

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

STATEMENT OF CASE OF
THE COMBINED OBJECTORS GROUP

1. This statement of case is made pursuant to the Inspector's direction to make the Combined Objectors Group a Rule 6 Party ("the R6P"). The R6P is representing, collectively, the bodies listed on Appendix 1 to this Statement of Case.

The Land and application

2. The application is to develop c. 67 hectares of 130 hectares of land designated as Metropolitan Green Belt ("MGB"). 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.
3. The land is known as Land North of Butterfly Lane, Land Surrounding Hilfield Farm and Land West of Hilfield Lane, Aldenham, Hertfordshire ("the Site").
4. The current use of the Site is agricultural. It has been put to a productive agricultural use for a great many years.
5. The proposed development is described as:

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

6. 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 structures.
7. It is understood by the R6P that the Proposed Development would represent (or be amongst) the largest solar plant in the region.
8. This Statement of Case raises objections to the Proposed Development based on:
 - a. Green Belt
 - b. Landscape and Visual Impact
 - c. Heritage
 - d. Loss of agricultural land
 - e. Noise
9. The relevant development plan is comprised of the Hertsmere Local Plan (Core Strategy) 2013 and the Hertsmere Local Plan (Site Allocations and Development Management Policies Plan) 2016 (“the CS”, “the DM Plan” and together “the Local Plan”).
10. It is understood that the formerly emerging new local plan is not currently being progressed, and accordingly no weight should be attached to the policies within that emerging plan.

11. By a decision letter dated 24 May 2020 a planning inspector dismissed an appeal (ref: APP/N1920/W/19/3240825, application ref: 18/1587/OUT) in relation to land at Hilfield Farm for development of an energy storage system including various elements which would be similar to part of the current proposal.

Green Belt

National Policy

12. The Site lies wholly within the MGB. 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.
13. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, to retain and enhance landscapes, visual amenity and biodiversity.
14. The Proposed Development is inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
15. Planning Practice Guidance (“PPG”, ID:5-013-20150327) draws attention to (amongst other things):

- a. The need to encourage effective use of land by focussing large scale solar farms on previously developed land and non agricultural land;
 - b. The proposal's visual impact, including by way of glint and glare, and impact on neighbouring uses;
 - c. The need for, and impact of, security measures such as lights and fencing;
 - d. 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
16. CS policy SP1 seeks, amongst other things, to prioritise the use of brownfield land; to require high standards of design and appropriate in scale, appearance and function to the local context, taking advantage of opportunity to improve the character and quality of an area; avoid inappropriate development in the Green Belt; conserve or enhance the historic environment of the Borough in order to maintain and where possible improve local environmental quality.
17. CS policy CS13 replicates, so far as material, Green Belt policy in the NPPF.
18. SADM26 of the DM Plan requires assessment for development in the Green Belt to comply with the following principles (i) developments should be located as unobtrusively as possible . . . (iv) the scale, height and bulk of the development should be sympathetic to, and compatible with, its landscaping setting and not be harmful to the openness of the Green Belt; (v) developments should use materials which are in keeping with those of the locality . . . (vii) the viability and management of agricultural sites should not be undermined, there also being a strong presumption against development which would fragment a farm holding . . .”

The Proposed Development

19. The scheme is large in scale, at c. 130 hectares. It 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. The actual number of panels proposed is not defined, approximated, or illustrated within the Application. The R6P believes that the number of panels is likely to exceed 120,000.

20. The Proposed Development will substantially reduce and compromise the openness of the Green Belt in the area through its 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 rural agrarian landscape. It will appear as a highly engineered, manmade feature. The Proposed Development will have large adverse spatial impacts and substantial adverse visual impacts. The security fencing will be particularly intrusive at close quarters, where footpaths cross fields, and especially where security fencing is proposed on both sides. Even when the landscaping proposals mature, to the extent the fencing itself may be softened, an inappropriate channelling effect will remain. The channelling effect will be exacerbated by the placement of the solar panels themselves which will be in close proximity to, and exceed the height of, the fences. The proposed set back of the fencing from the footpaths will not substantially remove those impacts.

21. It will be a large encroachment into the countryside. The sheer scale of the development means that there is also potential harm to other purposes of the Green Belt, including checking the unrestricted sprawl of large built up areas; and to prevent neighbouring towns from merging into one another. These other potential forms of harm will be explored in the R6Ps evidence.

22. The visual impacts to the Green Belt will be felt from, amongst other areas, the network of public footpaths that exist in the locality. The Proposed Development will be visible over a wide area and from several public rights of way. 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.
23. Footpath B38 within the western parcel forms part of the 542 metre length of designated Greenway running from a point to the south of Hilfield Farm to Elstree aerodrome.
24. The huge public response to the Proposed Development indicates the value placed by local residents on the land to be developed. Current views enjoyed from those PRoW will be substantially compromised, and the experience of users will be significantly diminished.
25. Proposed landscaping schemes should only be given limited weight, in light of the likely time to maturity and the temporary nature of the scheme. In any event, the channelling or tunnelling nature of parts of those schemes will render the affected PRoW and the network more generally less attractive to users; and also reduce the perception of safety in using the PRoW.
26. It has not been demonstrated that this location is essential for the proposed use and development, or that less valuable land is not available.
27. The reversibility of the scheme should not be influential given the timescale of use proposed.

28. Accordingly, the Proposed Development is contrary to development plan policies CS13, SADM26, and SP1.

Landscape and Visual Impact

29. The R6P will explore whether the Appellant's LVIA is comprehensive in terms of its assessment of character areas. Consideration will be given as to whether harm to nearby designated assets such as the Aldenham Registered Park and Garden, Pennes Place, the impact on nearby listed buildings, and upon the country park has been adequately assessed in landscape terms and changes to the appearance of their settings. The need for substantial new hedgerows changing the existing field pattern is not supported by the Landscape Character Assessment.

30. The Proposed Development causes harm to the Borehamwood Plateau Landscape Character Area, both in the vicinity of the Site and as a whole. The baseline character of the area includes gently undulating land with considerable pasture and an intact landscape framework. The distinction between agricultural ability and agricultural setting will be explored.

31. In terms of whether the proposal should for these purposes be considered as permanent, GLVIA (3rd) at §5.51 suggests 10-25 years for long term effects in relation to landscape effects, and §6.41 suggests a similar approach for visual impacts. Whilst there is no fixed rule on these definitions, the operational life of the Proposed Development is some 10 years longer, at 35 years. It should be regarded, for all these purposes, as permanent. That is how those perceiving it will regard it. In any event, as set out above, the reversibility of the proposals after 35 years should not be an influential consideration.

32. In terms of visual impact the R6P will explore whether the representative views are sufficiently comprehensive. Consideration will be given as to whether other representative and/or important receptors of view have not been adequately taken into account.
33. The R6P will consider and potentially challenge the LVIA assessed impact on the PRoW as Medium-High Adverse dropping to Medium-Adverse after mitigation, but the R6P contends that substantial weight ought to be accorded to such a level of adverse visual impact in any event.
34. The harm arising from the Proposed Development to landscape and visual impact is substantial, and weighs substantially against the proposal.

Heritage

National Policy and statute

35. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when considering planning proposals, decision makers should have special regard to the desirability of preserving listed buildings and their settings.
36. The NPPF provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Where development will lead to less than substantial harm, this harm should be weighed against the public benefits of the scheme.

Local Policy

37. CS policy CS14 requires that *“All development proposals must conserve or enhance the historic environment of the Borough in order to maintain and where possible improve local environmental quality. Development proposals should be sensitively designed to a high quality and not cause harm to identified, protected sites, buildings or locations of heritage and archaeological value including Conservation Areas, Listed Buildings, Historic Parks and Gardens, Scheduled Ancient Monuments or their setting . . .”*.

38. SADM29 seeks to protect heritage assets in accordance with the protection in the NPPF. It provides that development will not be permitted where it fails to protect, conserve, or where possible enhance the significance, character and appearance of the heritage asset and its setting. The scale, design, use and character of the proposal will be taken into account for these purposes. In relation to Listed Buildings development will not be permitted which would materially harm the setting of a Listed Building. Proposals relating to registered historic parks and gardens should (i) avoid any harm to the historic asset; and (ii) where possible, enhance its significance, character, appearance and setting. The scale, design, character and materials of the proposed development must respect the appearance and landscape of the park and garden.

The Proposed Development

39. The Appellant accepts the Proposed Development will cause less than substantial harm to the designated heritage assets comprising Slades Farm, Hilfield Castle (Grade II*) and Hilfield Castle Lodge.

40. The R6P will explore in evidence the nature and extent of that harm, and where it lies in relation to each designated heritage asset, in the spectrum of less than substantial harm. A key part of the setting of these assets is the prevailing open, rural, agrarian character of the surrounding lands. The proposed development will result in

industrialisation and transformation of that existing agrarian landscape, leading to demonstrable detrimental change to the designated heritage assets.

41. It is noted that Historic England had strong concerns about the Proposed Development. The Council's Place Services advised that the Proposed Development would result in demonstrable harm to the significance of 5 designated heritage assets.

42. In summary the following adverse impacts will arise to designated heritage assets.

Slades Farmhouse (Grade II).

43. Slades Farmhouse is of architectural and historical interest and is the focal point of its farmstead. The asset is characterised partly by its association to the surrounding farmland which positively contributes to how the asset is appreciated and experienced. The proposed development would engulf the surroundings of the asset, being located within close proximity to the historic farmstead and removing part of the agrarian landscape around the farm which has a functional and historical link to the asset. The Proposed Development would radically alter the surroundings in which the asset is experienced and would totally cover a historic route labelled "Sawyers Lane".

Hilfield Castle (Grade II).*

44. Hilfield Castle is a country house of more than special interest which is set within landscaped grounds with a rural landscape beyond these immediate surroundings. It has for centuries functioned as an isolated asset which is surrounded by a rural agrarian landscape, reinforcing its significance. The harm to the heritage value of Hilfield Castle would arise from the loss and curtailing of this rural, undeveloped landscape which surrounds the asset. The development would remove part of the rural character of its settings and undermine historic associations with the surrounding landscape. The connection between the rural undeveloped land and the Grade II* Listed Building is of

historic interest and may have archaeological value. The development of part of the former parkland of Hilfield Castle would cause harm to its heritage value.

Hilfield Castle Lodge (Grade II)

45. The development of the fields immediately to the west of Hilfield Castle Lodge would compromise the setting of the asset, given the close proximity between this asset and the development site. While the proposed PV panels are shown set back to some minor extent from Hilfield Lane, they would still be highly visible from the asset. There would be direct views of the solar farm from the windows of Hilfield Castle Lodge, in addition to views along Butterfly Lane of and across the asset where the Proposed Development would be seen. Further, it is likely given the proximity of this asset to the proposed solar farm that the development would give rise to a host of sensory and experiential change.

Aldenham Registered Park and Garden (Grade II)

46. The site is located within close proximity to the RPG. The Proposed Development would result in the loss of part of the agrarian landscape to the north of Butterfly Lane which has historically contributed to the rural setting of the asset and its significance, adversely affecting how the asset is appreciated and experienced.

Penne's Place Moated Site (Scheduled Monument)

47. The list description confirms that the asset is a good example of a double moated site and has well documented connections with the Penne family dating back to the 13th century. The moat displays a diversity of features including an external bank and associated pond and retains significant archaeological potential. The Proposed Development would result in the loss of part of the agrarian landscape to the north of Butterfly Lane within close proximity to the asset. The significance of ancient monuments derives not only from their physical presence but also from their setting. In

this instance, the Site forms a positive element of the setting of the Scheduled Monument and makes some contribution to how it is experienced and understood, forming part of the rural agricultural surroundings in which the site of the former Manor House of the Penne family is experienced.

48. The R6P will also explore the extent to which a sufficient heritage assessment informed the planning application, taking into account in particular Historic England's Good Practice in Planning, Advice Note 3. Consideration will also be given to the extent to which the impacts of the Proposed Development on key views to, from and across the heritage assets set out above were fully explored.

49. The R6P will also explore the extent to which any sufficient assessment of non-designated heritage assets located in the close vicinity of the Proposed Development was undertaken. Such assets include Medburn School House and the Medieval Pottery at Letchmore Lodge.

50. The harm arising from the Proposed Development to designated heritage assets is clear. Great weight should be accorded to the conservation of such assets, which the Proposed Development signally fails to do. Accordingly, those harms weigh heavily against the Proposed Development. Further, in causing those harms the Proposed Development fails to comply with policies CS14 and SADM29.

Loss of agricultural land

51. The loss of agricultural land is a material planning consideration. It should be given significant weight given the scale of the proposal and period of the proposed loss, and the quality of the land involved, even if the Appellant's assessment of the quality of the land (largely Grade 3b), is correct.

52. The R6P will explore whether in fact significant areas of the Site contain land of Grade 2 or Grade 3a. If so, the presence of BMV land means that greater weight should be given to the protection of the land for agricultural use.

Noise

The Noise Report

53. The material currently supporting the appeal is inadequate. It provides insufficient detail to allow verification of the rating sound level calculations, which are central to the noise assessment. The source sound level data does not include the measurement standard used to determine the values provided. Nor is there any or any sufficient description as to whether the values represent the equipment running at maximum capacity or some other operating duty. The noise report provides only an overall A-weighted sound level for the noise sources, but there is no description as to how that approach has been reconciled to any octave bands, so that the propagation effects can be accurately modelled and verified. It is not clear whether the ground factor of 0.8 is appropriate. Assumed heights for the sound sources and assessment points are not given in the Noise Report. Nor can the locations of sound sources be sufficiently ascertained from the report. It is not clear that the limited correction of +2dB for acoustic characteristics of the noise is appropriate. In relation to the treatment of uncertainty factors the Noise Report lacks credibility.

54. For those reasons it is not clear that the noise implications of the Proposed Development could be adequately addressed by planning conditions. The R6P maintains an objection in principle based on the likely noise implications of the Proposed Development.

Claimed benefits of the proposal

55. The R6P acknowledges in general terms the policy support for the provision of renewable energy in the right locations. The claimed benefits in this case do not begin to make out a case in very special circumstances capable of clearly outweighing the disbenefits of the scheme.
56. In particular the R6P would note that, in terms of the actual likely contribution to renewable energy over the course of its lifetime, this is a point the Appellant will need to demonstrate. The Appellant's statement of case does not presently expand upon the significance of the location in relation to Elstree substation. The R6P will seek to address this point so far as necessary once it has been explained by the Appellant. For present purposes the R6P notes that there are a large number of such substations across the United Kingdom in locations that are not in Green Belt.
57. It is not accepted that the Proposed Development will lead (if this is the suggested case) to either an improved landscape overall or an improved position in relation to visual amenity.
58. In relation to biodiversity enhancements, they could be provided at another location, and in any event should not command significant weight in the circumstances.
59. The remainder of the claimed benefits are either (a) extremely modest in the context of the scheme and the harms it causes; and/or (b) could equally be achieved in another less sensitive location.

Conclusion

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

It causes substantial harm to the Green Belt, to interests of landscape and visual amenity, to designated heritage assets, and by loss of agricultural land. There is insufficient evidence to demonstrate that noise impacts could in principle be adequately addressed by conditions. No case in Very Special Circumstances has been made out.

61. The appeal should be dismissed.

Relevant decisions made by inspectors and the Secretary of State

62. The R6P will rely on a number of decisions relating to the proposals to provide solar farms on Green Belt (or green barrier) land, including:

- a. DCS 400-016-238, Land North of Gaddesden Lane, Redbourne, Herts;
- b. DCS 400-014-623, Land at Broad Lane, Berkswell
- c. DCS 200-006-074, Land lying to the west of College Farm, Bosty Lane, Aldridge, Walsall
- d. DCS 200-005-959, Little Snodworth Farm, Snodworth Road, Langho, Lancashire
- e. DCS 200-005-940, Bath Road, Poyle, Berkshire
- f. DCS 200-005-916, Land east of Deeside Lane, Deeside Lane, Sealand, Flintshire
- g. DCS 200-005-858, Land at Redeham Hall, Smallfield, Surrey
- h. DCS 400-013-700, Weels Farm, Kaim Road, Lochwinnoch, Renfrewshire
- i. DCS 400-013-683, West Michelton, Bridesmill Road, Lochwinnoch, Renfrewshire
- j. DCS 200-005-716, Land south of Three Houses Lane, Three Houses Lane, Codicote, Hertfordshire
- k. DCS 200-005-189, Land north of Dales Manor Business Park, West Way, Sawston, Cambridgeshire
- l. DCS 200-005-088, Land off Common Lane, Frodsham, Cheshire
- m. DCS 200-005-068, Rectory Farm, Rectory Lane, Upton Warren, Worcestershire
- n. DCS 200-005-067, Havering Grove Farm, 552A Rayleigh Road, Hutton, Essex

- o. DCS 200-004-933, Land at Park Farm, Claverdon, Warwickshire
- p. DCS 200-004-874, Land at Barrow Green Farm, Haxted Road, Lingfield, Surrey
- q. DCS 200-004-685, Howgrove Farm, Green Lane, Nempnett Thrubwell, Somerset
- r. DCS 200-004-609, Land associated with Clay Tye Farm, Clay Tye Road,
Upminster, Essex
- s. DCS 200-004-555, Tawdside Far, 32 Deans Lane, Latham, Ormskirk, Lancashire
- t. DCS 200-004-536, Land off Butchers Lane, Aughton, Lancashire
- u. DCS 200-004-457, Green Farm, Folly Road, Iron Acton, Bristol
- v. DCS 400-008-137, Land adjacent to A24, Horsham Road, Beare Green, Surrey

Documentation

63. The R6P will seek to rely on the documents mentioned above; as well as guidance on heritage assets provided by Historic England.