

architecture : planning

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PLANNING PROOF OF EVIDENCE OF EMILY BENEDEK

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

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

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1. QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Emily Benedek and I am an Associate Planning Consultant. I hold an Honours degree in Human Geography from Queen Mary University and a Masters Degree in Urban and Regional Planning from the University of Westminster.
- 1.2 I am currently employed by UPP – Architects + Town Planners as an associate planning consultant and have been working for them since March 2018. Prior to that I was a Principal Planning Officer at the London Borough of Islington working in development management and was responsible for assessing and determining planning applications including commercial, retail and residential developments. I had previously worked at the London Borough of Barnet between 2003 and 2014, initially starting as a planning policy officer, progressing to a senior planning officer in development management.
- 1.3 I volunteer for Jliving, a Jewish Affordable Housing organisation and sit on their board.
- 1.4 I was commissioned by Combined Objectors Group (COG) as an expert planning witness for this Inquiry in May 2022. This evidence is given on their behalf and provides planning policy analysis on the proposal and its impacts.
- 1.5 Where my evidence relies upon assessments relating to Heritage, Landscape and Visual Impact, Green Belt and Agriculture and Noise, I adopt the judgements of the relevant expert witnesses assisting COG. I refer to Mr Jacob Billingsley, Mr Graeme Drummond, Mr Chris Berry and Mr David Watts respectively.
- 1.6 The evidence which I have provided for this appeal is true and I can confirm that the opinions expressed are my true and professional opinions.

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2. BACKGROUND TO THE APPEAL

- 2.1 The application site is known as Land North of Butterfly Lane, Land Surrounding Hilfield Farm and Land West of Hilfield Lane, Aldenham, Hertfordshire (“the Site”).
- 2.2 The application is to develop 85 hectares of 130 hectares of land designated as Metropolitan Green Belt (“MGB”). The relevant extent of the MGB is identified in the Hertsmeire Core Strategy 2013. In this area, in addition to preserving openness and contributing to a number of the purposes of the Green Belt (which I discuss below), it performs vital functions as open countryside, both for agriculture and recreation, and the conservation and enhancement of the natural environment.
- 2.3 The application was submitted to Hertsmeire Borough Council on 8 January 2021. The application proposed *“Installation of renewable led energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure, landscaping and biodiversity enhancements.”*
- 2.4 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 structures.
- 2.5 The application was refused by Members of the Planning Committee on 11 November 2021 and the planning decision notice was issued on 19 November 2021. The application was refused for two reasons:
- i) *The proposal would be an inappropriate development that would be harmful to the openness of the Green Belt in which it would be located. The Council considers that the benefits that the scheme would bring are not such as would amount to very special circumstances sufficient to outweigh the harm to the Green Belt, even when the wider environmental benefits associated with the increased production of energy from*

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renewable sources have been taken into consideration (pursuant to paragraph 151 of the National Planning Policy Framework 2021).

ii) 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.

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3. POLICY ANALYSIS

- 3.1 There are a number of policies and guidance notes which are relevant to this appeal. They are highlighted in this section.

PLANNING POLICY

National Guidance

- 3.2 The relevant national guidance for this appeal are the National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG). In addition, reference has been made to the following national guidance:

- Overarching National Policy Statement for Energy (EN-1) (July 2011).
- Draft Overarching National Policy Statement for Energy (EN-1) published in September 2021.
- National Policy Statement for Renewable Energy Infrastructure (EN-3) (July 2011).
- Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) published in September 2021.
- UK Government Solar Strategy 2014.
- Written Ministerial Statement on Solar Energy: protecting the local and global environment made on 25 March 2015.
- Commercial Renewable Energy Development and the Historic Environment Historic England Advice Note 15 (February 2021).

National Planning Policy Framework (NPPF)

- 3.3 The NPPF provides the overarching policy framework for England and Wales. Its key objective is to obtain sustainable development. Part c) of paragraph 8 refers to its environmental objective which seeks to protect and enhance the natural, built and historic environment including making effective use of land.
- 3.4 Paragraph 100 recognises the importance of public rights of way and access and specifies the importance of ensuring that they are both protected and enhanced.

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- 3.5 The NPPF opposes inappropriate development on Green Belt Land unless there are ‘very special circumstances’ as defined in paragraph 148.
- 3.6 Paragraph 151 discusses renewable energy in the Green Belt noting that applicants will need to demonstrate the ‘very special circumstances’ which can include the benefits of more sustainable energy sources.
- 3.7 The NPPF outlines the fact that where a development results in less than substantial harm to the significance of a designated heritage assets, the public benefits need to be evaluated against the harm caused to this designated heritage asset. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) says, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. The Framework provides further guidance on this, emphasising that heritage assets are an irreplaceable resource and great weight should be given to their conservation. It adds that any harm to the significance of a designated heritage asset from development within its setting should require clear and convincing justification.

National Planning Practice Guidance (NPPG)

- 3.8 When considering the impact of Green Belt development on its openness both the spatial and visual impacts can be considered, which is pertinent to this appeal. The NPPG notes the impact large scale solar farms can have on landscape and local amenities as the number of panels in an area increases. This scheme alone will, it appears, introduce in excess of 100,000 panels over a very large area. The guidance on cumulative impact needs to be seen against that background. The PPG also notes the importance of topography in assessing impacts to landscape. The guidance expressly notes that *“protecting local amenity is an important consideration which should be given proper weight in planning decisions”* (ID:5-007-20140306).

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- 3.9 The NPPG defines what can be considered the setting of a heritage asset noting that it as much about how we experience an asset as well as how we view it which defines its setting. The definition of less than substantial harm will also vary depending on the extent of works and its surroundings. The NPPG notes that in relation to large scale solar farms *“great care should be taken to ensure heritage assets are conserved in a manner appropriate to the significance, including the impact of proposals on views important to 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 impacts of large-scale solar farms on such assets . . .”* (ID:5-013-20150327).
- 3.10 The NPPG clarifies that it is the responsibility of LPA’s to determine applications for renewable energy below 50MW. When considering appropriate sites for solar farms, the use of poorer quality agricultural land is encouraged. It is also expressly stated that *“the need for renewable or low carbon energy does not automatically override environmental protections,”* noting that the energy generating potential of the development is one factor to take into consideration (ID:5-013).
- 3.11 In consideration of large-scale solar ground-mounted photovoltaic farms such as the application site there is a preference for siting them on previously developed land or non-agricultural land (ID:5-013).

Overarching National Policy Statement for Energy (EN-1) (July 2011)

- 3.12 This document details the necessity for moving towards sustainable sources of energy in the UK. Section 5.8 discusses the historic environment noting the importance of considering both designated and non-designated heritage assets when considering appropriate sites. More specifically paragraph 5.8.14 states that *“There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be...Loss affecting any designated heritage asset should require*

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clear and convincing justification.” As noted elsewhere, the setting can be as important to the building itself.

- 3.13 Landscape and visual is considered in Section 5.9 and its impacts will vary depending on the siting and type of the renewable energy source as well as the surrounding landscape. Paragraph 5.9.8 notes that *“Landscape effects depend on the existing character of the local landscape, its current quality, how highly it is valued and its capacity to accommodate change.”* The document acknowledges that the size of the projects means that it could be visible for a significant distance beyond the application site. Therefore, it needs to be considered if the benefits of the proposal outweigh the harm to the visual impact.
- 3.14 Section 5.10 discusses Green Belt noting that the underlying reason behind Green Belt land is to keep it permanently open. Paragraph 5.10.17 makes clear that national Green Belt policy *“applies with equal force even to major energy infrastructure projects.”*

Draft Overarching National Policy Statement for Energy (EN-1)

- 3.15 This document is in draft form having undertaken public consultation in Autumn 2021. The comments have not been published and this document and has not been progressed further through the adoption process. Therefore, I have given it little weight.

National Policy Statement for Renewable Energy Infrastructure (EN-3) (July 2011)

- 3.16 This document, in conjunction with the Overarching National Policy Statement for Energy (EN-1), provides the main basis for determining nationally significant renewable energy applications. However, solar farms are not specifically discussed in this document.

Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (September 2021)

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- 3.17 The draft updated document now includes solar photovoltaic generation in sections 2.47 to 2.54. In terms of appropriate siting the document notes that *“where possible, ground mounted Solar PV projects should utilise previous developed land, brownfield land, contaminated land, industrial land, or agricultural land preferably of classification 3b, 4, and 5.”*
- 3.18 With regards to local access, the document states that public rights of way should be kept open during construction as long as it is safe and practical. It also notes that in terms of duration, solar panels usually have a design life of 25-30 years.
- 3.19 In order to manage and mitigate against landscape and visual impacts the document suggests screening with native hedges but existing natural features should be used where possible.
- 3.20 It is acknowledged that the impact of solar farms on heritage assets can be above and below ground. *“Above ground impacts may include the effects of applications on the setting of Listed Buildings and other designated heritage assets as well as on Historic Landscape Character.”* Although solar farms are time limited, the length of time is also important when considering the effect on a designated heritage asset.
- 3.21 It is also noteworthy that the development of solar farms in Green Belt land is omitted from this draft document, which it provides no support for.

The Hertsmere Development Plan

- 3.22 The three key documents which form the Development Plan are:
- Local Plan Core Strategy Development Plan Document 2013
 - Site Allocation and Development Management Plan 2016
 - Local Plan 2012-2027 Policies Map (November 2016)

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Local Plan Core Strategy Development Plan Document 2013

- 3.23 Although not specified in the reasons for refusal, policy SP1 is the overarching policy in this document which seeks to achieve sustainable development. This is achieved through the avoidance of inappropriate development in the Green Belt as well as ensuring that developments conserve or enhance their heritage settings.
- 3.24 Similarly, policy CS13 was omitted from the first reason for refusal and reemphasises the policy presumption against inappropriate development in the Green Belt unless it can be justified under ‘very special circumstances.’
- 3.25 Policy CS14 seeks to safeguard existing heritage assets in order to preserve the quality of the area.

Site Allocation and Development Management Plan 2016

- 3.26 Policy SADM26 relates to development in the Green Belt noting the need to keep existing open space and that development should not have a harmful impact on its openness, which I consider to be both spatial and visual.
- 3.27 Policy SADM29 which relates to Heritage Assets is also not listed in the reasons for refusal on the planning decision notice. I do consider this policy important as it seeks to safeguard heritage assets and their setting.

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4. MAIN ISSUES AND ASSESSMENT

4.1 The benefits of solar energy are numerous and it would be remiss not to acknowledge this at the outset. This is especially pertinent due to rapidly rising energy costs which whilst rising at present, whether or not these prices will continue to rise in the medium to long term remains unclear. However, it is also about achieving a balance and it is my opinion that the harm caused by this proposal is not outweighed by the benefits. Furthermore, I do not believe that the appellant has provided sufficient justification to demonstrate the ‘very special circumstances’ required to justify this development within the Green Belt. In this section I will address these points, including the impact on Green Belt policy, together with the visual and spatial landscape harm as well as the permanence, heritage benefits versus the harm caused to these designated assets. I will then conclude this section with an analysis of the land use impact as well as noise.

Green Belt

4.2 The NPPF defines the essential characteristics of the Green Belt as its openness and permanence. It is common ground that the proposed development is inappropriate development. Therefore, definitional weight applies against the proposal. Any development which results in the loss of openness or challenges its permanence is likely to result in harm. The introduction of any built form where there had previously been no development in the Green Belt normally leads to this loss of openness. That is certainly the case here, and accordingly substantial harm to the spatial openness of the Green Belt is a consequence of the proposed development. Additionally, there is also visual harm to the openness of the Green Belt through changes to the permanence and openness of the landscape. All these points count against this development in the Green Belt. It is also important to consider the five purposes of the Green Belt highlighted in paragraph 138 of the NPPF (2021):

“a) to check the unrestricted sprawl of large built-up areas;

b) to prevent neighbouring towns merging into one another;

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*c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*

- 4.3 The NPPF also considers that exceptional circumstances are required to justify any change to Green Belt land and brownfield sites should be considered prior to development on Green Belt land.
- 4.4 As alluded to in both Graeme Drummond’s and Chris Berry’s Proofs of Evidence, the proposal will be in direct contravention of the purposes of the Green Belt. The sheer size of the proposal, comprising 130 hectares of land over two sites (eastern and western parts) which will be linked, contradicts the purpose of unrestricted urban sprawl in large built up areas. The site is located at the junction between Borehamwood, Radlett and Aldenham/Letchmore Heath. Development in this parcel of Green Belt land would reduce the physical openness between these towns by introducing new built form and would allow unrestricted built form across 85 hectares of this area. Furthermore, due to the siting of the proposal, the distances between the boundaries of Radlett and Borehamwood would be significantly reduced and there would create a dangerous precedent for development in the Green Belt. Should the Inspector be minded to allow this appeal, it would be difficult to prevent further built form on the limited, undeveloped fields separating these two towns and preventing them from merging into each other. In any event, the scale of the proposed development would, by itself, be contrary to and compromise the need to prevent neighbouring towns merging into one another.
- 4.5 Similar to the reasons listed above, I consider that the proposal fails to safeguard the countryside against encroachment. The appellant fails to mention the number of solar panels likely to be required to generate 49.9MW of energy. However, desktop research estimates that this will be in excess of 100,000 solar panels. On the basis of the solar panels required to facilitate the development together with the auxiliary equipment, I

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consider the proposal to be an invasion of countryside land and a direct contradiction to part c of paragraph 138 of the NPPF.

- 4.6 I consider paragraph 147 of the NPPF hugely significant with regards to the scale of development proposed in the solar farm as it states that “*Inappropriate development, is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*” This is expanded on in paragraph 148 as “*substantial weight*” needs to be applied to any harm in the Green Belt and the ‘very special circumstances’ can only be justified where “*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.*”
- 4.7 Whilst the appellant considers the fact that the proposal will provide renewable energy as sole justification for the ‘very special circumstances,’ I strongly disagree with this argument and do not consider it enough to justify the intensity of development on Green Belt land. Any form of development on Green Belt land, irrespective of its purpose will result in a degree of harm to a site, although the range can differ. The proposal by virtue of its size and siting as well as the associated equipment required to facilitate the development will result in a physical intrusion that will alter the landscape, thereby causing substantial harm and is, quite simply, inappropriate in this location.
- 4.8 The appellant has made no attempt to justify why the development site needs to be the size that it is in order to facilitate the production of 49.9MW of energy or sought to explore using several smaller sites to facilitate the same energy production with less harm to the Green Belt. In fact, it is noted that the same appellants have a current application (reference 22/0948/FULEI) with Hertsmere County Council to provide the exact same energy output following the removal of Field 1. This leads me to question if the development needs to be the size that it is or if it could be further reduced and still produce the same level of output.

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4.9 Furthermore, in terms of the site selection, I question why the appellant has only sought to limit its selection to Hertsmere. In accordance with the NPPG, previously developed land should be explored first but this has not been the case in this instance. Sites both within and adjoining Hertsmere should have been considered for this application, including entering discussions with neighbouring authorities; and if necessary looking further afield. Similarly, potentially suitable sites outside the Green Belt should have been explored. In the absence of a full and intensive site exploration, including the consideration of several smaller sites to produce the same cumulative output, I question if the applicant can authentically apply the notion of ‘very special circumstances’ when the prospect of development outside of the Green Belt has not been adequately explored. I note this factor, albeit in the context of the development then proposed, was highlighted by the Inspector dismissing the 2020 appeal at paragraph 24 of her decision (ref: APP/N1920/W/19/3240825). A copy of this decision is attached as Appendix 1. This approach is common in decisions surveyed by the Rule 6 Party. The Rule 6 Party has referred in its statement of case to a large number of Green Belt solar farm decisions where appeals have been dismissed. One feature of a number of these dismissals is a failure by the appellant to demonstrate absence of potential alternatives. There is no planning logic for that search to stop at the administrative boundary of the relevant local planning authority. I note, for example, that this point arose in the Tandridge examples of DCS ref:200-005-858, Land at Redeham Hall, Smallfield, Surrey (at paragraph 60), and DCS ref: 200-004-874, Land at Barrow Green Farm, Haxted Road, Lingfield, Surrey (at paragraph 75). Tandridge is almost exclusively Green Belt, as is Hertsmere outside of its urban areas. Those were both significantly more modest schemes at 5.25MW and 5MW respectively, but even for such modest schemes the areas of search were thought too small. For ease of reference I attach those two decisions with the accompanying inspector’s reports as Appendices 2 and 3.

4.10 Turning to the issue of openness, irrespective of the argument with regards to the longevity and permanence of the proposal, which is explored both later in this proof of evidence and by Graeme Drummond, I consider it imperative to explore the ramifications of the additional built form. The proposal will result in 85 hectares of land being

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peppered with solar panels and other associated equipment cluttering the landscape. The substantial adverse implications on the spatial openness of the Green Belt are clear. Further, there are numerous properties, both residential and educational, as well as some commercial buildings which surround both the eastern and western site parcels. Their views, especially from upper floor windows, are currently unadulterated, looking onto open land. However, if the appeal is allowed these open views will change as either solar panels or the proposed screening (hedging) will be visible as a replacement, thereby eroding its visual openness.

- 4.11 Additionally, the impact of openness will be felt at a more grassroots level. The footpaths are currently enjoyed by residents and members of the public and were a particular haven during Covid-19 lockdown restrictions. Many of the public footpaths will be both physically and visually impacted as the physical built form will make it more difficult to traverse across the site in the same way as present, and the views experienced from the footpaths will be substantially diminished due to channelisation. The extent of clutter on Green Belt land will impact its openness which is one of the two key issues the NPPF is seeking to safeguard.

Visual Impact

Visual and Spatial Impact

- 4.12 I refer, in the most part, to our expert witness Graeme Drummond with regards to the visual impact of the development, noting that these impacts will occur in relation to Green Belt land. Whilst the previous section focuses on the impact on heritage assets, I do feel it is important to consider the effects on the wider area.
- 4.13 As identified above, the impact on the openness of the Green Belt should be considered in terms of both its visual and its spatial impact. The appellant's statement of case makes little reference to the visual and spatial impact and I feel that the LPA's committee report fails to consider the spatial impact at all. It is my view that the application should be fully considered on both these points.

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- 4.14 With respect to the land north of Butterfly Lane, I consider that whilst much of the land is relatively flat, the land undulates towards Aldenham School and Little Kendals Wood. Therefore, a large number of solar panels will be visible both from Aldenham Road and Butterfly Lane. Whilst 2-metre-high hedging is proposed, the hedging will not take into account the differing levels across the site and will fail to appropriately mask the solar panels. Furthermore, the hedges also introduce a new feature in an un-spoilt and largely open rural environment adding visual clutter which will exacerbate the harm.
- 4.15 I consider that the visual and spatial impacts will feel particularly oppressive when viewed from the residential properties on Watling Street including Medburn House and Phillimore House on the eastern part of the site. The land where the solar panels will be sited is at a higher level and will surround these properties on two sides. Therefore, their distant views across the Green Belt will be replaced with permanent solar structures which will result in an increased sense of enclosure. For similar reasons, the western part of the site will impact Hilfield Castle and Hilfield Lodge most significantly as their outlook will be onto the solar farm.

Permanence

- 4.16 The appellant's Statement of Case states that the proposal will be a temporary development for a period of 35 years. However, I strongly disagree with the assertion that 35 years can be considered temporary development and would consider it permanent. That is how it will be perceived by those experiencing it. Buildings and streetscapes change significantly over a 30-year period (which is the same length as a generation). The solar farm will change the landscape for a generation of people who will have a significantly different relationship with the 85 hectares of land affected by this proposal and in fact, for reasons highlighted above, will never be reinstated to its original form. The prospect of reinstatement should therefore not be influential in this appeal.

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Heritage

Public Benefit Versus Harm

- 4.17 As highlighted above, the NPPF recognises that where there has been less than substantial harm to a heritage asset, the public benefits need to outweigh the harm caused. The proof of evidence produced by Jacob Billingsley identifies that the proposal will result in less than substantial harm to a number of heritage assets. As I outline below, I consider that the harm caused to the designated and non-designated heritage assets will be greater than the overall benefits brought by the proposal.
- 4.18 The appellant lists what they consider to be the public benefits in their statement of case. Looking at the list, I accept that the generation of renewable energy to aid the UK's transition to a low carbon economy and the educational benefits of solar panels would be the two main benefits of the appeal. It is noted that the energy will feed into the local grid so would not be for the benefit of immediate residents. However, I do question though if the economic benefits associated with construction could be considered a public benefit as the economic impacts would be temporary in nature and there is no guarantee local workforce would be used. These wider economic benefits are also independent of the location of the development. I also consider the educational benefits to be limited as they could be found elsewhere and are not unique to this development. Additionally, any additional equipment associated with the educational use would add to the clutter.
- 4.19 Additionally, the appellant refers to two new permissive rights on way which would benefit the Belstone Football Club. However, they fail to acknowledge the fact that 14 existing public rights of way will be interfered with and as a result of the solar farm there will no longer be straightforward access along these footpaths. I therefore consider that a larger degree of harm will be experienced by the public than gained in this regard.
- 4.20 I also question whether the landscape enhancements are a public benefit. The Green Belt land affected by the proposal encompasses open fields and trees with unobliterated views of the countryside. The mitigation measures required to limit the visibility of the solar plants include the planting of extensive hedgerows which will grow to disguise the

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panels, in part, but will also take several years to reach maturity. However, even if these hedgerows achieve their aim of obscuring the panels, they will be clearly visible from the public realm including Aldenham Road, Watling Street, Slades Farm and Hilfield Lane and will change the way the public enjoys the existing landscape as the open views will be harmed. As stated in Graeme Drummond’s proof of evidence, once these hedges are installed, their removal would result in ecological harm so even if the solar farm is decommissioned, the change to the landscape will be permanent.

- 4.21 Turning to the impact on the existing heritage assets, I consider that the most significant impacts will be on Hilfield Castle, a Grade II* listed building and Hilfield Castle Lodge. The western parcel of the solar farm will surround these heritage assets to the north, west and south and will be highly visible from these properties. Their views will be impacted on these elevations as given their close proximity, the solar panels will appear unduly prominent. As identified in Annex 2 of the NPPF, the setting of a listed building is considered to be the surroundings in which they are experienced. Hilfield Castle and Hilfield Lodge are experienced from the wider area including the adjoining fields and public footpaths which will form part of the solar farm. The Archaeological report asserts that no harm will be caused to the setting of Hilfield Castle without providing any meaningful evidence. I am of the opinion that the appellant does not adequately consider the impact of the proposal on the setting of Hilfield Castle as required in Historic England’s guidance on ‘Statements of Significance’ which considers setting as part of its significance. I consider that the proposal will cause irrevocable harm to the setting of these listed buildings as the setting of these two heritage assets both from within the building and grounds themselves as well as the longer views across the site will be permanently altered as a result of the proposal. Additionally, the visual and sensory impacts will be altered as a result of the additional background noise associated with the condenser units which will lead to less than substantial harm on their significance. I refer to David Watt’s proof of evidence on this matter in relation to noise.
- 4.22 Similar to the reasons mentioned in the paragraph above, I have grave concern about the impact of the eastern parcel on Slades Farmhouse. The outlook from this Grade II

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listed building would be solely onto the solar panels as the solar farm will wrap around this listed building. Similarly, the unadulterated long views of the Slades Farmhouse from the public footpaths as well as Aldenham School looking towards Slades Farmhouse, will be cluttered by these panels, causing harm to both its setting and significance.

- 4.23 With respect to Aldenham House Registered Park and Garden, this Grade II listed garden is located in extremely close proximity to the southern boundary of the solar farm. Whilst it will be separated by Butterfly Lane, I consider that this road alone is not sufficient to act as a visual barrier to shelter the registered park and garden from the visual and sensorial impacts of the proposal. I consider the siting of the eastern parcel of land particularly harmful as the solar farm will be visually obtrusive against the setting of this historic asset, especially the long views across the park.
- 4.24 Penne's Place is a Scheduled Monument located in the entrance to Haberdashers Boys School. This is a highly sensitive and historic structure in a peaceful setting. I consider that in addition to the long views of the moat being harmed by the proposal, the background noise from the associated equipment (as detailed in David Watt's proof of evidence) will also have an impact.
- 4.25 For the reasons highlighted above, I do not consider that the benefits of the solar farm will outweigh the harm caused to these heritage assets which were specifically mentioned in the second reason for refusal. In fact, it should also be noted that there are no heritage benefits to the proposal.
- 4.26 Although not specifically listed in the reasons for refusal, there are a number of non-designated heritage assets which have been identified by the CoG's Heritage Expert Witness, Jacob Billingsley that would be harmed as a result of the proposal. Medburn School and 1-2 Medburn Cottages are locally listed buildings located on the west side of Watling Street. I consider that the siting of the solar farm in close proximity to these

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properties would cause harm to their setting as both the inwards and outwards views will be impacted as a result of the visual clutter.

- 4.27 Kendal House is a Grade II listed farmhouse located to the north of the application site. Whilst I accept there is some screening at this property, I do not agree with the appellant's assertion that there will be no harm caused to the significance of this asset as I consider there has been no assessment on the impact on its setting. The long views across the site towards this Grade II listed building, especially from Aldenham School will be harmed as the building and surrounds will be visible against the solar panels and there will no longer be uninterrupted views towards Kendal House thereby resulting in less than substantial harm to the setting of this Grade II listed building.
- 4.28 In order to understand the impact on the heritage assets at Aldenham Senior School, I feel it is important to understand the topography. The school is elevated in comparison to its surroundings and has a majestic appearance as it is visible from longer views from Butterfly Lane. I do consider the setting of this building to be harmed because of the vast array of visual clutter associated with the solar panels which will be visible against the backdrop of the school buildings.
- 4.29 The farmhouse at Hilfield Farm has been identified as a non-designated heritage asset. This property will be surrounded to the north and east by the solar farm which, similar to the properties mentioned above, will impact the views of and within this building. I am of the opinion that the visual impact will be heightened as a result of the limited screening on this part of the site.
- 4.30 The dwelling 50m west of Hilfield Farm has also been noted as a non-designated heritage asset impacted by this proposal. This property will have direct views of the solar farm from its windows which I also consider will be harmful to its setting.

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Land Use

- 4.31 In addition to the issues raised above, the proposal will also change the use of the land from agricultural to a solar farm. I take the same view as Chris Berry in terms of the loss of agricultural land and consider that before a permanent change of use is explored, a full detailed survey of the land affected by the proposal to ascertain its potential for future agricultural development should be explored. The proposal will permanently change the use of the land as the potential for soil leaching post disassembly of the solar farm will be high and realistically, the site is unlikely to be restored to its original use. This therefore directly links to the issue of permanence which is an intrinsic characteristic of the Green Belt to be protected, in perpetuity.

Noise

- 4.32 I concur with the noise evidence highlighted by David Watts in his proof of evidence. However, it is important to consider the subjective context and in particular the use of the PRoW. I do consider the ramifications of the proposal from a noise perspective may be significant both in terms of Green Belt development as well as impacts on the heritage assets. Visiting the site, one encounters a sense of tranquility. Limited cars pass along the outlying roads and there is sufficient distance between both the eastern and western parts of the site from the main arterial roads to shelter it from the noise of traffic. Whilst occasional light planes fly overhead to the Elstree Aerodrome, given their size and frequency, they do not result in a significant amount of noise. Therefore, the application site is considered to have a rural feel, and the low level of noise is an integral component of that overall experience.
- 4.33 As acknowledged in Chris Berry's proof of evidence, the proposal will result in a continuous noise being emitted from the inverters and transformers associated with the ground-mounted solar installations as well as the cooling fans attached to the transformers. The impact of this will be twofold. Firstly, it is my opinion that the

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enjoyment of the public rights of way across the land will be further diminished. Secondly, the presence of the noise will serve to reinforce the alien use of this countryside Green Belt land and make the site feel enclosed - the antithesis of the openness which should be protected in the Green Belt.

- 4.34 Additionally, there is there sensorial impact on the heritage assets. As previously acknowledged, the designated and non-designated heritage assets will no longer be experienced or enjoyed in the same way as a result of the noise. I consider that this will exacerbate the heritage harm identified by Jacob Billingsley in his proof of evidence.

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5. SUMMARY AND CONCLUSIONS

- 5.1 This appeal relates to the installation of a new solar farm capable of producing 49.9MW of energy on 130 hectares of MGB land. My proof of evidence deals with the overall planning aspects in the two reasons for refusal tying together the harm identified by virtue of inappropriate development, the impact on openness, the purposes of including land in the Green Belt, the impact on the designated and non-designated heritage assets, the loss of agricultural land as well as the issue of noise.
- 5.2 In Section 3 I outline the policy background to this appeal, referencing the relevant legislation at national and local level. I also highlight the fact that several key policies from the Hertsmere Local Plan were not included in the reasons for refusal. This includes policies SP1 and CS13 of the Adopted Core Strategy which relate to the preservation of the Green Belt. Policy SADM29 of the Adopted Development Management DPD relates to safeguarding heritage assets and is an integral part of this refusal. I respectfully request that the Inspector considers these policies when assessing the proposal. In my view the proposal conflicts with those policies and the Development Plan as a whole.
- 5.3 Section 4 discusses the merits of the case versus the harm identified to the heritage assets. I do note the benefits that would be associated with solar energy but do not consider the impacts as significant as the harm caused, especially as the solar energy will not fuel the local population but will be linked to the wider electric grid. There are a significant number of heritage assets including Slades Farm, Hilfield Castle & Hilfield Lodge as well as Aldenham House Registered Public Park & Garden and Penne's Place which will be impacted by the proposal. This includes both the views from these sites towards the solar panels as well as the longer views of these sites and their settings as the solar farms will impact their context. Additionally, there is also the sensory impact to consider. At present, these heritage assets sit in quiet, unspoilt areas. The solar farm and associated condensing/cooling equipment will result in additional noise which will impact how these assets are enjoyed.

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- 5.4 It has also been identified that there are several other designated and non-designated heritage assets not listed in the second reason for refusal which will be impacted by the proposal. These include Medburn School and 1 & 2 Medburn Cottages in Watling Street, as well as Kendall House, the Heritage Assets at Aldenham Senior School, Hilfield Farm and the dwelling 50m west of Hilfield Farm. The size of the solar farm and its proximity to these heritage assets would result in identifiable harm.
- 5.5 Additionally, I have identified that the proposal will result in visual and spatial harm to the openness of the MGB and both these issues need to be fully considered when assessing Green Belt policy. Mitigation measures required to reduce the impact on the solar farm including the planting of hedgerows will result in a permanent change to the visual landscape of the locality. The uninterrupted views of the countryside will be replaced with rows of hedges which will remain permanent as their removal after 35 years would result in ecological harm. The visual impact will be most notable from the impacted residential dwellings as their views, especially from upper floor windows, will look directly onto the solar farm as opposed to the existing, unspoilt landscape.
- 5.6 I consider the benefits associated with this development to be limited. Whilst renewable energy is a positive outcome, it will not directly benefit the local population but will be fed into the wider energy grid. Similarly, the economic benefits will be short-term as the proposal will not result in a significant number of additional jobs and employment for local people is not guaranteed. The new public rights of way will only have a positive impact on the football club in direct contradiction to the myriad of users that will be affected by the restriction in access across the site. There is identifiable harm to the physical and visual landscape and the proposal will be in direct contraction of the NPPF to keep the Green Belt open and permanent. Furthermore, there will be less than substantial harm to the setting of both designated and non-designated heritage assets with no heritage benefits to the proposal. I also consider that the loss of agricultural land has not been justified and the noise impact will harm the way the site is currently experienced with regards to the openness of the Green Belt as well as the setting of the listed buildings.

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- 5.7 The extent harm identified above demonstrates that the proposal by virtue of its size, scale and siting represents inappropriate development with the Green Belt and I consider that substantial weight should be applied in this regard. The proposal must be considered inappropriate development and there are no 'very special circumstances' to justify the extent of development. The appellant has failed to demonstrate that previously developed sites could be explored or if the amount of energy required could be produced on a significantly smaller site/several sites across the borough (albeit this has been demonstrated in part through the submission of planning application 22/0948/FULEI producing the same amount of energy following the removal of Field 1).
- 5.8 Lastly, I discuss the idea of permanence and question, whether 35 years can be considered a temporary structure. Notwithstanding the time taken for the decommissioning of the solar farm, as the hedges will remain in place in perpetuity, I take the view that the proposal will have a permanent impact on the landscape as it will never be fully restored to its current state.
- 5.9 The NPPF and the Hertsmere Local Plan have strong policies designed to safeguard the MGB from inappropriate development and protect designated and non-designated heritage assets from harm to its setting. I have demonstrated that the harm caused by the proposal would not be outweighed by the public benefits and its impact would be long-term. It is my view that the proposal is incompatible with the delivery of sustainable development. The Inspector is invited to dismiss the appeal.

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