



The countryside charity  
Hertfordshire

## PROOF OF EVIDENCE

**APPEAL REFERENCE: APP/N1920/W/22/3295268**

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Land North of Butterfly Lane, Land Surrounding Hilfield Farm and Land West of Hilfield Lane, Aldenham

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## **Qualifications and Experience**

1. My name is Christopher Berry and I hold a Bachelor of Arts with Honours in Geography from the University of London and a Post-Graduate Diploma in Town and Country Planning from the University of Newcastle upon Tyne. I have been a chartered member of the Royal Town Planning Institute since 1975 and have practised in both the public and private sectors for the duration of my career with over 45 years experience in planning and development.
2. I have been employed by a wide range of organisations including local government, development corporations, planning consultancies and development agencies. Latterly I have acted as interim Chief Planning Officer and Assistant Director for a number of London and Hertfordshire boroughs and I am presently employed as Planning Manager for CPRE Hertfordshire – the countryside charity.
3. CPRE Hertfordshire acts to protect countryside in Hertfordshire and is active in supporting local organisations and communities to protect open spaces and rural activities from inappropriate development and environmental degradation. CPRE Hertfordshire agrees with the views of Emily Benedek and Graeme Drummond and their evidence as part of the collective of objectors in this matter.
4. This statement has been prepared in accordance with the guidance of my professional institution (Royal Town Planning Institute). I confirm that these are my true and professional opinions.

## **Background to the Application**

5. This application is for 130 hectares of land designated as London Metropolitan Green Belt as identified in the Hertsmere Core Strategy 2013, serves various purposes of the Green Belt, and performs a vital function as open countryside, both for

agriculture and recreation, and the conservation and enhancement of the natural environment.

### **CPRE Hertfordshire position**

6. CPRE Hertfordshire strongly opposes the application for Land North of Butterfly Lane/Hilfield Lane Solar Farm for reasons related to the impact of the installation on the open countryside and rural communities. These reasons become even more salient when the land proposed for development is designated as Green Belt.
  
7. In principle, designated protected land should not be used for development which is highly damaging to the landscape and rural character, effectively industrialising the landscape in the area which would be covered by glass and metal panels and associated infrastructure. Evidence is presented relating to the existing landscape and characteristics of the countryside of the landscape which we believe are inappropriately characterised by the Appellant.
  
8. Our concerns relate to the significance of the Green Belt designation which enjoys the characteristics of the open countryside, including its intrinsic landscape and amenity value, and its use and enjoyment by the public, primarily through public rights of way. We believe that these concerns are inadequately, and in some cases incorrectly, addressed by the Appellant.
  
9. CPRE Hertfordshire objects to the application on several grounds related to its aims and objectives as an organisation committed to protecting rural landscapes and activities. CPRE Hertfordshire is equally committed to the development of renewable energy and believes that solar energy generation is best provided on buildings and previously developed land rather than open countryside, in accordance with policy aims contained in Government policy.

## **Green Belt constraints**

10. The National Planning Policy Framework (NPPF) as revised in July 2021 sets out the fundamental aim of Green Belt policy that land should be kept “permanently open” (para. 137) and “inappropriate development should not be approved except in very special circumstances” (para. 147). The Appellant acknowledges that the proposed development is inappropriate development and therefore “very special circumstances” need to be demonstrated sufficiently to outweigh harm to the Green Belt.
  
11. “Very special circumstances” are stated by the Appellant to be related primarily to the benefits of provision of renewable energy, and the 35 year life of the proposed development. The industrial nature of the solar panels and associated infrastructure will however change the nature of the countryside in this area for at least a generation and probably permanently. In any event the change will be regarded as permanent by those impacted by it.
  
12. It is key to note that solar farms are not locationally constrained as they require only direct sunlight and we do not accept that there are ‘very special circumstances’ for locating this proposal on land designated to be protected as Green Belt. The principle of openness is a key test for the maintenance of Green Belt, as emphasised in several court cases (including *Lea Valley Regional Park vs Epping Forest DC*; *Samuel Smith vs North Yorks County Council*) and this will be severely compromised by the fencing, transformers and other bulky and unsightly equipment associated with this proposal.
  
13. CPRE believes that ground-mounted solar energy installations should not be permitted in designated protected areas such as Green Belt, Areas of Outstanding Natural Beauty (AONB) and Rural Areas Beyond the Green Belt as designated in Local Plans. They should not be located as to harm the purposes of Green Belts or reduce their openness, nor should they be permitted on, or cause damage to Sites of Special

Scientific Interest (SSSIs) or adversely impact on Scheduled Ancient Monuments, nationally or locally listed buildings, Conservation Areas, Registered Parks and Gardens, or locally valued landscapes and non-designated heritage assets defined in Local Plans and Neighbourhood Plans.

14. In any event, the Appellant has not demonstrated by a suitable search that such harm is unavoidable in this case. Artificially restricting the search parameters to Hertsmere leads to a conclusion that Green Belt land would be used, but there is no policy justification for that restriction. Nor is there a policy imperative for the site to be at the massive scale proposed, delivered in one package at one location.
15. The relevant policy framework has been set out in the proof of evidence provided by Emily Benedek. CPRE Hertfordshire believes that the solar installation constitutes an alien and urban form of development in the countryside, which is both damaging and inappropriate.
16. The proposed development comprises several thousand steel and glass panels to a height of nearly three metres and extensive associated built infrastructure including inverter, transformer and switchgear stations distributed throughout the solar arrays, together with battery storage facilities enclosed in at least three metre high fencing. Additional infrastructure includes access roads, plant enclosures and security and monitoring CCTV cameras up to 2.4 meters high. This constitutes industrialisation of the open countryside which Green Belt policy is intended to prevent.

### **Government position**

17. The Government's position is evolving with regard to protection of the Green Belt in response to local community and local planning authority concerns. The recent Regulation 18 public consultation of the Hertsmere Draft Local Plan received a

record-breaking number of representations from organisations and individuals, including CPRE Hertfordshire, and the majority of these responses were opposing site allocations for future residential and commercial development in the Green Belt.

18. Similar Regulation 18 consultations for neighbouring boroughs, Dacorum and Three Rivers have also received huge responses opposing potential site allocations for development in the Green Belt. This level of public response has led all three Councils (Hertsmere, Dacorum and Three Rivers) to defer progress on the preparation of their Local Plans pending further consideration of proposals.

### **Green Belt policy statements**

19. Recent Ministerial statements have reiterated the government's strong support for protection of the Green Belt. Ministerial statements include correspondence between the then Minister of Housing, Christopher Pincher, and Welwyn Hatfield Borough Council on 18<sup>th</sup> November 2021, and comments in a back bench debate caused by Daisy Cooper, MP which appear in Hansard on 21.11.21.

20. The recently published "Levelling Up and Regeneration Bill Policy Paper: Further information" re-emphasises the Government's support for protection of the Green Belt as follows:

- a. "the increased weight given to plans and national policy by the Bill will give more assurances that areas of environmental importance – such as National Parks, Areas of Outstanding Natural Beauty...- will be respected in decision on planning applications and appeals. The same is true of Green Belt, which will continue to be safeguarded." (Creating beautiful places and improving environmental outcomes; In the Bill: LURB Policy paper, May 2022)"

21. Further,

- b. “Existing Green Belt protections will remain, and we will pursue options to make the Green Belt even greener.” (Creating beautiful places and improving environmental outcomes; Alongside the Bill: LURB Policy paper, May 2022).
22. It is clear that the Government’s intention is to retain the Green Belt in its present form and the constant attempts to undermine Green Belt protections for both residential and commercial developments such as ground-mounted solar energy generating installations is in danger of bringing the planning system into disrepute. Recent Local Plan Examinations in Public such as for the Welwyn Hatfield Draft Local Plan, where site allocations within the Green Belt are being sought, and planning appeals allowed for Green Belt sites such as Bullens Green Lane, St Albans have highlighted the inconsistencies in decision-making in this crucial area of public policy.

#### **Landscape, visual and amenity impacts**

23. The full analysis of the R6P’s case in relation to landscape, visual and amenity impacts has been set out in the proof of evidence of Graeme Drummond. CPRE agrees with and adopts that analysis.
24. In our judgement, the eastern parcel of the site has a particularly rural feel. The block of arable fields comprising the eastern parcel is predominantly bordered by hedges and trees which largely screen the surrounding man-made features, especially when in leaf.
25. Although electricity lines and pylons are present, they do not necessarily make the site more urban in feel as they are commonly encountered in rural areas. This parcel is also free from road traffic noise and the relatively long views framed by trees, hedges and woodland within and beyond the site boundaries of the eastern parcel, with only glimpses of houses and other structures, contribute to the essentially rural feel.

26. In the western parcel the longer views from public footpaths Aldenham 14 and 30 (crossing the higher land in the northern part of the western parcel) towards the woodland bordering Hilfield Park Reservoir, and to the south beyond, are mainly of a well-wooded or tree-filled landscape with few built forms intruding. Of the three obvious intrusions into the rural feel of the western parcel, traffic noise from the M1 and A41 is only intrusive from west of Hilfield Lane.
27. The Elstree substation is not visible from all of the western parcel and sits low in the landscape apart from the converging pylons. Elstree Aerodrome also sits low in the landscape and is visible only from that section of byway Bushey 46 immediately to the north of the runway. In our view, the light planes using the aerodrome do not constitute a significant nuisance.
28. The resulting rural atmosphere of the site is comparatively rare so far south in Hertfordshire within the M25. The site is accessible via the fourteen Public Rights of Way (PROWs) which cross or adjoin the site from the settlements all around, of which Radlett, Borehamwood and Bushey in particular are within easy reach.
29. The value to health and well-being of enjoying quiet green spaces with plenty of trees and vegetation has become increasingly recognised in recent years, not least during Covid lockdowns. Although relatively modest in height the elevated areas of both parcels contribute to the enjoyment of the longer views.
30. The proposed development, comprising the installation of solar panels three metres above ground level at their high end, together with the associated infrastructure of 16 2.9 metre-high metal structures housing inverters and transformers scattered across the site, a battery container compound containing 20 containers approximately 2.9 metres high, a substation which will be 4.2 metres high and a



control room 4 metres high will jeopardise the rural character of the area. This impact will be further jeopardised by 2.2 metre-high boundary deer fencing comprising galvanised mesh on wooden posts, incorporating 2.4 metre high CCTV in places.

31. The qualities of the site, in particular the rural feel, are perceived during the changing seasons, reflected in the growing and harvesting of the arable crops, and the views both within and beyond the site contribute to the enjoyment of the users of the PROWs. At present public enjoyment of the site is entirely informal and this would be prejudiced by interpretation boards.
32. Continuous noise is emitted by the inverters and transformers associated with ground-mounted solar installations, and also by cooling fans attached to transformers. The potential of noise impact on users of the PROWs should have been properly assessed.
33. The ongoing maintenance of the solar installation site can be expected to have a substantial impact on the users of the PROWs crossing and adjoining the site. To a lesser extent this will also affect nearby residential properties and educational establishments especially in respect of noise from mowers or strimmers.
34. Grass throughout the site will require more than 'occasional mowing' to keep the PROWs open and create the type of grassland envisaged by the Landscape and Ecological Management Plan (Document ref R009) and the Biodiversity Net Gain Report (Document ref R013). The hedges will also require substantial amounts of management to maintain accessibility to the PROWs and to avoid over-shading the panels and invasive species such as nettle and thistle as well as trees and shrubs will need regular attention.

35. CPRE considers that the factors relating to landscape impact feed into the Green Belt consideration of openness. CPRE agrees with and adopts the points made by Emily Benedek in her analysis of the various ways the proposed development impacts upon the Green Belt.
36. The proposed development will cause definitional harm. It would introduce new built development across substantial sections of the appeal site, removing entirely the openness of that land to replace it with industrial type structures which are out of place, incongruous and alien. It will have the various visual impacts identified by Graeme Drummond and those commented on above. It will conflict with a number of purposes of including land in the Green Belt, because it will cause urban sprawl, substantially reduce the existing Green Belt areas between settlements, and encroach very substantially into the countryside.

### **Agricultural use**

37. The present use of the land for agriculture should be maintained, especially in the Green Belt. The Appellant indicates that the land affected has been subject to a *“semi-detailed ALC survey”* which determined that it is agricultural Grade 3b by virtue of soil wetness. This is a material planning consideration which falls against permitting the proposal, as Grade 3b is recognised as being moderate quality agricultural land capable of producing moderate yields.
38. CPRE also considers that given the size, scale and duration of this scheme, there should be a full detailed survey of the land affected to determine its true quality and potential use for agriculture, as it may be that portions of the land are BMV. The CPRE has recently published a key report entitled *“Building on our food security”* (July 2022) which identifies the dangers in losing BMV agricultural land and the requirement to balance the competing needs of renewable energy and food security.

39. Increasing attention is being paid to the issue of food security and the need to use agricultural land for food production. In this respect, grazing land may be as important as arable cultivation and this significance is heightened in areas with less open countryside and where the land is designated as protected.

### **Community use and amenity**

40. As is clearly apparent due to the huge public response to this application, the area affected is extensively used by walkers and the local communities for recreational purposes, and the proposed development will be highly visible over a wide area and from public rights of way. The importance of open countryside has been constantly emphasised throughout the recent pandemic, and the beneficial aspects of maintaining such areas are likely to be increasingly recognised.

41. The extensive security fencing and associated infrastructure will be visually intrusive, particularly at close quarters, especially where footpaths cross fields and where it is proposed to provide security fencing to both sides. Ground-mounted solar energy installations should not be sited where they are directly overlooked by housing or where they would detract from important views.

### **Public rights of way**

42. As already noted, the site proposed for this development is crossed by fourteen Public Rights of Way (PRoW): (Bushey 36, 38, 46 and 53; Aldenham 14, 17, 30, 31, 32, 40, 42, 43, 44 and 78.). All of these PRoW will be impacted by the proposal with the views from them radically altered along most of their lengths and it is not acceptable for PRoW to be reduced to what are effectively narrow alleyways between either fencing or hedging as proposed.

43. It is stated by the Appellant that *“no PRoW will be stopped up or diverted (temporarily or permanently) and they will remain open to public access throughout*

*the construction, operational and decommissioning phases” and that “ buffers [will be created] around PRow through the Site to maintain their recreational amenity”.* This fails to recognise that a substantial part of the amenity enjoyed by these PRow is the views across open landscape, nor is there any mention of the extent or nature of the ‘buffers’.

### **Impact on wildlife**

44. CPRE recognises that no point relating to impact on wildlife is taken within the R6P statement of case. We therefore only offer brief general observations on this point, which in the context of this appeal we are not proposing should cause the appeal to be dismissed. It serves to set out CPRE Hertfordshire’s general position on these matters.
45. Notwithstanding our preference for maintaining the agricultural use of appropriate land, we recognise that taking land out of agricultural use can have benefits for wildlife in those cases where the monoculture of crops is removed, allowing an element of bio-diversity. The absence of ploughing increases the earth worm population and insects to flourish where grass is left to grow but these advantages are directly compromised by the damage to traditional habitats through development of the industrial plant and infrastructure associated with solar energy generation.
46. Security fencing surrounding large areas of land remove traditional pathways for transitory animals and bird deaths are a common occurrence as large areas of glazing are mistaken for water. Grass has to be mown and the land is essentially changed from rural to industrial use; chemicals are used to control weeds and pests and habitats and the nature of local wildlife is consequently altered.

47. Large ground-mounted solar installations inevitably destroy wildlife corridors and nesting and feeding habitats especially of ground nesting birds such as larks and lapwings. Once gone, such habitats cannot be easily recovered.

### **Solar energy options**

48. Cumulatively, photo-voltaic (PV) panels can make a significant contribution to our electricity supply and much more should be done at the planning application stage to ensure that appropriate roof-top panels are built-in to existing and proposed large commercial and agricultural buildings, as well as on public and community buildings. Large scale ground-level installations however require much more careful consideration.

49. The Government has estimated that there are currently 250,000 hectares (approx. 625,000 acres) of south-facing commercial roofs in the UK (Part 2 of the Government's UK Solar PV Strategy). CPRE Hertfordshire recognises that PV for buildings is the area where the most rapid technological advances, such as thin-film PV and PV tiling, are being made which provide more efficient roof-top energy generation.

50. Roof-top PV associated with buildings has the added benefit of providing generation at the point of use, thereby reducing transmission and distribution losses, and the impact of associated infrastructure. Local authorities can support roof-top PV generation through planning conditions to mandate it on new build and major refurbishments, where practicable.

### **Cumulative impact**

51. CPRE acknowledges that each planning application will be decided on its own merits. However, as important context to the current appeal CPRE Hertfordshire is aware of at least eight further large-scale ground-mounted solar installations within the

County which together will have devastating impacts on large areas of open, and often protected, countryside.

52. We would suggest that the present system of consideration of individual planning applications by Local Planning Authorities is entirely inadequate to assess the overall implications identified in this submission. CPRE Hertfordshire believes that a broader approach to the assessment of impacts may be required to ensure that the cumulative effects of proposals are adequately taken into account.

### **Community provision**

53. CPRE Hertfordshire believes that solar energy generation should be an integral part of existing and all new house and commercial property construction as an alternative to ground-mounted installations. CPRE also supports the use of previously developed land as an appropriate site for solar development.

54. This could provide 50% of the UK's electricity need and provision should be focussed (in line with Government guidelines) on brownfield sites or areas where it will have limited impact on communities and the natural environment. CPRE Hertfordshire encourages local community-led and owned projects and has concerns about developers offering "goodwill" payments to communities, which can bring the planning system into disrepute.

### **Summary and conclusions**

55. This appeal relates to the installation of a new solar farm capable of producing 49.9MW of energy on c.67 hectares of MGB land. This proof of evidence deals with the impacts of the installation on the open countryside and rural communities which become even more severe when the land proposed for development is designated as Green Belt.

56. I note that in principle designated protected land should not be used for development which is highly damaging to the countryside and landscape character. I present evidence and support fully that of Emily Benedek and Graeme Drummond regarding the existing characteristics of the open countryside which will be jeopardised by the proposed development.
57. I do not agree that “very special circumstances” have been demonstrated to allow inappropriate development in the Green Belt. Solar farms are not locationally constrained and in my view should not be located in designated protected areas.
58. I note the Government’s position on protection of the Green Belt specifically, which is strengthening through Ministerial statements. Public responses to Local Plan consultations, including Hertsmere’s, have been record-breaking and related to concerns about Green Belt protection.
59. Landscape, visual and amenity impacts are highly significant, and the intrinsic value of the countryside for health and well-being is apparent. Mitigation proposals by the Appellant appear inadequate in many respects and I note the issues of noise and maintenance as being injurious to local residents and visitors to the countryside affected.
60. I identify the significance of the agricultural use of land, and the need to ascertain its true quality. I refer to the national CPRE report on food security which outlines the dangers of losing high quality agricultural land.
61. The huge public response to this application demonstrates the importance of this countryside to local communities and visitors. The panels and associated infrastructure clearly affect the community use and amenity value.

62. The considerable impact of the proposal on Public Rights of Way (PRoW) relates directly to access to the countryside for all which is a primary concern of CPRE. Fourteen PRoW will be directly affected by this proposal.
63. Whilst recognising that wildlife impacts were not raised in the R6P statement of case, I note for context that natural habitats for ground nesting birds especially will inevitably be affected. Once removed, such habitats cannot be easily recovered.
64. I note that solar energy generation can make a significant contribution to the electricity supply. CPRE nationally and locally believes that building mounted generation is preferable to the use of open countryside.
65. Finally, while acknowledging that each case will be decided on its merits, I note for context the potential cumulative effects of an increasing number of similar proposals in Hertfordshire. We call for a broader approach to the assessment of such proposals which impact on surrounding communities.