

PINS REF: APP/N1920/W/22/3295268  
LPA REF: 21/0050/FULEI  
PPG REF: P21-3101  
DATE: OCTOBER 2022

## FINAL STATEMENT OF COMMON GROUND

**BETWEEN:**

**ELSTREE GREEN LTD**

**&**



**HERTSMERE BOROUGH COUNCIL**

## HILFIELD SOLAR FARM

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING AND COMPULSORY PURCHASE ACT 2004**

**PROPOSAL:**

**INSTALLATION OF RENEWABLE LED ENERGY GENERATING STATION COMPRISING GROUND-MOUNTED PHOTOVOLTAIC SOLAR ARRAYS AND BATTERY-BASED ELECTRICITY STORAGE CONTAINERS TOGETHER WITH SUBSTATION, INVERTER/TRANSFORMER STATIONS, SITE ACCESSES, INTERNAL ACCESS TRACKS, SECURITY MEASURES, ACCESS GATES, OTHER ANCILLARY INFRASTRUCTURE, LANDSCAPING AND BIODIVERSITY ENHANCEMENTS.**

<b>Signed:</b> 	<b>Signed:</b> 
<b>Name:</b> Lynea Ashton	<b>Name:</b> Paul Burrell
<b>On behalf of:</b> Hertsmere Borough Council	<b>On behalf of:</b> Pegasus Group (acting on behalf of the Appellant)
<b>Date:</b> 19 <sup>th</sup> October 2022	<b>Date:</b> 19 <sup>th</sup> October 2022

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**1. INTRODUCTION**

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Pegasus Group on behalf of Elstree Green Ltd (“the Appellant”).
- 1.2 It has been prepared in conjunction with Hertsmere Borough Council (“the LPA”) and relates to a Section 78 appeal concerning Hilfield Solar Farm, Land North of Butterfly Lane, Land Surrounding Hilfield Farm and Land West of Hilfield Lane, Aldenham (“the Appeal Site”).
- 1.3 The purpose of this SoCG is to identify the areas where the principal parties (the Appellant and the LPA) are in agreement and to narrow down the issues that remain in dispute. This will allow the Public Inquiry to then focus on the most pertinent issues.

## **2. THE APPEAL SITE AND ITS SURROUNDINGS**

- 2.1 The Hilfield Solar Farm Appeal Site comprises three parcels of agricultural land which are linked by a connecting "corridor". In total, the Appeal Site extends to approximately 130 hectares, of which 2 hectares comprises the connecting "corridor" for an underground cable.
- 2.2 The Site is located on Land North of Butterfly Lane, Land Surrounding Hilfield Farm and Land West of Hilfield Lane, Aldenham. Site access is via two existing agricultural accesses on Hilfield Lane to the west (for access to Fields 1 to 5) and Butterfly Lane to the east (for access to Fields 7 to 20).
- 2.3 The Appeal Site is countryside and previously undeveloped but with some localised intrusion of man-made features.
- 2.4 Over much of the site the topography is generally gently undulating ranging between 100 – 80-m AOD. The western parcel rises to its highest elevation in the western area of the parcel (Field 5) at approximately 100m AOD, with the land sloping down from Elstree Aerodrome towards Hilfield Lane, then rising again beyond that lane towards the A41 and the M1 motorway.
- 2.5 The western parcel is in close proximity to a number of features of transport and energy infrastructure, and some of those (the pylons and overhead power cables) are present on the Appeal Site itself. The M1 motorway, the A41 road, and the Elstree Aerodrome are features of transport infrastructure that are located adjacent to the western parcel. The National Grid Elstree 400kV Substation (to the north of Hilfield Farm) is located within 100m to the north-west of the western parcel (Fields 2 and 4). Overhead power cables and pylons from the National Grid Elstree sub-station cross the Appeal Site.
- 2.6 Hilfield Brook flows partly along the boundary of, and through, Field 1, in a north-westerly direction, and a series of drains route into Fields 2, 3 and 5. A series of drains also flow through the eastern parcel, from a watercourse which routes through the parcel in a north-easterly direction, which forms part of the Tykes Water and Borehamwood Brook, approximately 700m northeast of the eastern parcel. Within the Site there are approximately 6 ponds and a further 2 immediately adjacent to the Appeal Site boundary.

2.7 Public Rights of Way within the Appeal Site or in the vicinity of the Site are shown on Fig. 7 of the appendices to Alister Kratt's proof of evidence (CD-ID19) and consist of:

- Restricted byways Bushey 36 and 38 which route through Fields 1 and 5 on a general east-west alignment, from the A41 to the Elstree Aerodrome site, continuing as public bridleways Bushey 53 and Aldenham 78;
- Restricted byway Bushey 46 which routes from public bridleway Bushey 53 in a northerly direction and continues north as Footpath Aldenham 14, both of which form the eastern boundary of Field 5;
- Footpath Aldenham 30 routes from Footpath Aldenham 14 on a northeast-southwest alignment, forming the eastern boundaries of Fields 3 and 4. Footpath Aldenham 30 joins restricted byway Bushey 38 in the southwestern area of Field 5;
- Footpath Aldenham 40 routes through Fields 6, 7, 8, 9, 13, 15 and 14 (eastern parcel) between Watling Street and Aldenham Road on a general east-west alignment;
- Footpath Aldenham 42 routes on from Footpath Aldenham 40 on a northwest-southeast direction toward Butterfly Lane through Fields 7, 20, 18 and 19;
- Footpath Aldenham 44 routes toward Butterfly Lane on a northeast-southwest alignment through Fields 14, 15 and 16;
- Footpath Aldenham 43 routes through Field 20, parallel to the south of Footpath Aldenham 40, from Aldenham Road to the west, joining Footpath Aldenham 42 to the east;
- Footpath Aldenham 32 routes along the eastern boundaries of Fields 9 and 11 and continues along the northern boundaries of Fields 11 and 10;
- Footpath Aldenham 31 routes along part of the northern boundary of Field 12 in the northernmost extent of the Appeal Site, and routes in a general northeast-southwest direction between Watling Street to the east and Footpath Aldenham 17 to the north.

2.8 There are no statutory landscape, heritage or ecological designations within the Appeal Site.

2.9 The Site is located wholly within the London Metropolitan Green Belt. The Hertsmere Borough Council Local Plan Core Strategy (2013) identifies that 80% of the borough falls within the Green Belt, with the four main settlements of Borehamwood, Bushey, Potters Bar and Radlett constituting the only urbanised areas in the borough.

2.10 There are 41 listed buildings located within 1km of the site, concerns have only been raised by the LPA in respect of the following heritage assets which were listed in the reasons for refusal:

- Slades Farmhouse (Grade II, list entry no: 1103614). This is an 18th century former farmhouse that was extended in the 19<sup>th</sup> century. It is in residential use by tenants of the Aldenham Estate.
- Hilfield Castle (Grade II\*, list entry no: 1103569). A gothic-style country house from 1799. It is in residential use.
- Hilfield Castle Lodge (Grade II, list entry no: 1103570).
- Aldenham House Registered Park and Garden (Grade II, list entry no: 1000902).
- Penne's Place Moated Site (Scheduled Monument, list entry no: 1013001). These are the remains of a moat which once encircled a medieval manor house (which no longer exists); they are in the grounds of Haberdashers' School.

2.11 It is understood that Rule 6 Parties may refer to other heritage assets beyond those referred to above in their own evidence.

### 3. THE APPEAL PROPOSALS

- 3.1 The application which is the subject of this Appeal seeks Full Planning Permission for the following:

**“Installation of renewable led energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure, landscaping and biodiversity enhancements.”**

- 3.2 The planning application was given the reference **21/0050/FULEI** by the LPA.

#### Proposed Development

- 3.3 The application seeks Planning Permission for the construction of a solar farm and battery storage with a capacity of not more than 49.9MW for a temporary period of 35 years from the date of the first exportation of electricity from the Appeal Site. The decommissioning of the site and its restoration will be addressed by the imposition of conditions.
- 3.4 The Proposed Development was a result of a design process which is summarised in the Design and Access Statement which was submitted as part of the application.

#### Solar Arrays and Supporting Equipment

- 3.5 The Proposed Development consists of bifacial solar photovoltaic (PV) panels. At their lower edge panels would be approximately 0.8m from the ground and up to approximately 3m at their higher edge depending on the position of the static array within the topography of the site. The panels would be ground mounted onto a fixed tilt system mounted on a structure made of galvanized steel or aluminium. The metal framework that supports the solar panels would be fixed into the ground by posts centred c. 6m apart. The posts would be pile-driven (like a fence post) into the turf to a depth of around 2-2.5m. This approach means no concrete is needed to secure the system and the posts can be easily removed with no permanent impact at the end of the solar farm’s temporary consent. The solar PV panels would be orientated broadly facing south between 165-200 degrees at a fixed tilt of between 15-30 degrees. The solar panels would be laid out in rows with gaps of approximately 3-4.5m between each row depending on the topography of each field.

3.6 Plant and other equipment to support the generation of electricity is proposed around the Appeal Site, including sixteen inverter/transformer stations.

3.7 Compacted crushed stone internal tracks are proposed across the Appeal Site.

#### Battery Storage Facility

3.8 The Battery Storage units would be housed within approximately 20 shipping containers or similar, within a defined battery storage area in the western site, comprising hardcore surface. Each container will be finished in green and not stacked.

#### Substation

3.9 There would be one substation and auxiliary switchgear area on site, sited on a hard core or concrete slab.

3.10 The on-site substation would combine electricity from the transformers and batteries distributed across the site before transferring it to the Elstree National Grid Substation immediately to the north of the western parcel via underground electrical cables.

#### Cabling

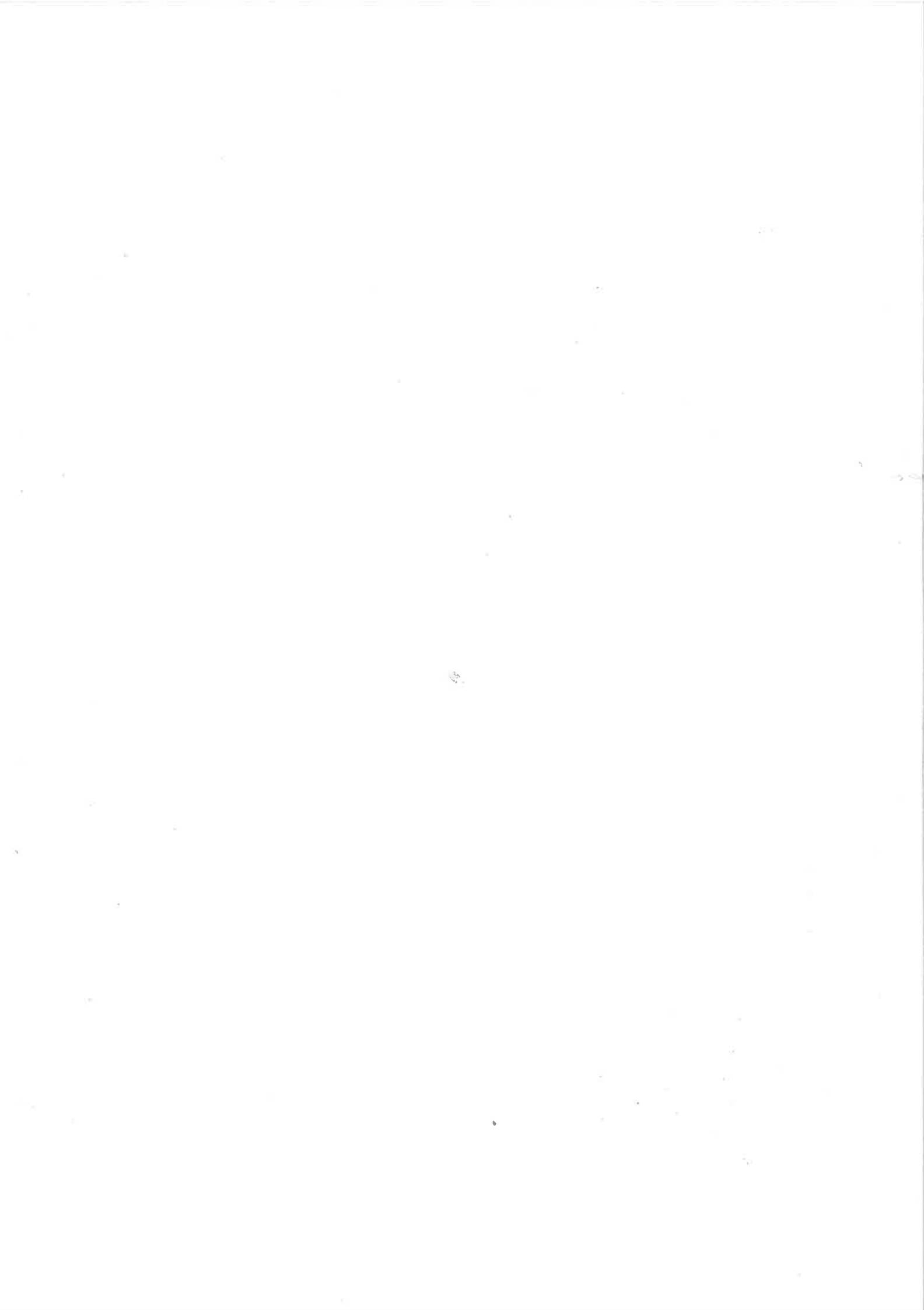
3.11 Underground cabling will be required to connect the generating substation to the Point of Connection at Elstree National Grid Substation. The boundary of the western parcel is shared with land within National Grid ownership. The Applicant has signed a Bilateral Connection Agreement with National Grid allowing for export and import of the full capacity of the project.

3.12 The cables linking all the PV arrays to the inverter/ transformer stations including the connection between the two field parcels north of the aerodrome will be via underground or cable trays above ground and underground from the inverter/transformer stations to the on-site substation.

#### Perimeter Fencing and CCTV

3.13 It is proposed that deer fencing c.2.2m in height would be installed around the perimeter of the Appeal Site, comprising wooden fence poles and galvanised fences with gates. The fencing would enclose the solar panels within each field and allow sheep to graze securely. The fence will be erected with a minimum 5m stand-off either side of all Public Rights of Way (PRoW) to maintain public accessibility by





excluding it from the operational site. Gates will be installed to allow for movement between each area of the development and for operators to access their equipment.

- 3.14 In addition to fencing, it is proposed that the perimeter of the Appeal Site would be protected by a system of CCTV and/or infra-red cameras, which would provide full 24-hour surveillance around the internal perimeter. An intelligent sensor management system would manage the cameras. Cameras would be inward facing on poles of up to approximately 2.4m high, spaced at approximately 50-70m intervals along the fence.

#### Lighting

- 3.15 There would be no permanent security lighting within the Appeal Site at night-time and no permanent operational lighting is proposed within the Site.

#### Access

- 3.16 The Proposed Development will include internal access roads (3.5-6.0m wide) throughout the Site allowing for the movement of construction and maintenance vehicles.
- 3.17 There will be two points of Operational Access via Hilfield Lane (through Hilfield Farm) to the west and Butterfly Lane (through Slades Farm) to the east. Safe road access has been designed in accordance with advice received from the Highway Authority.
- 3.18 A number of PRoW run through and around the Appeal Site (as listed at paragraph 2.7), the PRoWs have been retained. Additionally, 578m of new permissive paths have been included allowing a connection to the Hertfordshire Way and an alternative route around Belstone Football Club's land.

#### Landscaping

- 3.19 The existing vegetation on the Appeal Site will be managed as part of the comprehensive landscape strategy set out in the Landscape and Ecological Management Plan (LEMP) and Green Belt Legacy Statement.
- 3.20 New planting of native species woodland, tree belts, hedgerows, wildflower meadow, neutral grassland with wildflowers and scrub, and tussocky grassland is proposed across the Appeal Site this collectively would enhance the character of

the landscape within the Appeal Site. The existing public rights of way that cross the Appeal Site would all be retained. No diversions are proposed.

- 3.21 The significant enhancement of the biodiversity of the Appeal Site is demonstrated through the biodiversity net gain calculation (metric 3.0) which confirms that the biodiversity would be significantly improved with a 89.99% habitat biodiversity net gain and a 24.98% hedgerow biodiversity net gain through the implementation of the Proposed Development.
- 3.22 The screening effect of planting associated with the Proposed Development would reduce visual effects over time and limit them to within the Appeal Site and within 150 metres of the Site.
- 3.23 It is proposed that there will be sheep grazing amongst the solar arrays, maintaining an agricultural use of the Appeal Site in combination with the delivery of significant biodiversity enhancements.

#### Construction and Operation

- 3.24 Construction is expected to take place over approximately 10 months (approximately 40 weeks). Construction vehicles would access the Appeal Site via two existing agricultural accesses on Hilfield Lane and Butterfly Lane.
- 3.25 Once installed, the solar farm would require infrequent visits for the purposes of maintenance of the Appeal Site. Such work typically requires approximately one to two light van maintenance visits per month.

#### Decommissioning

- 3.26 At the end of the 35 year operational lifespan of the Proposed Development, the Appeal site would be decommissioned. All electricity generating equipment and built structures associated with the Proposed Development would be removed from the Appeal Site and it would continue in agricultural use.
- 3.27 It is envisaged that the decommissioning of the solar farm would take approximately six months.

#### **4. APPLICATION PLANS AND DOCUMENTS**

4.1 The plans and supporting documents which the appeal is to be determined on are listed below:-

##### **Plans**

- Location Plan - Drawing HF1.0 revision v.b
- Location Plan 1 - Eastern Parcel - Drawing HF1.1 revision v.c
- Location Plan - Western Parcel - Drawing HF1.2 revision v.c
- Proposed Site Plan - Drawing HF2.0 revision 19A
- Proposed Site Plan - Western Parcel - Drawing HF2.2 revision v.a
- PV Elevations - Drawing HF3.0 revision 03
- Inverter Transformer Stations - Drawing HF4.0 revision 02
- Internal Access Road Elevations - Drawing HF5.0 revision 02
- Fence and Gate Elevations - Drawing HF6.0 revision 02
- Weather Station Detail - Drawing HF7.0 revision 02
- Substation Elevations - Drawing HF8.0 revision 02
- Control Room Elevations - Drawing HF9.0 revision 02
- Auxiliary Transformer - Drawing HF10.0 revision 02
- CCTV Elevations - Drawing HF11.0 revision 02
- Battery Container Elevations 40ft - Drawing HF12.0 revision 02
- Storage Container Elevations - Drawing HF13.0 revision 02
- Field Topographical Data East - Drawing HF14.0 revision v.a
- Field Topographical Data West - Drawing HF15.0 revision v.a

- Landscape and Ecological Enhancement Plan - Drawing 7533-012 revision G

### **Supporting Documents**

- Planning Statement - Document ref. RO03, dated Dec 2020
- Design and Access Statement - Document ref. RO04, dated Dec 2020
- Construction Traffic Management Plan - Document ref. RO05, dated Dec 2020
- Non-Technical Summary of the Environmental Statement - Document ref. RO06, dated Dec 2020
- Environmental Statement - Document ref. RO07, dated Dec 2020
- Environmental Statement Technical Appendices - Document ref. RO08, dated Dec 2020
- Landscape and Ecological Management Plan - Document ref. RO09 version 1.9, dated April 2021
- Flood Risk Assessment - Document ref. R010 issue 5, dated 16 April 2021
- Noise Impact Assessment - Document ref. RO11, dated Dec 2020
- Glint and Glare Assessment (note that a duplicate of this document RO12 was also submitted as an appendix to the Environmental Statement R008) - Document ref. RO12 (Pager Power's ref 10025C) issue 6, dated July 2021
- Ecological Appraisal Document - ref. RO13, dated Dec 2020
- Statement of Community Involvement - Document ref. RO14, dated Dec 2020
- Agricultural Land Classification (also an addendum in the form of a letter dated 28 April 2021 providing further information) - Document ref. RO15, dated Dec 2020
- Ground Investigation Assessment - Document ref. RO16, dated Dec 2020

- Archaeological Desk-based Assessment & Geophysical Survey Report (both dated Dec 2020) - Document ref. RO17, dated Dec 2020
- Archaeological Evaluation (dated Jan 2021)
- Landscape and Visual Impact Assessment - Document ref. RO18, dated Dec 2020
- Biodiversity net gain calculator
- Alternative Site Assessment Note, dated May 2021

4.2 However, for reference all of the application plans and supporting documents that were submitted as part of the planning application are listed below:-

**Application Documents – Original Application Submission 8<sup>th</sup> January 2021**

Application Form

1. Signed and completed Application Form, including Ownership Certificates.
2. Completed CIL Form.
3. Drawings List, dated December 2020, prepared by Aardvark EM Limited.

Application Drawings

4. Location Plan, drawing number HF1.0, dated 10.12.2020, prepared by Aardvark EM Limited.
5. Location Plan – Eastern Parcel, drawing number HF1.1, dated 15.12.2020, prepared by Aardvark EM Limited.
6. Location Plan – Western Parcel, drawing number HF1.2, dated 15.12.2020, prepared by Aardvark EM Limited.
7. Proposed Site Layout, drawing number HF2.0, dated 11.12.2020, prepared by Blueleaf energy.
8. Proposed Site Layout – Eastern Parcel, drawing number HF2.1, dated 15.12.2020, prepared by Aardvark EM Limited.
9. Proposed Site Layout – Western Parcel, drawing number HF2.2, dated 15.12.2020, prepared by Aardvark EM Limited.
10. PV Elevations, drawing number HF3.0, dated 30.11.2020, prepared by Blueleaf energy.
11. Inverter Transformer Stations, drawing number HF4.0, dated 30.11.2020, prepared by Blueleaf energy.

12. Internal Access Road Elevations, drawing number HF5.0, dated 30.11.2020, prepared by Blueleaf energy.
13. Fence and Gate Elevations, drawing number HF6.0, dated 30.11.2020, prepared by Blueleaf energy.
14. Weather Station Detail, drawing number HF7.0, dated 30.11.2020, prepared by Blueleaf energy.
15. Substation Elevations, drawing number HF8.0, dated 30.11.2020, prepared by Blueleaf energy.
16. Control Room Elevations, drawing number HF9.0, dated 30.11.2020, prepared by Blueleaf energy.
17. Auxiliary Transformer, drawing number HF10.0, dated 30.11.2020, prepared by Blueleaf energy.
18. CCTV Elevations, drawing number HF11.0, dated 30.11.2020, prepared by Blueleaf energy.
19. Battery Container Elevations 40ft, drawing number HF12.0, dated 30.11.2020, prepared by Blueleaf energy.
20. Storage Container Elevations, drawing number HF13.0, dated 30.11.2020, prepared by Blueleaf energy.
21. Landscape and Ecological Enhancement Plan (LEEP), drawing number 7533-012, dated 19.11.2020, prepared by LDA Design.
22. Field Topographical Data East, drawing number HF14.0 (this drawing was superseded by document 42), prepared by Aardvark EM Limited.
23. Field Topographical Data West, drawing number HF15.0, dated (this drawing was superseded by document 43), prepared by Aardvark EM Limited.

#### Supporting Documents

24. Design and Access Statement, dated 15.12.2020, prepared by Aardvark EM Limited.
25. Planning Statement, dated 22.12.2020, prepared by Aardvark EM Limited.
26. Construction Traffic Management Plan, dated November 2020, prepared by Transport Planning Associates.
27. Non-Technical Summary of the Environmental Statement, dated 22.12.2020, prepared by Aardvark EM Limited.
28. Environmental Statement, dated 18.12.2020, prepared by Aardvark EM Limited.
29. Environmental Statement Technical Appendices, dated December 2020, prepared by Aardvark EM Limited and Pager Power.
30. Flood Risk Assessment, dated 15.12.20, prepared by RMA Environmental.
31. Noise Impact Assessment, dated 17.12.2020, prepared by Inacoustic Limited.

32. Glint and Glare Assessment (Appendix 3 of the ES), dated 18.12.2020, prepared by Pager Power.
33. Ecological Appraisal, dated 18.12.2020, prepared by BSG Ecology.
34. Statement of Community Involvement, dated December 2020, prepared by Alpaca Communications.
35. Agricultural Land Classification, dated 17.12.2020, prepared by Askew Land and Soil Limited.
36. Ground Investigation Assessment, dated June 2020, prepared by R M Cameron Environmental Services Ltd.
37. Archaeological Desk-based Assessment, dated 16.12.2020, prepared by Headland Archaeology.
38. Geophysical Survey Report, dated December 2020, prepared by Headland Archaeology.
39. Landscape and Visual Impact Assessment, dated December 2020, prepared by LDA Design.
40. Biodiversity Net Gain Report, dated 18.12.2020, prepared by BSG Ecology.

**Application Documents – Post Submission: 26<sup>th</sup> January 2021**

41. Archaeological Evaluation, dated January 2021, prepared by Headland Archaeology.

**Application Documents – Post Submission: 10<sup>th</sup> February 2021**

42. Field Topographical Data East, drawing number HF14.0, dated 10.02.21, prepared by Aardvark EM Limited.
43. Field Topographical Data West, drawing number HF15.0, dated 10.02.21, prepared by Aardvark EM Limited.

**Application Documents – Post Submission: 9<sup>th</sup> March 2021**

44. Proposed Site Layout, drawing number HF2.0 (revision 17a), dated 08.03.2021, prepared by Blueleaf energy.

**Application Documents – Post Submission: 29<sup>th</sup> March 2021**

45. Biodiversity Metric.
46. Landscape and Ecology Enhancement Plan, drawing number 7533\_012 (revision f), dated 19.11.2020, prepared by LDA Design.

**Application Documents – Post Submission: 6<sup>th</sup> April 2021**

47. Glint and Glare Assessment – Appendices, dated December 2020, prepared by Pager Power Limited.

**Application Documents – Post Submission: 15<sup>th</sup> April 2021**



48. Landscape and Ecology Enhancement Plan, drawing number 7533\_012 (revision g), dated 19.11.2020, prepared by LDA Design.

49. Proposed Site Layout, drawing number HF2.0 (revision 19A), dated 15.04.2020, prepared by Blueleaf energy.

**Application Documents – Post Submission: 19<sup>th</sup> April 2021**

50. Flood Risk Assessment, dated 16.04.2021 (issue 5), prepared by RMA Environmental.

**Application Documents – Post Submission: 28<sup>th</sup> April 2021**

51. Agricultural Land Classification addendum in the form of a letter dated 28 April 2021 providing further information

**Application Documents – Post Submission: 5<sup>th</sup> May 2021**

52. Applicant's Letter Regarding Heritage, dated 30.04.21, prepared by Headland Archaeology.

53. Landscape and Ecological Management Plan, dated 23.04.21, prepared by LDA Design and BSG Ecology.

**Application Documents – Post Submission: 6<sup>th</sup> May 2021**

54. Alternative Site Assessment Note, dated May 2021, prepared by Aardvark EM Limited.

**Application Documents – Post Submission: 29<sup>th</sup> July 2021**

55. Glint and Glare Assessment, dated 23.07.21, prepared by Pager Power.

**Post Determination Documents – 21<sup>st</sup> March 2022**

56. Biodiversity Metric 3.0 Report and Calculation Tool Spreadsheet, dated 14<sup>th</sup> February 2022, prepared Avian Ecology.



## 5. BACKGROUND AND REASONS FOR REFUSAL

5.1 The planning application was validated by the LPA on the 8<sup>th</sup> January 2021.

5.2 Following the consultation procedures and negotiations during the consideration of the application, the planning application was reported to the Council's Planning Committee on the 11<sup>th</sup> November 2021, with the Senior Planning Officer recommending approval.

5.3 Members resolved that the Planning Application should be refused, against Officer advice. The Decision Notice was issued on 19<sup>th</sup> November 2021 and included 2no. Reasons for Refusal:

**"Reason 1: Inappropriate development in the Green Belt**  
**The proposal would be an inappropriate development that would be harmful to the openness of the Green Belt in which it would be located. The Council considers that the benefits that the scheme would bring are not such as would amount to very special circumstances sufficient to outweigh the harm to the Green Belt, even when the wider environmental benefits associated with the increased production of energy from renewable sources have been taken into consideration (pursuant to paragraph 151 of the National Planning Policy Framework 2021). As such, the proposal would be contrary to paragraphs 147 and 148 of the National Planning Policy Framework and contrary to Policy SADM26 (Development Standards in the Green Belt) of the Hertsmere Local Plan (Site Allocations and Development Management Policies Plan) 2016.**

**Reason 2: Harm to the significance of designated heritage assets**

**The proposal would cause less than substantial harm to the significance of the following neighbouring designated heritage assets by reason of its impact on their settings: Slades Farmhouse (listed building, Grade II, entry 1103614), Hilfield Castle (listed building, Grade II star, entry 1103569), Hilfield Castle Lodge (listed building, Grade II, entry 1103570), Aldenham House Registered Park and Garden (Grade II, entry 1000902) and Penne's Place (Scheduled Monument entry 1013001). The public benefits of the development would not be sufficient to outweigh the less than substantial harm that would be caused to the significance of those designated heritage assets, and therefore the proposal is considered unacceptable, pursuant to Policy CS14 (Protection or Enhancement of Heritage Assets) of the Hertsmere Local Plan (Core Strategy) 2013 and pursuant to paragraph 202 of the National Planning Policy Framework 2021."**

**6. PLANNING HISTORY**

- 6.1 A Screening Opinion was obtained in September 2020 from Hertsmere Borough Council (ref: **20/1183/EI1**) for a proposed solar farm and battery storage facility. The Screening Opinion confirmed that the proposal is EIA development under Schedule 2 part 3a as described in the Regulations. The Screening Opinion considered that, given the nature of the proposed development, and *'given that it might pose a risk of major accidents or disasters, as per Schedule 3 part 1f'* an ES would be required.
- 6.2 The Scoping Opinion also received in September 2020 confirmed that the only topic that would be required to be addressed within the ES was in relation to Aviation Safety Impacts. It is agreed that the Environmental Statement is sufficient in order to lawfully allow or dismiss the appeal and no further information has been requested by the Council.

**Planning History Summary**

6.3 The following table provides a summary of the appeal site's planning history:

<b>Reference</b>	<b>Description</b>	<b>Outcome and date</b>
20/1183/EI1	Request for a screening opinion (Environmental Impact Assessment) for a proposed solar farm and battery storage facility.	Response Given 11 September 2020 The response was that an Environmental Statement would be required, but that the only topic that must be covered by it would be aviation safety.
18/1587/OUT Appeal ref: APP/N1920/ W/19/324082 5 The site was a compound adjacent to Hilfield Farm.	Development of an energy storage system for a temporary period of 20 years from date of first import/export of electricity to include a battery storage compound, electricity compound, fencing underground cabling and other associated works, hedgerow and tree planting and new access from Hilfield Lane.	Outline permission was refused on 28.05.2019.  The reasons for refusal were that it would have been an inappropriate development in the Green Belt, that very special circumstances had not been demonstrated to justify it, and that some trees would have been lost. 10 (Outline Application with all matters reserved) (Note that the energy to be stored would not necessarily have been generated from renewable sources.)  On 24.03.2020 an appeal against the refusal was dismissed.

**Statement of Common Ground  
 Hilfield Solar Farm  
 APP/N1920/W/22/3295268**

22/0948/FULEI	Installation of renewable led energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure, landscaping and biodiversity enhancements. (Re-submission of 21/0050/FULEI)	Under consideration
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## **7. PLANNING POLICY**

7.1 This section identifies the planning policies and guidance that will be of most relevance to this appeal.

### **The Development Plan**

7.2 Both parties agree and accept that under the provisions of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

7.3 At the time of preparing this SoCG, the Statutory Development Plan covering the Appeal Site comprises:

- Hertsmere Local Plan Core Strategy (adopted January 2013);
- Hertsmere Local Plan Site Allocations and Development Management Policies Plan (adopted November 2016); and
- Local Plan 2012-2027 Policies Map (November 2016).

7.4 Hertsmere Borough Council is currently in the process of preparing a new Local Plan. A Draft Regulation 18 Local Plan was subject to consultation in September 2021. Although the LPA's consultation timeline indicates that the new Local Plan will be submitted for Examination in mid-2022, at the Full Council meeting on 26<sup>th</sup> January 2022, the Council resolved to 'shelve' the preparation of this new Local Plan. No weight can be afforded to its content therefore.

7.5 No Neighbourhood Plans have been made by Hertsmere Borough Council that would directly apply to the Appeal Site, although it is noted that the Radlett Neighbourhood Plan (made in May 2021) covers the town of Radlett and its hinterland lies approximately 400m to the north of the Appeal Site at its closest boundary.

### **Hertsmere Local Plan Core Strategy (adopted January 2013)**

7.6 The Hertsmere Local Plan Core Strategy was adopted in January 2013.

7.7 The policies cited in the Committee Report and Decision Notice include:

- SP1 Creating sustainable development
- SP2 Presumption in favour of sustainable development

- CS12 The Enhancement of the Natural Environment
- CS13 The Green Belt
- CS14 Protection or Enhancement of Historic Heritage Assets
- CS15 Promoting Recreational Access to Open Spaces and the Countryside
- CS16 Environmental impact of new development
- CS17 Energy and CO2 reductions
- CS22 Securing a high quality and accessible environment

Hertsmere Local Plan Site Allocations and Development Management Policies Plan (adopted November 2016).

7.8 The Hertsmere Local Plan Site Allocations and Development Management Policies Plan was adopted in November 2016.

7.9 The policies cited in the Committee Report and Decision Notice include:

- SADM10 Biodiversity and Habitats
- SADM11 Landscape Character
- SADM12 Trees Landscaping and Development
- SADM13 The Water Environment
- SADM14 Flood Risk
- SADM15 Sustainable Drainage Systems
- SADM16 Watercourses
- SADM20 Environmental Pollution and Development
- SADM21 Hazardous Substances
- SADM22 Green Belt Boundary
- SADM24 Key Green Belt Sites
- SADM26 Development Standards in the Green Belt
- SADM27 Diversification and Development Supporting the Rural Economy
- SADM29 Heritage Assets
- SADM30 Design Principles
- SADM34 Open Space, Sports and Leisure Facilities

- SADM40 Highway Access Criteria for New Developments
- SADM41 Aviation Safeguarding

Biodiversity Trees and Landscape Supplementary Planning Document (SPD)

7.10 The Biodiversity Trees and Landscape SPD is a material consideration in the determination of the appeal.

Interim Policy Statement on Climate Change (adopted 2020)

7.11 The Interim Policy Statement on Climate Change is a material consideration in the determination of the appeal.

**National Guidance**

National Planning Policy Framework (July 2021)

7.12 The NPPF will be a material consideration in the determination of the appeal. Both parties will make reference to the NPPF in support of their case.

National Planning Practice Guidance (March 2014, as amended)

7.13 The NPPG is a material consideration in the determination of the appeal.

Climate Change Act 2008

7.14 The Climate Change Act is a material consideration in the determination of the appeal.

UK Government Solar Strategy 2014

7.15 The UK Government Solar Strategy is a material consideration in the determination of the appeal.

Written Ministerial Statement on Solar Energy: protecting the local and global environment made on 25 March 2015

7.16 The Written Ministerial Statement is a material consideration in the determination of the appeal.

Commercial Renewable Energy Development and the Historic Environment Historic England Advice Note 15 (February 2021)



7.17 The Commercial Renewable Energy Development and the Historic Environmental Historic England Advice Note 15 is a material consideration in the determination of the appeal.

Managing Significance in Decision-Taking in the Historic Environment Historic England Good Practice Advice in Planning 2 (March 2015)

7.18 The Historic England Good Practice Advice Note is a material consideration in the determination of the appeal.

The Setting of Heritage Assets Historic England Good Practice Advice in Planning 3 (December 2017)

7.19 The Historic England Good Practice Advice Note is a material consideration in the determination of the appeal.

### **Legislation**

Planning (Listed Buildings and Conservation Areas) Act 1990

7.20 The Planning (Listed Buildings and Conservation Areas) Act 1990 contains statutory duties which must be complied with and are subsequently relevant considerations in the determination of this appeal.

## **8. MATTERS NOT IN DISPUTE**

8.1 This section sets out the matters not in dispute between the Appellant and the Local Planning Authority.

### **Format of Planning Application and Supporting Material**

8.2 It is agreed that the format of the full planning application forms, plans and the supporting documents fulfilled the requirements of the various regulations and validation checklists, applicable at the time of submission.

### **Environmental Impact Assessment**

8.3 It is agreed that during the course of the Planning Application the proposal was considered to constitute EIA Development having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, an Environmental Statement was submitted to inform the planning application for the Proposed Development.

8.4 The Environmental Statement addressed the issue of aviation safety as required by the Scoping Opinion. No further information is required to enable the appeal to be lawfully determined.

### **Settlement Boundary**

8.5 Both parties acknowledge that the Appeal Site is located outside of any defined Settlement Boundary and is therefore defined as open countryside in planning terms.

### **Committee Report Green Belt Conclusions**

8.6 It is a matter of fact that the Senior Planning Officer's Report to the Planning Committee, when considering the policies of the Local Plan and the material consideration of the NPPF, found that the public benefits would clearly outweigh the limited harm that would be caused to the openness of the Green Belt (whilst affording substantial weight to any harm to the green belt in accordance with paragraph 148 of NPPF), and thus that very special circumstances were demonstrated by the proposals. Members of the planning committee disagreed with the Officer's assessment and conclusions.



8.7 The Senior Planning Officer's Committee Report states that no environmental harm would be caused, but on the contrary the development would bring about improvements to the natural environment within the site. Members of the planning committee disagreed with the Officer's assessment and conclusions.

#### **Need for Renewable Energy**

8.8 It is agreed that there is no requirement for the Appellant to demonstrate a need for renewable energy, as confirmed by Paragraph 158 of the NPPF.

8.9 It is agreed that the Proposed Development would constitute a low carbon, renewable energy source that would contribute towards meeting national renewable energy targets.

8.10 The Appellant states that the Proposed Development would provide a maximum of 49.9MW of electricity. It is not disputed that this is equivalent to approximately the annual needs of at least 11,160 homes and reduce emissions by at least 11,515 tonnes of CO<sub>2</sub> per annum.

8.11 The Proposed Development, by virtue of being the largest renewable energy infrastructure in the borough, would therefore make a substantial and significant contribution towards meeting local, national and international objectives and policies. It is agreed that great weight should be given to this in the planning balance. The amount of weight to be afforded to this matter is a topic of dispute between the two parties.

#### **Site Selection**

8.12 It is agreed that the location of the Appeal Site is in close proximity to existing energy infrastructure, in particular the National Grid Elstree Substation which is located adjacent to Hilfield Farm. It is not disputed that the National Grid Elstree Substation has capacity for additional power to be fed into it.

8.13 Both parties acknowledge that no land is specifically allocated for the generation of renewable energy in the adopted Hertsmere Local Plan.

#### **Landscape Character and Visual Effects**

8.14 The Appeal Site is located within NCA 111 Northern Thames Basin and at a local level falls within the Borehamwood Plateau Landscape Character Area. The LPA

does not dispute that the impact of the development on the Borehamwood Plateau landscape character would be Major-Moderate and Adverse reducing to Moderate and Adverse in the long-term.

- 8.15 The long-term visual effects of the development would be either Moderate or Slight Adverse when viewed within 150 metres of the site for receptors at Aldenham Road, Watling Street, Hilfield Lane, Hilfield Castle, Elstree Aerodrome, Butterfly Lane, Slades Farm and Conygree Cottages. For visual receptors within the appeal site the long-term visual effects would be Major Moderate and Adverse.
- 8.16 The viewpoints set out in the LVIA are considered representative and appropriate for the proposal and the assessment.

### **Green Belt**

- 8.17 Both parties agree that substantial weight should be afforded to any harm to the Green Belt.

### **Heritage**

- 8.18 Matters relating with Heritage will be dealt with in a separate topic based SoCG.

### **Access & Parking**

- 8.19 It is agreed that the Highway Authority did not raise an objection to the Proposed Development, subject to the imposition of conditions to secure the following:
- 1) Submission of visibility splay details, informed by a speed survey, for Hilfield Farm access.
  - 2) Hard surface to be laid at Hilfield Lane access.
  - 3) Addendum to Construction Traffic Management Plan to be required, to include details of a deliveries booking system and compound layout details.
  - 4) Condition of highways outside accesses to be surveyed before and after the works so that any damage can be repaired (note: this is not considered to be a planning matter, and it would relate to roads that are outside the application site; for these reasons this condition is not included in the list of conditions in the Committee Report. However, the County Council can

require such a survey under their own powers as part of a Section 278 Agreement).

5) Proposed mitigation measures in the Glint and Glare Report to be implemented as proposed.

8.20 It is agreed that the Highways England did not raise an objection to the Proposed Development.

### **Glint and Glare**

8.21 It is agreed that Heathrow Airport raised no safeguarding objections to the Proposed Development.

8.22 It is agreed that Elstree Aerodrome have no safeguarding objections to the Proposed Development.

8.23 It is agreed that National Air Traffic Services (NATS) has no safeguarding objections to the Proposed Development.

8.24 Both parties agree that in terms of glint and glare, four houses might be moderately impacted under the current baseline conditions, however, if the proposed screening measures are implemented then no impact is expected. Additionally, the only road that might be affected by glint and glare to a moderate degree (with the screening as it is now) is Butterfly Lane, and the proposed hedging improvements would mitigate that impact.

### **Risks of Pollution and Disposal of Panels**

8.25 It is agreed that appropriate care will be taken when installing, maintaining and eventually removing the equipment. This will be controlled by health and safety and environmental regulations that are separate from the planning system.

8.26 Both parties agree that the submission of a Decommissioning Statement would be conditioned.

### **Fire Hazards & Safety**

8.27 It is agreed that a 'Fire Risk Reduction Strategy and Emergency Response Plan' is to be conditioned in response to comments from the Fire Service and the Environment Agency.

**Noise**

- 8.28 Both parties agree that solar panels do not generate any noise. Inverter stations and battery storage would emit a hum and it is agreed that there should be a planning condition to limit noise emissions to an appropriate level.

**Flood Risk and Drainage**

- 8.29 It is agreed that most of the site includes land in Flood Zone 1 which is the land least likely to suffer fluvial flooding.
- 8.30 Both parties agree that the development would be unlikely to result in any more surface water run-off than happens currently.
- 8.31 It is agreed that the proposed access tracks would be paved with a permeable material and the inverter stations and battery stores would be in shipping containers on permeable bases. Both parties agree that the additional hedge planting and tree planting that are proposed is likely to mean that less rainwater runs off the site than is currently the case, as trees and hedges are a proven means of reducing flood risk because their roots absorb the water.
- 8.32 It is agreed that development would not result in an increase in surface water run off rates; and further, a reduction in run-off from the site when compared to the existing situation is likely.
- 8.33 Planning conditions relating to managing flood risk and drainage are proposed.

**Biodiversity**

- 8.34 It is agreed that the Proposed Development would bring about a net gain in biodiversity on the site (39% in terms of habitat improvement and 23% in terms of hedgerow improvements) and would therefore constitute a major public benefit and contribute to the very special circumstances case in favour of the development. The ecological benefits should carry significant weight in the planning balance.
- 8.35 A Biodiversity Metric 3.0 Calculation has been undertaken which confirms that the biodiversity would be significantly improved with a 89.99% habitat biodiversity net gain and a 24.98% hedgerow biodiversity net gain through the implementation of the Proposed Development.

**Arboriculture**

8.36 It is agreed that all existing trees are to be retained as a result of the Proposed Development. Further tree planting would form part of the proposals and a condition will ensure their replacement should they die, be removed or become severely damaged during a five year period following completion of the development.

### **Agricultural Land**

8.37 It is agreed that the Appeal Site constitutes Grade 3b land which is not 'best and most versatile' agricultural land. Both parties therefore agree that the Proposed Development would not result in the loss of Best and Most Versatile Agricultural Land.

8.38 It is agreed that the solar panels would be mounted on metal legs which would be driven into the ground without the use of any concrete, therefore, they can be removed without leaving any trace in the soil at the end of their life and there would be no permanent loss of agricultural land quality.

8.39 It is agreed that the Proposed Development would be in situ for a 35 year period which would not result in the permanent loss of agricultural land as upon expiry of the permission the land would revert to agricultural use.

8.40 Both parties agree that the Proposed Development would provide the soil, which has been intensively farmed, a fallow period in which to recover from intensive agricultural practices.

8.41 Both parties agree that part of the site will remain in agricultural use for grazing and other areas set aside for wildlife and biodiversity.

### **Archaeology**

8.42 It is agreed that a pre-commencement condition would be implemented to secure an Archaeological Written Scheme of Investigation, setting out a programme of archaeological work to be undertaken; and completion of the site investigation and post investigation prior to the first commercial export of electricity from the site.

### **Temporary Consent**

8.43 It is agreed that a 35-year temporary consent is sought. The point at which the "clock would start" in respect of the temporary period (e.g. first export of electricity,



commencement of development... etc) is not agreed. This can be controlled by a condition.

- 8.44 Both parties agree that a condition would be implemented to ensure that a Decommissioning Statement will be approved to demonstrate how the equipment will be removed from the site and the land restored to its former condition.

**Public Rights of Way**

- 8.45 Both parties agree that all Public Rights of Way (PRoW) which pass through the Appeal Site would remain and no solar panels or other associated equipment would be installed within five metres of any public right of way to allow a buffer.
- 8.46 Two new permissive footpaths are proposed for the lifetime of the Proposed Development, which can be secured by condition.

**9. MATTERS THAT REMAIN IN DISPUTE**

9.1 The issues that remain in dispute between the Appellant and Hertsmere Borough Council can be narrowed down to the following:

**Very Special Circumstances**

9.2 It is agreed that the proposals comprise inappropriate development in the Green Belt and that paragraph 148 of the Framework is engaged. The parties agree that there would be harm to openness and to Green Belt purposes, but disagree on the extent of harm to openness of the Green Belt and the nature and extent of “any other harm”.

9.3 Whether the identified benefits of the Proposed Development are sufficient to amount to very special circumstances, which would outweigh the harm to the Green Belt and any other harm caused, is also in dispute. The parties disagree as to how much weight to apportion to the benefits arising from the development. A table has been agreed setting out the parties’ positions on weight to be given to both harms and benefits of the Proposed Development.

**Harm to the significance of designated Heritage Assets**

9.4 A matter of dispute also relates to the question of any impact and level of harm would occur through the Proposed Development upon the significance of designated heritage assets, this is addressed in a separate Statement of Common Ground.

**Whether the public benefits of the scheme outweigh the less than substantial harm to designated heritage assets**

9.5 Whether the identified benefits of the Proposed Development are sufficient to outweigh the identified harm is a matter of dispute. Whilst both parties agree that there are public benefits that arise from the scheme, the weight afforded to the benefits are in dispute.

**Whether the proposals accord with the Development Plan**

9.6 An area of dispute between the LPA and the Appellant is whether the proposals accord with the development plan taken as a whole and whether material considerations indicate that a decision in departure of the plan should be taken.

**Whether the National Policy Statements or Energy are Material**

9.7 The weight to be afforded to NPS EN-1 and EN-3, and their subsequent draft replacement versions, is in dispute.

**Permissive Path Benefits**

9.8 The extent of any benefits arising from the proposed permissive paths is not agreed.

**10. PLANNING CONDITIONS**

- 10.1 A list of matters which form the draft set of conditions will be provided by separate cover and agreed with the LPA.

**11. CORE DOCUMENTS**

- 11.1 The Appellant and Council will jointly prepare a list of core documents upon which they intend to rely at the Public Inquiry.