at IR102 that significant weight should be given to the contribution the scheme would make to the Government's commitment to tackle climate change along with the benefits from ecological enhancement and to the local economy. He agrees though that the disadvantages of the proposal include harm to the Green Belt, and to the character and appearance of the area, along with the use of 3.8 hectares of best and most versatile agricultural land. Furthermore, he agrees with the Inspector that substantial weight should be given to the harm to the Green Belt in the balancing exercise and that the other harm is also significant. Overall, the Secretary of State agrees with the Inspector that the 'other considerations' in this case do not clearly outweigh the harm, and the very special circumstances to justify the development do not exist.

Development plan

22. Given that the Secretary of State has concluded that very special circumstances to justify the development do not exist, and for the reasons given by the Inspector at IR103, the Secretary of State agrees that, overall, the proposal conflicts with the development plan when read as a whole. However, he further agrees that as the development plan is silent about renewable energy development, more weight should be given to the provisions of the Framework when determining this application.

National Policy and Guidance

23. The Secretary of State agrees with the Inspector's analysis set out in IR104 and agrees the proposal would not accord with the requirements for sustainable development set out in the Framework.

Planning conditions

24. The Secretary of State has given consideration to the Inspector's analysis at IR105-111, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set

out at paragraph 206 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for refusing this planning application.

Overall conclusion

25. The Secretary of State has given careful consideration to the Inspector's overall conclusions at IR112-113. He agrees with the Inspector that the proposal would be inappropriate development in the Green Belt and that the other considerations in this case do not clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm, and the very special circumstances necessary to justify the development do not exist. The Secretary of State also concludes that the proposal would conflict with relevant development plan policies, and would not accord with the requirements for sustainable development set out in the Framework. He agrees that there are no material considerations that would indicate that a determination other than in accordance with the development plan is justified (IR113).

Public Sector Equality Duty

26. In accordance with section 149 of the Equality Act 2010, due regard has been given to the need to (a) eliminate discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The Secretary of State has considered the protected characteristics of religion or belief, race, sex and disability.

Formal decision

27. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby refuses your client's application for planning permission for the installation and operation of a solar farm and associated infrastructure on land south of Three Houses Lane, Three Houses Lane, Codicote, Hertfordshire, SG4 8SU in accordance with application reference no. 14/02360/1 dated 1 September 2014.

Right to challenge the decision

28. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

29. A copy of this letter has been sent to North Hertfordshire District Council and Rule 6 parties, and notification has been sent to others who asked to be informed of the decision.

Yours sincerely

David Moseley

David Moseley

Authorised by Secretary of State to sign in that behalf

Report to the Secretary of State for Communities and Local Government

by John Woolcock BNatRes(Hons) MURP DipLaw MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 26 July 2016

Town and Country Planning Act 1990

Section 77

North Hertfordshire District Council

Application by

Lightsource SPV 114 Limited

Inquiry held on 7-10 June 2016

Land south of Three Houses Lane, Three Houses Lane, Codicote, Hertfordshire SG4 8SU

File Ref: APP/X1925/V/15/3131943

File Ref: APP/X1925/V/15/3131943

Land south of Three Houses Lane, Three Houses Lane, Codicote, Hertfordshire SG4 8SU

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990 (hereinafter the 1990 Act), on 27 July 2015.
- The application is made by Lightsource SPV 114 Limited to North Hertfordshire District Council (NHDC).
- The application Ref.No: 14/02360/1 is dated 1 September 2014.
- The development proposed is installation and operation of a solar farm and associated infrastructure.

Summary of recommendation: The application be refused.

Procedural matters

1. The 'Application Site' comprises 22.21 ha of agricultural land in three fields. However, a revised scheme, limiting development to just one of these three fields, and reducing its generating capacity from 11.28 MW to 5 MW, is now proposed.¹ This field has an area of 8.4 ha and is referred to within this Report as the 'Site'.² The amended proposal removed from the original proposed development two fields that comprised grade 2 agricultural land. It also re-sited the production substations with inverters to a more central position within the Site. The revised scheme was the subject of further consultation. NHDC considered this amended application in deciding, in accordance with its officers' recommendation, that it was minded to approve the application and to grant planning permission. I deal in more detail later with the representations submitted about the initial application, the revised scheme, and those received at the Inquiry stage.
2. For clarity, I requested at the Inquiry that a drawing be submitted showing the 'Site' for the revised scheme, so as to distinguish it from the 'Application Site'.³ I use these terms in this way throughout this Report. The Site lies within the North Hertfordshire Green Belt.⁴ Some 3.8 ha (45.2%) of the Site is classified as grade 3a agricultural land, and the remaining 4.6 ha (54.8%) is grade 3b.⁵
3. The Secretary of State issued a screening direction, dated 4 March 2016, directing that this development is not Environmental Impact Assessment (EIA) development. I note that this letter refers to a temporary development for 25 years, whereas the submitted *Planning, Design and Assess Statement* refers to a temporary development with an operational life of approximately 30 to 35 years.⁶ NHDC dealt with the proposal as a temporary scheme for 30 years, and that is the basis on which the evidence to the Inquiry was adduced. Notwithstanding

¹ The Application Site is shown on Location Plan, Drawing No.THL_02 dated 20 August 2014 at CDA5.1. The original scheme is at CDA4.1 and the revised scheme at CDA5.2.

² Statement of Common Ground (SoCG) at CDD1.

³ ID27.

⁴ ID18.

⁵ Figure 2 CDA7.2. The *Framework* defines grades 1, 2 and 3a agricultural land as the best and most versatile (BMV) agricultural land.

⁶ CDA7.5 paragraph 4.1.

the reference to a shorter period in the screening direction, there is nothing in the evidence before me to indicate that the proposal would, for the purposes of applying the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, be likely to have a significant effect on the environment by virtue of factors such as its nature, size or location.

4. The Planning Inspectorate wrote on 19 October 2015 to confirm that Knebworth Parish Council, Codicote Parish Council, Tim Wise and Nick Pellett were working together as a single Rule 6(6) party, and enquired who was lead contact. In an email dated 2 November 2015, Mr Kellet confirmed this, and that he was the lead contact. Codicote Parish Council confirmed its agreement to Mr Pellett appearing on its behalf at the Inquiry.⁷ Confirmation from Knebworth Parish Council was also requested, but had not been submitted at the time the Inquiry closed.⁸ However, I note the email from Martin Edwards to The Planning Inspectorate, dated 29 February 2016, advising that he had been instructed under the Bar Standards Board Public Access Scheme to act for Knebworth Parish Council, Codicote Parish Council, Mr Timothy Wise and Mr Nicholas Pellett in connection with the planning Inquiry into the called-in application. I refer to these parties in this Report as the Rule 6 Parties.
5. The Inquiry sat for four days. I undertook an unaccompanied site visit in the locality on 6 June 2016, and completed an accompanied site visit on 9 June 2016.

The site and surroundings

6. The Site lies about 1.2 km north of the village of Codicote and 1.7 km west of the hamlet of Old Knebworth.⁹ The wider context is shown on Figure 1.1 of the Applicant's Landscape and Visual Impact Assessment (LVIA).¹⁰ An aerial photograph submitted by the Rule 6 Parties shows the local context, including the nearby woodland, the lane, and the location of dwellings at Crouch Green (approximately 60 m north of the Site), Bradley Springs (approximately 190 m east of the Site) and The Node Estate.¹¹ Public Footpath 35 lies to the west of the Site and on the opposite side of the lane. It extends north-west and around Holl Lays Wood. Footpath 32 lies some 200 m to the south of the Site, beyond a belt of mature trees. This footpath extends from the lane, near to the buildings at Three Houses Farm, south-east past Node Wood to the B656, north of Codicote.¹² Vanstone Park Garden Centre is located approximately 170 m south-east of the Site, beyond a wooded area. Knebworth Woods Site of Special Scientific Interest (SSSI) is about 1 km north-east of the Site. Listed buildings in the area are shown on Figure 1.1 of CDA7.8. These include the Grade II listed farmhouse and two barns at Three Houses Farm. Four registered parks and gardens and Old Knebworth Conservation Area lie within 2 km of the Site.¹³

⁷ ID22.1-22.3.

⁸ ID22.4.

⁹ SoCG.

¹⁰ CDA7.8.

¹¹ ID17 Photograph 11.

¹² These footpaths are shown on the extract from the Definitive Map of Public Rights of Way at Appendix E of Mrs Leitch Proof of Evidence at CDD9.

¹³ Designated and undesignated heritage assets are documented at CDA7.4.

7. The site lies within the Codicote Plateau Landscape Character Area (LCA 205) in the *North Hertfordshire and Stevenage Landscape Character Assessment*. The key characteristics of this area are a gently rolling upland plateau, with large arable parcels and grazing adjacent to Codicote, and varying sized blocks of woodland. It has an historic and mature landscape character interspersed with areas of intensive arable production, and small interlocking blocks of woodland framing views. In terms of landscape character sensitivities, the area would be vulnerable to further urbanising features, and at risk from development pressure and removal of hedgerows/boundary vegetation. It is a tranquil area, apart from the B656, with remaining roads narrow and winding. Overall, Codicote Plateau is considered to be of moderate to high sensitivity.
8. In terms of visual sensitivities, there are expansive views out of the character area where woodland/hedgerows are limited, but in areas of woodland views are framed and a sense of enclosure created. LCA 205 in visual terms is considered to be of moderate sensitivity. With its historic character, a recognisable sense of place, and the relatively tranquil character, Codicote Plateau is considered to be of moderate landscape value. The landscape capacity for utilities development is considered to be low because there are very few urbanising elements, such as masts, pylons or wind turbines, and few detractors in the area. The *North Hertfordshire and Stevenage Landscape Character Assessment* advises that new utilities development would have a major impact on the rural and historic character of LCA 205.¹⁴

Planning policy, guidance and Written Ministerial Statement

9. The development plan includes saved policies of the North Hertfordshire District Local Plan No.2 with Alteration, which was adopted in 1996 (LP). Policy 2 states that in the Green Belt the aim will be to keep the uses of land open in character, and that except for proposals within settlements, which does not apply here, or in very special circumstances, planning permission will only be granted for new buildings or changes of use of land which are appropriate in the Green Belt, and which would not result in significant visual impact. Policy 14 expects, in the circumstances which apply here, that development proposals take account of, and where possible show improvements to, the nature conservation value of the site and its surroundings. It adds that a management scheme may be required to maintain or enhance the site's nature conservation value. Policy 16 provides that development proposals may be permitted with conditions depending on the archaeological value and significance of the site.
10. The *National Planning Policy Framework* (hereinafter the *Framework*) provides that applications for renewable energy development should be approved if its impacts are (or can be made) acceptable. The *Planning Practice Guidance* (hereinafter the *Guidance*) refers to particular factors that would need to be taken into account, including that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land restored to its previous use. The Written Ministerial Statement, dated 25 March 2015, by The Right Hon Sir Eric Pickles (WMS) provides, amongst other things, that any proposal for a solar farm involving BMV agricultural land would need to be justified by the most compelling evidence.

¹⁴ CDB4.2.

11. The emerging Draft North Hertfordshire Local Plan 2011-2031 Preferred Options is currently at consultation stage.

The proposed development

12. In addition to the solar panels (maximum height 2.1 m) the infrastructure proposed would include a District Network Operator (DNO) substation (5.5 m x 4.95 m x 4.4 m in height shown at CDA5.13), client substation (6.08 m x 2.51 m x 3.25 m in height shown at CDA5.11), an auxiliary transformer (external transformers within a 4 m x 4 m area with 2.1 m high fencing shown at CDA5.10), communications building (3.66 m x 3 m x 3 m in height shown at CDA5.12), storage shed (2.2 m x 3 m x 3 m in height shown at CDA5.12), composting toilet (1.5 m x 2.5 m x 3.03 m in height), two production substations each consisting of an inverter (7.25 m x 1.05 m x 2.48 m in height), transformer (within a 4 m x 4 m area with 2.1 m high fencing) and production cabin (2.2 m x 1.8 m x 2.28 m in height as shown at CDA5.8), 14 CCTV poles and cameras on 2.4 m high posts (shown at CDA5.15), along with internal access roads.
13. The perimeter of the solar panels would be marked by a 2 m high deer fence. Site access would be via a new access off Three Houses Lane, located about 60 m south-west of the existing access to the field, which would be closed and replaced by hedgerow planting. The new access would require the removal of 9.7 m of full hedgerow and partial removal/trimming of a further 8.8 m.¹⁵ Proposed landscaping includes new boundary hedgerows, underplanting and infilling existing hedgerows, tree planting, along with wildflower meadows planted between the security fencing and boundary hedgerows.¹⁶
14. The scheme would have a generation capacity of 5 MW and based on the solar yield for the area would generate a calculated 4,575 MWhr/yr. This would be the equivalent electricity usage of 1,475 typical homes, with carbon dioxide emission savings of some 2,360 tonnes per year, or the equivalent of removing 525 standard cars from the road. The Applicant accepted a grid offer from the DNO, UK Power Networks (UKPN), on 10 June 2014.¹⁷ The grid connection would be via an existing 33 kV overhead line located some 600 m to the west of the Site.¹⁸

The case for Lightsource SPV 114 limited

The Applicant's case is summarised as follows.¹⁹

15. The proposal constitutes inappropriate development in the Green Belt, which is by definition harmful, but restricted to impacts on openness and encroachment into the countryside. The level of potential harm is limited by the existing natural visual containment of the Site combined with additional proposed planting, the temporary and reversible nature of the proposal, and the level of openness that would remain within the proposed solar farm. Some 64% of the Site would be open grassland between and around the panels and between the fence and the

¹⁵ ID16.

¹⁶ Outline landscape proposals are shown at CDA5.3.

¹⁷ ID6.

¹⁸ The location of the 33 kV line is shown in Figure 3 of Mr Gudgeon's Proof of Evidence at CDD7.

¹⁹ Based on ID26.

- boundary vegetation. The temporary impact on openness would result in moderate harm to the Green Belt, and the encroachment into the countryside would result in limited harm to the Green Belt designation.²⁰
16. The proposal would result in a minor alteration to landscape characteristics (arable farmland) with limited disruption to landscape features. The development would integrate into the local landscape through new planting, which would establish after 5 to 10 years, and enhance local landscape features. The magnitude of landscape impact would be Low, and with Medium landscape sensitivity, the overall significance of landscape effect would be Minor.
 17. The Site benefits from a high degree of natural enclosure and visual containment, and so the degree of harm is substantially lessened in comparison to more open fields, such as those removed from the original proposal.²¹ Additional planting would bolster the existing boundary hedgerows and fill in gaps in the eastern and south-western boundaries of the Site. After the proposed landscaping matured, views from the dwelling at Bradley Springs would be screened in the summer and heavily filtered in the winter, with minimal residual views from first storey windows.²² The scheme would have no impact upon the residential amenity of other nearby properties, including Crouch Green.²³ The proposal would not result in any significant visual impacts, and so would not conflict with that part of LP Policy 2.
 18. The Site has been used since 2014 as grazing land for cattle. Prior to this it was used for growing beans for animal feed. Part of the site is BMV agricultural land, but it would not be viable or practical to farm the field as a whole as 'good quality agricultural land'. Only a less demanding crop suitable for non-BMV land would be successfully cultivated on the Site. The proposal has been designed to provide for a continued agricultural use of the Site through grazing sheep. A grazing licence would be entered into at the same time as the lease.
 19. The preference in the *Framework* for using areas of poorer quality agricultural land over higher quality land is reiterated in the *Guidance*. The WMS states that compelling evidence should be given to justify the use of higher grade land for solar farm development. A thorough site selection process has been undertaken. The Applicant's rigorous assessment process has resulted in 96% of sites being discarded in 2015.²⁴ Furthermore, the grid network is heavily constrained, with no capacity on the 11 kV line within 10 km of the site.²⁵ The sequential analysis therefore focused on a commercially viable study area around the 33 kV line upon which a grid offer had been accepted.²⁶ This study concluded that there were no viable sites of previously-developed land, or of any lower grade agricultural land with fewer environmental constraints than the proposed site. This provides compelling evidence to justify using 3.8 ha of grade 3a land.

²⁰ ID14.

²¹ The Zone of Theoretical Visibility and location of Viewpoints 1-10 (VP) are shown at Figure 1.1 of CDA7.8.

²² The relationship between the Site and Bradley Springs is shown on the photomontage for VP10 at CDA7.8.

²³ The woodland separating the Site from Crouch Green is shown at VP7.

²⁴ ID6.

²⁵ ID4 depicts UKPN heat map in relation to the Green Belt.

²⁶ CDA7.9.

20. The additional habitat enhancement measures proposed would result in a net biodiversity gain for the Site. These would include 150 m of new hedgerows and 750 m of infilling or under planting, seven new oak trees, field margins enhanced with wildflowers, climbing plants along the northern fence, and bird and bat boxes.²⁷ The proposal would comply with LP Policy 14. Although the development would be temporary, these benefits would be permanent, and would not arise without the solar farm. A recent study found a statistically significant greater biodiversity on solar farms with biodiversity management plans in comparison with agricultural fields.²⁸
21. Approximately 120 vehicle loads would be necessary during the construction period of 10-14 weeks. The submitted Access Study concluded that the proposed construction route would be suitable for construction vehicles.²⁹ The access to the Site would be upgraded to safely accommodate construction traffic. The Highway Authority has not objected. An approved Construction Traffic Management Plan could be required by a planning condition.³⁰
22. The cultural heritage assessment found the Site to have low potential for archaeological remains to be present, and that any that do exist would be likely to be of low significance and related to past agricultural practices. This is a matter that could be addressed by a watching brief during construction. The high hedgerows, undulating landscape and areas of woodland, along with the restricted nature of the setting of the nearest listed buildings to the Site, would mean that the proposed development would have no effect on the significance of any listed buildings. For similar reasons, the Site has no relationship with the historic parks and gardens in the wider area, or with Old Knebworth Conservation Area.³¹ The proposal is compliant with LP Policy 16.
23. The proposed development would result in a small increase in impermeable surfaces across the Site. Swales are proposed to provide betterment in terms of drainage, ensuring that runoff rates would not exceed the current greenfield rates.³²
24. The operation of the solar farm would be for a temporary period of 30 years, after which it would be dismantled and the Site restored, secured by means of an enforceable condition. The weight given by the Secretary of State to the temporary nature and reversibility of solar farms varies in the recovered appeals. However, in the most recent decision in the Green Belt it was concluded that some limited weight should be given to these factors.³³
25. Previous Secretary of State decisions do not set a precedent for the assessment of solar farms in Green Belts.³⁴ The benefits and potential harm, and the levels of each, will depend on the specific characteristics of a site and the proposal. This application differs from the recovered appeals cited, in that NHDC

²⁷ CDA7.6, CDA5.3 and CDA7.11.

²⁸ ID12.

²⁹ CDA7.1.

³⁰ CDA7.3.

³¹ CDA7.4.

³² CDA7.7 and CDA7.12.

³³ ID5.16 paragraph 14.

³⁴ ID7 and ID5.11.

determined that the proposal accords with the development plan, and voted to approve the application.

26. It is important to distinguish between political rhetoric and actual planning policy and guidance. The only Ministerial statements of relevance to planning considerations are the two referenced in the *Guidance* and Government Energy Policy.³⁵ The fact remains that despite comments by some Ministers, the Government has not sought to amend planning policy to prohibit the development of solar farms on agricultural land of any grade, or within the Green Belt. Renewable energy development is specifically contemplated in the Green Belt.³⁶ Similarly, changes to subsidy mechanisms supporting solar PV developments were not aimed at preventing the deployment of solar PV at any scale, but at cutting costs. DECC anticipates deployment of 330-400 MW of solar generated electricity per year through to 2018.³⁷ The *Framework* refers to the responsibility on all communities to contribute to renewable energy generation, and to maximising renewable energy development whilst ensuring adverse impacts are addressed. It is likely that Green Belt land would be required to do so in North Hertfordshire and surrounding districts.³⁸
27. This scheme would generate enough electricity to power the equivalent of 1,475 typical households.³⁹ The UK is relying on the cumulative increase in renewable energy generation across a large number of dispersed schemes. The *Framework* provides that even small-scale renewable energy schemes make a valuable contribution to cutting greenhouse gas emissions. The national target of achieving 15% of all energy consumption from renewables by 2020 is a material consideration in determining planning applications. The UK is currently projected to miss its legally binding target by 25%, and this might be optimistic given recent deployment below DECC projections.⁴⁰ Urgent action is required to deliver radical reductions in greenhouse gas emissions. The Three Houses Lane scheme is commercially viable, can be delivered in 2016/17, and would make a valuable contribution to the local economy.
28. The harm to the Green Belt is at most moderate, given the mitigation factors, but should be given substantial weight in accordance with paragraph 88 of the *Framework*. The potential for any other harm is limited, and the impacts acceptable, and so other harm should be given very limited weight in the balancing exercise. The benefits of biodiversity enhancement should be given substantial weight. The *Framework* is clear that the environmental benefits associated with increased renewable energy production may contribute to the very special circumstances justifying development in the Green Belt. The proposal would make a valuable contribution towards the UK's energy and carbon reduction targets, as well as security of energy supply, which should be given significant weight. Taken together, the benefits clearly outweigh the potential harm to the Green Belt, that the impacts will be (or can be made) acceptable,

³⁵ CDD5.

³⁶ Paragraph 91 of the *Framework*.

³⁷ ID15.1.

³⁸ ID4.

³⁹ CDD6 and CDD11.

⁴⁰ ID15.1 and ID15.2.

and that very special circumstances exist to justify the approval of this particular proposal.

The case for North Hertfordshire District Council

NHDC's case is set out in its closing submissions and committee report, the gist of which is as follows.⁴¹

29. NHDC did not undertake its own LVIA and defers to the contents of the LVIA undertaken by the Applicant. The characteristics of LCA 205 are simply a starting point in understanding the context. It is not made in relation to specific proposals, and less directly relevant to this proposed development. It is acknowledged that the construction of a solar farm with the required equipment would, by virtue of its nature and scale, affect the landscape character of the area. But this ought not to be given too high a significance when the assessment is taken in the round, and given that the Site is on a plateau with the surrounding landform falling gently southwards towards a small incised valley and Whitwell Road. Furthermore, landscape impact should be considered carefully against (a) relevant guidelines, (b) the particular location of the site, and (c) the mitigation measures. The landscape mitigation measures proposed, namely the planting of new hedgerows and hedgerow trees, which with appropriate maintenance and management would establish after 5 to 10 years, would not create an unacceptable impact on the character of the landscape. In visual terms, this area is well screened, and with the extensive mitigation measures, the visual impact over time would be quite minimal. Some close views from adjacent residential properties would change, but these would be minor changes.
30. There is no other suitable site comprising poorer quality agricultural land which does not have other fundamental technical or planning constraints. Therefore, the loss of BMV agricultural land ought to be awarded limited weight. The fact that 45% of the Site is of the lowest BMV agricultural land, coupled with the reversible nature of the development, weighs in favour of the proposal. However, NHDC could not enforce the grazing of sheep on the land. If the sheep were removed the continued part agricultural use of the land would cease.⁴² Therefore little weight can be attached to the potential for sheep grazing.⁴³
31. The significance of these changes must also be judged against the temporary nature of the proposal. Mr Pellet refused to engage with the point about these proposals being 'temporary', as a key consideration in favour of the development. His view speculates about variation of any decommissioning condition in the future. But it is not possible to speculate about what would happen in 30 years' time, beyond settling relevant conditions today.
32. The proposal is inappropriate development in the Green Belt, and would not safeguard the countryside from encroachment, which is one of the five purposes of Green Belt designation. Other harm would result from the loss of grade 3a and 3b agricultural land. The benefits in favour of the proposal include the substantial benefit to be gained from the contribution of the scheme to renewable energy needs, along with biodiversity enhancement, which ought also to be given

⁴¹ ID25 and CDA10.

⁴² ID9.

⁴³ CDA10 paragraphs 4.3.36 and 4.3.37.

- substantial weight. The outcome of this balancing exercise is the clear demonstration of very special circumstances in favour of this development.
33. The development plan is silent on renewable energy. However, LP Policy 2 is consistent with Green Belt provisions in the *Framework*, but also imposes an extra hurdle to clear in relation to visual impact, after 'very special circumstances' have been demonstrated. Consideration must then be given to whether the proposal would result in significant visual impact.
 34. NHDC did not completely disregard the WMS, or ignore objections to the application, as claimed by Mr McPartland MP. Members were made aware of the WMS. In relation to objections, NHDC exercised anxious scrutiny over the merits of the proposal, and undertook a careful balancing exercise. Mr McPartland's statement that Government stated policy and ministerial statements have the same force is clearly a mistaken understanding. The weight he attached to these statements on this basis is alarming, and his submission ought to be approached with great caution. Furthermore, Mr McPartland's understanding of how 'very special circumstances' is established bears no relation to the proper balancing exercise required in such Green Belt cases.
 35. Very little weight should be given to Mr Pellet's unsubstantiated and very personal views and attitudes towards the proposal. He has no interest in the careful balancing exercise required to reach a sound judgement, and his understanding of what does or does not constitute very special circumstances is clearly misguided.
 36. The Rule 6 Parties highlight four appeal decisions, but it is trite to point out that each decision ought to be considered on its own merits. For this application, the fact that the Green Belt would be impacted is not disputed, but the proposal enjoys many benefits, for example, screening that is likely to be enhanced further, along with a significant scaling back of the original proposals causing even less adverse impact. There is clearly a diversity of views taken by the Secretary of State in relation to the reversibility of schemes, ranging from a neutral view, to a factor of some influence, to no influence at all. This is a matter of judgement.
 37. It is critical not to read into the withdrawal of subsidies for renewable energy schemes that somehow Government policy now actively discourages solar farms. The careful balancing exercise that needs to be undertaken here remains very much the same. The proposal would contribute to meeting targets for renewable energy and reducing greenhouse gas emissions, about which Government objectives remain unchanged, not least as they are enshrined in international treaties. Substantial weight should be given to these benefits. Moderate weight should be given to the biodiversity benefits of the scheme. There would be harm to the Green Belt by virtue of encroachment into the countryside and loss of openness, along with an adverse impact on the character the area. These factors should be given significant/substantial weight. However, the Site is well screened and harm to visual amenity should be given limited weight, bearing in mind that LP Policy 2 expects there to be 'significant' visual impact for the proposal to be deemed unacceptable.
 38. The temporary nature of the proposal is key, as any harm would not be permanent and it is undoubtedly reversible. This ought to be considered in the

wider context of all the above and given moderate weight. The very special circumstances necessary to justify the development do indeed now exist.⁴⁴

The case for the Rule 6 Parties

The gist of the case for the Rule 6 Parties is as follows.⁴⁵

39. It is not for the Rule 6 Parties to demonstrate why planning permission should be refused. It is the role of the Applicant to justify its case, and for NHDC to justify its recommendation to approve the application. Since the revised scheme has been the subject of consultation there has been virtually no public support for the proposal.⁴⁶
40. Two fundamental points lie at the heart of this application. The 8.4 ha Site is wholly within the Green Belt, and 3.8 ha of the Site is grade 3a BMV agricultural land. Thus the proposal is contrary to both national and local policy towards the Green Belt and involves the loss of a significant amount of BMV land. It is for the Applicant to demonstrate the existence of very special circumstances sufficient to outweigh the clear harm to the Green Belt by virtue of inappropriateness and any other harm.
41. NHDC acknowledges that all elements of the proposal which amount to development are inappropriate development. The main, if not only, benefit seriously advanced is the generation of 5 MW of renewable energy. NHDC also identifies "the potential biodiversity gains". These are extremely limited benefits to weigh against the undisputed harm to the Green Belt and any other harm. It is a matter of planning judgement for the Secretary of State. Harm to the Green Belt by reason of inappropriateness must be given "substantial weight".
42. The claimed biodiversity enhancements are not, in reality, a benefit. This highly rural environment does not require enhancement. The claimed benefits are, at best, mitigation measures, which must be discounted from the balancing exercise. Similarly, visual containment is not a benefit, nor is continued agricultural use.
43. It is well-established law that previous appeal decisions are capable of being a material consideration because like cases should be decided in a like manner, so that there is consistency in the appellate process.⁴⁷ Recent recovered appeal decisions in relation to similar development proposals are important material considerations. The benefits in the appeal at Common Lane, with 5 MW installed capacity, equate with the benefits advanced for the scheme at Three Houses Lane. In that case the Inspector recommended, and the Secretary of State agreed, that the Green Belt harm was not outweighed by the benefits advanced.⁴⁸ A solar park on 8.94 ha of Green Belt land at Upton Warren, which would have generated enough electricity for 2,682 homes, was rejected on Green Belt grounds by the Secretary of State.⁴⁹

⁴⁴ CDD8.

⁴⁵ This summary is based on ID24.

⁴⁶ CDD10.

⁴⁷ *North Wiltshire DC v SoS* (1993) 65 P.&C.R 137.

⁴⁸ ID5.15.

⁴⁹ ID5.16.

44. Lightsource Renewable Energy Ltd proposed a 5 MW solar farm at Hutton. This site was in the Green Belt and 85% of the site was grade 3a agricultural land. The Secretary of State agreed with the Inspector that this was inappropriate development in the Green Belt, and that the loss of openness would be experienced for a considerable time (30 years) and thus represented additional harm to the Green Belt, albeit less than the enduring harm of a permanent development. The Secretary of State added that the reversibility of the scheme should not be an influential factor in determining whether the scheme should go ahead.⁵⁰
45. A scheme for a solar farm on 16 ha of land at Claverdon, which would generate 6,810 MWhr/yr and enough electricity for 1,294 homes, for its lifespan of 20 years, was recommended by the Inspector for refusal on Green Belt grounds. The Secretary of State agreed, finding that the proposal would fundamentally conflict with one of the purposes of Green Belts to assist in safeguarding the countryside from encroachment, which would be an additional significant harm to the Green Belt.⁵¹ Without exception, the Secretary of State has refused very similar schemes in Green Belts around the country. No arguments have been advanced to suggest that a different outcome could, or should, happen here.
46. A recurrent theme in these decisions is that Green Belt harm must be accorded "substantial weight".⁵² This did not feature in the critical balancing exercise undertaken by NHDC, and so, for this reason alone, NHDC's decision is open to question. It is not possible to say that the benefits outweigh the Green Belt harm when that harm has not been accorded the appropriate weight. The Applicant has fallen into the same error. Neither has carried out a proper balancing exercise. The proposal faces two insurmountable policy objections – Green Belt and loss of BMV agricultural land, and the climate change benefits are insufficient to outweigh the harm.

The case for others opposing the scheme

Two interested persons gave evidence to the Inquiry, and a summary of their submissions is included below.

47. Stephen McPartland MP gave evidence to the Inquiry and submitted a written statement, which is summarised as follows.⁵³ NHDC disregarded the WMS dated 25 March 2015 and has consistently ignored the will of Parliament and clarifications from a variety of Secretaries of State. The Government has put in place the strongest provisions to protect the Green Belt.
48. The Site has traditionally grown wheat, maize and beans, so it is difficult to understand how the solar farm would increase farm income security. Farming subsidies for solar farms have been scrapped. The technology is intermittent because solar farms do not generate energy when the sun does not shine, and so the output cannot be controlled. Whereas with rooftop technology the electricity generated is capable of being used within the building/property, with the additional benefit of zero transmission losses.

⁵⁰ ID5.14.

⁵¹ ID5.13.

⁵² Paragraph 88 of the *Framework*.

⁵³ ID20.1.

49. NHDC have not listened to the local community, and have disregarded objections to the application, including those from the local parish councils. The area is a local beauty spot enjoyed by ramblers, cyclists, horse riders and the local pheasant shoot. It contains ancient forests, bluebell woods, wildflower meadows and rolling open countryside, within the sensitive Codicote plateau. The suggestion that the scheme would improve biodiversity is not substantiated, and the area does not need improved biodiversity. Local residents would have unrestricted views of the panels, and NHDC has not considered the glare impacts on nearby occupiers and ongoing traffic. Three Houses Lane is not a suitable place for a solar farm.
50. Three Houses Lane is a narrow single track lane, which is not designed for large high-sided HGV traffic. Major changes would be needed, which would destroy its character.
51. The UK is set to exceed massively targets for solar power, achieving almost 13 GW of solar energy capacity forecast for 2020. At the end of April 2016 overall UK solar PV capacity stood at 9,790 MW, an increase of 21% compared to April 2015. It is hard to justify that this Site is of any relevance to the Government for reducing carbon emissions and our reliance on fossil fuel energy. Fabricating solar panels uses energy and materials. Where they are made in overseas factories the UK is not reducing emissions, just exporting them elsewhere.
52. The suggestion that the use would be temporary is hard to believe when it would run for 30 years, and NHDC acknowledges that the developer can apply for a further planning permission.
53. The Applicant has not considered other brownfield sites, or sites outside a restricted study area. The study area used in the Applicant's sequential analysis comprises a 10 km radius from the centre of the Site, along with assumptions about grid connection, resulting in a 2 km wide corridor centred on the limited existing 33 kv/66 kv distribution network.⁵⁴
54. David Hamid, a local resident, is concerned about HGVs using Three Houses Lane. The overhanging trees form a tunnel and branches are frequently broken off by large vehicles leaving the debris in the lane. Some HGVs will not deliver to his house because the drivers are concerned about damage to their vehicles. Given the width of the lane, if two HGVs met one would have to reverse, possibly a long way. There is also a problem with local flooding of part of the lane. Water can lie in this low lying area of the lane for a long time, and so the roadside ditch is not apparent. Vehicles have had to be pulled from this ditch.
55. Mr Hamid also commented on the number of objections submitted about the revised scheme. He understood that the original complaints about the scheme would be carried forward, and was not aware that it was necessary to object again. He clarified that his objection remains and that the amended scheme does not change his view.

⁵⁴ Figure 1 CDA7.9.

Written representations

Community consultation

56. A leaflet about the original 11.28 MW proposal was mailed to over 340 local residents and businesses in July 2014. A drop-in event was advertised and held on 7 August 2014, which was attended by approximately 35 people. Four completed feedback forms were received, with three supportive of the proposal and one undecided.⁵⁵

Representations about the original 11.28 MW scheme

57. NHDC received 85 representations in support of the original application.⁵⁶ There were 203 objections.⁵⁷ A petition against the proposal with 20 signatures was also submitted. These are summarised in NHDC's Planning Committee Report.⁵⁸

58. Some of these, both objections and submissions in support, can be read as an 'in-principle' objection/support for solar renewable energy schemes, rather than just a comment on the specific proposal.

Representations about the revised 5 MW scheme

59. The amendments to the scheme were advertised and this consultation resulted in 73 objections, 1 representation in support of the proposed development, along with 2 that just provided comment.⁵⁹ Consultation replies about the amended scheme are summarised in NHDC's Planning Committee Report, and the gist of these submissions is as follows.⁶⁰

60. Support for the scheme was based on the need for rural communities to generate electricity in a clean and sustainable way, adding that there would be benefits for farm diversity, resting the soil from intensive farming, and biodiversity benefits from the hedges and trees.

61. The issues raised by objectors referred to the Green Belt and the use of good quality agricultural land. The application includes no compelling evidence about the use of BMV agricultural land. The nature, size and scale of the proposed industrial structures and the noise from inverters would be inappropriate and alien in this setting. The life span of 30 years would lead to other forms of development and the permanent loss of agricultural land and beautiful countryside. Traffic movements associated with the scheme would have a significant effect on the surrounding roads. The search area does not include large areas located outside the Green Belt. Much of the energy generated would be lost as it cannot be stored and would be produced in summer when demand is lowest. The harm to the environment would not be justified by a 5 MW scheme. There are no very special circumstances.

⁵⁵ CDA7.10.

⁵⁶ CDA8.1.

⁵⁷ CDA8.2.

⁵⁸ Paragraphs 3.1 and 3.2 of CDA10.

⁵⁹ CDA8.3.

⁶⁰ Paragraph 3.3 of CDA10.

Consultees

Consultation replies about the amended scheme are summarised in NHDC's Planning Committee Report, and the gist of these submissions follows.⁶¹

62. Knebworth Parish Council. Objects to the revised application on Green Belt grounds and its significant visual impact. Concern was expressed about development of the BMV agricultural land, contrary to the *Framework*. Three Houses Lane would be an inappropriate access for large delivery vehicles, with only one passing place for smaller vehicles. The development would not be temporary, once established it would either continue as a solar farm or be developed as a brownfield site. Without a proper tree survey an informed decision cannot be made about the impact on mature trees.
63. Codicote Parish Council. Objects to the revised scheme on the following grounds; prime agricultural land in the Green Belt, access not suitable and weight of traffic during construction period, and associated buildings too big.
64. Natural England (NE). Refers to its previous comments on the 11.28 MW proposal, to which no objection was raised with respect to the Knebworth Woods SSSI or the Chilterns Area of Outstanding Natural Beauty (AONB). However, NE left other matters for consideration by NHDC, including local landscape distinctiveness, protected species and biodiversity enhancements.
65. The original scheme involved the use of 17 ha of BMV agricultural land, and NE recognised, in the short-term, the likelihood that there would be a loss of potential agricultural production. However, NE considered that the original proposal would be unlikely to lead to a significant and irreversible long-term loss of BMV agricultural land, as a resource for future generations.

Inquiry stage

There were three written submissions at the Inquiry stage, which are summarised as follows. [Red folder on file]

Written submissions objecting to the proposed development (2)

66. Mr Stephen McPartland MP wrote to say that he had asked the Secretary of State to call in the application because NHDC had failed to provide any evidence that this application complies with 'the very special circumstances' test applicable on Green Belt land, and had disregarded the WMS dated 25 March 2015.
67. Mr and Mrs Pellet, residents of Crouch Green, submitted a report setting out their objections to the proposal. This included photographs, some of which were reproduced as ID17. The matters raised in the report are generally covered in the summary of the Rule 6 Parties case outlined above. Other matters particularly highlighted include the effect on the outlook from Crouch Green.⁶² The report also noted that no local authority has any quota that it is required to fill for approving sites for the production of alternative energy sources.

⁶¹ Paragraphs 3.5-3.12 of CDA10 and CDA9.

⁶² The relationship between Crouch Green and the Site is shown in photographs numbered 9 and 10 at ID17.

Written submissions in support of the proposed development (1)

68. North Herts Friends of the Earth resubmitted their comments made on the original scheme, but added that the amendments strengthened the case for approval because they addressed concerns expressed by objectors in relation to visual impact and the use of good quality agricultural land.

Conditions and obligations

69. Suggested planning conditions in the event that planning permission was granted were discussed at the Inquiry and agreed by NHDC and the Applicant.⁶³ Local residents considered that more restrictive times for access by construction vehicles and for construction work should be imposed, and that additional conditions would be necessary regarding the condition of Three Houses Lane. I deal with these in more detail in my Conclusions section of this Report. No planning obligation under section 106 of the Act has been submitted.

⁶³ ID23.

Inspector's conclusions

Preliminary matters

70. The following conclusions are based on the written submissions, the evidence given at the Inquiry, and my inspections of the Site and its surroundings. In this section the figures in parenthesis [] at the end of paragraphs indicate source paragraphs from this Report.
71. The amended scheme was the subject of further consultation and the Inquiry provided an opportunity to make representations about the alterations. Therefore, dealing with the application on the basis of the amended scheme would not be prejudicial to the interests of any party. For the avoidance of any doubt about site boundaries, planning conditions could specify the differences between the Application Site and the Site for the proposed development. [1,2]
72. Notwithstanding that the screening direction referred to a temporary scheme for 25 years, and not 30 years, there is nothing to indicate that this proposal is EIA development. [3]

Main considerations

73. In the Secretary of State's call-in letter the matters about which he particularly wished to be informed for the purposes of considering this application included Section 9 of the *Framework*, concerning protecting the Green Belt, and Section 10, about meeting the challenge of climate change, with particular regard to the scale of the development and potential impact on the environment, together with any other matters the Inspector considers to be relevant. The evidence indicates that the main considerations here are as follows. [1]
- (1) Whether the development conflicts with policy to protect the Green Belt and the effects of the proposed development on the openness of the Green Belt and upon the purposes of including land within it.
 - (2) The effects of the proposed development on the character and appearance of the area.
 - (3) The effects of the proposed development on agricultural land and soils.
 - (4) The effects of the proposed development on biodiversity.
 - (5) The effects of the proposed development on heritage assets.
 - (6) The effects of the proposed development on highway safety.
 - (7) The effects of the proposed development on the residential amenity of nearby occupiers.
 - (8) The effects of the proposed development on drainage and flood risk.
 - (9) Other considerations, including the duration and reversibility of the scheme.
 - (10) The contribution of the proposed development towards the generation of energy from renewable sources.

- (11) If the development is inappropriate in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
 - (12) The extent to which the proposed development would be in accordance with the development plan for the area.
 - (13) The extent to which the proposed development would be in accordance with the *National Planning Policy Framework* (the *Framework*) and *Planning Practice Guidance* (the *Guidance*).
74. I consider whether any permission should be subject to any conditions or obligations and, if so, the form that these should take, before considering my overall conclusions. The remainder of this report addresses the matters outlined above, and my recommendation is based on these findings.

Green Belt

75. The scheme would involve development that is not included in the exceptions set out in paragraph 89 of the *Framework*, and paragraph 90 does not apply. The advice in the *Framework* that elements of many renewable energy projects will comprise inappropriate development applies in this case to the proposed panels, electrical equipment and security installations. The proposal would be inappropriate development in the Green Belt. The *Framework* states that when located in the Green Belt inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The *Framework* provides that substantial weight should be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
76. The solar panels and associated equipment would have a significant adverse effect on the openness of the Green Belt. I consider that the Applicant has understated the likely impact of the scheme on openness. The scheme includes security fencing and electrical equipment, which would also adversely affect the countryside. The resultant encroachment into the countryside would be at odds with one of the purposes of the Green Belt. [12,15,32,40,61,62,66]
77. The proposal would be inappropriate development in the Green Belt. Furthermore, it would be at odds with one of the purposes of the Green Belt, and would erode its openness. The proposed development would, therefore, harm the Green Belt. I next consider whether the proposal would result in any other harm, and then have regard to other considerations, so as to undertake the balancing exercise outlined above.

Character and appearance

78. The site lies within the Codicote Plateau Landscape Character Area (LCA 205), which is characterised by a gently rolling upland plateau, with large arable parcels and grazing, along with varying sized blocks of woodland. LCA 205 is vulnerable to further urbanising features, and at risk from development pressure, and considered to be of moderate to high sensitivity. [7]

79. The solar panels and associated infrastructure would be utilitarian structures in this countryside location. The construction of the panels, along with their regular arrangement in long rows, would be out of keeping with the character of the area. The panels would be of a colour and texture that was not typical of its agricultural context, and so the proposed development would introduce a discordant element at odds with the historic and mature landscape character of the locality. The Applicant and NHDC understate the likely effects of the proposed development on the landscape character of the area. I consider that the magnitude of change would be at least Medium, and possibly High, and with Medium sensitivity, this would result in an adverse effect of either Moderate or Moderate/Major significance for the landscape resource. [6,7,12,13,16,29,49,63]
80. I turn next to visual effects. The surrounding woodlands and hedgerow along the lane would provide a high degree of screening for the proposed development from public vantage points, as is clear from VP7. Some glimpses might be possible through the vegetation, especially in the winter months, and the panels and some electrical equipment would be visible through the proposed new access off the lane, in the vicinity of VP8. Views from Footpath 35 (VP1) would be effectively screened. The adjoining woodland would limit views from Footpath 32, although there is a gap between the wooded areas about half way between the lane and VP9, where views towards the Site would be apparent in winter. However, the proposed hedgerow under-planting and infilling along the south-western boundary of the Site would reduce this to a minor impact. This view, when available, would also only occur for a short distance along this footpath. Those using the footpaths and lane for recreational purposes would have High sensitivity, but with a Low magnitude of effect, the scheme would be likely to have an adverse effect on their visual amenity of Moderate significance. The same would apply for nearby residential receptors. [6,8,12,13,17,29,42,49,62,68]
81. The separation distance, local topography and blocks of woodland combine to limit the likely visual impact of the scheme in its wider context. In particular, there would be no intrusive views from the public areas associated with Vanstone Park Garden Centre. This is apparent from VP2, VP4, VP3, VP9 and VP5, from which the scheme would be likely to have an adverse visual effect of Negligible or Minor significance. [6]
82. The scheme would harm the character of the area, but would have a limited and localised adverse effect on its appearance. Overall, the proposal would have an adverse effect of Moderate significance on the local landscape.

Agricultural land and soils

83. The *Framework* provides that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing soils. It also adds that account should be given to the economic and other benefits of the best and most versatile (BMV) agricultural land, defined as grades 1, 2 and 3a land, and where significant development of agricultural land is necessary areas of poorer quality land should be preferred to that of a higher quality. This preference is reiterated in the *Guidance*, which goes on to refer to proposals allowing for continued agricultural use where applicable and/or encouraging biodiversity improvements around arrays of solar panels.

84. The scheme would use 3.8 ha of grade 3a agricultural land. The Applicant proposes to graze sheep between and around the solar panels, but there would be no obligation to do so. No specific condition to require grazing has been suggested. Furthermore, it does not seem to me that it would be reasonable to require this as part of an approved landscape scheme pursuant to suggested Condition 5. Not much weight can be given here to the likelihood that the Site would be used for grazing or continue in some other beneficial agricultural use. The scheme would, therefore, result in a loss of agricultural productivity. The fact that the Site is part grade 3b does not necessarily mean that the whole Site would be suitable only for a non-BMV agricultural land crop. The *Framework* requires that consideration be given to whether the development could be provided on areas of poorer quality land. [10,18,30,40,42,61,63,65,66,68]
85. The Applicant's sequential analysis study concludes that there are no deliverable sites on poorer quality land. However, the study area used comprises a 10 km radius from the centre of the Site, along with assumptions about grid connection, resulting in a 2 km wide corridor centred on the limited existing 33 kv/66 kv distribution network. Given that targets for renewable energy are national, there does not appear to be any basis for selecting such a limited study area. The sequential analysis study does not provide a compelling case for the utilisation of BMV agricultural land. [10,19,34]
86. I find that the likely loss of productivity from using 3.8 ha of the best and most versatile agricultural land would, in the circumstances that apply here, weigh significantly against the proposal.

Biodiversity

87. The evidence indicates that the construction of the scheme, subject to appropriate conditions, would not have an adverse effect on wildlife in the area. There is nothing to suggest that the development would harm protected species or Knebworth Woods SSSI. Nature conservation interests and any protected species could be adequately safeguarded by the imposition of appropriate planning conditions. Overall, the proposed development would be likely to enhance biodiversity because of the tree, hedgerow and wildflower planting, and from resting the soil from intensive farming for 30 years. These nature conservation benefits weigh, to some extent, in favour of the proposal. [6,20,42,49,60,64]

Heritage assets

88. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to the desirability of preserving the setting of a listed building. However, the development would be sited some distance from listed buildings in the locality and separated by woods and hedgerows. The nearest listed buildings at Three Houses Farm have a limited setting that comprises the farmyard and its immediate context. The proposed development would not have a significant effect on the setting of any nearby listed buildings. For similar reasons, it would not adversely impact on the registered historic parks and gardens in the wider area. Any archaeological interest in the Site could be safeguarded by imposing an appropriate planning condition. Overall, the proposal would have a negligible effect on heritage assets, and would comply with LP Policy 16. [6,22]

Highway safety

89. There is local concern about HGVs using Three Houses Lane, which is understandable given its width, overhanging trees and poor drainage in places, and that construction would require 120 vehicle loads over a 10-14 week period. However, there is no convincing evidence that construction traffic would significantly increase the risk to those using the local highway network, provided appropriate conditions were imposed. Implementing a construction traffic management plan would also help to minimise any congestion or risk to highway safety. There is no objection from the Highway Authority subject to conditions, and no reason to find against the proposal on highway safety grounds. I deal with necessary planning conditions in paragraph 110 of this Report. [21,50,54,61,63]

Residential amenity

90. The proposed landscaping would not entirely screen out views of the solar panels, at all times, from nearby residential dwellings. However, given the separation distance and the intervening woodland/hedgerows, the proposed development would not have an overbearing or dominating effect on the outlook from nearby dwellings. Noise from electrical equipment could be controlled by the imposition of an appropriate planning condition, and so would not have an unacceptable adverse effect on the living conditions of nearby occupiers. There are no reasons to find against the proposal on residential amenity grounds. [6,67]

Drainage and flood risk

91. The submitted Flood Risk Assessment demonstrates that surface water run-off could be adequately controlled. There is scope within the Site to design and implement a drainage scheme that would ensure that the development did not significantly increase flood risk. The Environment Agency has no objection to the proposal. Subject to the imposition of appropriate conditions drainage is not a consideration that weighs against the proposal. [23]

Other considerations

92. Permission is sought for a period of 30 years. The development would be temporary, but for this period any harm to the landscape would be considered to be long term. However, it would be practical to reverse the effects on both the character and appearance of the area, and the Green Belt, within a generation. The *Guidance* advises that conditions can require the site to be restored to its previous use. The duration and reversibility of the development is a material consideration, but the loss of openness for this part of the Green Belt for 30 years, and the landscape harm, albeit reducing over time as screen planting matured, would endure for a long time. I consider that the duration and reversibility of the development are factors that should be given limited weight in the planning balance that applies here. [10,15,24,31,36,38,44,52,61]
93. The appeal decisions cited by the parties are of little help in determining this application on its own merits, as much depends on the particular circumstances, particularly the levels of harm and benefits in conducting the appropriate balancing exercise. Not much weight can be given to the submissions about other solar farm decisions. [25,36,43,44,45]

94. I have taken into account all other matters raised in the written representations and at the Inquiry, but there are no other considerations which would be influential in determining this application on its planning merits. [48,49,51,56-61,62]

Renewable energy

95. The scheme, with an estimated installed capacity of 5 MW and average electrical output of 4,575 MWhr/yr, would make a significant contribution to achieving renewable energy targets. The scheme would generate enough electricity to supply some 1,475 typical homes and reduce carbon dioxide emissions by about 2,360 tonnes per year. The proposal would also utilise the available grid connection, and could be delivered in 2016/17. The wider environmental and energy security benefits of the proposal weigh significantly in favour of approving the application. [14,26,27,48,51,60]
96. I have taken into account the Applicant's sequential analysis, and noted the availability here of a grid connection. However, I do not consider that the difficulty in finding suitable sites in the locality should be a decisive or influential consideration. Notwithstanding that the *Framework* refers at paragraph 97 to the responsibility on all communities to contribute to energy generation from renewable or low carbon sources, targets for renewable energy are set on a national basis. There is nothing to require the study area used in the Applicant's sequential analysis to contribute to national targets by means of solar energy development. [26,53,61,67]

Very special circumstances

97. Of the factors cited by the Applicant and others supporting the scheme, to be weighed in the balancing exercise as 'other considerations', significant weight should be given to the generation of electricity from a renewable source, which would make a valuable contribution to cutting greenhouse gas emissions. Paragraph 91 of the *Framework* provides that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
98. The proposed development could be constructed in 2016/17, and so could soon contribute to meeting targets for renewable energy. However, neither this, nor the existence here of a guaranteed grid offer from the DNO, are factors that should be given much weight as relevant 'other considerations' in their own right, because these would be an integral part of achieving the benefits of the renewable energy from the scheme as set out in the previous paragraph. However, some weight should be given to the resultant benefits of the scheme to energy security, to the local economy and to farm diversification.
99. The development would be temporary and reversible, but this just means that both the harm and the benefits would be time limited. Duration and reversibility are not factors that should be given much weight in determining whether 'very special circumstances' exist.
100. There is local opposition to the proposal, but also some local support. The weight of representations for and against the proposal is not a consideration that can be factored into the Green Belt balancing exercise.

101. The Applicant argues that non-Green Belt locations within the study area are severely limited. This may be so, but it cannot properly be a consideration to weigh in the 'very special circumstances' balancing exercise, given that targets for renewable energy apply nationally.
102. I consider that significant weight should be given to the contribution that the scheme would make to the Government's commitment to tackle climate change by reducing carbon dioxide emissions and towards energy security, along with some benefits from ecological enhancement, and the benefits that would result to the local economy. The disadvantages of the proposal include the harm to the Green Belt, and to the character and appearance of the area, along with the use of 3.8 ha of BMV agricultural land. Substantial weight should be given to the harm to the Green Belt in the balancing exercise that applies here. The other harm I have identified is also significant. Taking all the above into account, I find that the 'other considerations' in this case do not clearly outweigh the harm I have identified, and the very special circumstances necessary to justify the development do not exist. [28,32,34,35,37,38,41,46,47]

Development plan

103. The proposed development would accord with LP Policies 14 and 16 concerning, respectively, nature conservation and heritage considerations. However, if it is concluded that 'very special circumstances' do not exist here, the proposal would conflict with LP Policy 2. Given my findings about landscape effects, it would also conflict with that part of LP Policy 2 that requires development not to result in significant visual impact. Overall, these breaches would be sufficient to bring the proposal into conflict with the development plan when read as a whole. However, the development plan is silent about renewable energy development, and the emerging Draft North Hertfordshire Local Plan 2011-2031 Preferred Options is at consultation stage and therefore carries limited weight. In determining this application more weight should be given to the provisions of the *Framework*. [9,11,33]

National Policy and Guidance

104. The proposal would be at odds with the *Guidance* regarding poorer quality agricultural land being preferred to that of a higher quality. The core planning principles set out in the *Framework* encourage the development of renewable energy, whilst recognising the intrinsic character and beauty of the countryside. The *Framework* also provides for 'very special circumstances' in the Green Belt. The economic, social and environmental roles for the planning system, which derive from the three dimensions to sustainable development in the *Framework*, require in this case that a balancing exercise be performed to weigh the benefits of the proposed solar farm against its disadvantages. For the reasons set out above regarding 'very special circumstances', I have found that the balance here falls against the proposal. The evidence submitted does not demonstrate that the impacts of the scheme could be made acceptable. Paragraph 14 of the *Framework* applies here because the development plan is silent about renewable energy development, but specific *Framework* policies concerning the Green Belt indicate that the development should be restricted. The proposal would not accord with the requirements for sustainable development set out in the *Framework*. [26,10,37]

Conditions and obligations

105. NHDC and the Applicant reached agreement about possible conditions at the Inquiry. However, at the round-table discussion about conditions local residents sought some additional restrictions. I have considered the need for conditions and their wording in the light of the advice contained in the *Guidance*. [69]
106. A commencement period of three years would be appropriate (Condition 1). Otherwise than as set out in any decision and conditions, it would be necessary that the development was carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning (Condition 2). This condition should also clarify the Site and the Application Site. A condition would be required to specify that the development permitted applied only to the Site, and was temporary and for a 30 year period (Condition 3). Decommissioning and restoration to a solely agricultural use would also be necessary at the end of the temporary period, and upon cessation of electrical generation from solar panels for a period of six continuous months (Condition 4). An approved Decommissioning Method Statement would also need to provide for traffic management and to safeguard wildlife.
107. A landscaping scheme would need to be approved and implemented, which provided details about the proposed access, in the interests of the appearance of the area (Condition 5). A restriction on noise from the electrical plant would be necessary to ensure that the development minimised adverse impacts on the quality of life for those living in the area and enjoying the countryside (Condition 6). No external lighting should be installed on the Site, except for a motion sensor light on the DNO building (Condition 7). An archaeological Watching Brief would be necessary for local heritage reasons (Condition 8).
108. Local residents suggested that more restrictive times (0930-1630 Monday to Friday and not at all on Saturday or Sunday) should be imposed on construction traffic because of people using the lane during the school run. They also thought that construction work should not start until 0930, so as to safeguard local amenity. Concern was particularly expressed about piling for the solar panel frames resulting in noise and disturbance. The Applicant pointed out that restricting times of the operation might result in it continuing for a longer period, and that costs for plant hired on a daily basis would increase as a result, jeopardising the viability of the scheme. Given the limited overall time that construction/decommissioning would be likely to take, and the controls that could be imposed in an approved Construction Transport Management Plan and decommissioning scheme, it would not be necessary to impose more restrictive hours than those agreed by NHDC and the Applicant (Condition 9).
109. Construction details for the access and visibility splays would need to be submitted for approval because the submitted drawings do not indicate the proposed works in sufficient detail. The approved works would need to be implemented before construction vehicles entered the Site in the interests of highway safety (Condition 10). For similar reasons, a Construction Transport Management Plan would need to be submitted, approved and implemented (Condition 11). A Landscaping and Biodiversity Management Plan would need to be approved and implemented in the interests of nature conservation and the visual amenity of the area (Condition 12). Drainage would need to be approved and implemented so as not to increase the risk of flooding (Condition 13).

110. I share the concern of local residents about whether Three Houses Lane is currently in a suitable condition to accommodate the construction traffic necessary to complete the proposed development. The verges are in places badly damaged and the poor drainage is a significant problem. Notwithstanding that NHDC did not consider that any off-site works would be necessary to facilitate construction of the solar farm, it seems to me that some preparatory work would be required to ensure that the lane remained in a useable and safe condition during the construction period. Notwithstanding that the Highway Authority has not suggested any such condition, I consider that it would be necessary, in the interests of the safety and convenience of all those using the lane, to impose a condition requiring a scheme of preparatory works to be approved and implemented prior to the commencement of construction of the solar farm on the Site (Condition 15). For similar reasons, a condition would be necessary to undertake before and after surveys of Three Houses Lane, and to make good any damage to the lane from construction vehicles (Conditions 14 and 16).
111. In the event that planning permission is granted, Annex A to this Report lists the conditions that I consider should be attached. There is nothing to indicate that a planning obligation would be necessary.

Overall conclusions

112. The Council received 203 objections to the 11.28 MW scheme, and 85 letters in support of that proposal. Some of these were 'in principle' support or objection to solar farm development, and so should not be disregarded in considering the revised scheme. For the 5 MW scheme there were 73 written submissions objecting to the proposed development, and 1 written representation in support of the scheme. Measures to inform and involve the local community reasonably comply with relevant requirements. Opinion about the proposal is divided. The application should be decided having regard to the development plan, and the determination made in accordance with it, unless material considerations indicate otherwise. [39,55-61]
113. The proposal would be inappropriate development in the Green Belt. In my judgement, and for the reasons set out above, the 'other considerations' in this case do not clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm, and the very special circumstances necessary to justify the development do not exist. The proposal would conflict with relevant development plan policies, and would not accord with the requirements for sustainable development set out in the *Framework*. There are no material considerations here that would indicate that a determination other than in accordance with the development plan was justified. For the reasons given above and having regard to all other matters raised, I conclude that the application should be refused.

Recommendation

114. I recommend that the application (for the revised Layout shown on Plan No.3HL 012-11 dated 08.06.15) should be refused. However, if the Secretary of State is minded to disagree with my recommendation, Annex A lists the conditions that I consider should be attached to any permission granted.

John Woolcock

Inspector

ANNEX A

CONDITIONS 1-16

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan (Plan No.THL_02 dated 20.08.14)
 - Layout (Plan No.3HL 012-11 dated 08.06.15)
 - Inverter, Transformer and Production Cabin Elevation (Plan No.TYD 014-30-2 dated 06.06.15)
 - Typical Panels Elevation 3 Landscape (Plan No.TYP_P_E dated 10.09.14)
 - Site Auxiliary Transformer Plans and Elevations (Plan No.SITE_AUX_TRANSFORMER_01A dated 15.05.13)
 - Client Substation Elevation Design dated 25.08.14
 - Substation details (COMM-Storage) – Communications and Storage Building (Plan No.3HL 012-11 dated 03.02.15)
 - DNO Building Details (Plan No.DNO_01 dated 06.12.13)
 - Deer Fence – Inc. Mammal Gate (Fence Elevation)
 - Camera Pole and Foundation (CCTV Elevation) (Plan No.3HL 012-41 dated 03.02.15)

For the purposes of these Conditions the 'Application Site' is shown edged red on Location Plan, Drawing No.THL_02 dated 20 August 2014, but the 'Site' is shown edged by the solid black line on Drawing No.THL_03 dated 14 June 2016, which is attached to this decision.

3. The permission hereby granted is for the development on the Site to be retained for a period of not more than 30 years from the date when electricity is first exported to the electricity grid (First Export Date), or in the event that electricity is not exported to the electricity grid from the date that works first commenced on the Site. Written confirmation of both the date works commenced and the First Export Date shall be submitted to the local planning authority within one month of the event occurring. This permission shall expire once the decommissioning and restoration has been completed in accordance with Condition 4. The permission hereby granted does not grant planning permission for any development within the Application Site except for development hereby permitted within the Site.

4. No later than 12 months before the end of the 30 year period granted by Condition 3, or within six months after the cessation of use of the solar panels for electricity generation, whichever is sooner, a Decommissioning Method Statement for the Site shall be submitted to the local planning authority for approval in writing. The use of the solar panels shall have ceased if they do not generate electricity for a continuous period of six months. The Decommissioning Method Statement shall make provision for the removal of the solar panels together with any supporting apparatus, mountings, cabling, foundations, inverter stations, fencing, CCTV cameras and other associated equipment from the Site and the restoration of the Site for a solely agricultural use. It shall also include details of:
 - i. A traffic management plan for vehicles used in the decommissioning and restoration, along with provisions for surveying the condition of Three Houses Lane before and after completion of decommissioning, and for completion of any necessary remediation works.
 - ii. An ecological survey and any necessary mitigation.
 - iii. A timetable for decommissioning and site restoration.The approved Decommissioning Method Statement shall be implemented and its requirements completed within six months of the end of the 30 year period granted by Condition 3, or if cessation of use of the solar panels for electricity generation occurs earlier, then in accordance with the timetable in the approved Decommissioning Method Statement.
5. Notwithstanding the submitted landscaping proposals, a Landscaping Scheme, to include full details of the access and any vegetation removed, shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. Thereafter the approved Landscaping Scheme shall be carried out before the end of the first planting season following completion of the development and any trees, plants or hedges which die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species and shall be maintained for the duration of the development hereby permitted, unless the local planning authority approves in writing to vary or dispense with this requirement.
6. The Rating Level of the noise emanating from the electrical equipment hereby permitted shall not exceed 35 dB $L_{Aeq,1hr}$ when measured at any boundary of the Site and determined in accordance with the guidance and methodology set out in BS 4142:2014.
7. No external lighting shall be installed on the site, with the exception of the single motion sensor light to the DNO building, unless the prior approval of the local planning authority has first been secured in writing.
8. No development shall take place until arrangements have been made for an archaeological Watching Brief, to monitor development groundworks and to record any archaeological evidence revealed, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved arrangements.

9. In relation to the construction and decommissioning works for the development hereby permitted, no machinery shall be operated and no process shall be carried out on the Site except between the hours of 08.00 and 18.00 Monday to Friday and 08.00 and 13.00 on Saturdays, unless approved in writing in advance by the local planning authority.
10. Notwithstanding the details submitted with the application, no part of the development hereby permitted shall be commenced (within the meaning of Section 56 of the Town and Country Planning Act 1990), until the construction details of the junction of the proposed vehicular access together with visibility splays, of 2.4 m x 43 m in both directions, with the highway have been submitted to and approved in writing by the local planning authority. The details shall include provision for the access to be 6.1 m wide, with the first 15 m from the edge of the carriageway constructed in a hard surfacing material, and for any gates to be set back a minimum of 15 m from the edge of the carriageway and opening inwards to the Site. No vehicle associated with the construction of the solar farm shall cross the highway verge until the access has been constructed in accordance with the approved details. The visibility splays, within which there shall be no obstruction to visibility between 600 mm and 2.0 m above the carriageway level, shall thereafter be retained.
11. Notwithstanding the details submitted, no development shall take place until an updated Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details about construction traffic routes, the scheduling and timing of movements, any traffic control, signage inclusive of temporary warning signs, the management of junctions to, and crossing of, the public highway and other public rights of way, along with provisions for a 'banksman' to accompany any reversing vehicles both to and from the Site and along Three Houses Lane. The CTMP shall be implemented in accordance with the approved details for the duration of the construction period.
12. Notwithstanding the submitted Landscaping and Biodiversity Management Plan, dated 24 March 2015, the development hereby permitted shall be completed in accordance with an updated Landscape and Biodiversity Management Plan to be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The approved updated Landscape and Biodiversity Management Plan shall be implemented in full throughout the life of the development and no variations shall be permitted other than with the specific written consent from the local planning authority.
13. The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the Site, based on the Flood Risk Assessment prepared by Hyder Consulting, reference: 5001-UA007318-NE-UU41-01, dated 15 August 2014 (FRA), has been submitted to and approved in writing by the local planning authority. The drainage scheme shall include a restriction in run-off and surface water storage on site as outlined in the FRA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall thereafter be retained.

14. Prior to the commencement of the development hereby permitted, a condition survey of Three Houses Lane shall be submitted to and approved in writing by the local planning authority.
15. No development shall be carried out on the Site until any necessary off-site highway works have been carried out in accordance with a Scheme which has been previously submitted to and approved in writing by the local planning authority. The Scheme shall include any necessary works to provide access for HGVs along Three Houses Lane.
16. Within three months of the First Export Date or the date of completion of the installation of the panels hereby permitted a condition survey and report for Three Houses Lane shall be submitted to the local planning authority. The report shall identify whether there has been any deterioration in the surface of the Lane when compared to the survey submitted under Condition 14. If there is any deterioration a schedule of remedial measures, a timescale for their implementation and a methodology for a further condition survey and report and remedial measures shall be submitted to and approved in writing by the local planning authority, and implemented in accordance with the approved timescale and details.

ANNEX B

DRAWINGS FOR THE ORIGINAL AND THE REVISED APPLICATIONS

Drawings relating to the original scheme are set out in CDA4.1-CDA4.18.

Drawings relating to the revised scheme are set out in CDA5.1-CDA5.16.

APPEARANCES

FOR THE APPLICANT:

Joshua Mellor and
Penelope Laurenson

Lightsource Renewable Energy Holdings Ltd.

They called

Chris Buckland BSc(Hons) MBA

Technical Director, Lightsource Renewable
Energy Holdings Ltd.

Nick Gudgeon

Construction and Connections Director,
Lightsource Renewable Energy Holdings Ltd.

Penelope Laurenson BA MRRP
MNZPI MRTPI

Head of Planning, Lightsource Renewable Energy
Holdings Ltd.

FOR NORTH HERTFORDSHIRE DISTRICT COUNCIL:

Hashi Mohamed
of Counsel

Instructed by Nurainatta Katevu.

He called

Helen Leitch B MA MLI
John Chapman

Landscape and Urban Designer.
Area Planning Officer.

FOR RULE 6 PARTIES:

Martin Edwards
of Counsel

Instructed by Mr Pellett, Mr Wise, Codicote Parish
Council and Knebworth Parish Council.

He called

Nicholas Pellet
Tim Wise

Local resident.
Local resident.

INTERESTED PERSONS:

Stephen McPartland MP
David Hamid

Member of Parliament for Stevenage.
Local resident.

DOCUMENTS SUBMITTED AT THE INQUIRY (ID)

- Document 1 The Applicant's Opening Remarks.
- Document 2 The Council's Opening Remarks.
- Document 3 Opening statement on behalf of the Rule 6 Parties.
- Document 4 UKPN Heat map May 2016 and the Green Belt.
- Document 5 Decisions submitted by Rule 6 Parties
- 5.1 APP/C3620/W/14/3000674 Mynthurst Farm.
- 5.2 APP/M2270/A/14/2226557 Badsell Road.
- 5.3 APP/P0119/W/15/3004513 Green Farm.
- 5.4 APP/P2365/W/15/3002667 Butchers Lane.
- 5.5 APP/P2365/W/15/3011997 Tawdside Farm.
- 5.6 APP/Z3825/A/14/2218035 Huddleston Farm.
- 5.7 APP/D0840/A/14/2229290 Butteriss Farm.
- 5.8 APP/B5480/W/15/3007618 Clay Tye Farm.
- 5.9 APP/F0114/W/15/3103260 Howgrove Farm.
- 5.10 APP/M3645/W/15/3133066 Barrow Green Farm.
- 5.11 APP/B9506/W/15/3006387 Limolands Farm.
- 5.12 APP/B9506/W/15/3132171 Lepe Road.
- 5.13 APP/J3720/W/15/3029788 Park Farm.
- 5.14 APP/H1515/W/15/3134301 Havering Grove Farm.
- 5.15 APP/A0665/W/15/3140162 Common Lane.
- 5.16 APP/H1840/W/15/3136031 & APP/P1805/W/15/3136033 Rectory Farm.
- 5.17 APP/Y3425/A/14/2222107 Cotwalton.
- Document 6 Lightsource planning applications within North Hertfordshire and surrounding Council areas.
Note on grid offer for Three Houses Lane site, which was accepted by Lightsource on 10 June 2014.
- Document 7 Additional planning statement of evidence by Penelope Laurenson, June 2016.
Appendix A: Appraisal of appeal decisions.
Appendix B: Lightsource Planning Approvals.
- Document 8 Appeal decisions submitted by Applicant.
- 8.1 APP/Z3825/A/14/2222037 Sopers Copse.
- 8.2 APP/C1570/W/15/3132904 Hill Hall.
- 8.3 APP/T3535/A/13/2193543 Ellough Airfield.
- 8.4 APP/C1760/W/15/3010697 Romsey Road.
- 8.5 APP/Y1138/W/15/3004976 Dunsmore Farm.
- 8.6 APP/Y1138/W/15/3135271 Stoneshill Farm.
- 8.7 APP/B5480/A/14/2227508 Cranham Golf Course.
- 8.8 APP/C3105/A/13/2207532 Rowles Farm.
- Document 9 *Process for post construction sites with requirement for sheep grazing* Lightsource, 17 May 2016.
- Document 10 *Solar Energy* RSBP Policy Briefing, December 2014.
- Document 11 *Solar parks: maximising environmental benefits* Natural England Technical Information Note TIN101 2011.
- Document 12 *The Effects of Solar Farms on Local Biodiversity: A Comparative Study* Montag, Parker and Clarkson, April 2016.
- Document 13 *State of Nature* 2013.
- Document 14 *Timmins and Gedling BC* [2014] EWHC 654 (Admin).

- Document 15.1 Written statement regarding renewable energy targets prepared by Penelope Laurenson June 2016. [requested by Inspector]
- 15.2 Correspondence dated 29 October 2015 from Amber Rudd and email dated 4 November 2015.
- Document 16 Drawing showing visibility splays and hedgerow removal. [requested by Inspector]
- Document 17 Photographs submitted by Mr Pellett.
- Document 18 Extract from Local Plan Proposals Map showing Green Belt designation in the vicinity of the site.
- Document 19 Note from Helen Leitch concerning drawing considered in consultation response.
- Document 20.1 Statement by Stephen McPartland MP dated June 2016.
- 20.2 Amber Rudd's speech on a new direction for UK energy policy 18 November 2015.
- 20.3 Letter from Andrea Leadsom to Mr McPartland dated 15 February 2016.
- 20.4 Written Statement to Parliament by The Rt Hon Sir Eric Pickles MP delivered on 25 March 2015.
- 20.5 Letter from Brandon Lewis dated 7 June 2016.
- 20.6 *Subsidies for solar farms to be cut to help safeguard farmland*, Defra and The Rt Hon Elizabeth Truss MP, 19 October 2014.
- Document 21 Certificate to Mr Pellet for Hertfordshire's Countryside Heritage Project, dated 30 March 1990.
- Document 22.1 Codicote Parish Council Minutes of Planning Committee held on Thursday 22 October 2015.
- 22.2 Codicote Parish Council Minutes of Meeting held on Tuesday 23 February 2016.
- 22.3 Email from Codicote Parish Council to Mr Pellett dated 9 June 2016.
- 22.4 Email from Mr Pellet dated 10 June 2016 referring to request made to Knebworth Parish Council.
- Document 23 Suggested conditions.
- Document 24 Closing submissions on behalf of the Rule 6 Parties.
- Document 25 The Council's closing remarks.
- Document 26 Closing statement on behalf of the Applicant.
- Document 27 Plan depicting 'Site' boundary, Drawing No.THL_03, dated 14 June 2016. [requested by Inspector]

CORE DOCUMENTS

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| CDA1 | Application Form |
| CDA2 | Consultation Letters x 4 |
| CDA3 | Site notices x 4 |
| CDA4 | <i>Original Plans (Superceded)</i> |
| CDA4.1 | Three Houses Lane Layout [Plan no. THL_01_Rev4, dated 03.07.14] |
| CDA4.2 | Three Houses Lane Layout [Plan no. THL_01_Rev5, dated 10.09.14] |
| CDA4.3 | Three Houses Lane Layout [Plan no. 3HL 012-11, dated 17.02.15] |
| CDA4.4 | Three Houses Lane Layout [Plan no. 3HL 012-11 dated 20.05.15] |
| CDA4.5 | Outline Landscape Proposals [Plan no. 001, Issue 01] |
| CDA4.6 | Outline Landscape Proposals [Plan no. 001, Issue 02] |
| CDA4.7 | Outline Landscape Proposals [Plan no. 001, Issue 05] |
| CDA4.8 | Outline Landscape Proposals [Plan no. 001, Issue 07] |
| CDA4.9 | Outline Landscape Proposals [Plan no. 001, Issue 09] |
| CDA4.10 | Biodiversity Plan [Plan no. Fig 2, Issue 04] |
| CDA4.11 | Typical Panels Elevation 3 Landscape [Plan no. TYP_P_E, 23.07.14] |
| CDA4.12 | Client side substation details [Plan no. CSR_01, dated 06.12.13] |
| CDA4.13 | Transformer details [Plan no. TD_01, dated 27.11.13] |
| CDA4.14 | Inverter details [Plan no. ID_01, dated 29.11.13] |
| CDA4.15 | Substation details [Plan no. 3HL 012-31, dated 10.02.15] |
| CDA4.16 | Communication building details [CB_01, dated 19.12.13] |
| CDA4.17 | Storage building details [Plan no. SB_01, dated 18.12.13] |
| CDA4.18 | CCTV pole details [Plan no. CCTV_01, dated 10.12.13] |
| CDA5 | <i>Amended and Original Plans (To be determined)</i> |
| CDA5.1 | Location Plan [Plan no. THL_02, dated 20.08.14] |
| CDA5.2 | Layout [Plan no. 3HL 012-11, dated 08.06.15] |
| CDA5.3 | Outline Landscape Proposals (Planting Plan) [Fig 1.8 Issue 11] |
| CDA5.4 | Biodiversity Plan [Fig 2 Issue 06, dated 24.03.15] |
| CDA5.5 | Photomontage Viewpoint 10 [Fig 1.11 UA007318 Issue 2] |
| CDA5.6 | Drainage Strategy Plan [Plan no. 0100 Issue 3, dated February 2015] |
| CDA5.7 | Outline Access Design and Visibility Splay [Plan no. 2001 Issue 3, dated February 2015] |
| CDA5.8 | Inverter, Transformer and Production Cabin Elevation [Plan no. TYD 014-30-2, dated 06.06.15] |
| CDA5.9 | Typical Panels Elevation 3 Landscape [Plan no. TYP_P_E, dated 10.09.14] |
| CDA5.10 | Site Auxiliary Transformer Plans and Elevations [Plan no. SITE_AUX_TRANSFORMER_01 Rev A, dated 15.05.13] |
| CDA5.11 | Client Substation Elevation Design [dated 25.08.14] |
| CDA5.12 | Substation details [COMM-Storage] - Communications and Storage Building [Plan no. 3HL 012-11, dated 03.02.15] |
| CDA5.13 | DNO Building Details [Plan no. DNO_01, dated 06.12.13] |
| CDA5.14 | Deer Fence – Inc. Mammal Gate (Fence Elevation) |
| CDA5.15 | Camera Pole and Foundation (CCTV Elevation) [Plan no. 3HL 012-41, dated 03.02.15] |
| CDA5.16 | Topographic Survey Sheets 1, 2 and 3 [Plan no. 19981, July 2014] |

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| CDA6 | <i>Original Supporting Documents (Superseded)</i> |
| CDA6.1 | Planning, Design and Access Statement [Report no. Three Houses Lane Design and Access Statement, dated August 2014, by Lightsource Renewable Energy Limited] |
| CDA6.2 | Agricultural Land Classification Assessment [Report no. UA007318-R03, dated 15 August 2014, by Hyder Consulting (UK) Limited] |
| CDA6.3 | Statement of Community Involvement [Report no. Three Houses Lane Statement of Community Involvement, dated August 2014, by Lightsource Renewable Energy Limited] |
| CDA6.4 | Access Study [Report no. 5001-UA007318-UP33R-01, dated 13 August 2014, by Hyder Consulting (UK) Limited] |
| CDA6.5 | Construction, Decommissioning and Traffic Management Method Statement [Report no. Three Houses Lane CDTM Method Statement, dated August 2014, by Lightsource Renewable Energy Limited] |
| CDA6.6 | Ecological Assessment [Report no. 01-UA007318-EEC-R01, dated 14 August 2014, by Hyder Consulting (UK) Limited] |
| CDA6.7 | Flood Risk Assessment [Report no. 5001-UA007318-NE-UU41-01, dated 15 August 2014, by Hyder Consulting (UK) Limited] |
| CDA6.8 | Landscape and Biodiversity Management Plan [Report no. 002-UA007318-EEC-R01, dated 14th August 2014] |
| CDA6.9 | Cultural Heritage Desk-Based Assessment [Report no. 0001-UA007200-UE21-Cultural Heritage Desk-Based Assessment, dated August 2014, by Hyder Consulting (UK) Limited] |
| CDA6.10 | Landscape and Visual Impact Assessment [Report no. 01-UA007318_00, dated 15 August 2014, by Hyder Consulting (UK) Limited] |
| CDA6.11 | Drainage Strategy [Report No. 5003-UA007318-UP33R-01 dated 9th October 2014, by Hyder Consulting (UK) Limited] |
| CDA6.12 | Sequential Analysis Study [Report no. L.0306, dated September 2014, by Pegasus Group Limited] |
| CDA7 | <i>Amended and Original Supporting Documents (To be determined)</i> |
| CDA7.1 | Access Study [Report no. 5001-UA007318-UP33R-04, dated 5 November 2014, by Hyder Consulting (UK) Limited] |
| CDA7.2 | Agricultural Land Classification Assessment [Report no. UA007318-R03v2, dated 9 January 2015, by Hyder Consulting (UK) Limited] |
| CDA7.3 | Construction, Decommissioning and Traffic Management Method Statement [Report no. Three Houses Lane 5 MW CDTM Method Statement, August 2014, by Lightsource Renewable Energy Limited] |
| CDA7.4 | Cultural Heritage Desk-Based Assessment [Report no. 0001-UA007200-UE21-Cultural Heritage Desk-Based Assessment, dated January 2015, by Hyder Consulting (UK) Limited] |
| CDA7.5 | Planning, Design and Access Statement [Report no. Three Houses Lane 5MW Design and Access Statement, dated February 2015, by Lightsource Renewable Energy Limited] |
| CDA7.6 | Ecological Assessment [Report no. 01-UA007318-EEC-R02, dated 19th December 2014, by Hyder Consulting (UK) Limited] |
| CDA7.7 | Flood Risk Assessment [Report no. 5001-UA007318-UU41-03, dated 18 February 2015, by Hyder Consulting (UK) Limited] |
| CDA7.8 | Landscape and Visual Impact Assessment [Report no. 01-UA007318_03, dated 18 February 2015, Hyder Consulting (UK)] |

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| CDA7.9 | Sequential Analysis Study [Report no. L.0313, dated January 2015, by Pegasus Group Limited] |
| CDA7.10 | Statement of Community Involvement [Report no. Three Houses Lane Statement of Community Involvement, dated August 2014, by Lightsource Renewable Energy Limited] |
| CDA7.11 | Landscape and Biodiversity Management Plan [Report no. 002-UA007318-EEC-R05, dated March 2015, by Hyder Consulting (UK) Limited] |
| CDA7.12 | Drainage Strategy [Report No. 5003-UA007318-UP33R-03 dated 10 February 2015, by Hyder Consulting (UK) Limited] |
| CDA8 | <i>Representations received</i> |
| CDA8.1 | 1st Consultation – Comments and support |
| CDA8.2 | 1st Consultation – Objections |
| CDA8.3 | 2nd Consultation – Comments and Objections |
| CDA9 | Consultee Responses (Date Order, Recent First) |
| CDA10 | Officer Committee Report |
| CDB1 | National Planning Policy Framework |
| CDB2 | North Hertfordshire District Local Plan No. 2 with Alterations – Saved Policies |
| CDB3 | Ministerial Statement – March 2015 |
| CDB4.1 | North Herts Landscape Study Introduction |
| CDB4.2 | North Herts Landscape Study Area 205 Codicote Plateau |
| CDB5 | Planning Practice Guidance – Renewable and low carbon energy |
| CDB6 | Planning Practice Guidance - Climate Change |
| CDB7 | Planning Practice Guidance – Natural Environment |
| CDC1 | All Correspondence received by Council on file (Date Order, Recent First) |
| CDC2 | List of those notified on called in application for inquiry |
| CDC3 | Council EIA screening opinion letter |
| CDC4 | Council EIA screening opinion officer report |
| CDC5 | Pre-application advice letter to applicant |
| CDD1 | Statement of Common Ground |
| CDD2 | Applicant Statement of Case |
| CDD3 | Council Statement of Case |
| CDD4 | Rule 6 parties Statement of Case |
| CDD5 | Applicant Planning Witness Proof of Evidence |
| CDD6 | Applicant Technical Witness Proof of Evidence |
| CDD7 | Applicant Grid Witness Proof of Evidence |
| CDD8 | Council Planning Witness Proof of Evidence |
| CDD9 | Council Landscape Witness Proof of Evidence |
| CDD10 | Rule 6 parties Witness Proof of Evidence |
| CDD11 | Applicant Rebuttal to Rule 6 Parties Statement of Evidence |



RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.