

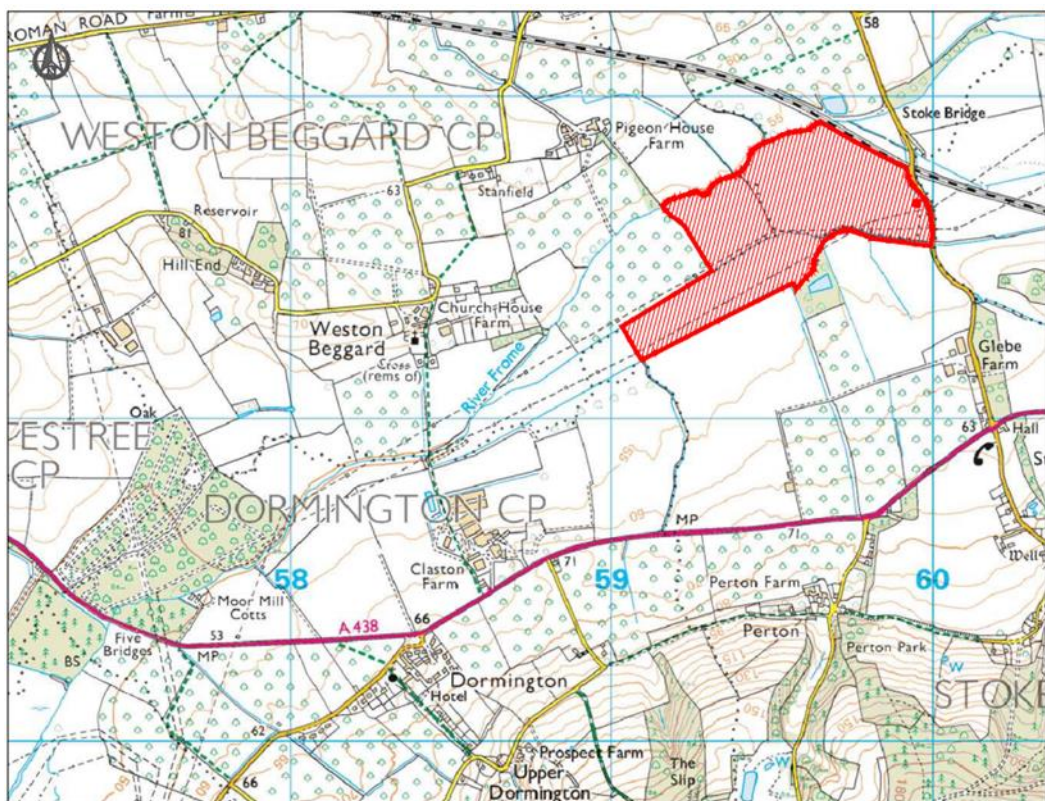
MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	4 JULY 2025
TITLE OF REPORT:	<p>241510 - PROPOSED INSTALLATION AND OPERATION OF A RENEWABLE ENERGY GENERATION STATION COMPRISING GROUND-MOUNTED PHOTOVOLTAIC, INVERTER/TRANSFORMER UNITS, CONTROL ROOM, SUBSTATIONS, ONSITE GRID CONNECTION EQUIPMENT, SITE ACCESS, ACCESS GATES, INTERNAL ACCESS TRACKS, SECURITY MEASURES AND OTHER ANCILLARY INFRASTRUCTURE AT LAND AT STOKE EDITH, HEREFORD, HEREFORDSHIRE,</p> <p>For: Anesco Ltd c/o agent per Mr Nick Pleasant, Fourth Floor, 2 Whitehall Quay, Leeds, LS1 4HR</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=241510&search-term=241510
Reason Application submitted to Committee – Redirection	

Date Received: 13 June 2024**Ward: Three Crosses
and Backbury****Grid Ref: 359520,241548****Expiry Date: 2 April 2025**

Local Members: Cllr Jonathan Lester, Cllr Graham Biggs and Cllr Ivan Powell

1. SITE DESCRIPTION AND PROPOSAL**Site description**

- 1.1 The application relates to a site which sits at the junction of the 3 rural parishes of Weston Beggard, Yarkhill and Stoke Edith in east Herefordshire. The city of Hereford is located 5.9km to the west of the site, with the small settlement of Stoke Edith 950m to the south. The small settlement of Weston Beggard is located around 600m to the west of the site, with Yarkhill 1.1km to the north east.



Location Plan – C0002470 04 C

- 1.2 The site consists of 29.2ha of agricultural land split into 4 arable fields, with the boundaries comprising of hedgerows, tree belts and a block of woodland. The site sits within a broad valley with the River Frome meandering through the agricultural landscape. The River Frome is a tributary to the River Wye and passes alongside part of the north western site boundary. The site is also bound by the Hereford to Ledbury Railway Line on its north-eastern boundary which intersects with the C1149 highway that runs adjacent to the eastern site boundary. The C1149 is a short road which connects to the A438 to the south and to the A4103 to the north and provides access into the site through an agricultural field.
- 1.3 The site is predominantly flat, with an elevation of approximately 55m AOD. The settlement of Shucknall to the north of the site peaks at 165m AOD, whilst to the south Seager Hill has a landform which peaks at 270m AOD.
- 1.4 Two overhead power lines pass through the site from east to west, these consist of a 132kv line and a 66kv line. The two enter the site in parallel before crossing and leaving the site to the west.
- 1.5 The site sits within an agricultural landscape where there are a network of PRoWs which pass through the landscape. There is also the Registered Park and Garden of Stoke Edith (RPG) in close proximity to the south of the site (around 220m from the boundary), which contains a number of listed buildings. The settlements of Yarkhill and Weston Beggard also contain a number of listed buildings.

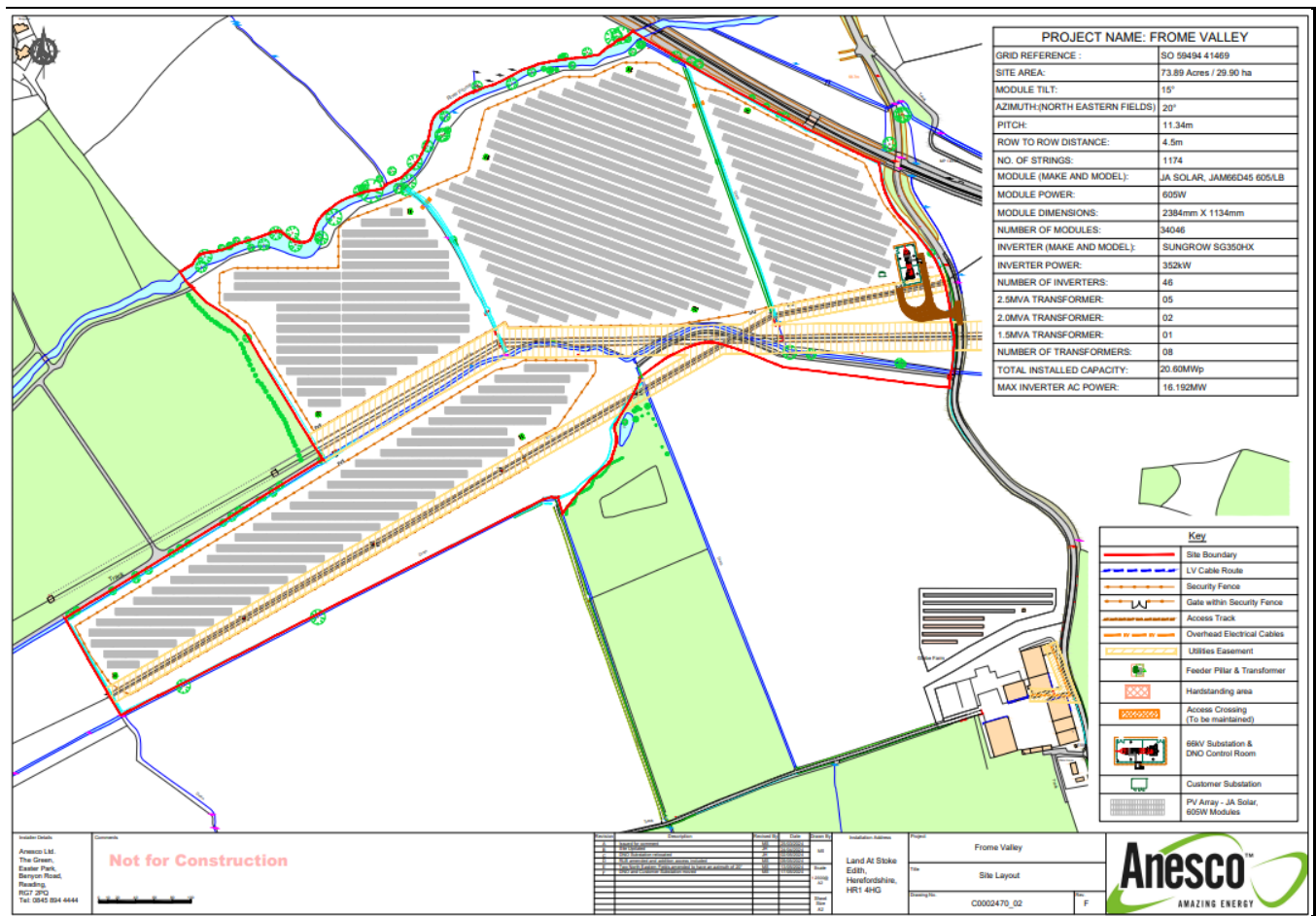


Figure 1:1 taken from the supporting Planning Statement

Proposal

- 1.6 This application seeks permission for the proposed development of a ground mounted photovoltaic station with inverter/transformer units, control room, substations, onsite grid connection equipment, site access, access gates, internal access tracks, security measures and other ancillary infrastructure.
- 1.7 The project will have an export capacity of 20.56M to be generated from 34,046 individual solar panels. This is enough energy to power over 5,768 homes per annum. The solar arrays will feed into a number of transformers which will be located across the site and interconnected by a low voltage cable route which will lead to a 66kv substation and DNO control room where the energy will be transmitted into the National Grid via the existing 66kv overhead lines running through the site. From here it will feed in the substation at Dormington which the Planning Statement confirms has capacity to accommodate the additional power generated by the proposal.
- 1.8 The proposed panels are shown on the submitted layout plan spanning across 4 fields, with the existing hedgerows and tress to be protected. The solar arrays will be mounted in rows across the site in an east to west orientation to face south at 15 degrees from the horizontal to maximise efficiency. The panels are to be mounted on a galvanised steel frame. The front lowered edge of the frame will be 0.9m above the ground, with a maximum of 2.9m on the rear upper edge. The PV modules are to have a width of 6.9m, with lengths varying across the site to fit within the existing fields. A spacing of 4.5m between each module is identified. The development is to be fenced with deer fencing at a height of 2m. The site will continue to be grazed by sheep at certain times of the year.
- 1.9 A total of 46 inverters are proposed in the scheme, all positioned on the back side of the arrays within the site, measuring 2.8 x 1.5m with a height of 2.3m. The Inverters consists of an electrical converter which changes the direct current electricity captured by solar panels into alternating current, which is the standard flow of electricity required for electrical circuits.

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961



Site Layout C0002470_02 Rev F

- 1.10 The proposed substation is located in close proximity to the access into the site adjacent to the highway. The compound covers an area of 46m in length by 22m in width. The compound includes a transformer, high level disconnector and control room. The compound is to be surrounded with a 2.4 m high security fence and an additional 1.2m high stock proof fence on the outside. The infrastructure within the compound will not exceed 5.6m in height. A Customer substation/control room is located outside of the compound which will measure 6.5 x 4.2m and have a height of 3.1m
- 1.11 Access to the site is to be provided to the east via an upgraded existing field gate access from the C1149. Construction of the development is to take between 48 to 50 weeks with an identified average of 1.5 two way HGV movements delivering the infrastructure to the site per day. A banksman will be used to aid HGV deliveries arriving and leaving the site where required. The Transport Statement submitted in support of the application outlines that all deliveries into the site will approach from the south and turn left into the site. When leaving all traffic will be directed back to the south, turning right out of the site. In addition to the HGV movements there will be a small number of construction movements associated with the construction workers and sub-contractors. Once operational, maintenance visits to the site by individual technicians would occur 10-20 times per year.
- 1.12 The proposal is accompanied with a Landscape Strategy and mitigation plan which seeks to retain and reinforce the existing hedgerows and additional planting to fill gaps along the western and southern boundaries of the site, and repair and enhance the hedgerow network with a small woodland planting along the southern boundary.

1.13 The application has been supported with the following plans and documents:

- Location Plan C0002470_04 Rev: C
- Site Layout C0002470_02 Rev: F
- Block Plan C0002470_05 Rev: C
- Typical Section Through Array C0002470_06 Rev: B
- 66kV Substation Plan & Elevations C0002470_07 Rev: A
- Customer Substation Plan & Elevations C0002470_08 Rev: A
- LV Substation Plans & Elevations C0002470_09 Rev: A
- Typical Fence Detail C0002470_10 Rev: A
- Planning Statement (including SCI) 333101014/A5/PS
- Design and Access Statement 333101014/A5/DAS
- Landscape Visual Impact Assessment 333101014/A5/Reports/Landscape dated November 2024
- Glint & Glare Assessment 12660A
- Heritage Desk Based Assessment 407.064476.00001 Rev: 01
- Heritage Rebuttal dated 23 September 2024
- Flood Risk Assessment and Surface Water Drainage Strategy 402.065269.00001 Rev: v3,0 dated 27 November 2024
- Nutrient Neutrality Statement 402.065269.00001
- Ecological Impact Assessment 424.065134.00001
- Biodiversity Net Gain Metric
- Transport Statement Anhere/2308036 Motion
- Agricultural Quality report 2332/1 dated 16 May 2024
- Traffic Management Plan FO-SHE-115 Rev. 1.0
- Solar PV Materials Report dated 14 May 2024 Rev A.
- Dormouse Survey Report – 424.065134.00001 dated 20 December 2024
- Report to Inform a Habitats Regulations Assessment: Screening of Likely Significant Effects 424.065134.00001 dated 29 November 2024

Environmental Impact Assessment

1.14 An EIA screening request was submitted to the Council on the 26 April 2024. The Council's Screening Opinion which was issued on 26 April 2024 and confirmed that the solar farm would not be EIA development and an Environmental Statement was not required.

2. POLICIES

2.1 Herefordshire Local Plan – Core Strategy

SS1	-	Presumption in favour of sustainable development
SS4	-	Movement and transportation
SS5	-	Employment provision
SS6	-	Environmental quality and local distinctiveness
SS7	-	Addressing climate change
SC1	-	Social and community facilities
MT1	-	Traffic Management, highway safety and promoting active travel
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic environment and heritage assets
SD1	-	Sustainable Design and energy efficiency
SD2	-	Renewable and low carbon energy
SD3	-	Sustainable water management and water resources
SD4	-	Waste water treatment and river water quality

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

It is highlighted that the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)(the 2012 Regulations) and paragraph 34 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which are considered to be those relating to meeting housing needs, guiding rural housing provision and safeguarding features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

2.2 **Weston Beggard Neighbourhood Development Plan (W NDP): Made 1 December 2016**

- Policy WB1 – A Valued Environment in which to live
- Policy WB3 – Supporting a Thriving Rural Economy
- Policy WB5 – Delivery of Local Infrastructure

The Weston Beggard NDP policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/directoryrecord/3117/weston_beggard_neighbourhood_development_plan_made_1_december_2016

2.3 **Yarkhill Neighbourhood Development Plan (Y NDP): Made on 25 September 2018**

- Policy Y8 – Water supply and sewerage
- Policy Y9 – Reducing Flood risk and supporting sustainability
- Policy Y11 – Protecting Landscape Character
- Policy Y13 – Local Energy Schemes

The Yarkhill NDP policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/directory-record/3125/yarkhill-neighbourhood-development-plan>

2.4 **National Planning Policy Framework (NPPF) – Relevant Chapters:**

2. Achieving sustainable development
3. Plan Making
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the viability of town centres
8. Promoting healthy and safe communities
9. Promoting sustainable transport
10. Supporting high quality communities

11. Making Effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

The NPPF can be viewed in full via the link below:

https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

2.5 National Planning Practice Guidance (NPPG)

The associated Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents should be read together. The PPG can be accessed through the following link:

<https://www.gov.uk/government/collections/planning-practice-guidance>

2.6 Other Material Planning Considerations / Legislation of key relevance to the development Proposal are listed below:

- Renewable and low carbon energy - requires local planning authorities in considering proposals for green energy development to ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment.
- UK Government Solar Strategy 2014
 - Reaffirms that the Government recognises that solar PV is an important part of the UK's energy mix. The strategy identifies that while large-scale solar farms provide opportunities for greater generation, they can have a negative impact on the rural environment if not well-planned and well-screened. The Strategy also recognises that when well-managed, solar farms could be beneficial for wildlife. The strategy highlights that one of the key principles of the strategy is that solar PV proposals should be appropriately sited by giving proper weight to environmental considerations.
- Climate Change Act (2008)
 - is the basis for the UK's approach to tackling and responding to climate change. It requires that emission of carbon dioxide and other greenhouse gases are reduced and that climate change risks are prepared for. The Act also establishes the framework to deliver on these requirements.
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

3. PLANNING HISTORY

- 3.1 There is no planning history on the application site.

4. CONSULTATION SUMMARY

As some documents have been amended and further supporting documents have been submitted during the course of the application, only the most up-to-date consultation responses received are provided in the report, unless previous consultation responses remain relevant (i.e where circumstances are not altered by the revision or where they provide context to the changes which have occurred). Where comments are particularly long an overall summary is given. All comments and representations received are accessible in full on the Herefordshire Council website via the following link; -

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=241510&search-term=241510

4.1 **Statutory Consultations**

4.1.1 **Natural England - No objection**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England's further advice on designated sites and advice on other natural environment issues is set out below.

European sites – River Wye Special Area of Conservation

Natural England notes that the Habitats Regulations Assessment (HRA) Screening has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We also note that the Council intends to adopt the Shadow HRA.

Please note that Natural England are not a statutory consultee for Habitat Regulations Assessment Stage 1 screening.

When assessing the Likely Significant Effect (LSE), you must check if the proposal could have a significant effect on a Habitats (European) Site, as defined in NPPF that could affect its conservation objectives. If you cannot rule out the risk of the proposal having a significant effect, you will need to do an appropriate assessment. If there's no likely significant effect on the site, either alone or in combination, then you do not need to carry out an appropriate assessment.

Following the People Over Wind ruling by the European Court of Justice, mitigation may not be taken into account at screening stage when considering 'likely significant effects', but can be considered at appropriate assessment. In the light of this, these measures should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Other advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

4.1.2 **Active Travel England Planning Comments:** No comment

In relation to the above planning consultation and on the basis of the information available, Active Travel England is content with the development proposed.

4.1.3 **Historic England Comments:** No objection

Thank you for your letter of 27 June 2024 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

4.1.4 **Network Rail Comments:** No objection

Comments received on 24 July 2024

The objection is removed but for the avoidance of doubt the applicant is to submit the proposal details as below so that a formal interface can be set up to ensure that the construction works do not impact the safe operation of the railway.

All new enquiries will need to be submitted via the Asset Protection and Optimisation - Customer Portal Link to ASPRO ACE Portal ASPRO Network Rail Implementation (oraclecloud.com). From there, the client can create an account and submit their enquiry. Enquiry will then be assigned to one of the Asset Protection team to progress. The assigned team member will then be in a position to review and comment on any submissions from the outside.

Comments received on the 3 July 2024

Network Rail is placing a holding objection on the proposal. The Network Rail signal sighting Engineer has confirmed that there are no signal assets in the area and clearly the proposal will not impact on Signal Engineering assets. However, Network Rail are concerned that there is a reliance on lineside foliage to screen reflective light that may be directed towards train drivers. On a periodic basis the foliage is removed as during the autumn period, foliage can have a significant impact on rail head conditions that may compromise the drivers ability to control the train speed. Under these circumstances unless an alternative non reflective or reflection is significantly reduced, Network Rail object to the present proposal

Comments received on the 2 July 2024

We note that the Glint & glare study states that there is no impact upon the railway infrastructure of the proposal. Only Network Rail as the railway undertaker is able to determine whether or not a proposal will impact upon the existing operational railway. The impacts of the proposal on train drivers ability to perceive railway signals for example will need to be reviewed by Network Rail and we will respond on this matter in due course.

The developer will also need to interface with the Network Rail asset protection team as this proposal will require a formal interface via an asset protection agreement – the be undertaken as below with Network Rail agreement to layout & construction works. This email is NOT confirmation of acceptance of the proposal or its layout or its construction.

4.1.5 **River Lugg Internal Drainage Board:** Qualified comment

Consent is required under section 23 of LDA for the 2 new crossings over the existing drainage ditches.

Consent is required under section 66 for discharge from the new swale into existing drainage ditch and under section 23 if a new outfall into the drainage ditch is proposed.

It is not clear from the drawings whether the new security fencing and PV panels are positioned at least 9m away from all existing ordinary watercourses (both the IDB maintained watercourses and the other smaller ditches). This is to ensure access for future maintenance by the IDB / others. If obstructions are proposed closer than 9m to any of the ordinary watercourses on the site then consent will be required under section 66 of the LDA. Access gates through the security fence are required where necessary to allow future access to all watercourses.

Whilst the IDB agrees with the council in relation to the drainage of the site post development the IDB would like to see details of proposed surface water control during construction when there is likely to be considerable disturbance to the site (temporary access routes, loss of vegetation over, compaction from construction plant movements etc). The IDB would like reassurance that there will not be a risk of an increase of surface water run-off into the existing watercourses during this phase of the works (and silt and other contamination to the watercourse).

As part of the planned works are adjacent to main river the Environment Agency should also be contacted to check if any permits / exemptions are required.

4.1.6 **Environment Agency:** No objection

Thank you for your re-consultation of the above application received by us on 28 May 2025. We originally objected to the proposed development due to insufficient information being submitted regarding fluvial flood risk in our response ref: SV/2024/112501/01-L01 (dated 18 July 2024).

We then reviewed the revised Flood Risk Assessment (FRA) undertaken by SLR Consulting Limited (Ref: 402.065269.00001, dated 27 November 2024) in our response ref: SV/2024/112501/02-L01 (dated 01 April 2025) and maintained our objection to the proposed development on fluvial flood risk grounds, with insufficient information submitted.

Following our previous response, we held pre-application discussions whereby we further reviewed the FRA and a Technical Memorandum produced by SLR Consulting Limited (ref: 402.065755.00001, dated 11 April 2025), requesting from this that additional information needs to be submitted in order to address our flood risk concerns.

We now note a Flood Estimation Report (ref: LIT 65087, dated 15 May 2025) and a Hydraulic Modelling Report completed by SLR Consulting Limited (ref: 402.065269.0001, dated 16 May 2025) have been submitted, accompanied by appendices detailing the modelling outputs. We have reviewed these additional documents and given the detail received we are now in position to remove our objection subject to the following conditions and comments.

Hydraulic Modelling

We have no concerns regarding the modelling process undertaken as part of this application appearing to be in line with industry standard methodology. We would reiterate though, as highlighted in our previous response, that we have not undertaken a full formal review of the hydrology and modelling files via our national Evidence and Risk team and would reiterate the following from our previous response: 'Disclaimer: Flood risk modelling undertaken by a third party has been used in support of this application. In this instance, these comments are made in the absence of us having reviewed/undertaken a full review of the associated flood model to verify the assessment and can accept no liability for any errors or inadequacies in the model. The onus is on the applicant/developer to ensure appropriately qualified (and indemnified) consultants undertake assessments of flood risk.'

Additional modelling of other return periods has now been submitted (3.3%, 1% and 0.1% AEP) in addition to the 1 in 100 year + 49% climate change scenario as we requested. The Hydraulic Modelling Report (Figure 3.1) confirms that the majority of the site falls within the functional floodplain (Flood Zone 3b).

The report confirms that there is some minor increase in flood levels within the site boundary (20-35mm) and also outside of the red line boundary (17mm) with the latter being on agricultural land. Whilst this is a relatively minor increase the Hydraulic Modelling Report confirms this does not alter or change the hazard class rating and may well fall below modelling tolerances. We would recommend that it may be appropriate to contact the relevant landowner to highlight these increases in flood depths to their site if the development takes place.

We recognise in Figure 3-5 and Appendix B-3 of the Hydraulic Modelling Report there appears to be an area of 50-100mm increase in flood level outside of the red line boundary in the neighbouring agricultural field to the South. After discussion with the applicant, we would raise no issues with this, confirming that the Hydraulic Modelling Report states in section 3.1.3.9 that: 'This area is a natural pond feature that is assumed to be empty in the baseline scenario and the change in water levels is related to additional volume entering and ponding in this location'.

Flood Storage Compensation

Table 3.2 of the Hydraulic Modelling Report contains the flood storage compensation calculations in 200mm bands which are required due to the displacement of floodwater from the raised substation and a number of transformers. We generally expect level for level floodplain compensation, though we note this is not achievable in this instance as highlighted in Table 3.2. Therefore, given the scale of the site at 30 hectares and a minimal loss of flood storage (220.7m³) being proposed, we are happy to accept this loss, acknowledging that double the volume of flood storage is being provided post development (461.0m³).

If planning permission is granted, we recommend the following flood risk planning conditions are implemented:

CONDITION

Finished floor levels of vulnerable apparatus including the substation and transformers shall be set no lower than 600mm above the relevant adjacent modelled 1% plus climate change node flood level, in accordance with Section 7.2 of the revised Flood Risk Assessment (FRA) undertaken by SLR Consulting Limited (Ref: 402.065269.00001, dated 27 November 2024), unless otherwise agreed in writing by the LPA.

REASON

To protect the proposed equipment from flood risk for the lifetime of the development.

CONDITION

Flood storage compensation, shall be carried out prior to the commencement of the development, in accordance with the details submitted in Table 3.2 of the Hydraulic Modelling Report by SLR Consulting Limited (Ref: 402.065269.00001, dated 16 May 2025) and Figure 5 of the Technical Memorandum by SLR Consulting Limited (Ref: 402.065755.00001, dated 11 April 2025) unless otherwise agreed in writing by the LPA, in consultation with the Environment Agency.

REASON

To minimise flood risk and enhance the flooding regime of the local area.

CONDITION

There must be no new buildings, structures (including gates, walls and fences) organised ground levels within 8 metres of the top of any bank of Main River watercourses inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

REASON

To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

4.17 The Gardens Trust – Qualified comment

Thank you for consulting the Gardens Trust in its role as Statutory Consultee on the above application which potentially affects Stoke Edith, a registered park and garden (RPG) of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II. The application site lies approximately 2 miles distant from the RPG, which lies around a country house (destroyed 1927) with varying evidence for successive schemes by George London, Humphry Repton, and William Andrews Nesfield.

We have considered the information provided in support of the application and liaised with our colleagues in the Hereford and Worcester Gardens Trust. On this basis, we confirm we do not wish to comment further on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.

4.2 Internal Council Consultations**4.2.1 Local Highways Authority – No objection**

The local highways authority has considered the application for the installation and operation of renewable energy generation station with associated control room substations site access, access gates, internal tracks and other ancillary infrastructure and makes the following comments.

The proposal is to utilise an existing agricultural field access which will be amended to accommodate the increased construction traffic to the site. The visibility splays of 2.4m x 59.6m to the North and 2.4m x 56.1 m to the South as indicated in drawing 2038036-03 of the transport statement would be acceptable and can be supported by a planning condition should planning permission be granted.

The proposed access arrangements and limitations proposed within the construction phase of development indicated in the submitted traffic management company document would be acceptable as follows

- Entrance via Left turn only
- Exit via Right turn only
- Banksman on site to ensure safe exit and entrance of the site
- Parking for site operative's onsite.
- All vehicles to enter and exit in a forward gear.

No objections with the following conditions.

4.2.2 Landscape Officer – Qualified comment

The additional and new visual and mitigation information provided is appreciated.

The content, photographic before and after montages clarifies more clearly views that would be less impactful due to existing landscape conditions and proposed mitigation methods (as per the LVIA suggestions). As well as highlighting views that are impactful and, despite mitigation, would cause visual harm.

Landscape mitigation (i.e., use of trees) takes time. Any opportunity to plant trees well in advance of the actual building of the solar panels would be a proactive benefit to expedite mitigation. There

is a tendency to plant trees at the absolute completion of construction works, and this can be lost time of potentially a number of years of valuable tree establishment and growth duration.

There are strategies that can be used to force height with a combination of densities to allow fast and slower growth, allowing species to have the space and needs reflective of their growth habit and character. For example, in forestry, utilising close proximity planting patterns with select thinning over time creates variable environments over a period of time.

The lifespan of the development should have a corresponding similar tree lifespan plan in accordance with their visual shielding (mitigating) role in the view. The approach should take into account the age and structure of existing trees that are used as part of the mitigation strategy. Take, for example, hedgerows. If an existing hedgerow is used as a mitigation device, it should have a management strategy in accord with the life span of the development. References such as GOV.UK, Peoples Trust for Endangered Species (PTES), and Hedge Link provide recommendations on how to sustain hedgerows over time. The PTES advises that every 40+ years, hedgerows should be rejuvenated through laying or coppicing (hedgerow management cycle).

Pending on the age and condition (height, density, species, and how it has been managed) of the existing hedgerow (if used as a mitigation device) at the time of the LVIA and anticipated time of development commencement, it may influence the actual viability of that hedge as mitigation. For example, it may have to be coppiced (reduced to the ground), thereby minimising the ability to provide visual mitigation.

As stated in the LVIA, paragraph 5.1.5, the site is comprised of mature low-lying gappy hedgerows. Therefore there is concern that the viability of the existing hedgerows as mitigation devices (from year 1) is not exactly as advised in the LVIA. In fact there is potential that the case of using existing hedgerows as mitigation is flawed. This is not to say new growth from a coppiced state, or a new hedgerow will at some stage provide a reasonably dense hedge, it would take considerable time.

The sometimes used methodology to 'grow out' hedgerows to provide a higher screen also has side effects. The acceleration to 'grow out' a hedge to provide screening can create a less dense, more transparent hedge over time, and thereby reduce the effectiveness of the screen.

Depending on the species of trees and growth rates, there is potential that the void between the ground and canopy is such that it visually exposes the solar panels (for example, 2-3 meters) through the trunks of the trees.

There are a number of permutations and considerations in the long-term effectiveness of trees as mitigation devices. Further information regarding the age and quality of existing trees (including hedgerows), together with the proposed trees (including hedgerows) over the life of the development, would give a stronger case for actual mitigation.

For example, there may be situations that warrant rejuvenation and new planting of trees over the life span of the development to address potential gaps and areas that become see-through. Or further layers needing to be added to reinforce weak points or prevent potential 'see-through' areas.

There are many parameters, such as the combinations between deciduous and non-deciduous species, seasonal variations, pests and pathogens (i.e., gaps created by the loss of trees due to ash dieback), landscape character types and the influence of changing weather patterns on the predicted viability and success of certain species (for example, beech).

Reliance on foreground and borrowed landscape trees is unpredictable, so consideration of this would need to be taken into consideration.

Further information regarding the mitigation strategy taking into consideration the above comments and suggestions is requested for the existing hedgerows, hedgerow trees, tree belts and woodlands. Together with how the existing trees and the proposed new trees evolve over the life of the development to achieve visual mitigation.

4.2.3 Historic Buildings Officer – Objection

1. Thank you for allowing me the opportunity to comment on the Heritage Rebuttal Note, which I have duly read, however my concerns would remain.

2. It is maintained that the grade I listed church, grade II listed Stoke Edith House and the listed buildings in close proximity to and associated with the listed buildings are invariably linked to the Historic Park and Garden being associated with the same local family who owned the Stoke Edith estate. The RHPG listing includes reference to the house and church albeit they are not covered by the RHPG designation. As such the statement in 3.1.7 in respect of the consequential effects on the setting of the RHPG would extend to the church is not necessarily concurred with.

<https://historicengland.org.uk/listing/the-list/list-entry/1000897?section=official-list-entry>

3. Whilst acknowledging Historic England's advice in respect to church towers and spires, as repeated in full previously in paragraph 17, I would maintain that this general guidance is relied upon too heavily in this instance and would repeat my previous comments in paragraph 18 "This general rule of thumb is not disputed, but rather that in this instance the relationship between the church, the former house on the site and the parkland has not been fully assessed to justify assessing the listed building in isolation from the parkland which surrounds it. Historic England Guidance references the extent of setting in section 8 where "Extensive heritage assets, such as historic parks and gardens, landscapes and townscape, can include many heritage assets, historic associations between them and their nested and overlapping settings, as well as having a setting of their own."

4. The statement in 3.2.2 in respect of cumulative impact is not concurred with, and notwithstanding that some polytunnels are only visible for part of the year, they are visible for a large proportion of the year. Moreover they are being replaced with structures erect for 12 months of the year, and as such would not be considered temporary, whether they are in place part the year or for 12 months. I would repeat the comments made previously in paragraph 20 and again reference the specific guidance issued by Historic England on this matter.

5. The assessment of Less than Substantial harm to the setting of the Registered Historic Park and Garden is concurred with, and would repeat the advice provided in paragraph 27 in respect of the provisions of The Levelling-up and Regeneration Act 2023, and the local planning authority or (as the case may be) the Secretary of State must have special regard to the desirability of preserving or enhancing the asset or its setting.

6. The submitted Heritage Impact Assessment has identified Less than Substantial Harm to the Registered Historic Park and Garden, and whilst I would consider that this harm also extends to the Church, nonetheless this identified level of harm would trigger the balancing exercise in para 215 of NPPF.

7. I note the public consultation responses received and the viewpoints they have offered, and would acknowledge their knowledge of local viewpoints. In weighing up the public benefits, I would ask that consideration be given to the Herefordshire STEAM Report 2011 shows that tourism makes an important contribution to the county's economy, (paragraph 5.2.20 of the Herefordshire Core Strategy), and Policy E4 of the Core Strategy protects the tourism industry in Herefordshire including improvements to public rights of way, whilst having special regard for the visual amenity of such routes and trails, and for the setting of heritage assets in their vicinity.. Policy E4 recognises the contribution that tourism makes to the Herefordshire economy and

seeks to ensure that this continues and is enhanced through new developments which are of an appropriate scale, type and location (paragraph 5.2.3 of the Herefordshire Core Strategy).

8. Whilst acknowledging the additional information, my concerns would still remain. I would not be able to support the proposal in built heritage terms, as there is grave concern that the proposal as submitted by virtue of its location, size and topography would have less than substantial harm on the heritage assets identified, which are by their size and location an intrinsic part of the highly valued landscape and a requirement of CS policy E4. As such based on the evidence submitted with the application I would not consider that the proposal as submitted would satisfy Core Strategy Policies LD4, SD2 or E4, for the reasons identified above.

4.2.4 **Environmental Health (Noise and Nuisance) – No objection**

This proposal is for a solar farm consisting of PV panels, transformers, substation and a distribution network operator (DNO) control room across a site of 29.90 hectares with a lifespan of 40 years.

Two solar farms in the locality have previously been granted planning permission: Dormington (213963) – 45 hectares/111 acres (2022) Westhide (214619) – 61.7 hectares/152.5 acres (2023) (original application size subsequently reduced)

Both schemes required noise mitigation measures and conditions to ensure that the amenity of local residents was not detrimentally impacted by the development.

Noise from solar farms comes predominantly from transformers and inverters (specifically cooling fans). Tonal noise also has the potential to result in complaints.

I am concerned that the applicant has not supplied a BS4142 assessment at the planning stage but do not believe that this would be a reason for refusal given what we know about these types of proposal, the distances involved and the opportunities for noise mitigation. I therefore do not object to this proposal subject to the following condition being added to any permission granted:

Prior to the commencement of development the applicant must supply a full noise assessment by a competent person of the proposal using the methodology set out in BS4142 which examines the impact on the closest residential properties. This should also include specific attention to low frequency noise and propose all forms of mitigation including the use of baffles and low noise invertors. The objective will be to ensure that residents are not impacted by low frequency noise and in the BS4142 assessment at no residential receptor the rating levels shall exceed the background noise level. The noise assessment must be approved by the local authority in writing.

Reason: In order to protect the amenity of nearby residential occupiers so as to comply with Policy SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

4.2.5 **Planning Ecologist – No objection**

Habitat Regulations Assessment (HRA)

I have reviewed the Shadow Habitats Regulations Assessment (sHRA) concerning the River Lugg SAC, prepared by SLR in 2024, and find it to be satisfactory overall. Following recent communications, I can recommend that the local planning authority adopts the sHRA and its findings, and Natural England should be duly informed.

As per previous comments on foul water: it is noted that no staff welfare facilities are proposed that will create any additional or new flows of 'dirty' or 'foul water' and this nutrient pathways into the River Lugg SAC catchment that is currently subject to full nutrient neutrality restrictions. This consideration should be secured by condition for the lifetime of the development to provide required certainty of 'no effects' for HRA certainty.

Ecology and Biodiversity Net Gain (BNG)

I have reviewed the dormouse survey report prepared by SLR (2024), which confirms the presence of dormice, albeit limited to the site boundaries whereby minimal works are expected. An EPS licence from Natural England will be required for any works that may impact dormice.

No additional (direct) adverse effects on protected or priority species are anticipated, provided that a Construction Environmental Management Plan (CEMP) is implemented and adhered to throughout the construction phase. It is also crucial that mammal gates, as detailed in the EclA (SLR, 2024) are installed along the solar farm fencing to facilitate the free movement of mammals.

As per previous comments, no recreational use of the site for any purpose is proposed and this should be secured as part of any planning permission granted to ensure there are no potential future disturbance of wildlife, such as otters, for the lifetime of the development. This includes any allowance of fishing across the watercourses and river within the development boundary.

Regarding BNG, the proposal collectively delivers a net gain exceeding the mandatory 10% requirement. These BNG proposals are satisfactory and welcomed. The proposed net gain will need to be secured for implementation and management for a minimum of 30 years through the statutory BNG condition.

4.2.6 Environmental Health (Contaminated Land) – No objection

I refer to the above application and would make the following comments in relation to contaminated land and human health issues only. Given what's proposed, I've no comments to make.

4.2.7 Archaeological Advisor – No objection

Although in places the applicant's submission rather understates the overall archaeological potential of the site (e.g. in section 4.6.3 of their assessment) it is nevertheless the case that the comparatively shallow operations generally needed to emplace the apparatus envisaged are unlikely to impact on any buried remains here.

Available evidence indicates that such remains that might exist will for various reasons already be disturbed, or at a depth where renewed impact will not take place. Accordingly, I have no objections to what is proposed.

4.2.8 Land Drainage – No objection

Flood Risk

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is wholly located within either a Flood Zone 3 or 2, with some of the site area adjacent to the River Frome, likely to be within Flood Zone 3b.

In accordance with Environment Agency standing advice, the planning application has been supported by a Flood Risk Assessment (FRA). This is summarised in Table 1:

Table 1: Scenarios requiring a FRA

	Within Flood Zone 3	Within Flood Zone 2	Within Flood Zone 1
Site area less than 1ha	FRA required	FRA required	FRA not required*
Site area greater than 1ha	FRA required	FRA required	FRA required

**except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding*

A Sequential Test and Exception Test have been conducted for the proposed development and will be considered by the Planning Officer for this application.

Development infrastructure within this extent is proposed to be raised above such levels with adequate freeboard. All electrical connections will be located at least 300mm above the 1 in 100 year plus 40% climate change flood level.

This guidance is in accordance with requirements of the NPPF and Policy SD3 of the Core Strategy. Guidance on the required scope of the FRA is available on the GOV-UK website at <https://www.gov.uk/planning-applications-assessing-flood-risk>.

Surface Water Drainage

Infiltration tests have not been undertaken, however it is thought that groundwater levels within the site area are likely to be high due to being perched within Alluvium above impermeable Mudstone bedrock. The existing surface water drainage ditches within the site boundary will remain as part of the development and continue to attenuate and convey surface water runoff. We acknowledge that whilst the solar panels will intercept precipitation and create more concentrated runoff points than the existing greenfield scenario, as there will still be vegetation beneath and around the solar panels, it is likely that the existing greenfield runoff scenario will not be adversely affected. We also acknowledge that the site is likely to be prone to flooding and any surface water infrastructure during this time would be ineffective. Surface water runoff from the proposed substation building will be attenuated (maximum volume for a 1 in 100 year plus 30% climate change event = 72m³) and conveyed by a swale and discharged at a rate of 1l/s via a 55mm hydrobrake.

Overall Comments

Based on the reviewed documents stated above, provided there are no changes made to the proposed flood risk mitigation measures and surface water drainage arrangements at any other planning stages and will be constructed in line with the design and plans under this application, in principle, we hold no objections to the proposed development.

5. Representations

5.1 Tarrington Parish Council -No objections

Comments received on the 15 January 2025

Tarrington Parish Council considered this planning re-consultation at their ordinary meeting held on Monday the 13th January 2025 and have no objections.

5.2 Yarkhill Parish Council - Objection

A site visit was held with the developer, Anesco Limited, on Tuesday 16th July. This was followed by a public meeting organised by the PC for residents and other local communities impacted by the development.

Comments

While there was a recognition of the advantages of solar power generation as a renewable energy source, a number of specific concerns related to this project were raised by those attending:

- Another solar farm so close to those already approved in Dormington (48ha) and Westhide (62ha) represents an over expansion of solar power generation in a concentrated and attractive area of rural Herefordshire countryside.
- The site itself is too large and its visual impact is exacerbated by its irregular shape especially the elongated field on the southern boundary. Residential housing and public land, including footpath, to the north at Shucknall will be the most significantly affected given the high elevation of 130 – 150m and the fact that the unsightly view below will be of the raised rear of the panel arrays,

approximately 2.4 metres off the ground. This was felt to represent a direct loss of visual amenity and it is difficult to see how the current screening proposal could have a positive impact from this aspect.

- The site has suffered from numerous flooding events since last September including a period of days when a good part of it was underwater. Notwithstanding the overall height of the panels and the raised level of the cabling, it was felt that it makes little sense to construct a solar farm on land that is so susceptible to flooding from a main river when water and electricity are known not to mix and when site access could sometimes be restricted. Concern was also expressed about the impact during the construction phase and the extent to which piling into potentially saturated ground has been considered.
- The landscaping plan contains insufficient detail especially in terms of achieving the level of biodiversity net gain that the application refers to. It was felt that this is essential given the site is currently agricultural land, albeit not of the highest quality, set in appealing countryside. Questions were also raised about the effectiveness of the proposed screening given the length of time that parts of this will take to establish.
- The transport plan provides some comfort in limiting construction traffic to access via the A438 only. However, vehicles from the north turning off the A4103 travel at speed over both the river and railway bridges where the latter has a restricted view due to its humped nature and the immediate double curve. Consideration needs to be given to the safety of drivers travelling from this direction suddenly being confronted with an HGV waiting to turn into the site or one that has just exited. This is particularly critical given the fact that the road is a busy cut through between the A4103 and A438 and is increasingly used by HGV's given the lack of any weight restrictions across the two bridges. On parts of the carriageway, including the section between the site and the A438, the width is narrow making it difficult for two HGV's to pass one another safely – damage to the verges is already evident from existing traffic.
- Yarkhill's made NDP, Policy Y13, contains a specific restriction on local energy schemes which is aimed at supporting only small scale projects to prevent any adverse impact on the local landscape while ensuring that appropriate mitigants are put in place. At 30ha in extent, the proposed solar farm would fall outside the relevant criteria and an approval of the application would currently represent an exception to this particular policy.

5.3 **Dormington and Mordiford Parish Council – Qualified comment**

As a neighbouring Parish Council, we strongly recommend that lessons learnt from the Larport Solar Farm planning application are taken into consideration.

As a neighbouring Parish Council we think the following should be taken into consideration:

The visual impact

The grade of the agricultural land and whether there is a better use for it.

The glare caused for train drivers - anti-glare panels/screening

The visual impact and screening required as the panels will need to be raised because of the flooding risk.

Also, housing for the security team needs to be taken into consideration. In Larport, on occasions, the security team have been sleeping in vans in the entrance to the solar farm. This is not acceptable. We suggest a portacabin of sorts.

We also hope that there will be benefits for locals. Larport Solar Farm has provided Mordiford School with solar panels, car charging points and helped with a new footpath. We hope this new development will benefit the locals too.

5.4 Weston Beggard Parish Council – Objection

The application wrongly states that it is not on land within Weston Beggard Parish. It is.

- This application violates NDP point 7.42 — which does not support the delivery of large scale commercially led renewable energy projects due to the impact of these on the local environment.
- The application violates NDP point 7.45 — which states that in terms of the provision of solar, the community seek non ground mounted panels attached to existing or proposed buildings to reduce their impact on the local environment- The application advises areas at risk of flooding should be avoided however the area is a flood plain.- Concerns about the traffic generation for 12 months of construction, especially if construction is delayed due to annual flooding.
- incomplete survey of parishioners was undertaken, those on Shucknall Hill with significant views of the site were not consulted.
- Applications comment that the glare will not affect the railway is void, as the railway has to complete this survey themselves, not the applicant.
- Contradictory points between allowing grazing on the land, and not allowing large mammals into the area.
- All points raised in the application seem to be out of context and more relevant to housing, not to solar developments.
- Application has a significant and detrimental impact on the visual amenity of large number of properties in the parish
- The application does not clearly state how the panels will be removed after the period of time/ who will be responsible.
- The energy produced is fed into the national grid and does not have an immediate positive return to the parish.
- The photos in the application are misleading as they are taken from behind trees that will not have leaves in the winter and no photos were included from the top of the hill.
- The installation of cabling is not clearly illustrated as to whether this will be over or underground.
- This is not the green application it purports to be

5.5 Letters of Representation

The proposal due to the scale of development is classified as a major development. As such it has been advertised in the local press (Hereford Times). As well as numerous site notices being displayed around the application site and surrounding area. In response to the public consultation a total of 16 comments were received on the application throughout the process, detailing the points listed below .All representations received can be viewed full through the website:

Summary of representations received:

General

- Proposal in direct contravention of the Yarkhill NDP policy Y11 and Y13 and the Weston Beggard NDP policies WB1, WB3 & WB5
- Cumulative harms present multiple strong reasons for refusal that clearly outweigh any benefits which derived from the development
- Development does not represent as sustainable development proposal as defined in Policy SS1.
- Large industrial development is not desired by the Weston Beggard Neighbourhood Development Plan & Yarkhill NDP – sympathetic small scale developments that benefit local communities are welcomed.
- Development does not benefit the local community, apart from adding to the local grid.
- Development on prime agricultural land.
- Concerns with regards to restoration not being achieved.

- Concerns energy output not measured for this site but based of the theoretical value based on laboratory measurements of the panel and transmission losses.
- Benefits of the site less than projected.
- Scale of the development detrimental to the landscape character.
- The development will impact on the enjoyment of the countryside for walkers and cyclists.
- Government guidance is for solar farms to be on brownfield sites not agricultural land.
- Concerns with the glint and glare from the panels.
- Herefordshire low grid capacity will be overwhelmed by proposal.
- Screening will not mitigate visual effects on residential properties or noise impacts from construction.

Flood risk

- Amended FRA and surface water drainage strategy fails to reflect reality of site which is plagued by major flood issues from the River Frome
- Concerns that due to the increase in flooding risk the proposed panels will need to be raised higher which will result in an increase impact.

Landscape/visual impact

- The LVIA avoids key viewpoints and dismisses the true aesthetic impacts on the valley landscape and views from PROW
- View 11 in LVIA taken from behind hedge when views along same track include views of listed church.
- Risk of adverse cumulative impacts from the development with other solar farms on the local landscape
- Solar panels should be on roof tops not on farmland.
- Already an appropriately sized community solar power station in close proximity.
- Adverse impacts on the setting of listed buildings within the local area.
- Development would be intrusive to local area and river valley.
- Landscape mitigation will take time to mature, would be less instructive if arrays could be broken up at intervals of additional planting

Biodiversity/Ecology

- Wildlife will also suffer, losing natural habitats and disrupting ecosystems, especially near rivers.
- Fences will restrict access to the river Frome and surrounding area.
- Bird population will be impacted,
- Solar panels result in loss of farmland, preventing sunlight to soil.

Traffic impacts

- Concerns that the Traffic Management Plan will need to be monitored and enforced to prevent construction and maintenance traffic from accessing the site from the A4103.
- Development will cause disruption to surrounding area due to increased traffic flow.

Letter of support: 1 received

- Development represents an essential part to the UK achieving new zero by providing renewable energy from the sun without using fossil fuels
- There will be no pollution from diesel fumes, fertiliser distribution or animal waste
- Noise and traffic impacts will be minimal once constructed

5.6 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=241510&search-term=241510

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

- 5.7 Cllr Lester (Three Crosses Ward) – requested re-direction to Planning & Regulatory Committee on the basis of the level of public interest.

6. Officer's Appraisal

6.1 Policy Context and Principle of Development

- 6.2 Planning permission is sought for the installation of a solar photovoltaic (PV) farm with associated infrastructure to generate electricity which is to feed into the National Grid. The proposed development benefits from having an agreed point of connection within the site into the National Grid. This is considered to be the most effective and efficient point of connection and avoids any need for off-site works (such as laying of cables or other equipment) to connect the site to the Grid.
- 6.3 The Government recognises that climate change is happening through increased greenhouse gas emissions and that action is required to mitigate its effects. One action that is being promoted is a significant boost to the deployment of renewable energy generation. The UK Government's Energy White Paper: Powering Our Net Zero Future (2020) outlines the UK's strategy to decarbonise its energy system and achieving net zero greenhouse gas emissions by 2050. The White Paper underscores the pivotal role of renewable energy sources, particularly onshore wind and solar photovoltaics (PV), in the future energy mix.
- 6.4 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
- "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*
- 6.5 In this instance the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS) and the made Neighbourhood Development Plans of Yarkhill and Weston Beggard. The National Planning Policy Framework (NPPF) 2024 is also a significant material consideration.
- 6.6 The NPPF stresses the importance of having a planning system that is genuinely plan-led. Where a proposal accords with an up-to-date development plan it should be approved without delay, as required by the presumption in favour of sustainable development at paragraph 11. Where the development plan is absent, silent or the relevant policies are out of date, paragraph 11 requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.
- 6.7 The NPPF sets out the economic, environmental, and social planning policies for England. Central to these main themes is a presumption in favour of sustainable development, and that development should be planned positively. In achieving sustainable development, three overarching objectives are identified for the planning system: economic, social and environmental. The environmental objective includes *"mitigating and adapting to climate change including moving to a low carbon economy"* (Paragraph 8c).
- 6.8 The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Paragraph 12 identifies that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- 6.9 The NPPF is clear that planning has a key role in supporting renewable energy and associated infrastructure. Whilst there is no specific policy for solar energy development contained in the NPPF, paragraph 161 states:

“the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

- 6.10 Paragraph 168 is a crucial consideration in the decision-making process stating:

“When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future; b) recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions.”

- 6.11 The Planning Practice Guidance (PPG) on renewable and low carbon energy sets out the particular planning considerations that apply to solar farm proposals. It states that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. The PPG recognises that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impacts are acceptable. It recognises that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.
- 6.12 A range of CS policies are relevant to development of this nature. Strategic policy SS1 of the CS sets out the presumption in favour of sustainable development, which is reflective of the positive presumption that lies at the heart of the NPPF. Policy SS1 confirms that proposals which accord with the policies of the CS (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.13 The CS contains a specific policy for renewable energy in Policy SD2. The policy supports development proposals that seek to deliver renewable and low carbon energy where they meet the following criteria:
- The proposals does not adversely impact upon international or national designated natural and heritage assets;
 - The proposal does not adversely affect residential amenity;
 - The proposal does not result in any significant detrimental impact upon the character of the landscape and the built or historic environment and
 - The proposal can be connected efficiently to existing national grid infrastructure unless it can be demonstrated that energy generation would be used on –site to meet the needs of a specified end user.
- 6.14 Policy SS7 of the CS relates to addressing climate change and promotes the use of decentralised and renewable or low carbon energy where appropriate. However, a key consideration in terms of responding to climate change includes taking in to account the known physical and environmental constraints when identifying locations for development.

- 6.15 The Weston Beggard Neighbourhood Development Plan (WBNDP) supports small scale renewable opportunities which are linked to individual applications or to appropriately sited community initiatives which have direct benefits only to the parish community. The plan does not support large scale commercial renewable energy projects in the Parish due to their impact on the local environment. Policy WB5 within the plan states the following:
- “Proposals for commercially led renewable energy schemes will not be supported within the parish unless it can be demonstrated that the proposal will not have a detrimental impact on the local environment through the submission of information appropriate to the scale of development relating to the impact of the proposal on; Landscape appearance and character; Traffic and transport; Wildlife and ecology; and Residential amenity; and Flood risk”.*
- 6.16 The Yarkhill NDP supports sustainable development and action to tackle climate change. Policy Y13 supports small scale renewable energy schemes where any adverse impacts on landscape character and built heritage are mitigated by siting, design and landscape.
- 6.17 As identified above, the proposed development is to have a capacity of 20.56MWp, and will meet the energy needs of approximately 5,768 homes per annum in the Herefordshire area. The solar farm can be considered a temporary use of the land, with this development indicated as having a 40 year life span. The starting point for the consideration of this application is planning policy, both national and local. As set out above, the NPPF is clearly supportive of proposals which generate renewable energy and it recognises the role which planning must play in reduction in greenhouse gas emissions and renewable energy targets are to be met. Crucially the NPPF advises that applications for renewable energy should be approved if impacts are, or can be made acceptable, unless material considerations indicate otherwise.
- 6.18 The PPG for renewable and low carbon energy advises that there are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, Local Planning Authorities will need to ensure they take into account the requirements of the technology and, critically, the potential impacts on the local environment. Paragraph 013 of the PPG advises that planning authorities should consider ‘the energy generating potential, which can vary for a number of reasons including, latitude and aspect’.
- 6.19 One of the key determinants of the suitability of a site to accommodate solar PV development is its proximity to a point of connection to the local electricity distribution network which must have the capacity to receive the renewable electricity generated by the development. Other key determinates are land availability, technical suitability of the site to deliver the solar farm and its suitability within the planning context. These considerations impose significant constraints on the land which is suitable in practice for solar farm development. In the case of this application, the location of the point of connection to the grid has been key to its selection, with the site benefiting from having an agreed point of connection into the National Grid within it. This is the most effective and efficient point of connection and avoids any need for off-site works (such as laying of cables or other equipment) to connect the site to the Grid.
- 6.20 In response to increasing awareness of the impacts of climate change, Herefordshire Council declared a climate emergency on 8 March 2019. The proposed development would displace around 4,433 tonnes of CO₂ every year. The proposed development would therefore contribute to the Councils target of addressing climate change and becoming carbon neutral, as well as complying with the NPPF on climate change objectives. The proposal would therefore provide significant environmental benefits in relation to renewable energy generation that has strong support under both local and national planning policy.
- 6.21 Given the policies and guidance outlined above, it is considered that the principle of the solar development on the application site can be supported as a means of reducing carbon emissions. Policy SD2 in the CS, along with policy WB5 of the WBNDP and Policy Y13 of the YNDP, clearly

supports proposals for renewable energy installations where they are in appropriate locations having no significant adverse impacts on the amenity of local people, historic features or on the local environment. However, whilst it is clear that the proposal will contribute to meeting the Governments renewable energy targets and contribute towards the reduction in greenhouse gases, the wider economic, social and environmental benefits of the proposal should be considered against any significant impacts on the surrounding area.

- 6.22 The NPPF whilst supporting the principle of renewable energy projects, recognises that renewable energy projects may also have a range of environmental impacts that may need to be mitigated to make them acceptable.
- 6.23 It is recognised that the proposed development, as well as providing a renewable energy source would provide biodiversity net gain by improving habitats, creating a range of new and diverse habitats and enhancing connectivity with the surrounding landscape. The submitted Biodiversity Net Gain report identifies that the proposal would result in a 45.58% net gain for habitat units and 23.28% gain for hedgerow units.
- 6.24 The application site is within open countryside in a rural working landscape. In light of the above outlined policies and guidance, the proposal in principle is considered to be consistent and in accordance with both national and local policy with regards to improving sustainability. However, having regard for the criteria set out in policies SD2, WB5 and Y13, and the characteristics and constraints of the site, along with the nature of the development being proposed, the following sections will go on to consider whether there are any other material considerations of such weight and magnitude, that might lead to a conclusion that despite the principle of the development being supported, the proposal represents an unsustainable form of development.
- 6.25 The key issue in the planning balance following an assessment will be whether the benefits of the proposals, which primarily are the production of energy from a renewable resource, outweigh any harmful impacts.
- 6.26 **Loss of agricultural land**
- 6.27 Paragraph 187 b) of the NPPF states that planning decisions should recognise “the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile (BMV) agricultural land, and of trees and woodland”. The glossary of the NPPF defines BMV agricultural land as Grade 1, 2 and 3a. Grade 3a is identified as being the lowest grade of BMV, while Grade 3b lies outside of the NPPF definition.
- 6.28 Policy SS7 of the CS also seeks to protect the BMV agricultural land where possible in order to mitigate impacts on climate change. The loss of agricultural land to non-agricultural development is therefore a material consideration and the weight afforded to that loss will depend on the grade of the land and the extent of the loss set against other material considerations.
- 6.29 It is noted that the NPPG on Climate Change states that large scale solar farms should ideally be located on land which is not classed as best and most versatile agricultural land.
- 6.30 The application has been supported with a Soils and Agricultural quality report which was produced following surveys across the site to examine the nature and quality of the soils. The combination of wetness and clay soils led to a conclusion of the report that the land is Grade 3b, recognised as being of moderate quality.
- 6.31 The proposal satisfies the PPG advice that where a proposal involves greenfield land, poorer quality land should be used in preference to higher quality. The land would retain an element of an agricultural use with sheep being grazed when feasible and wildflower grassland planted across the site, encouraging biodiversity improvement. It is widely recognised that solar farms on

agricultural land are only a temporary use and are fully reversible, with the land being capable of returning to agriculture use as the end of the 40 year installation.

- 6.32 It is noted that Natural England were consulted and that they made no comments in respect of BMV land and ultimately offered no objections to the proposal.
- 6.33 On balance, although the LPA recognises that agricultural land is a finite commodity and food security is equally as important as energy security, the proposed scheme falls outside of Grade 1, Grade 2 and Grade 3a BMV land. Given the temporary nature of the scheme, with the biological and landscape enhancements proposed, the proposal would not conflict with the objectives of paragraph 187 of the NPPF and policy SS7 of the CS.
- 6.34 **Landscape Character & Visual Amenity**
- 6.35 Given the rural context and setting of the site, it is accepted that any solar project of this scale and nature would give rise to some adverse landscape and visual effects, however it is widely accepted that solar farms represent an acceptable form of development in the open countryside, subject to other material considerations. To this extent, national and local planning policy adopts a positive approach indicating that development will be approved where the harm would be outweighed by the benefits of a scheme. It is recognised that the impact on the landscape character and visual amenity is mentioned in almost all of the representations received from local residents and Parish Councils, and is often the key concern form members of the public on proposals of this nature.
- 6.36 Paragraph 187 of the NPPF indicates that the intrinsic character and beauty of the countryside should be recognised, and planning policies and decision should contribute to and enhance the natural local environment. National and local policies do not seek to protect the countryside from development, but rather protect and enhance valued landscapes.
- 6.37 In the CS, Policy LD1 seeks to conserve and enhance the natural, historic and scenic beauty of important landscapes and features through the protection of the area's character and by enabling appropriate uses, design and management. Policies WB1 (WBNDP) and Y11 (YNDP) in the neighbourhood development plans align with that of policy LD1, seeking to ensure that development proposals protect the valued, tranquil natural environment, whilst protecting features of the local landscape which make a positive contribution to the local identify and character of the areas landscape.
- 6.38 The application site does not form part of any designated landscape. The Wye Valley National Landscape is located around 2.6km to the south of the site, with the boundary of the registered park and garden of Stoke Edith located 220m to the south east. The site is within a rural location detached from any settlement, although adjacent to the Hereford to Ledbury railway line.
- 6.39 In terms of landscape character, the majority of the site is within the Landscape Character Type (LCT) 1: River Floodplains of the Councils Landscape Character Assessment 2023. The LCT is a linear character type covering an extensive area that follows the course of the River Wye and tributaries.
- 6.40 The site and wider area broadly align with the key characteristics of the profile of LCT 1, which include a flat low – lying riverine landscape, in a small scale landscape with sinuous field patterns bound by ditches and intermittent hedgerows. However, although being a rural area, the site is adjacent to the C1148 which is a busy local road linking the A4103 in the north to the A438 to the south. It also shares a boundary with the railway line and has two large energy pylons located within the site. There are a number of residential properties and small farmsteads scattered within the landscape. It is notable that the overall aim of the River Floodplains LCT is to conserve and enhance the rural character of the landscape and sense of place created by the naturally

meandering river corridor, pasture land use, wetland habitats, and the undeveloped and tranquil character.

- 6.41 A small part of the site lies within LCT2: Lowland Farmlands. This character type is a rural landscape that retains much of its historic dispersed settlement patterns and mixed farming character, and is found across Herefordshire in the low lying basin in the centre of the County. It extends away to the south and north of the site and covers an extensive area which is characterised by medium scale fields defined with mature hedgerows, arable fields, commercial orchards, historic buildings and villages and dispersed settlements with long distant views from surrounding woodland hills.
- 6.42 It is inevitable, that given the rural character of the site and its immediate context, that the change of use and introduction of solar panels and associated infrastructure would have an impact on the existing character. Whilst the framework of fields and hedgerows would not change, the solar panels and associated inverters, fencing and other infrastructure would be at odds with, and detract from, the prevailing farmland landscape character.
- 6.43 The submitted LVIA carried out an assessment of the two character types on the value, susceptibility and resultant sensitivity to the development. It has identified that the nature of the site and that of the proposed development means that it has capacity to retain and strengthen existing landscape features such as hedgerows and trees. On that basis the LVIA concludes that the LCT is judged to have a Medium Value it terms of susceptibility and overall sensitivity.
- 6.44 The LVIA identifies that this change would give rise to a small magnitude of effect and result in a minor adverse effect on the landscape character of the River Floodplain and its immediate context. The application is supported with a landscape strategy which aims to provide and establish a more robust green framework within which the proposed development will be set, with notable new green buffers along the western and southern site boundaries. It is identified that by year 15 the landscape scheme will have matured to provide an enhanced landscape setting that compliments the local landscape character. The Councils Landscape Officer has highlighted that the success of the landscape strategy will be down to the densities, age and condition of the plants, as well as the overall management of not only the new planting but the existing hedgerows and trees to be retained. These elements can be secured by planning conditions.
- 6.45 The LVIA provides an assessment of the likely views of the development from 12 viewpoints, at both local and medium distance views. The viewpoints were selected in consultation with the Councils Landscape Officer and were restricted to publically accessible locations, representing visibility from key visual receptor groups. Baseline photographic panoramas were obtained from each viewpoint in the direction of the proposed site and baseline landscape character and visual amenity were identified before a qualitative appraisal of the likely visual effects was carried out.
- 6.46 The majority of the representations received refer to the visual impacts from the proposed development. It is acknowledged that different receptors would appreciate and experience the landscape in different ways, depending on whether they live in, work in, or are visiting the area. It is also further acknowledged that the views obtained from the viewpoints are only a snapshot of the site and do not reflect the experience of walkers as they proceed along public footpaths and highways
- 6.47 The LVIA identifies that beyond the site and its immediate setting, some adverse effects on local and wider scale on landscape character and visual receptors are likely to arise at year 1, ranging from Moderate Adverse to Negligible Beneficial. This is as a result of the current level of enclosure to the site and the small scale and nature of the proposed development. By year 15 the LVIA concludes that the effects will range from Minor Adverse to Minor Beneficial once mitigation and the proposed landscape strategy has established.

- 6.48 The visual effects of the scheme and change to the character would be predominantly felt within 1.5km of the site. However, with no public access into the site, the visual effects and its contribution to the wider landscape characteristics will be largely experienced and viewed from passengers on the train or car users on the local highways network. Car users and train passengers are considered to be less sensitive to the change in character and visual impacts given the speed they are traveling, their focus and purpose of travel. However it is recognised that the eastern boundary along the highway has a number of gaps, and part of the landscape strategy is to repair and reinforce the boundary hedging by strengthening and managing then to grow out more fully to a height which would significant screen the solar panels once established. Conditions can secure the management and maintenance of the planting for the duration of the development.
- 6.49 There will be some views of the development from PRowWs within the wider landscape, especially from higher ground. However given the limited height of the solar panels and the intervening vegetation and retention of field patterns, the extent of visibility will not be continuous, with views of the development filtered through existing vegetation and the overriding scene remaining rural with a small scattering of development. The landscape strategy once established will enhance the rural setting and further soften views of the development.
- 6.50 Solar farms are becoming increasingly common in rural landscapes, with two similar sized developments within 5km of the site. Concerns have been raised by Parish Councils and within representations regarding the indivisibility of solar farms in the area. The recently constructed Dormington Solar Farm is also located within the same landscape character. However this landscape character stretches and extends across the whole of Herefordshire. There have been no sites or locations identified where the proposed development can be seen with the other recently approved schemes. The proposed development is considered to represent only a small change to the over landscape character.
- 6.51 Within the representations received it is clear that the site and surrounding landscape is of value to locals due to its rural nature. Representation also references its undisturbed nature and it is clear that the views into and across the site from higher ground to the south and north are held in a high regard by residents, as well as views from the grounds of private properties.
- 6.52 The NPPF does not define what constitutes a valued landscape. The LPA accept that all landscapes are valued by someone at some time. However, the application site and the surrounding landscape does not have any demonstrable attributes which would elevate it to a framework defined valued landscape.
- 6.53 The proposal does not change the topography of the site and retains and enhances the structure of the landscape since the arrays are to sit entirely within existing field boundaries. All existing vegetation and hedgerows are to be restored and improved. The conclusion of the LVIA is the effect of the proposed development on the magnitude of effects on visual receptors on PRowW, highways and residential properties to be of a very small magnitude with a negligible adverse significance of effect.
- 6.54 The proposal would introduce a large development of industrial appearance, which will fundamentally change the character of the immediate landscape for the duration of the development. However, given the general topography of the area, the effects of the solar arrays on the overall landscape character would be limited to the immediate landscape setting. It is felt that in time the proposed landscaping would provide structure to reduce and soften a large proportion of the visual effects of the development. However, the proposed landscaping strategy would not result in the character of the landscape prevailing over that the solar farm.
- 6.55 Through a combination of reinforcement of existing vegetation and the introduction of new landscape mitigation, the adverse effects would be limited and localised. As the proposed planting matures, the adverse effects would be reduced and would be acceptable. The 40 year life span

of the proposed development is significant, however once the solar farm is decommissioned, there would be no residual adverse landscape effects. The proposed landscaping scheme would leave an enhanced landscape consistent with policy LD2 of the CS

- 6.56 The Landscape Officer has requested that if approved a fully detailed hard and soft landscape scheme should be provided prior to the commencement of the development with a 30 year landscape management and maintenance plan which incorporates both biodiversity and landscape requirements for establishment and care of the land is secured through conditions.
- 6.57 During the operational period of the development, it would have a moderate adverse effect on the landscape character of the immediate site. In doing so it would be contrary to policies LD1, WB5 and Y11 which amongst other things seeks to ensure developments contribute to conserving and enhancing the natural environment. As such landscape harm therefore does attract weight in the assessment of the proposal.
- 6.58 **Impact on Heritage Assets**
- 6.59 The proposed application site does not contain any designated heritage assets within it, however it is in close proximity to the Stoke Edith Registered Park and Garden (RPG), as well as there being a number of heritage assets within the surrounding area. Policy LD4 of the CS requires heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the planning balance. As a result, and in order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF in the first instance.
- 6.60 The NPPF directs at paragraph 212 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 213 then states that any harm to, or loss of, the significance of a designated heritage asset (from alteration, destruction or development within its setting) should require clear and convincing justification. Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.61 The Councils Historic Buildings Officer (HBO) has identified the following assets which could be susceptible to harm as a result of change to their setting from the development;
- Stoke Edith Registered Park & Garden (NHLE 1000897, Grade II RPG);
 - Church of St Mary (NHLE 1099825, Grade I listed building); and
 - Ethelbert's Camp (NHLE 1003534, Scheduled Monument);
- 6.62 The northern boundary of the Stoke Edith RPG is located approximately 220m to the south of the application site. The RPG was listed in February 1986 and covers an area identified in the listing of 180ha. It is centred around a country House which was destroyed in 1927. Various outbuildings, including a brew house and laundry and stable survived, with the former Rectory now being the principle dwelling on the estate. On the A438 highway west of the former house there is the Hereford Lodge and its associated gates, which are grade II* listed.
- 6.63 On reading its listing, it would appear that the significance of the RPG is principally derived from the Landscape Park and formal gardens around the house and the use of radiating avenues and walks. This would be unaffected by the proposed development. Any harm from the proposed development to the asset would be from potential impacts to its setting that contribute to the significance of the asset.

- 6.64 The NPPF establishes that the setting is the surroundings in which a heritage asset is experienced. The area in which the RPG can be experienced is considered to be from the PROWs which pass through the park itself, and from the C1148 and A438 highways as you approach from the north. The application site does form part of the wider setting of the RPG and is adjacent to the C1148 highway where views of the RPG are afforded.
- 6.65 According to the listing, the landscape was originally designed by George London in 1692 who sort to link the formal gardens around the house with the countryside beyond through the use of radiating avenues and walks. Between 1792 and 1802 major changes took place to the landscape around the house. The public road which until then had run south of Stoke Edith, passing within 30m of the house, was moved c 500m north to its present line. The view from the house was channelled between newly planted coppices and groups of trees towards Shucknall Hill. The listing would suggest that the design of the gardens sought to borrow from the wider landscape. There is however no evidence of any designed views back to the RPG in the wider landscape.
- 6.66 The Church of St Marys lies just outside the RPG and is Grade I listed, with its most notable feature being its needle spire. The Applicants assessments acknowledge that the Church is inevitably linked to the estate and parkland which make up the RPG.
- 6.67 The applicants Historic Environment Desk Based Assessment identifies that the development will not close off views into or out of the RPG, with views from the RPG towards the north largely unchanged. The Assessment has concluded that the effect on the setting of the RPG is less than substantial, of which the Councils Historic Buildings Officer agrees with. The HBO also regards the impact on the setting of the Church of St Mary to be less than substantial given its relationship with the RPG and being situated in the centre of the RPG, albeit not within the designated area.
- 6.68 Any harm to the significance of the assets concerned derives from a change in views to or from an area that lies within their setting. It is only the part of the significance derived from setting that is affected. All the significance embodied in the asset itself would remain intact.
- 6.69 The setting of the Church and RPG has undergone change overtime as the landscape has evolved to accommodate increased highway and energy infrastructure and farming practices have changed. The application site is considered to form a small part of the setting of both heritage assets identified and will largely be screened by intervening vegetation or development when viewed from within the site. The presence and visibility of the proposal would not alter the overall design intent of the designed landscape, nor the understanding and experience of the spatial and visual relationships between the church and the RPG. The harm is therefore considered to be less than substantial, and at the lower end of that spectrum. This will need to be considered against the public benefits in the planning balance.
- 6.70 **Ecology and Biodiversity**
- 6.71 In respects of matters of biodiversity and ecology, CS policy LD2 and paragraphs 174-177 of the NPPF apply. These generally require that proposals protect, conserve and enhance the county's biodiversity assets and make adequate provision for protected species.
- 6.72 The River Frome runs directly adjacent to the northern boundary of the site and is a tributary of the River Lugg which is part of the River Wye Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) catchment. As such the application triggers the need for a Habitat Regulations Assessment (HRA) process to be carried out. The Applicants submitted a Shadow HRA concerning the River Lugg SAC. The Councils Ecologist having reviewed and assessed the document confirmed that it was satisfactory and that the Council adopted the Shadow HRA and its findings. Natural England have responded to the consultation confirming that they note the Council have adopted the Shadow HRA and confirming they raise no objection as it is considered that the proposed development will not have a significant adverse impact on the designated site.

- 6.73 Policy LD2 sets out a hierarchical approach to the protection of nature conservation sites and habitats against a context that all development proposals should, where appropriate, restore and enhance existing biodiversity and geodiversity features on site and connectivity to wider ecological networks and create new biodiversity features and habitats.
- 6.74 The application has been supported with an Ecology Assessment and Dormouse survey. In terms of ecological impacts, the documents identify that the habitats to be lost to the development are largely the agricultural land which will be fitted with arrays of panels which will have species rich grassland created under and around them as shown on the Landscape Strategy Plan. However, new hedgerow and tree planting is also proposed and the river corridor is to be buffered and protected. The scheme includes the provision of native hedgerows, native woodland mix and native species rich grassland planting under the panels in the long term. As already highlighted earlier in this report, the biodiversity assessment for the site shows a 45.58% biodiversity net gain in habitat units, 23.28% gain in hedgerow units and a 15.11% gain in watercourse units based on the landscaping proposals for the site.
- 6.75 The LPA recognises that the River Frome is a priority habitat and runs along part of the boundary of the site. The Ecologist has confirmed that based on the information submitted, the priority habitat will not be impacted by the proposed development, providing that a Construction Environmental Management Plan (CEMP) is implemented and adhered to throughout the construction phase. This can be secured through a planning condition
- 6.76 The Council's Ecologist has reviewed the scheme and has not identified any significant harm which would bring the proposed scheme into conflict with policy LD2 of the CS. A range of conditions are recommended to secure implementation of the report's recommendations, as well as to secure further details for measures for biodiversity enhancement to ensure biodiversity and protected species are accounted for. Subject to this, there is no policy conflict found. Natural England have been consulted and raise no objection.
- 6.77 **Highways Impact**
- 6.78 Policy MT1 of the CS deals specifically with traffic a management and highway safety and requires proposals to demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels. The policy also seeks to ensure that developments are designed and laid out to achieve safe entrance and exit, whilst having appropriate operational and manoeuvring space. From the WNDP, policy WB5 requires amongst other things that all renewable energy proposals in the Parish demonstrate that there is detrimental impacts relating to traffic and transport.
- 6.79 This objectives of Policy MT1 supported by NPPF paragraph 115 b) which requires that safe and suitable access to sites be achieved for all users. Paragraph 116 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe network, following mitigation, would be severe, taking into account all reasonable future scenarios
- 6.80 The application proposes to upgrade and utilise an existing field gate access off the C1148 for both construction and post-construction. The access requires widening to safely accommodate the movements of HGVs delivering equipment and materials during the construction phase. Hedgerows are also to be removed to accommodate visibility splays of 2.4m x 56.1m in both directions. An area of hardstanding is to be provided for vehicles to turn around and exit the site in forward gear.

- 6.81 It is recognised that the traffic impacts for the development of a solar farm is mainly associated with the construction process with minimal vehicle movements once the site is operational. The application has been supported with a Transport Statement which includes plans of the visibility splay, a swept path analysis of the 16.5m HGVs and the results on an Automatic Traffic Counter survey carried out to support the design of the access. The Area Engineer has noted that the average level of daily trips of HGV's predicted during the construction process of the application proposals of 6 in and 6 out. The duration of construction is identified as 48-50 weeks. In addition to the HGVs, the statement identifies up to 30 light vehicles could visit the site on an average working day.
- 6.82 It is recognised that the road is a well-used link between the A438 and A4103. However, mitigation is put forward by the Transport Statement which includes entrance into the via Left turn only with traffic exiting to the right. In addition it proposes that a Banksman is on site to ensure safe exit and entrance of the site with all parking for site operative's onsite. The Councils Area Engineer has considered the application for the installation and operation of renewable energy generation station with associated control room substations site access, access gates, internal tracks and other ancillary infrastructure and makes the following comments.
- 6.83 Taking the details contained within the Transport Statement into account and having visited the site and local area, the Councils Area Engineer considers the highways impacts of the development are not considered to be of a level that represents severe harm on the surrounding highway network. The Area Engineer considers that the details of the visibility on drawing 2038036-03 of the transport statement are acceptable and can be secured through a planning condition.
- 6.84 The Councils Area Engineer, although identifying difficulties with the visibility of the access and access route into the site, believes these could be mitigated through the appropriate use of planning conditions. Overall the Area Engineer has raised no objection to the proposal subject to the inclusion of planning conditions to mitigate the impacts of construction traffic upon highway safety.
- 6.85 **Flood risk and drainage**
- 6.86 Policy SD3 of the CS requires all development proposals to include measures for sustainable water management to be an integral element of any new development in order to reduce flood risk; to avoid impact on water quality; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation.
- 6.87 Paragraph 170 of the NPPF requires that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. It also requires that where appropriate, applications should incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate.
- 6.88 The application site is partially located in Flood Zone 3, which is the high risk zone. In accordance with Table 1: Flood Zones within the Planning Practice Guidance (PPG), Flood Zone 3 is considered 'high probability' of fluvial flooding and comprises land assessed as having a 1 in 100 year, or greater, annual probability of river flooding. It is noted that parts of the site adjacent to the River Frome are likely to be classed as 'Zone 3b', which is functional floodplain, with a 1 in 20 year probability.
- 6.89 In accordance with the Environment Agency (EA) standing advice, the planning application has been supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance. On its original submission however, the EA objected to the proposal as insufficient information had been supplied within the FRA on fluvial flood risk grounds. The Applicant, in consultation with the EA, revised the FRA and a Flood Estimation and Hydraulic Modelling Report. Following a re-

consultation of these documents the EA have confirmed that they remove their objection. The Hydraulic Modelling Report confirms that the majority of the site falls within the functional floodplain and whilst there is a relatively minor increase in flood levels within the site boundary this will not alter or change the hazard class rating.

- 6.90 Both the Sequential and Exception Test have been conducted in the FRA submitted for the proposed development. Annex 3 of the NPPF confirms that Solar Farms are to be considered as Essential Infrastructure and therefore not considered inappropriate in FZ3b subject to consideration of the Sequential and Exception Tests.
- 6.91 The EA and Councils Drainage Engineer have confirmed that the proposed development is classed as 'Essential Infrastructure' and is not considered inappropriate within Flood Zone 3b. However, there is still a requirement under paragraphs 177-179 of the NPPF for the exception test to be applied. In accordance with paragraph 178 the application has been supported with a site specific flood risk assessment. The paragraph states that to pass the exception test it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 6.92 Both elements of the exception test need to be satisfied for development to be allocated or permitted.
- 6.93 In relation to the first part the proposed development is considered to pass the exception test as the development would provide a wider sustainability benefit to the community in the form of renewable energy that outweigh the flood risk.
- 6.94 In relation to the second part, the FRA outlines the requirement for the development infrastructure to be raised above such levels with adequate freeboard. The base of the solar panels will be a minimum of 0.90m above ground level. The electrically sensitive aspects of the development are proposed to be located in FZ2 and outside of a 1 in 100yr +40% cc flood event extent. All electrical connections will be located at least 300mm above the 1 in 100 year plus 40% climate change flood level. The development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere. These measures are considered to satisfy the requirements of part 2 of the exception test. The LPA are satisfied that by reason of its design and nature, the development will not increase flood risk in the wider catchment.
- 6.95 In preparing the application infiltration tests were undertaken at the site which revealed the groundwater levels within the site area are likely to be high due to being perched within Alluvium above impermeable Mudstone bedrock. The existing surface water drainage ditches within the site boundary will remain as part of the development and continue to attenuate and convey surface water runoff. The Councils Drainage Officers have acknowledged that whilst the solar panels will intercept precipitation and create more concentrated runoff points than the existing greenfield scenario, as there will still be vegetation beneath and around the solar panels, it is likely that the existing greenfield runoff scenario will not be adversely affected.
- 6.96 Neither the EA nor the Councils Drainage Engineer have raised any further objections to the development subject to conditions relating to finished floor levels of vulnerable apparatus and flood storage.
- 6.97 It is noted that the River Lugg Internal Drainage Broad Consent (IDB) have provided comments outlining that Consent will be required under section 23 of LDA for the 2 new crossings over the existing drainage ditches. They have also raised concerns with the surface water controls during construction when they believe there is likely to be considerable disturbance to the site (temporary

access routes, loss of vegetation over, compaction from construction plant movements etc). The IDB would like reassurance to ensure that there will be no risk of an increase of surface water run-off into the existing watercourses during the construction phase of the works they have requested further details to be secured through a condition.

- 6.98 Subject to the details outlined above being secured through conditions no conflict with policy SD3 or the NPPF in relation to drainage and flood risk have been identified. It is noted that there is to be no foul water facilities proposed for the development.

6.99 **Residential Amenity**

- 6.100 Policy SD1 of the CS deals with sustainable design and energy efficiency and requires all proposals to safeguard the residential amenity for existing and proposed residents, ensuring new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination. It is also listed in the second criteria of policy SD2 that development proposals delivering renewable energy will not adversely affect residential amenity and it features in policy WB5.

- 6.101 Section 12 of the NPPF Achieving well-designed places, is also relevant, in particular paragraph 135 which seeks to ensure development creates a high standard of amenity for existing and future users. Paragraph 198 also highlights the need for decisions to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) on the living conditions and the natural environment that could arise from the development. This includes identifying and protecting tranquil areas which have remained relatively undisturbed by noise and mitigating against potential adverse impacts resulting from noise from new development.

- 6.102 There are a number of properties within Glebe House located 390m to the south of the site. The application has not been supported with any formal assessment on noise. The Planning Statement identifies that Solar Farms, by nature, emit very little noise. Once operational the only noise produced is through the invertors installed on site. It is stated that theses will produce a frequency of 51 decibels which can be heard from up to 1 metre away. The site is not open to the public, and given the distance and intervening development and landscaping, the development is not considered to have an adverse impact in relation to noise on any nearby residential property. The proposed development will have no public access.

- 6.103 The Environmental Health Officer has been consulted on the application and drawn experience from other applications of a similar nature and scale in reaching a conclusion of no objection. Officers have given consideration as to the need for detailed noise assessment to examine the impact on the closets residential properties, however at a distance of over 390m, with intervening development and vegetation, as well as the presence of a highway and railway it is not considered to be necessary.

- 6.104 The proposed development will not give rise to any emissions or require any lighting once operational. However it is acknowledged that during the construction period there will be disturbance and an increase in lighting and noise generated from construction traffic. A planning condition is recommended (Construction Environmental and Traffic Management Plan (CETMP)) which can secure theses details during the construction period in the interest of residential amenity. Subject to this no further conflict with policy SD1 of the CS has been identified.

6.105 **Glint and Glare**

- 6.106 The application has been supported with a detailed and comprehensive Glint and Glare Study of the development which assesses the possible effects of glint and glare from the development on the surrounding area. To be clear, glint refers to a momentary flash of bright light and glare refers to a continuous source of bright light which is typically received by static receptors or from large

reflective surfaces. The assessment looked specifically at the potential impact of the development upon road safety, residential amenity, railway infrastructure and operations, and aviation activity associated with Swinmore Farm Airfield in Munsley. The conclusion of the assessment is that no significant impacts are predicted on road safety, residential amenity and railway infrastructure and operations, and as such no mitigation is required. It was a similar conclusion with Swinmore Farm Airfield with no significant impacts identified and as such no detailed modelling recommended.

- 6.107 The assessment focused on a 1km study area from the application site for ground based receptors and a 500m assessment for railway receptors. Significant roadside screening was identified along the A438 which resulted in a conclusion on no predicted impact. A similar conclusion is reached with regards to residential dwellings within the study area, with intervening terrain and existing vegetation providing screening and obstructing views of reflection.
- 6.108 Officers have no reason to contradict the submitted assessment and therefore conclude that there will not be an unacceptable impact from glint and glare.
- 6.109 **Planning balance and conclusion**
- 6.110 Each planning application must be assessed on its own merits. It is well documented and fully understood that the objective of Government policy is to support the development of renewable energy sources, including solar power, to help ensure the UK has a secure energy supply and reduce greenhouse gas emissions to slow down climate change.
- 6.111 Whilst planning policies support renewable energy proposals in principle, both national and local policies do recognise that large scale solar farms may result in some landscape and visual harm. There are however a number of considerations that weigh in favour of the proposed development put forward under this submission. The development type is considered to be compatible with the flood zone it is sited within, and is acceptable in drainage terms, with no adverse highways impact identified. There would be no material impact upon the residential amenity or living conditions of nearby residents and no concerns relating to potential glint and glare impacts which have been identified. However, in addition to the harm to the landscape character, it has also been identified that the proposal would cause less than substantial harm to nearby historic assets and as directed by Paragraph 214 of the NPPF this harm should be weighed against the public benefits of the proposal.
- 6.112 Both CS policy SS1 and Paragraph 11 of the NPPF engage the presumption in favour of sustainable development and require that developments should be approved where they accord with the development plan without delay. The NPPF is clear that the achievement of sustainable development is dependent on achieving three overarching objectives, which are interdependent and must be pursued in mutually supportive ways. These are an economic objective; a social objective; and an environmental objective.
- 6.113 The proposal has been considered in the context of the presumption in favour of sustainable development as set out by Paragraph 11 of the NPPF, and had full regards to the 'tilted balance' at 11 d) ii, which directs that **permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits**. Whilst it is recognised that the scale of development cannot be classed as small scale, the preceding appraisal has identified that the level of harm to the designated heritage assets and landscape character is outweighed by the public benefits of the development. Chief of these being the contribution of the proposal towards the generation of renewable energy. The resultant reduction in greenhouse gas emissions and energy security benefits, all attract significant weight. This, along with the moderate weight for the benefits to the local economy and biodiversity would, in Officers judgement, outweigh the harm identified.

- 6.114 Full regard has been given to the relevant policies within the Weston Beggard and Yarkhill NDPs which relate to the delivery of renewable energy schemes (Policies WB5 and Y13). The proposal is for a solar development which given the context and nature of its surrounding is not considered to be small scale. Both policies offer support for renewable energy scheme where any adverse impacts on landscape character and built heritage, traffic, ecology, amenity and flood risk are all mitigated against. Through a combination of topography, existing screening and proposed landscape mitigation, the adverse effects on landscape character and the setting of identified heritage assets would be limited and highly localised. The proposed mitigation is considered to be consistent with the landscape character and once the development has been decommissioned there would be no residual adverse landscape impact but rather an enhanced landscape consistent with the objectives of the CS. The application has demonstrated through the submission of various technical reports and surveys that any adverse impacts can be successfully mitigated with details secured through appropriate planning conditions.
- 6.115 Drawing all the above together and having regard to the 'tilted balance' as required by the NPPF, it is concluded that the planning balance here falls in favour of the proposed development. The proposal would make a material contribution to the objectives of achieving the decarbonisation of energy production which significantly and demonstrably outweighs the harm identified to the landscape character and setting of heritage assets in the surrounding area. The proposal is considered to accord with the development plan taken as a whole and is consistent with the NPPF. Officers have taken into account all other matters raised in representations received and from Consultees, but have found nothing of sufficient weight to alter conclusions. The application is recommended for approval subject to the conditions set out below.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. Time limit for commencement (full permission)

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. Development in accordance with approved plans

The development shall be carried out in accordance with the deposited plans and drawings as stated below:

- **Location Plan C0002470_04 Rev: C**
- **Site Layout C0002470_02 Rev: F**
- **Block Plan C0002470_05 Rev: C**
- **Typical Section Through Array C0002470_06 Rev: B**
- **66kV Substation Plan & Elevations C0002470_07 Rev: A**
- **Customer Substation Plan & Elevations C0002470_08 Rev: A**
- **LV Substation Plans & Elevations C0002470_09 Rev: A**
- **Typical Fence Detail C0002470_10 Rev: A**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. Confirmation of start date

Within 1 month of the date of first export of electricity to the National Grid, confirmation shall be given in writing to the local planning authority of the first export date. The development hereby permitted shall cease on or before the expiry of a 40 year period from the date of the first export of electricity.

Reason: To limit the long term effects of the development and in recognition of the temporary lifespan of the structures, in accordance with Policies SS1, SS6 and SS7 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4. Cease of operation

If the solar farm hereby permitted ceases to operate for a continuous period of 12 months, then a scheme for the decommissioning and removal of the solar farm and all ancillary equipment shall be submitted to the Local Planning Authority for its written approval. The scheme shall make provision for the removal of the solar panels and associated above ground works approved under this permission. The scheme shall make provision for the re-use and materials recovery of all complements where possible. The scheme shall also include management and timing of all works and a traffic management plan to address likely traffic impact issues during the decommissioning period, and environmental management plan to include details of measures to be taken during the decommissioning period of protect wildlife and habitats, and details of site restoration measures. The approved scheme shall be implemented in full accordance with the approved details.

Reason: To ensure a satisfactory form of development, avoid any eyesore from redundant plant, prevent pollution, and safeguard the environment when the materials reach their end of life, in accordance with Policies SD1 and SD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

5. Length of permission

Within 6 months of the cessation of the export of electrical power from the site, or within a period of 39 years and 6 months following the first export date, a decommissioning and site restoration scheme for the solar farm and its ancillary equipment shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal and re-use of the solar panels and all other associated equipment and the subsequent restoration of the site. The scheme shall include details of the management and timing of all works and a traffic management plan to address likely traffic impact issues during the decommissioning period, and environmental management plan to include details of measures to be taken during the decommissioning period of protect wildlife and habitats, and details of site restoration measures. The approved scheme shall be implemented in full accordance with the approved details.

Reason: To ensure a satisfactory form of development, avoid any eyesore from redundant plant, prevent pollution, and safeguard the environment when the materials reach their end of life, in accordance with Policies SD1 and SD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

PRE-COMMENCEMENT CONDITIONS**6. Construction Environmental Management Plan**

Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified 'responsible person', shall be supplied to the local planning authority for written approval. The CEMP should include a plan identifying ecological buffers which should be demarcated on site and not entered except under the supervision of the Ecological Clerk of Works. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

7. Construction and Environmental Traffic Management Plan

Prior to commencement of the development hereby approved, a Construction Environmental and Traffic Management Plan (CETMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CETMP shall be implemented and operated in accordance with the approved details. The CETMP will need to be in accordance with current guidance and also incorporate the following in details;

- A method for ensuring mud is not deposited onto the Public Highway
- Construction traffic access location
- Site compound location
- Parking for site operatives
- Construction Traffic Management Plan
- Details of times for construction traffic and delivery vehicles
- Routing of construction traffic and delivery vehicles
- Measures to control the emission of dust and dirt during construction
- A scheme for waste minimisation and recycling/disposing of waste resulting from the construction works
- Hours of construction work and measures to control noise
- Measures to control overspill of light from security lighting

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

Reason: In the interests of highway safety, residential amenity and environmental protection and to conform to the requirements of Policies MT1 and SD1 of the Herefordshire Local Plan – Core Strategy, Policy WB5 of the Weston Beggard Neighbourhood Development Plan and the National Planning Policy Framework.

8. Visibility Splays

Before any other works hereby approved are commenced, visibility splays, and any associated set back splays shall be provided in accordance with drawing 2308036-03 PO (Visibility Splays and Proposed Site Access). Nothing shall be planted, erected

and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

9. Landscape details

Prior to the commencement of the development hereby approved, details of hard and soft landscaping (the Landscape Scheme) shall be submitted to and approved in writing by the local planning authority. The Landscape Scheme shall be in accordance with the Landscape Strategy Plan (LN-NP-07 Revision C) in Figure 7 of the Landscape and Visual Impact Assessment by Stantec dated November 2024. The Landscape Scheme shall include the following:

- a) Plan showing the Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.
- b) Details of the protection measures to be used for any existing landscape features to be retained.
- c) Full details of all proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation and irrigation details.
- d) A timetable for implementation.

The scheme as approved shall be completed in full not later than the end of the first planting season following the commencement of the development on site hereby permitted.

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

10. Surface Water during construction

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: To ensure that the construction of the development does not increase flood risk elsewhere and does not contribute to water pollution and to conform with policy SD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

11. Dormice

Prior to the commencement of any works that may impact dormice or their habitats, a European Protected Species (EPS) licence from Natural England must be obtained. A copy of the licence shall be submitted to the local planning authority for approval.

Reason: To ensure that all species are protected and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended

by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; and the council's declared Climate Change and Ecological Emergency.

12. Flood Storage Compensation Verification

Prior to the installation of any equipment associated with the development hereby approved, the flood storage compensation, shall be carried out in accordance with the details submitted in Table 3.2 of the Hydraulic Modelling Report by SLR Consulting Limited (Ref: 402.065269.0001, dated 16 May 2025) and Figure 5 of the Technical Memorandum by SLR Consulting Limited (Ref: 402.065755.00001, dated 11 April 2025) unless otherwise agreed in writing by the Local Planning Authority in consultation with the Environment Agency. A verification report pertaining to the details outlined within the Hydraulic Report and Technical Memorandum shall be prepared by a suitably competent person, and submitted to the Local Planning Authority for approval. The report shall demonstrate and evidence (including photographs) that the works have been constructed in consistent with that which was approved.

Reason: To minimise flood risk and enhance the flooding regime of the local area ensure the development and to comply with Policy SD3 and LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

CONDITIONS REQUIRING DISCHARGE BEFORE DEVELOPMENT IS BROUGHT INTO FIRST USE

13. Landscape Maintenance

Before the development is first brought into use, a Landscape Management and Maintenance Plan for a period of 10 years shall be submitted to and approved in writing by the local planning authority. The plan shall incorporate both biodiversity and landscape requirements for establishment and care of the land. The plan approved shall be carried out in full accordance with this approved schedule.

Reason: To ensure the future establishment of the approved scheme, in order to conform to policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

14. Species Net Gain

Prior to the first use of any part of the development works hereby approved, photographic evidence of the suitably placed installation of a minimum total of TEN bird nesting boxes (including TWO barn owl nest boxes) and TEN bat roosting boxes should be supplied to and acknowledged by the local planning authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. Habitat boxes should not be installed on to ash trees and must be installed by or under supervision of a competent ecologist.

Reason: To ensure Species Net Gain having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; and the council's declared Climate Change and Ecological Emergency.

15. Mammal Gates

The approved mammal gates shall be installed in accordance with the submitted Ecological Impact Assessment (EclA) prior to the first operation of the development hereby approved. The mammal gates should remain functional and free from obstruction throughout the operational lifespan of the development. Post-installation, verification must be submitted to the local planning authority confirming the installation and functionality of the mammal gates.

Reason: To ensure that all species are protected and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; and the council's declared Climate Change and Ecological Emergency.

16. Protected Species and Dark Skies (external illumination)

No external lighting is to be used on site boundary habitats. Details of any external lighting proposed shall be submitted to and approved in writing by the local planning authority prior to first use of the development works approved under this planning decision notice. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; and the council's declared Climate Change and Ecological Emergency.

17. Access Gates

Any new access gates/doors shall be set back 10 metres from the adjoining carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

18. Hours of Working

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday - Friday 7.00 – 19:00, Saturday 8.00 – 17:00 nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

3. The applicant is reminded that all new fencing or build development should be positioned at least 9m away from all existing ordinary watercourses (both the IDB maintained watercourses and the other smaller ditches) to ensure access for future maintenance by the IDB and others
4. Any surface water discharge into any watercourses in, on, under or near the site requires consent from the Local Drainage Board.
5. The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the course of the development then work should cease immediately and Natural England should be informed. They can be contacted at: Block B, Government Buildings, Whittington Road, Worcester, WR5 2LQ. Tel: 0300 060 6000.

The attention of the applicant is also drawn to the provisions of the Conservation of Habitats and Species Regulations 2010. In particular, European protected animal species and their breeding sites or resting places are protected under Regulation 40. It is an offence for anyone to deliberately capture, injure or kill any such animal. It is also an offence to damage or destroy a breeding or resting place of such an animal.

6. The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.

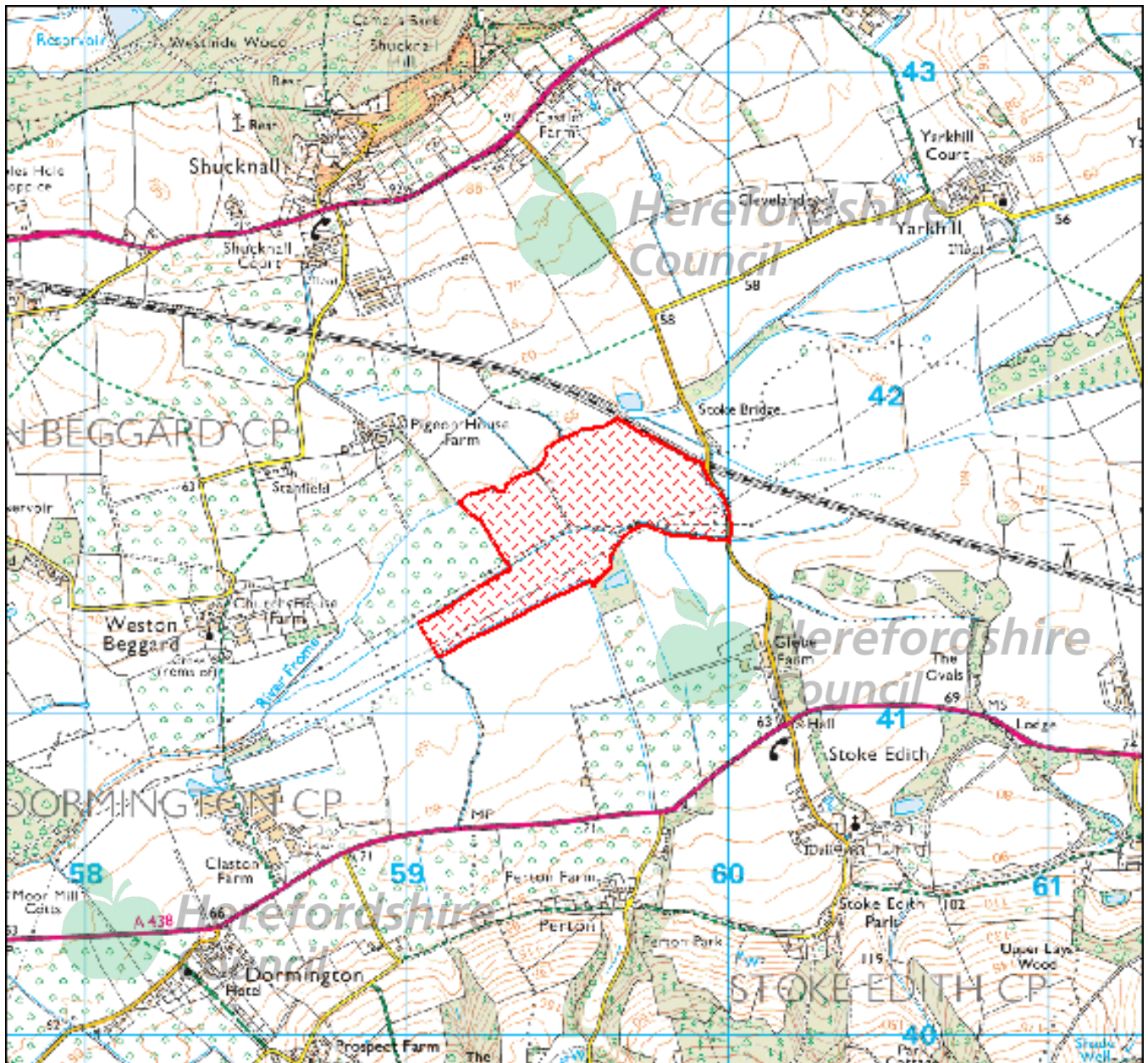
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 241510

SITE ADDRESS : LAND AT STOKE EDITH, HEREFORD, HEREFORDSHIRE

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