

LAND NORTH OF BUTTERFLY LANE,  
LAND SURROUNDING HILFIELD FARM AND  
LAND WEST OF HILFIELD LANE, NEAR ALDENHAM, HERTFORDSHIRE

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SUMMARY OPENING  
OBSERVATIONS ON BEHALF OF  
THE COMBINED OBJECTORS GROUP  
("COG")

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1. COG represents the various parties set out in Appendix 1 to its Statement of Case.<sup>1</sup> These include a substantial number of local representative bodies and CPRE. It resists this appeal in the strongest terms. The importance of the scheme and its implications for the proper protection of Green Belt land are implicitly recognized in the SoS decision to recover this appeal for his own determination.

**The Land and application**

2. The application is to develop 130 hectares of land designated as Metropolitan Green Belt ("MGB") North of Butterfly Lane. More than half of the area will comprise built development. The proposal involves the development of c. 20 fields. It is not within a hollow or benefit from any topographical features that minimise its vast scale in the landscape.
3. The relevant extent of the MGB is identified in the Hertsmere Core Strategy 2013. In this area it performs vital functions as open countryside, both for agriculture and recreation, and the conservation and enhancement of the natural environment.
4. The Proposed Development will have a capacity of not more than 49.9MW and will be commissioned for a period of 35 years. There will be 16 inverter/transformer stations. The battery storage units will be housed within approximately 20 shipping containers or similar

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<sup>1</sup> CD-ID6a

structures. It is understood by the R6P that the Proposed Development would represent (or be amongst) the largest solar plant in the region. There appear to be a number of similar GB applications coming forward countywide in the wake of the current proposal.

5. The current use of the Site is agricultural. It has been put to a productive agricultural use for a great many years. The prevailing landscape is agrarian. It benefits from an extensive network of PROW<sup>2</sup>, which will be heavily compromised in terms of the recreational and other enjoyment of their use.
6. The proposed development is described in COG's SoC and elsewhere.

### **The Main Issues**

7. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The five purposes of the Green Belt are set out at para 138 NPPF 2021. Substantial weight is given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
8. Introducing built development of this scale into the GB causes harm by inappropriateness, harm to openness, and harm to the purposes of the GB. Other substantial harms to heritage and landscape fall to be added to these harms.
9. The scheme would have an industrial appearance and urbanising impact. The introduction of large amounts of fencing, transformers and other bulky and unsightly equipment associated with the proposal will read as an alien, discordant and incongruous feature at odds with the open and intact rural agrarian landscape. It will appear as a highly engineered, manmade feature. It will substantially harm not only the LCA it is located within, but also the adjoining

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<sup>2</sup> Some 14 public rights of way ("PROW") cross the Site. They are heavily used, being accessible to residents of Letchmore Heath, Radlett, Aldenham, Elstree and Bushey. They are used by local organisations and groups. The total length of footpaths, bridleways and unnumbered links and pathways either within or running straight into the Site totals some c. 13 kilometres.

LCA to the north. A large number of adverse visual impacts will arise.<sup>3</sup>

10. The acknowledged benefits of the scheme do not clearly outweigh these harms. The proposed development is in conflict with central tenets of national policy as well as the relevant Development Plan.
11. Notably, the Hilfield Farm inspector recently refused development of an energy storage system including various elements which would be similar to part of the current proposal.<sup>4</sup> The consistent pattern of a succession of SoS refusing solar farms in the GB is clear.<sup>5</sup>
12. The importance of *demonstrating* the need to use a GB location is also clear – robust alternative site assessments are key in that regard.<sup>6</sup> The ASA in this case is manifestly deficient – providing only GB options<sup>7</sup> due to its primary limitation of being restricted to a 5km radius of a single substation - Elstree!<sup>8</sup> The minimum land take within the area of search appears to have been fixed at 80ha.<sup>9</sup> It has not been demonstrated that this location is essential for the proposed use and development, or that less valuable land is not available.
13. Rather, Planning Practice Guidance<sup>10</sup> draws attention to (amongst other things):
  - a. The need to encourage effective use of land by focusing large scale solar farms on previously developed land and non agricultural land;
  - b. The need for, and impact of, security measures such as lights and fencing; and
  - c. The need to take great care in ensuring heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their settings taken.
14. The land is not PDL or non-agricultural. The impact of the security measures on the location and

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<sup>3</sup> Even on the Appellant's case, a number of these are "*significant*" in EIA terms.

<sup>4</sup> **CD-AG-COG1**: Decision letter dated 24 May 2020 (ref: APP/N1920/W/19/3240825, application ref: 18/1587/OUT)

<sup>5</sup> See COG's Statement of Case

<sup>6</sup> See, e.g. **CD-AD-COG2** at IR/§§24, 39, 41, 59, 60; **CD-AD-COG3** at DL/§13, 17 and IR/§§65, 71, 75.

<sup>7</sup> (Outside the urban areas) – **CD-PA44**, p.8

<sup>8</sup> **CD-PA44**, pp.3-4.

<sup>9</sup> **CD-PA44**, p.5

<sup>10</sup> PPG, ID:5-013-20150327

PROW is well illustrated in the drawings and evidence. It is common ground amongst all parties that heritage harms arise to Hilfield Castle, Hilfield Castle Lodge, and Slades Farm. On COG's case<sup>11</sup> these heritage harms are particularly significant and affect a wide range of designated and non-designated heritage assets, including the Grade II\* Hilfield Castle.

15. National policy states that great weight should be given to the conservation of heritage assets (and the more important the asset, the greater the weight should be).<sup>12</sup> This is irrespective of whether the harm amounts to substantial harm, total loss or less than substantial harm to its significance.<sup>13</sup>
16. Any harm to the significance of a DHA requires clear and convincing justification.<sup>14</sup> No clear and convincing justification for the harm has been provided. The Proposed Development does not enhance or better reveal the significance of *any* of the DHA (or other assets).
17. The development would not accord with local or national heritage planning policy and guidance. Policy CS14 of the Hertsmere Local Plan (Core Strategy) 2013 is clear that all development proposals must conserve or enhance the historic environment of the Borough. It is common ground that harm would arise to three designated heritage assets and that the scheme would not deliver heritage benefits.
18. Much is made of the "reversibility" of the scheme, but this should not be influential given the timescale of use proposed, which is – and will be perceived - for all intents and purposes as permanent. There is no guarantee that the agricultural character of the land will be restored following decommissioning of the solar farm.
19. The Proposed Development will also lead to the (effective) loss of agricultural land, which is of least moderate quality. Whether the issue of noise can be adequately conditioned remains unclear.

## Conclusion

20. The Proposed Development is contrary to the Development Plan and national guidance. It

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<sup>11</sup> It is notable that the expert evidence of Aldenham PC has independently come to very similar conclusions in relation to the designated heritage assets. Appendices to Proof of Evidence of Valerie Scott, HCUK Group on behalf of Aldenham Parish Council; p.18 and 19

<sup>12</sup> NPPF §199.

<sup>13</sup> Ibid

<sup>14</sup> NPPF §200.

causes substantial harm to the Green Belt, to interests of landscape and visual amenity, to designated heritage assets, and by loss of agricultural land. The main benefit of the scheme (which will not be delivered locally) does not require this GB location and many of the benefits claimed are modest in any event. The necessary case in Very Special Circumstances is not made out. The weight of planning considerations is squarely against permitted the Proposed Development in this location.

21. The inspector will, in due course, be invited to recommend to the SoS that the appeal should be dismissed.

WAYNE BEGLAN  
CORNERSTONE BARRISTERS