



Proof of  
Evidence of  
Valerie Scott,  
HCUK Group on  
behalf of  
Aldenham  
Parish Council

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Hilfield Solar Farm,  
Aldenham, Herts.

HCUK Group is a multi-disciplinary environmental practice offering expert advice in archaeology, heritage, landscape, arboriculture, and planning. It began life in 2010 as Heritage Collective LLP, before becoming Heritage Collective UK Limited in 2014. In the coming years diversification saw the addition of Archaeology Collective, Landscape Collective and Planning Collective, before all strands came together to be branded under a single umbrella: HCUK Group, based on the acronym for the original company. A home working company since the beginning, we are pleased to employ a talented workforce of consultants and support staff, who are on hand to advise our clients.



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# 1. Introduction

- 1.1** My name is Mrs Valerie Scott and I am the Principal Planning Consultant of HCUK Group. I am the witness for Aldenham Parish Council, who have been granted Rule 6(6) status in this appeal relating to a proposed solar farm on land north of Butterfly Lane, land surrounding Hilfield Farm and land west of Hilfield Lane, Aldenham, Hertfordshire.
- 1.2** The site is wholly within Aldenham Parish and the proposed development was considered by the Parish Council at their meeting on 15<sup>th</sup> February 2022. The Parish Council resolved to object to the proposed development and a letter of objection was sent to Hertsmere Borough Council, together with a copy of a report prepared by David Lane, Planning Consultant, who had on behalf Aldenham Parish Council provided an analysis of the proposed development. A copy of the objection letter by Aldenham Parish Council is enclosed in **Appendix 1** and the report by David Lane is enclosed in **Appendix 2**
- 1.3** In this evidence I will address the concerns of Aldenham Parish Council, as set out in the Statement of Case, and I will also refer to the written statement prepared in relation to heritage matters by Dr Jonathan Edis, Heritage Director of the HCUK Group and the written statement relating to landscape matters by Claire Browne, Landscape Director of the HCUK Group. These statements are included as **Appendices 3 and 4** of my evidence.

## Qualifications and experience

- 1.4** My relevant qualifications and experience are that I hold a Bachelor of Science Honours Degree in Geography, a Master's Degree in Civic Design and I am a Member of the Royal Town Planning Institute. I am the Principal Planning Consultant of HCUK Group. Prior to joining HCUK Group I was a Planning Director in the London office of RPS CgMs, where I worked for over 12 years.
- 1.5** I have over forty five years' experience in planning, twelve of which were for local authorities, including the City of Manchester and the Corporation of the City of London, with the remainder in private practice. I have given evidence at several

major planning appeal inquiries, attended many appeal hearings and given evidence at Local Plan Inquiries and Hearings.

## Site visit

- 1.6** I undertook a site visit on 6 July 2022. I walked around the eastern part of the site with Peter Evans, Council Manager and Claire Browne, Landscape Director, HCUK Group in the morning and continued to walk around the western part of the site with Claire Browne in the afternoon.
- 1.7** During my site visit I was able to view externally many of the designated and some non-designated heritage assets around the site, including the following listed buildings: Slades Farmhouse (Grade II), Aldenham House Registered Park and Garden (Grade II), Penne's Place (Scheduled Monument) and Aldenham Senior School (Grade II). I could see part of Hilfield Castle Lodge (Grade II) from Hilfield Lane and was able to obtain views of the grounds of Hilfield Castle (Grade II\*) and the Gatehouse (Grade II) from Hilfield Lane and the footpaths running through the western part of the appeal site. However, Hilfield Castle and the Gatehouse were screened by trees and neither Dr Edis or myself were able to gain access to the grounds. I have, however, seen aerial photographs of the Hilfield Castle complex, which are also contained in **Appendix 3** of the Heritage Statement prepared by Dr Jonathan Edis.

## 2. Site and Surrounding Area

**2.1** The appeal site is described in our Statement of Case and in the Draft Statement of Common Ground between Elstree Green Ltd and Hertsmere Borough Council.

**2.2** I consider the description of the site as set out in the Draft Statement of Common Ground to be satisfactory.

**2.3** I would however like to emphasise that there are c.40 designated heritage assets in the vicinity of the appeal site. Those which are particularly close and where there is possibility of there being some effect on their setting whether visual or abstract are listed below:

- Aldenham House Registered Park and Garden (Grade II, list entry no: 10000902).
- Penne's Place Moated Site (Scheduled monument, list entry no: 10130002).
- Slade's Farmhouse (Grade II, list entry no: 1103614).
- Hilfield Castle (Grade II\*, list entry no: 1103569).
- Hilfield Castle Gatehouse (Grade II, list entry no: 1346907).
- Hilfield Castle Lodge (Grade II, list entry no: 1103570).

**2.4** A plan showing the public rights of way (PROWs) which run through are close to the site and the siting of the heritage assets in close proximity to the site is enclosed at **Appendix 5**.

**2.5** The appeal site is wholly within the Green Belt. I agree that there are no statutory landscape, heritage or ecological designations within the Appeal Site but those on adjacent land are as follows:

- Hilfield Park Reservoir (Local Nature Reserve and Local Wildlife Site)
- Aldenham Country Park, land off Dagger Lane (Local Wildlife Site).
- Haberdashers School, land off Butterfly Lane (Local Wildlife Site).
- Little Kendals Wood (Local Wildlife Site).

- Letchmore Heath Village (Conservation Area).



## 3. Planning History

- 3.1** The planning history relating to the Appeal Site is set out in our Statement of Case and in the Draft Statement of Common Ground. Of particular relevance is the application for outline planning permission for the 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. (Application Ref: 18/1587/OUT). The site was a relatively small compound of approximately 4500sqm on land adjacent to Hilfield Farm. A copy of the Site Location Plan, Drawing 23101/150 is enclosed at **Appendix 6**.
- 3.2** The application was refused planning permission on 28<sup>th</sup> May 2019 on grounds of inappropriate development in the Green Belt and the impact of the proposal on the character and appearance of the area.
- 3.3** The appeal against the refusal of planning permission was dismissed on 23<sup>rd</sup> March 2020. (Ref: APP/N1920/W/19/3240825). A copy of the appeal decision letter dated 24 March 2020 is also enclosed at **Appendix 6**.
- 3.4** There are some similarities between this appeal and that currently under consideration. The proposed development now subject to appeal also includes a site for the provision of a transformer and battery containers to store the electricity. The current appeal application also includes the need for high security fencing with CCTV cameras as required in this previously dismissed appeal. The proposal for an Energy Storage System (ESS) did not include the actual generation of renewable energy referred to in paragraph 151 of the NPPF but would have contributed towards balancing the grid and mitigating the unpredictable nature of renewable energy supplies. (Appeal decision, paragraph 32).
- 3.5** The Inspector noted that the proposal would be a limited 20 year period from first import/export of electricity after which it would be possible to return the land to its former condition. This would reduce the harmful impact upon openness to an extent but even so, she considered that such a period of time was considerable. (Appeal decision, paragraph 13).



- 3.6** In terms of the provision of landscaping and the likely screening and softening of the visual impact of the new development she considered that suitable landscaping and ecological mitigation is a normal requirement of development plan policies, and it was not shown that there would be a significant benefit arising from the proposal in this respect. (Appeal decision, paragraph 30).
- 3.7** The Inspector was concerned regarding the adequacy of the first stage of the alternative sites assessment which effectively establishes the catchment area for comparative sites. The report stated that it covered part of the UK Power Network Distribution Network Operator (DNO) area because it is known to be a constrained network. She stated that it had not been explained why it was necessary to limit the area to cover only part of the DNO network which as one of 14 in the country, is therefore, likely to relate to a larger area of the country, and potentially cover land that is not in the Green Belt. (Appeal decision, Paragraph 24).

## 4. Proposed development

**4.1** The application which is subject to this appeal is described in our Statement of Case and in the Draft Statement of Common Ground.

**4.2** I agree with the details of the proposed development as set out in the Draft Statement of Common Ground apart from the description of the application at paragraph 3.3 which stated that 'the application seeks planning permission for a temporary period of 35 years from the date of the first exportation of electricity from the Appeal Site'.

**4.3** This was an application for full planning permission and was not described as temporary in the description of the application. Reference was made to a 35 year 'operational phase' (the current expected operational life of the solar equipment used), following which it is said that the equipment would be removed and the land restored to agriculture. There is, however, no guarantee that it would not continue to be used as a solar farm with new equipment at the end of this period and even if there is a condition imposed that the use of the site should cease at the end of the operational lifespan of the proposed development the operators of the solar farm could easily, and indeed are likely, to apply for an extension of the use of the site with the use of replacement equipment. This is stated as being an option in the Appellant's Design and Access Statement (paragraph 5.3). It is also unlikely that the whole site will be returned to agricultural use, particularly those fields to be used for orchards, parkland or wildflower meadows.

## 5. Policy Context

- 5.1** I refer to the chapter headed 'Planning Policy' in the Draft Statement of Common Ground and agree that the policies, documents and guidance notes listed are relevant to this appeal.
- 5.2** However, in addition to the Ministerial Statements set out in the Draft Statement of Common Ground we would also like to draw the Inspector's attention to the Government's Ten Point Plan for a Green Industrial Revolution, published November 2020. This is referred to in the objection submitted by Aldenham Parish Council to the original application now subject to appeal. (**Appendix 1**).
- 5.3** I would also like to remind the Inspector that, although there are no Neighbourhood Plans which cover the area of the appeal site, the Radlett Neighbourhood Plan, prepared by Aldenham Parish Council and adopted in May 2021, covers the town of Radlett and its hinterland and comes as close as 400m to the north of the site.
- National Planning Policy Framework 2021 (NPPF)
- 5.4** The NPPF stresses the importance of providing sustainable development which require that land of the right type is available in the right places; that fosters well designed and safe places, with open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and that protects and enhances our natural, built and historic environment. (NPPF paragraph 8).
- 5.5** It refers to the need to protect and enhance public rights of way (paragraph 100); promote an effective use of land, while safeguarding and improving the environment, ensuring safe and healthy living conditions, and making the most of previously developed land. (NPPF paragraph 119).
- 5.6** In relation to meeting the challenge of climate change the NPPF supports the use and supply of renewable energy and low carbon energy and heat and requires a positive strategy for energy from these sources, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts). (NPPF paragraph 155).

- 5.7** The NPPF also refers to the importance of Green Belts and the need to prevent urban sprawl. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. (NPPF paragraph 147).
- 5.8** The NPPF refers to the need to conserve and enhance the natural environment, protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. (NPPF paragraph 174).
- 5.9** Conserving and enhancing the historic environment is also a key aspect of Government policy. 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. (NPPF Paragraph 199).
- 5.10** Where a development will lead to less than substantial harm to the significance of designated heritage asset, this harm should be weighed against the public benefits of the proposal. (NPPF paragraph 202).

National Planning Practice Guidance (NPPG)

- 5.11** The NPPG (Renewable and low carbon energy) also provides useful advice in relation to the consideration of large scale ground-mounted solar photovoltaic farms. The NPPG states the *deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes* (paragraph 013).
- 5.12** In identifying suitable areas for renewable and low carbon energy local planning authorities will need to ensure that they take account of the technology and critically, *the potential impacts on the local environment, including from cumulative impacts. The views of local communities likely to be affected should be listened to* (paragraph 005).
- 5.13** Particular factors a local planning authority will need to consider include (paragraph 13):

- Encouraging the effective use of land by *focussing large scale solar farms on previously developed and non agricultural land*, providing that it is not of high environment value;
- Where a proposal involves greenfield land, whether (i) *the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used*; and (ii) the proposal allows continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- *The proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety*;
- The need for, and *impact of, security measures such as lights and fencing*;
- Great care should be taken to *ensure that heritage assets are conserved in a manner appropriate to their significance, including the impact on their setting*. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to its significance.

#### Hertsmere Local Plan (Core Strategy) 2013

**5.14** The policies which are relevant to the consideration of the appeal application and to the concerns of Aldenham Parish Council are as set out below. Only Policy CS14 (Protection or enhancement of historic heritage assets) was referred to in the reasons for refusal.

**5.15** Strategic Policy SP1 (Creating sustainable development) – This policy requires new development in the borough to prioritise use of brownfield land and to ensure (inter alias):

- a safe, accessible and healthy living environment for residents;
- provide high quality design;
- avoid prejudicing, either individually or cumulatively, characteristics and features of the natural and built environment;
- avoid inappropriate development in the Green Belt;
- conserve or enhance the historic environment;

- avoid development in the flood plain;
- incorporate the use of SUDS; and
- ensure pollutants, including noise, are minimised.

**5.16** Strategic Policy SP2 (Presumption in Favour of Sustainable Development) – This policy requires the Council to take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and to secure development that improves the economic, social and environmental conditions in the area.

**5.17** Policy CS12 (The Enhancement of the Natural Environment) – This policy requires all development to enhance the natural environment including biodiversity, habitats, protected trees, landscape character, and sites of ecological and geological value, in order to maintain and improve environmental quality. Proposals should also provide opportunities for habitat creation and enhancement throughout the life of the development.

**5.18** Policy CS13 (The Green Belt) – This policy refers to the general presumption against inappropriate development in the Green Belt.

**5.19** Policy CS14 (Protection or enhancement of heritage assets) – This policy states that all development must conserve or enhance the historic environment in the Borough to maintain and where possible improve local environmental quality.

**5.20** Policy CS15 (Promoting recreational access to open spaces and the countryside) – This policy states that the Council will work with partners and relevant agencies to facilitate access to parks, open spaces, rural visitor attractions and to the wider local countryside. Measures will secure the provision of safer and more secure car-free access including enhancements and additions to public rights of way.

**5.21** Policy CS16 (Environmental impact of development) – This policy states that the Council will work with key partners, including the Environment Agency and Natural England to ensure that development proposals do not create an unacceptable level of risk to occupiers of a site, the local community and the wider environment. This includes:

- avoiding development in the floodplain and close to rivers;

- incorporating the use of SUDS;
- achieving reduced levels of energy consumption and the use of energy from renewable sources;
- development must demonstrate that they accord with Policy CS12 and that any adverse effects can be overcome by appropriate alleviation and mitigation.

**5.22** Policy CS17 (Energy and CO2 Reductions) – The Council will permit new development of sources of renewable energy generation subject to:

- local designated environmental assets and constraints, important landscape features and significant local biodiversity;
- minimising any detriment to the amenity of neighbouring residents and land uses; and
- meeting high standards of sustainable design and construction.

**5.23** Policy CS22 (Securing a high quality and accessible environment) – The Council will require all development to be of high quality design, which ensures the creation of attractive and useable places. Development proposals should take advantage of opportunities to improve the character and quality of an area and conserve the Borough's historic environment.

Site Allocations and Development Management Policies Plan (2016)

**5.24** The policies of the Site Allocations Development Management Policies Plan which are relevant to the consideration of the appeal application and to the concerns of Aldenham Parish Council are as set out below. Only Policy SADM26 (Development Standards in the Green Belt) was referred to in the reasons for refusal.

**5.25** Policy SADM11 (Landscape Character) – Development will be managed to help conserve, enhance and/or restore the character of the wider landscape across the borough.

**5.26** Policy SADM12 (Trees, Landscaping and Development) – All development affecting trees, hedgerows and other plants or landscaping should be consistent with the Biodiversity, Trees and Landscape SPD and BS5837. This includes the requirement for appropriate landscaping and, if necessary, replacement trees.



- 5.27** Policy SADM13 (The Water Environment) – New built development will normally be directed to Flood Zone 1, in preference to Flood Zones 2 or 3.
- 5.28** Policy SADM14 (Flood Risk) – This policy requires that the risk of flooding should be avoided or reduced by locating development within areas at lower risk of flood.
- 5.29** Policy SADM15 (Sustainable Drainage Systems) – The design of new development should include sustainable drainage measures.
- 5.30** Policy SADM16 (Watercourses) – Development on sites that contain a watercourse are required to follow a number of criteria including that the natural environment of the watercourse and areas of water will be conserved or improved.
- 5.31** Policy SADM20 (Environmental Pollution and Development) – Development should not result in any adverse impact to public health or wellbeing, or significantly add to contamination or pollution including (inter alia) noise and vibration.
- 5.32** Policy SADM26 (Development Standards in the Green Belt) – This policy is cited in the first reason for the refusal of the appeal application. It refers to Policy CS13 and also requires (inter alia):
- Developments should be located as unobtrusively as possible and advantage should be taken of site contours and landscape features in order to minimise the visual impact;
  - Existing open and green space in the area should be retained;
  - The scale, height and bulk of the development should be sympathetic to, and compatible with, its landscape setting and not be harmful to the openness of the Green Belt;
  - The viability and management of agricultural sites should not be undermined, there is a strong presumption against any development which would fragment a farm holding.
- 5.33** Policy SADM29 (Heritage Assets) – Planning applications will be considered in accordance with the NPPF. The Council will not permit development proposals which fail to protect, conserve or where possible enhance the significance, character and appearance of the heritage asset and its setting.

**5.34** Policy SADM30 (Design Principles) – Development which complies with the policies of the Plan will be permitted provided it:

- makes a positive contribution to the built and natural environment;
- recognises and complements the particular local character of the area in which it is located, and
- results in high quality design.

Radlett Neighbourhood Plan (2021)

**5.35** The area covered by the Radlett Neighbourhood Plan does not cover the appeal site but Policy GA1 (Getting Around Infrastructure: Walking and Cycling Networks) does have some relevance to the consideration of this appeal. The policy states as follows:

**5.36** *"Development of a well maintained, safe and attractive local walking and cycle network and the enhancement of such, will be supported. Development that reduces the quantity, functionality and/or quality of walking and cycle networks would not be supported."*

**5.37** The Neighbourhood Plan area is within 400m of the appeal site and many of the footpaths and cycle networks, referred to in the Neighbourhood Plan, continue beyond the boundary of the Plan with some crossing the appeal site.

Ministerial Statements

**5.38** There have also been a number of ministerial statements, which refer to the harm which can be caused by large solar farms located in the wrong place and where these will result in significant harm to the landscape, the character and beauty of the countryside, the use of agricultural land and the effect on local communities. I refer to a number of these statements in **Appendix 7**.

## 6. Reasons for refusal

**6.1** Hertsmere Borough Council have provided two reasons for the refusal of the application subject to this appeal as follows:

***Reason 1: Inappropriate development in the Green Belt***

*The proposal would be inappropriate development that would be harmful to the openness of the Green Belt in which it is 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 Policy SADM26 (Development Standards in the Green Belt) of the Hertsmere Local Plan (Site Allocations and Development Management 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.*

**6.2** Aldenham Parish Council have objected to the appeal application on grounds closely related to these reasons for refusal and I have therefore structured my evidence accordingly.

## *Inappropriate development in the Green Belt*

**6.3** It has been agreed by all parties that the proposed development is 'inappropriate development' in the Green Belt and that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. (NPPF paragraph 147).

**6.4** It is also agreed that when considering any planning application, local planning authorities should ensure that substantial weight is given to harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (NPPF paragraph 148).

**6.5** Whilst the NPPF acknowledges that "*such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources*" (NPPF paragraph 151) it is my opinion that the environmental benefits which have so far been put forward by the Appellant, are insufficient to amount to the 'very special circumstances' required to justify this development for the reasons set out below.

### Harmful effect on the purposes of the Green Belt

**6.6** The proposed development covers an area of approximately 130 hectares, of which 2 hectares would be the corridor connecting the two land parcels. It is the sheer size and extent of the development proposed, which is the main concern.

**6.7** The Government attaches great importance to Green Belts. The fundamental aim of Green Belt is to prevent urban sprawl and by keeping land permanently open. The characteristics of Green Belts are their openness and their permanence. (NPPF paragraph 137).

**6.8** Green Belt serves five purposes as set out at paragraph 138 of the NPPF. Of particular concern in relation to this appeal is the impact on Purpose 1: to check the unrestricted sprawl of large built-up areas: and Purpose 3: to assist in safeguarding countryside encroachment.

**6.9** The appeal site is within an area of considerably high value in terms of its attractive open countryside setting, the value of this countryside to the local community in

terms of their enjoyment of the countryside, and the value of this countryside in an area so close to the Metropolitan Urban Area to the north of London and within the M25 corridor. This is an area which is of extreme importance in terms of preventing urban sprawl and enabling people both living in this area and in the more densely populated areas around the site to the west, north, east and south to be able to access and enjoy the open countryside quickly and to benefit from the many assets that it currently possesses.

**6.10** The fact that the site is completely criss-crossed with numerous public rights of way emphasizes the value of this area for the purposes of walking, cycling and horse-riding. The site is also close to a number of heritage assets including the Grade II\* listed Hilfield Castle and surrounded by some very attractive and historic rural villages, including Letchmore Heath, which lies immediately north of the site.

**6.11** It is extremely important that this highly valuable area of open countryside land does remain open permanently and is not harmed by a large industrial development of such massive scale and in such a sensitive location.

Impact on the character of the landscape

**6.12** The Appellant's Landscape Consultants, LDA Design have prepared a Landscape and Visual Assessment demonstrating that the proposed development will have large adverse effects in the medium term (2-10 years) and medium adverse or large/medium adverse effects in the long term (10-25 years).

**6.13** Claire Browne, Landscape Director of HCUK Group has reviewed the LDA Design Landscape and Visual Assessment and has provided a Landscape Statement, which is enclosed in Appendix 4.

**6.14** Ms Browne refers to the first reason for the refusal of planning permission which relates to inappropriate development in the Green Belt. Whilst Green Belt is a land use designation, the purposes of the Green Belt are (inter alia) to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment. Her statement focuses on the effects of the development on the character of the landscape and views that contribute to the essential characteristics of the Green Belt. This is defined in the NPPF paragraph 137 as being their openness and permanence.

- 6.15** Ms Browne refers to the long-term adverse effects on the visual characteristics of the landscape which will extend across large tracts of countryside between Borehamwood, Bushey and Radlett and refers to the fact that the undulating nature of the terrain and large-scale pattern of fields means that planting mitigation is less effective in screening solar panels in longer range views and in some locations the panels will impact on ridgelines.
- 6.16** Another key consideration is the public enjoyment of the Green Belt countryside, where the perceived sense of openness is intrinsic to the experience. The panels will be 3m in height above ground level, well above eye level. As the set-back between PROW routes and the development area is often limited, the introduction of panels particularly on both sides of a footpath route, can channelise views and erode any perceived sense of openness. In some locations, the developed area may be elevated above the viewer/visual receptor, further increasing the sense of intrusion by built-development on the rural character.
- 6.17** The findings of the LDA Landscape Visual Impact Assessment (LVIA) are that the proposal will result in large scale effects on the character of the Site, resulting from the change from agricultural to built development and Ms Browne is in agreement with these findings. The assessment of effects on the landscape character is judged as being significant and this is not contested, although the terminology used somewhat diminishes the severity of the effect referring to localised impacts that only effect the Site and immediate area of Green Belt countryside will be affected. It is an area of c.85 hectares which will be covered by built development. The Site also makes up a large proportion of the overall LCA22 Borehamwood Plateau landscape character area and the key characteristics for a large area of this LCA will change for the long term/semi-permanent duration.
- 6.18** The findings of the LVIA are a large scale of changes resulting in significant effects (Major-Moderate and Adverse). Seven viewpoints (Viewpoints 1, 3, 4, 8, 9, 11 and 12) will remain as experiencing either large or large-medium scale of change in the long-term to semi-permanent timescale.
- 6.19** In the conclusions Ms Browne refers to the following:

- The large-scale fields and the undulating nature of the terrain is difficult to mitigate against the visual intrusion and encroachment of the rural character by the solar development;
- The solar development in Field 5 is judged to adversely impact open character;
- Development is likely to be intervisible between fields affecting the visual character of large areas, owing to the undulating terrain;
- The introduction of hedgerows in localised areas, such as Field 1 and 7 will remain at decommissioning, and reduce openness permanently in these areas;
- The proposed development area is extensive and represents a large proportion of LCA22 Borehamwood Plateau that will experience long-term substantial changes to character;
- The Site is crossed by a dense network of PROW, providing a large tract of easily accessible countryside of recreational value for the surrounding settlements. Users of PROW currently experience view across large open agricultural fields and the undulating landscape create sweeping panoramic view, with a sense of prospect towards surrounding settlements and hamlets;
- The perceived level of encroachment by development and high level of enclosure created by panels where this is minimal offset will compromise the recreational value of the Green Belt land. Significant adverse visual effects will continue to remain for users of the Site in the long-term for a semi-permanent duration.

#### Impact on public rights of way

**6.20** The site is crossed by a high number of PROWs, providing a valuable recreational asset and linking with important environmental and heritage assets. These have a high value for the purposes of walking, cycling and horse-riding. They would be subject to the large adverse effects found by the Appellant's Landscape and Visual Assessment and arising from the change of views from short and long-distance views of undeveloped open countryside to views of industrial built development covering an area of 85 hectares. Fencing along the footpaths, often on both sides, would give the feeling of being contained, reducing enjoyment and deterring users.



**6.21** Given the location of the site so close to the urban settlements of Watford, Bushey, Radlett, Borehamwood and Edgware and the proximity to the rural villages of Letchmore Heath, Patchetts Green, Aldenham and Elstree, these PROWs can be expected to offer a valuable recreational asset to their populations, which in turn is also beneficial to the tourism economy of the local area. The PROWs also run through extremely attractive areas of open countryside and link with important environmental assets, such as the Hilfield Reservoir and Aldenham Reservoir, Aldenham Country Park, Aldenham Park and Kendal Wood.

**6.22** In relation to the impact on the PROWs I consider that the proposed development would conflict with Core Strategy Policy SP1 (Creating sustainable development) which requires (inter alia) a safe, accessible and healthy living environment for residents, Core Strategy Policy SP2 (Presumption of Favour of Sustainable Development) which requires development that improves the economic, social and environmental conditions in accordance with the NPPF, Core Strategy Policy CS15 (Promoting recreational access to open spaces and the countryside) and Core Strategy Policy CS22 (Securing a high quality and accessible environment).

Impact on the rural economy

**6.23** The site comprises 130ha of agricultural land classified as grade 3b (moderate quality). This is a valuable resource, particularly in Hertsmere Borough where there is little grade 1/2 (excellent/good) land, the bulk of the land being Grade 3/4 (moderate/poor). Consequently, where most of the agricultural land is not of high grade, even land in 3b can be considered a valuable resource with this area capable of producing good yields of cereals and grass and being in a part of the country where this type of farming prevails.

**6.24** The farming activity in this land also provides opportunities for local tenant farmers and other local workers. These employment opportunities would be lost. The solar farm, once constructed, would provide a very low level employment and is unlikely to provide any opportunities for local people.

**6.25** The Government have also stressed the need for the UK to be self-supportive in terms of food production and the loss of this amount of land for arable food production is a concern particularly with the current food shortages at this time.

- 6.26** Grazing by a small number of sheep to avoid the need to cut the grass is no compensation for the huge loss of arable farming land. According to the Dept of Environment Food and Rural Affairs the UK still imports 46% of its food. This is figure was updated on 10 August 2022. ([Food statistics in your pocket - GOV.UK \(www.gov.uk\)](https://www.gov.uk))
- 6.27** The arable land in the UK is in decline and is at its lowest level since World War 2. Land is being taken out of cultivation at a rate of almost 100,000 acres per annum. At the same time yields are declining with a particular problem this year due to the extensive summer droughts in the UK and throughout Europe. The war in Ukraine is also resulting in problems with access to grain with prices of grain having now soared. It is therefore essential that we do retain as much arable land as possible. The proposed development is arable/crop displacement and can certainly not be regarded as a farm diversification scheme.
- 6.28** There is also no guarantee that the site would ever revert to agricultural use in the future; it is likely that those areas to be used for orchards, parkland and wildlife meadows would need to remain in use for these purposes. There would also be considerable pressure for other types of development, after its alternative use for 35 years.
- 6.29** In relation to the impact on the rural economy the proposed development is in conflict with Policy SADM26 (Development standards in the Green Belt) which states that the viability and management of agricultural sites should not be undermined, and there is a strong presumption against any development which would fragment a farm holding.
- Impact on long term character of the area
- 6.30** The planning application itself is not described as temporary, although reference has been made to a 35 year 'operational phase' (the current expected operational life of the solar equipment used), following which it is said the development would be removed and land restored to agriculture. There is no guarantee that the site will be decommissioned at the end of this initial operational phase. An application could be made towards the end of this period to continue the use as a solar farm with new equipment. Even if there was a condition to stop solar use after 35 years, this is a considerable period of time; for many locals this would be the rest of their

lives. After such a long period, there would be strong case for an application to extend that period or to allow for further built development.

#### Impact on wildlife

- 6.31** It is accepted that the proposed development does include some benefits in terms of biodiversity with the provision of new trees, further landscaping and wild flower meadows. However, I question the impact of having so many fields surrounded by wire fences in terms of the impact on larger mammals such as foxes and muntjac deer whose ability to roam will be significantly affected. Transitional animals have their routes blocked and are often diverted on to roads. It is therefore likely that there will be a negative impact on larger mammals.
- 6.32** The very small opening shown in the security fencing would appear only suitable for very small mammals.
- 6.33** I do not therefore consider that the proposed development meets the requirements of Core Strategy Policy CS12 (The Enhancement of the Natural Environment).

#### Impact of noise

- 6.34** Noise could have a significant harmful impact on both walkers and wildlife. The proposed substation and the cooling units which would be required above battery storage units emit a large amount of noise and the inverter/transformer stations distributed around the fields do not seem to be designed to prevent noise emissions. Although one of the conditions proposed in the officer's delegated report refers to a control in the amount of noise emission, this condition relates only to the possible impact on the occupiers of residential properties. Noise emission would also have a harmful effect on people using the PROWs which pass through the site.
- 6.35** In relation to potential noise nuisance I consider that the proposed development would conflict with Policy SADM20 (Environment Pollution and Development).

#### Impact on flooding

- 6.36** The Lead Local Flood Authority has advised that the submitted flood report does not comply with the PPG (as revised 6 April 2015) to the NPPF, and there are potentially many factors that need to be looked into in order to minimise flooding. For example, the effect of substantial soil excavation and replacement with

concrete, aggregate and geotextile; calculations regarding the effect of posts, CCTV cameras and road lengths, and substances used to support them; water displacement and surface water overflow. There is clearly a lack of information provided in respect of this matter and the Appellant should deal with the points the Sustainable Drainage Officer has made, to enable a proper assessment.

- 6.37** In terms of avoiding development on the flood plain and the possible impact on flooding the proposed development would potentially conflict with Core Strategy Policy SP1 (Creating sustainable development), Core Strategy Policy CS16 (Environmental impact of development), Policy SADM13 (The Water Environment), Policy SADM14 (Flood Risk) and Policy SADM16 (Watercourses).

Lack of consideration of alternative sites

- 6.38** The Alternative Site Assessment prepared by Aardvark EM Ltd on behalf of the Appellant states

- 6.39** *“The applicant considered very carefully the availability of suitable alternative potential development on land not within the Green Belt. Its primary starting point was to first and foremost avoid any site located in the Green Belt”*

- 6.40** It is also stated that:

*“The first step for the identification of suitable solar development is to be close to a secured grid connection point which has spare capacity to enable a 49.9MW connection. As short a cable run as possible is required to allow the Proposed Development to be economic as well as to minimise energy losses in the cabling which will be wasted for sites located further away from the grid connection point.*

*In 2019 the Applicant engaged with National Grid to identify substations within England and Wales which had spare capacity. Elstree substation was one of those identified...”*

- 6.41** If the Appellant’s ‘primary starting point’ was “to first and foremost avoid any site located in the Green Belt’ why was a Bilateral Connection Agreement and Construction Agreement then entered into with the National Grid to provide a solar project to the point of connection to Elstree Station, when this station is within an area which is surrounded by the Green Belt and with the Green Belt extending well over the 5km distance of search for suitable sites.

**6.42** I question why the Appellant did not consider linking into National Grid substations which were not in the Green Belt.

**6.43** I also question why the Appellant did not consider providing a much smaller solar farm, which would have had less impact on the Green Belt and also why they chose a site, which is so close to major settlements and rural villages, in an area of such attractive open countryside, and in an area of so much value to the local community and to others living in the towns and other villages close by.

**6.44** The proposed development is designed to feed directly into the National Grid and the renewable energy which will be provided will have no direct benefit to the local community or Hertsmere Borough Council.

Limited public benefits

**6.45** The Appellant has put forward various proposed 'public benefits' to outweigh the harm caused to the loss of openness of the Green Belt. These are set out below:

- Generation of renewable energy to support the UK's transition to a low carbon economy;
- Provision of landscape enhancements;
- Provision of biodiversity and ecological enhancements;
- Provision of two new permissive public rights of way;
- Economic benefits of construction and business rates;
- Provision of an Educational Strategy for the benefit of local people and school pupils;
- Improvements to soil and agricultural land quality; and
- Aiding farm diversification objectives.

a) Generation of renewable energy

**6.46** It is accepted that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources but this does not enable solar farms of any size to be located anywhere in the Green Belt. The energy produced by this solar farm will also be taken straight into the

Elstree Sub Station for distribution throughout London, the south east and elsewhere and is not of specific to the local area. The local community will not therefore benefit by have cheaper energy as would occur if solar panels were placed on individual properties, or a district heating system was provided, and the proposed development is not being proposed a part of a farm diversification project as suggested in the list of public benefits provided by the Appellant.

- 6.47** It is also known that solar farms are hugely inefficient in terms of the production of renewable energy. It is claimed that the proposed solar farm covering 130 hectares would be capable of supplying electricity to about 11,000 homes. One wind turbine in the North Sea has the capacity to power 16,000 homes.
- 6.48** The Plan for a Green Industrial Revolution focuses attention on new clean power with offshore wind farms, nuclear plants and new hydrogen technologies. It makes no mention of solar power. Point 5 of the Plan refers to the need to encourage walking and cycling and Point 9 to the need to safeguard our cherished landscapes and bring more people in reach of nature. Point 10 Green Finance and Innovation, highlights ten priority initiatives for the new net zero fund in which to invest. This does not include solar. The Introduction also refers to the freedom gained by leaving the EU to support Britain's farmers so that, alongside producing high-quality food, we ensure healthy soils which will also retain and – over time – capture carbon.
- 6.49** There have also been a number of Ministerial statements with regard to provision of large solar farms occupying agricultural land as set out in **Appendix 7**.
- 6.50** On 20 October 2014 Liz Truss, in her role as Environment Secretary told the Mail on Sunday that "*large scale solar farms are 'a blight on the landscape' and confirmed plans to cut a taxpayer subsidy to farmers and landowners for the schemes*". She said that "*Food and farming is our number-one manufacturing industry, the whole food chain represents £100bn in our economy, and it is a real problem if we are using productive agricultural land for solar farms*". Both Liz Truss and Rishi Sunak were highly critical of solar farms in their campaigns to become the nation's prime minister, joining a chorus of their fellow Conservative MPs who had recently described solar panels as 'hazards for rural communities and food supply'.

**6.51** Oliver Dowden, MP for Hertsmere also commented on the application, which is now subject to this appeal. In a Statement made on 9<sup>th</sup> November 2021 he stated as follows:

*“As many of you know, I have been taking a close interest in the application to develop a solar farm on land to the North East and West of Elstree Aerodrome. This decision will be taken by Hertsmere Borough Council on Thursday.*

*I have been engaging with residents, local councillors, and Hertsmere Borough Council throughout this period. Having considered it in detail, I am very concerned that the size and scale of this application will have a disproportionate impact on our green open spaces.*

*But I do think it is important that they consider whether this scale of development is appropriate for our local community. I am not convinced that it is and have shared this view with local councillors.”*

**6.52** In terms of the provision of development providing a source of renewable energy the proposal would in my opinion be in conflict with Core Strategy Policy CS17 (Energy and CO2 Reductions) due to its harmful impact on the landscape, harm to the amenity of neighbouring residents and failure to meet high standards of sustainable design and construction.

b) Provision of landscape enhancements

**6.53** The Appellant has advised that the landscape mitigation measures proposed as part of the proposed planting and landscaping would have been established over the project’s lifetime and will continue to remain as a positive legacy in landscape character.

**6.54** Although some of the proposed landscaping along field boundaries might be beneficial, the introduction of hedgerows in localised areas, such as Fields 1 and 7 will be a change that will remain after decommissioning, that will reduce openness permanently..

**6.55** The planting of parkland trees and wildflower meadows may be attractive features and beneficial to ecology but these could result in the fields not being returned to agricultural use. The planting of many trees is actively being carried out in many parts of the parish and the borough in a manner which is not harmful to the



character of the landscape and PROWs, the beauty of the countryside and the farming activity. Small areas of wildflower planting can be beneficial but the planting of whole fields that could be used for agriculture is not necessarily beneficial to the long term use of the land. The planting which has been proposed has been designed to provide maximum screening to the built parts of the solar farm with left over fields used for purposes not connected with agriculture but purely to increase the biodiversity credentials of the site.

**6.56** Retaining all or even most of the proposed landscaping may not therefore be beneficial to the local community.

**6.57** In relation to the impact on the landscape the proposed development would be in conflict with Core Strategy Policy SP1 (Creating sustainable development), Core Strategy Policy CS12 (The Enhancement of the Natural Environment), Policy SADM11 (Landscape Character) and SADM30 (Design Principles).

c) Provision of biodiversity and ecological enhancements

**6.58** It is acknowledged that there are some biodiversity and ecological benefits through the planting of trees and wildflower meadows but Aldenham Parish Council are themselves providing a substantial number of new trees in appropriate places which do not result in the loss of important agricultural fields.

**6.59** Aldenham Parish Council owns or leases over 30 hectares (69 acres) of open spaces across the Parish. These open spaces are very varied and include over 1500 trees, parkland, open fields, copses, rivers, ponds and woods.

**6.60** Aldenham Parish Council are committed to providing public space improvements, including the provision of community gardens and allotments, and enhancing biodiversity. The Parish Council adopted a new Open Space and Biodiversity Policy in November 2021. A copy of this is enclosed in **Appendix 8**.

**6.61** Between November 2021 and March 2022, the Parish Council planted 159 new trees. The Parish Council are currently updating the winter 2022 work schedule which is to include further planting at Fir Spring Wood, Phillimore Recreation Ground, Salters Field, Tykeside and Picnic Field. This is likely to include the planting of another 150 trees, a mixture of trees and whips.

- 6.62** The provision of landscaping as part of the proposed development is necessary to provide screening and the provision of orchards, parkland and wildflower meadows is using land most of which would be better used for arable purposes.
- d) Provision of two new permissive public rights of way
- 6.63** The provision of two new permissive public rights of way does not compensate for the harm to the public rights of way which already exist.
- e) Economic benefits of construction and business rates
- 6.64** The proposed development does not provide any significant public benefits in relation to the construction of the development or in relation to business rates. Once constructed the only employment required would be in relation to the ongoing maintenance. However, it is stated in the Planning Statement prepared by Aardvark that this will only require one or two light van maintenance visits per month. The proposed development will not require provide any local employment. The proposed development is also likely to result in fewer people wishing to visit the area, resulting in less support for local shops, services and/or catering services.
- f) Provision of an Educational Strategy for the benefit of local people and school pupils
- 6.65** The benefit in terms of providing an educational strategy for the benefit of local people and pupils is negligible. Although it is useful for people to understand the benefits of solar power and renewable energy there are already many platforms available for providing education of this type.
- g) Improvements to soil and agricultural land quality
- 6.66** Leaving the land fallow for one or two years may provide initial improvements to the soil but there are other ways to improve soil and agricultural quality particularly using crop rotation. Soil health could be improved without the intervening use of a solar farm.
- h) Aiding farm diversification objectives

**6.67** The proposals do not aid farm diversification. The proposed development is displacing agriculture with the money for the lease of the land not being used, as far as I am aware, to assist in the running of a farm.

Summary

**6.68** The proposed development would be inappropriate development in the Green Belt that would be harmful to the openness of the Green Belt, as well as causing further additional harm as set out in my evidence. The benefits that the scheme would provide are minimal and would not amount to 'very special circumstances' to outweigh the harm to the Green Belt. As such the proposal would be contrary to paragraphs 147 and 148 of the NPPF and would be in conflict with Policy SADM26 (Development Standards in the Green Belt) of the Hertsmere Local Plan (Site Allocations and Development Management Policies Plan) 2016.

**6.69** In terms of the matters raised above the proposed development is also contrary to further additional policies of Local Plan: Core Strategy Policies SP1, SP2, CS12, CS13, CS15, CS16, CS17 and CS22 and the Site Allocations and Development Management Policies SADM11, SADM13, SADM14, SADM16, SADM20, SADM26 and SADM30

### *Impact on heritage assets*

**6.70** The Council's second reason for the refusal of planning permission alleges less than substantial harm (paragraph 202 of the NPPF) to five designated heritage assets, namely Slades Farmhouse (listed building, grade II), Hilfield Castle (listed building, grade II\*), Hilfield Lodge (listed building, grade II), Aldenham House Registered Park and Garden (grade II) and Penne's Place (Ancient Monument).

**6.71** Historic England (letter, 16 February 2021) alleges less than substantial harm to three designated assets, namely Penne's Place (Scheduled Monument), Aldenham House Registered Park and Garden ("Aldenham Park"), and Hilfield Castle (listed building, grade II\*). Historic England does not mention Slade's Farmhouse, presumably because it is technically outside their remit, at grade II, but logic would suggest that Historic England would also consider the effect on that building to fall within the meaning of paragraph 202 of the NPPF, since it is closer to the proposed development than Aldenham House Registered Park and Garden.

- 6.72** Dr Jonathan Edis, Heritage Director of HCUK Group has provided a Heritage Statement in relation to the impact of the proposed development on these heritage assets.
- 6.73** Dr Edis refers to the Appellant’s Statement of Case (Pegasus Group, March 2022, paragraph 9.12) that the proposal would cause less than substantial harm to the significance of three listed buildings, namely Hilfield Castle (listed grade II\*), Hilfield Castle Lodge (grade II), and Slade’s Farmhouse (listed grade II). Since this is the agreed and accepted position, the approach that Dr Edis has taken in his assessment is to concentrate on these buildings, since the Inspector is inevitably going to have to form a judgement on the planning balance with paragraph 202 of the NPPF.
- 6.74** Dr Edis recognises that there will be some effect, whether visual or abstract to the other many listed buildings in the vicinity of the application site and that these effects will have to be considered by the Inspector individually (where they are raised by one or more parties to the appeal) and in totality. Dr Edis’s assessment has proceeded on the basis that the effects on the Hilfield Castle Group (including the Gatehouse (listed grade II)), and on Slade’s Farmhouse are the main heritage issues, albeit that there is a need to give consideration to all the assets concerned.
- 6.75** As a general introductory observation, Dr Edis asks the Inspector to look at Figure 14 of his statement, which shows the spatial relationship between the two main parts of the proposed solar farm and the main heritage assets addressed in his statement. From a heritage perspective, the solar farm has, unfortunately, attracted itself to some of the most significant assets in the area, giving rise to an unfortunate and uncomfortable relationship with the historic environment.
- 6.76** Dr Edis has followed the Historic England’s guidance on development affecting the setting of heritage assets in *The Setting of Heritage Assets* (second edition, December 2017), better known as GPA3. This sets out a stepped approach to assessment in which Step 1 involves the identification of relevant assets, Step 2 establishes their significance and Step 3 describes how the change within the setting of the assets might affect their significance. In cases where there is loss of significance, amounting to harm, Step 4 is engaged, requiring the discussion of mitigation.

Summary of Heritage Statement provided by Dr Jonathan Edis, HCUK Group

- 6.77** I set out below a summary of the Dr Edis's Heritage Statement but would ask that the whole of this statement be considered as part of the evidence being put forward by Aldenham Parish Council.
- 6.78** Dr Edis states that the Hilfield Castle Group is of particular heritage significance, set in a commanding position to see over the extensive lawns of a country estate. The surroundings have come under pressure in the last 80 years, notably as a result of the construction of Elstree Aerodrome and Elstree Reservoir.
- 6.79** Aldenham House RPG, which contains the scheduled monument known as Penne's Place, is also of considerable heritage significance. Slade's Farmhouse, which is to the north-west of the RPG, retains some of its agricultural setting, within a medieval and post-medieval field system, but the creation of Butterfly Lane c.1889 means that it is distinct from, and outside, the northern part of the RPG.
- 6.80** The proposed development consists of a solar farm with two main groups of panels, and associated infrastructure, as more fully described in the Design and Access Statement, the Council's report and other documents. From a heritage perspective, solar arrays have a presence, and an extent, which change the character of the land on which they are placed. In simple terms, the change in the present case would be from agriculture to rows of structures that provide renewable energy. The form is relatively passive, rather than active, which is to say that it does not bring with it the same level of activity that might be associated with a housing development. However, the change will persist for at least 35 years, and it is impossible to be sure that the agricultural character will be restored after that time.
- 6.81** The Hilfield Castle Group is the most affected of the heritage assets in this case. It is the highest graded (grade II\*), the most architecturally and historically significant group where there will be noticeable effects. The solar farm will be placed over much of the north-western part of the former Hilfield Castle estate, and it will cover the front parts of the Front Lawn and Western Lawn, wrapping around the northern and western sides of the group, and adding to the existing effect of Elstree Aerodrome, Elstree Reservoir, and other 20<sup>th</sup> century changes within the setting of the park. The change within the setting of the listed buildings would give

rise to a medium level of less than substantial harm within the meaning of paragraph 202 of the NPPF, to which great weight must be given in the balancing exercise.

**6.82** Slade's Farmhouse would lose another part of its agricultural setting as result of the solar array to the north, and (beyond modern development) to the north-east. Part of the agricultural setting was lost c.1889 by the creation of Butterfly Lane, and the consequential change in the road system here. The development would cause less than substantial harm to the significance of Slade's Farmhouse, falling to be considered within paragraph 202 of the NPPF.

**6.83** Aldenham Park RPG does not derive much of its significance from the land to the north-west of Butterfly Lane, which includes part of the appeal site. The visual effect of the proposal on the RPG will be relatively slight.

**6.84** Although Penne's Place was cited in the council's reasons for refusal of planning permission, Dr Edis has been unable to observe any effects that might materially reduce its significance.

#### Policy Implications

**6.85** The less than substantial harm to the significance of several heritage assets including a medium level of less than substantial scale to a Grade II\* listed building engages paragraph 200 and 202 of the NPPF.

**6.86** Paragraph 200 of the NPPF states:

*"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

*a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*

*b) assets of highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I or II\* listed buildings, grade I or II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."*

- 6.87** No party has suggested that there would be substantial harm to the significance of Hilfield Castle, and it may fall into the category of less than substantial harm. However, paragraph 200 of the NPPF points in the direction of harm to grade II\* listed buildings being a potentially weighty matter in the balancing exercise.
- 6.88** NPPF paragraph 202 states:
- “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 optimal use.”*
- 6.89** The Appellant has not cited any additional public benefits to weigh against the harm to these heritage assets, above those set out to outweigh the harm caused to the loss of openness of the Green Belt. The public benefits to weigh against the harm to these heritage assets falls considerably short of those required to outweigh this harm.
- 6.90** Dr Edis concludes that the harm to the significance of the heritage assets, described above, would conflict with objectives of Policy CS14 (Protection or Enhancement of Heritage Assets) of the Hertsmere Local Plan (Core Strategy) 2013.
- 6.91** In addition to this policy, I consider that in relation to heritage matters the proposed development would also conflict with Core Strategy Policies SP1 (Creating a sustainable development), SP2 (Presumption in Favour of Sustainable Development), CS14 (Protection or enhancement of heritage assets) and CS22 (Securing a high quality and accessible environment), as well as the Site Allocations and Development Management Policies SADM29 (Heritage Assets) and SADM30 (Design Principles).
- 6.92** Dr Edis has also pointed out that in arriving at a decision, the Inspector would have to take account of the fact that there would not be preservation for the purposes of the duty under section 66(1) of the Act. The effect on Hilfield Castle, listed grade II\*, is the most acute issue in this respect.
- Many heritage assets can absorb a degree of change within their surroundings, depending of their sensitivity, and the extent to which they can accommodate new

development without suffering harm to significance. However, there can be a tipping point at which so little of the original setting is left, that the asset in question suffers real loss. In arriving at an overall judgement on the heritage balance, the Inspector is asked to consider the pressure that has already been exerted on the settings of Hilfield Castle and Slade's Farmhouse over the last 80 to 130 years, and the extent to which their original settings have already been compressed.

## 7. Conditions

**7.1** I generally support the proposed conditions set out in the Council's delegated report. However, Condition 2 which stated that after 35 years "the land shall revert to its former agricultural condition" is to some extent at odds with Condition 3 which requires that "*the land is to be returned to its former condition in a way that would avoid disturbing the biodiversity within the site*".

**7.2** A large part of the site is shown to be used for uses which would enhance biodiversity such as orchards, grassland, parkland and sites for the planting of wildflowers. These areas of land could not be returned to agricultural use without disturbing their biodiversity.

**7.3** The condition relating to noise is questioned. Although static solar panels should not emit any noise or vibrations there is likely to be noise from the proposed substation, the cooling units and fans above the battery stores. There is also likely to be noise from the inverter transformer stations distributed around the fields. The potential levels of noise in relation to this proposal are not clear and a much stronger condition to prevent any audible noise is required.



## 8. Conclusions

- 8.1** The appeal application relates to a proposal to site a 49.9MW solar farm with its attendant structures on a 130ha open site in the Green Belt.
- 8.2** The proposed development is inappropriate development within the Green Belt and by definition will result in harm to the Green Belt and the purposes of the Green Belt, which include the need to prevent unrestricted urban sprawl and to assist in safeguarding countryside encroachment.
- 8.3** I consider that the proposed development will have an extremely harmful impact on the attractive open character of the area. It will also cause visual harm to the character and appearance of the area and to the users of the PROWs that cross this site.
- 8.4** The proposed development would also result in harm to the historic character and setting of important heritage assets, in particular the setting of Slade's Farmhouse (listed grade II) and Hilfield Castle (listed grade II\*).
- 8.5** In addition, the proposed development would result in the loss of many fields used for arable farming and consequent harm to the rural economy of the area.
- 8.6** Although there are benefits in terms of biodiversity and long term soil health these are not exclusive to the proposals and could be achieved by other means, such that only moderate weight can be applied.
- 8.7** I also consider that only limited weight should be applied to the proposal to provide a facility to provide additional renewable energy. There are other ways to provide renewable sources of energy without causing such significant harm to the Green Belt, impacting so greatly on the landscape and the local community's enjoyment of the open countryside. It will also result in less than substantial harm to the significance of a number of heritage assets, including a grade II\* listed building.
- 8.8** There is no evidence provided to suggest that there are no other sites available, that adjoin or are close to National Grid substations, and which would not result in the amount of substantial harm caused by this development.

- 8.9** The Appellant has not demonstrated the 'very special circumstances' which would be required to overcome the harm to the Green Belt or sufficient public benefits which would outweigh the less than substantial harm to the significance of heritage assets, including a very important Grade II\* listed building.

## 9. Declaration of evidence

- 9.1** The evidence which I have prepared and provided for in respect of this appeal (Reference APP/N1920/W/22/3295268) and as set out in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution, the Royal Town Planning Institute. I confirm that the opinions expressed are my true and professional opinions.