

PROPOSED SOLAR FARM

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

CLOSING SUBMISSIONS

ALDENHAM PARISH COUNCIL (RULE 6 PARTY)

INTRODUCTION

1. The Site is located wholly within the Parish of Aldenham and the Parish Council opposes the proposal in the strongest terms.
2. This proposed solar farm plainly conflicts with the development plan; it proposes an enormous¹ development the size of two villages² in the middle of the Green Belt and next to a Grade II* listed heritage asset (amongst others).
3. Therefore, planning permission must be refused unless (pursuant to s.38(6) Planning and Compulsory Purchase Act 2004) material considerations indicate otherwise. They do not. The Appellant essentially relies on renewable energy. Renewable energy is important, but not such as to mean it can be put in simply any location.
4. There are three independent reasons to refuse the appeal:
 - a. **Green Belt:** Very special circumstances do not exist.
 - b. **Heritage:** The benefits are insufficient to outweigh the harm to the significance of heritage assets.
 - c. **Landscape:** The proposal is contrary to CS12, CS16, CS17, SADM11 and SADM30.

¹ 85 hectares set over 130 hectares

² COG XX of Mr Burrell

GREEN BELT: Very special circumstances do not exist.

Introduction

5. The starting point is that:
 - a. The Site is open countryside, previously undeveloped and located wholly within the London Metropolitan Green Belt³.
 - b. 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 (NPPF para.133).
 - c. Therefore, the development should not be approved except in very special circumstances (NPPF para.147).
 - d. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (NPPF para.148). ‘Other harm’ includes non-Green Belt harm⁴.
6. This proposed solar farm constitutes ‘inappropriate development’ in the Green Belt⁵. It is, by definition, harmful to the Green Belt (NPPF para.147) even before anything else is considered.
7. Even the Appellant (rightly) accepts substantial weight must be afforded to the following harms⁶:
 - a. Definitional harm.
 - b. Harm to both the visual and spatial aspects of the openness of the Green Belt [App PoE 13.33]. Including, for visual impact, a high magnitude of major-moderate adverse effects within the site⁷.
 - c. Harm to the openness and purpose (c) of the Green Belt, to assist in safeguarding the countryside from encroachment (NPPF para.138)⁸.
8. However, the harm to the Green Belt is nevertheless hugely under-played by the Appellant:

³ DSDI 11 SOCG 8.5, 2.3, 2.9

⁴ This is well established, *Redhill Aerodrome Ltd* [2015] P.T.S.R. 274

⁵ DSDI 11 SOCG 8.2

⁶ CD-ID8i SOCG Planning summary table

⁷ CD-PA15 LVIA p.44

⁸ CD-ID16 App PoE 13.34

Harm to Green Belt openness

9. The Site is open countryside⁹. Although the Appellant accepts harm, their terminology and photomontages are muted.
10. *Spatial harm:*
 - a. Their planning expert concedes there would be ‘*a spatial impact*’ because, as there would be a development in an area where there was not previously, ‘*in this sense*’ there would be a spatial impact [App PoE 8.25]. Their evidence has sought to emphasise the ‘*gaps*’ below and between the panels, or the purportedly ‘*low*’ height of 3 metres.
 - b. Such terminology does not bring to mind the reality of approximately 100,000 – 150,000¹⁰ solar panels and storage facilities covering 85 hectares over a Site spanning 130 hectares, with panels 3 metres high surrounded by 2.2m high fencing (both well above head height). The spatial harm is undoubtedly highly significant.
11. *Visual harm:*
 - a. For visual receptors within the site, the LVIA (rightly) concludes there would be a high magnitude of major-moderate adverse effects¹¹. The Appellant seeks to stress that this is a ‘*localised*’ effect¹². However, where the harm is ‘*localised*’ to a site of 130 hectares criss-crossed by numerous public rights of way, the visual harm accepted by the Appellant is actually highly significant.
 - b. Given the context of a well-resourced application for a proposal coming in just under the threshold for a Nationally Significant Infrastructure Project¹³, the absence of photomontages showing the likely effect with established mitigation and across the seasons is both surprising¹⁴ and unhelpful. When considering the photomontages that have been provided, it is important to note that they actually suggest a *greater* visual *openness* than will be the case with mitigation. ‘Before’ views allow sight at least as far as the solar panels and, in some cases, through and

⁹ DSDI 11 SOCG 8.5

¹⁰ CD-NPP18 Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) states that ‘*A typical 50MW solar farm will consist of around 100,000 to 150,000 panels*’ [2.47.2]. The Appellant has not specified the amount.

¹¹ CD-PA15 LVIA p.44

¹² CD-ID17 App Landscape PoE [7.3.7]

¹³ I.e. the threshold of ‘more than 50 megawatts (s.15 Planning Act 2008); this Scheme would provides 49.9 mega watts.

¹⁴ Such evidence would be normal; both the COG Landscape witness (examination in chief) and APC’s landscape witness [2.2] commented on the omission. The appeal has been underway for a long time, clearly with a large amount of resources behind it. It would be appropriate on appeal regardless of any agreement originally made with the LPA officers.

under them¹⁵, whereas ‘after’ views will block these with the hedge several metres in front of the solar panels, considerably foreshortening views¹⁶.

- c. The ‘channelling’ effect will be significant particularly where the panels are on both sides of public rights of way. The Appellant does not provide any photomontages of this. However, one may look at Mr Kratt’s Figure 9.5 VP9 p.2 of 2 and imagine the obstruction on both sides of the path. There would obviously be a huge change from a walker having sweeping views across the arable landscape on both sides to having fencing, security cameras and solar panels surrounding them on both sides and as far as the eye can see (noting the bends in the footpaths will often not permit the end to be in view).
- d. The stark point is that, regardless of mitigation, one would either have a view of 3m high solar panels (through a 2.2 high fence) and numerous large shipping containers - or a sizeable and dense hedge. Either way, one would not have the existing, open view over an undulating and attractive¹⁷ arable landscape that are characteristic of the Borehamwood Plateau¹⁸.
- e. Such harm to openness will be permanent in places indicated (Mr Kratt’s legacy plan at Figure 12C and the Appellant’s updated landscape plan). For example, notably, the 7.5 high and 10m hedging proposed in Field 15.

Harm to Green Belt purpose

12. The Appellant accepts harm to purpose (c) of the Green Belt, to assist in safeguarding the countryside from encroachment. The harm will be commensurate with the vast 130 hectare ambit of the encroachment.
13. The purposes of the Green Belt also include (a) checking the unrestricted sprawl of large built-up areas (NPPF para.138). Standing back to look at an aerial map, that would clearly be the implication of such an expansive development in this location, on the edge of London and extending to nearly the whole distance between Bushey, Boreham Wood and Radlett. It is nowhere stated that it is necessary for a development to actually touch the surrounding settlements.

Other harms

14. *Landscape character and visual amenity*: The Appellant’s LVIA identifies large-scale and major-moderate adverse changes. The undulating landscape means mitigation will

¹⁵ CD-ID19 E.g. Mr Kratt’s Appendices Figure 9.6 p.4 of 6 (a view through the solar panels to the far end of the field).

¹⁶ Accepted by Mr Kratt in cross-examination

¹⁷ Accepted by Mr Kratt in cross-examination

¹⁸ CD-HSPD3 Landscape Character Assessment: This refers to the pasture and arable land uses. And ‘An area of gently undulating landform and considerable pasture within an intact landscape framework .A combination of tall bushy hedgerows and field trees contain views into and across the landscape.’

often not be screen views¹⁹. Planting mitigation is less effective due to the undulating nature of the countryside and the sense of openness will be considerably reduced. This is addressed in more detail below.

15. *Effect on the setting of heritage assets:* As set out below, a medium level of less than substantial harm will be caused to the setting of listed buildings; a consideration to which considerable importance and weight must be given²⁰.
16. *Public rights of way:* The Site is attractive²¹ and criss-crossed by a large number of public rights of way. These are a valuable recreational asset and benefit the local tourism economy. This is all the more important in an area so close to London and within the M25, where such green land is already in very short supply. They also benefit the local tourism economy. The landscape change from undeveloped countryside to industrial built development will have a significant adverse impact. Fencing will give the feeling of being contained, a particular concern for lone female walkers²². It is simply much less likely that someone would want to walk on them should the development go ahead. It should be noted that, although the ambit of the Radlett Neighbourhood Plan (2021) is 400m away from the Site, it seeks to protect the same PROW that would be harmed by this proposal: *Development that reduces the quantity, functionality and/or quality of walking and cycle networks would not be supported.*
17. *Agricultural land:* The Site is largely agrarian in nature and currently producing crops²³. It is Grade 3b (moderate quality). This is a valuable resource for producing cereals and grass, particularly on Hertsmere where most land is not of a high grade, and where the Government have stressed the need for the UK to self-support its food production.
18. *Long-term impact on the character of the area:* Although 35 years is not permanent, it is a significant amount of time; it has been recognised in the recent appeals refusing permission for solar farms that even 25 years is a significant period of time such that *'for a generation of local people it might as well be permanent so that in terms of the weight to be applied to the harm to openness there is little distinction to be made'*²⁴ and that it *'comprises a substantial part of the average person's lifetime'*²⁵. After 35 years, the solar equipment could be replaced²⁶ and there would be a strong case for other types of built development. This is a matter to be given moderate weight.

¹⁹ CD-ID19 E.g. Mr Kratt's Appendices Viewpoints 1 (Centre) showing view to another field on higher ground; Viewpoint (Right) showing a view across two fields; Viewpoint 3 (left and right) showing views down over large expanses of solar panels. Although not provided as a photomontage, the topography is such that the view from the East of Field 5 (Viewpoint 4, Mr Kratt's Figure 11) is also likely to be a clear example of this.

²⁰ CD-ADHBC2 Barnwell Manor Wind Energy Limited v East Northamptonshire District Council [2014] EWCA Civ 137 at [24]; s.66 Listed Buildings Act 1990.

²¹ Cross-examination of Mr Kratt.

²² Cross-examination of Mrs Scott.

²³ XIC of Valerie Scott, seen on her site visit this year. In cross-examination of her, this was accepted.

²⁴ CD-ADHBC6 at [55]

²⁵ CD-ADHBC 4 at [134]

²⁶ CD-PA5 Design and Access Statement [5.3]

19. *Wildlife*: Wire fencing is likely to significantly impact the ability of larger mammals to roam, as would noise. The Appellant's response that there are still large tracts of land to move through²⁷ misses the essential point that their habitat will be subject to huge, long-term (and potentially permanent) change. It is not a matter of whether they can still get from A to B; it is their natural habitat.
20. *Glint and glare*: Four dwellings will be impacted until the screening gradually takes effect over a period of years; thereafter the screening will interfere with their open views. It is of course of the utmost important to ensure road traffic is adequately screened before any solar panels are installed in those locations.
21. *Noise*: It is understood that noise will still be audible along the PROW despite the condition and, as such, impact on the enjoyment of being in the open countryside.
22. *Flooding*: It remains of concern that the Appellant did not deal with the points made by the Sustainable Drainage Officer on behalf of the Lead Local Flood Authority about the adequacy of the assessment.

Benefits

23. It must then be considered whether the 'other considerations' put forward by the Appellant 'clearly outweigh' the harms so as to amount to 'very special circumstances' (NPPF para.148).
24. At this point, it is important to pause to recognise that the Government clearly does not consider special rules apply for solar farms in the Green Belt:
 - a. Solar farms have not been listed as one of the various developments that may be appropriate in the Green Belt (para.149 NPPF). This is despite (i) the NPPF being updated in 2021, after both the Climate Change Act 2008 and its 2019 amendment targeting 'net zero', and (ii) the NPPF making specific provision for e.g. mineral extraction and affordable housing for local community needs.
 - b. *Planning Practice Guidance: Renewable and low carbon energy* specifically provides that local planning authorities should be '*focussing large scale solar farms on previously developed and non-agricultural land*' [013].
 - c. It is only that very special circumstances 'may include the wider environmental benefits associated with increased production of energy from renewable sources' (NPPF 151). It does not even go so far as to suggest such benefits must always be considered.
25. The alleged benefits are over-stated by the Appellant.

²⁷ CD-ID16 at [11.35]

26. *Renewable energy generation:*

- a. Renewable energy is of course very important. This is not disputed by anyone.
- b. However, this is not a ‘trump card’ necessitating development in the Green Belt. One must look specifically at this proposed solar farm.
- c. Plainly, the various policies and objectives relied on by the Appellant cannot mean that every local planning authority must ensure the installation of vast solar farms in their area. It would be impossible in (for example) Central London boroughs. It must be subject to local constraints, such as the Green Belt. That is exactly why the *Planning Practice Guidance: Renewable and low carbon energy* specifically provides that local planning authorities should be ‘*focussing large scale solar farms on previously developed and non-agricultural land*’ [013]. Energy is a largely national infrastructure for good reason.
- d. Artificial constraints are relied on in the Appellant’s alternative site assessment to justify this site. The assessment is predicated on a need to install a solar farm within 5km of Elstree substation. There is no justification for this. It is evident that other substations have capacity because the assessment states Elstree was ‘*one of those identified*’²⁸ and, as the Appellant’s planning witness accepted in cross-examination, it is actually not necessary to connect to *any* substation; a connection can be made to an overhead line. The Appellant has only shown that a solar farm could be connected to Elstree because it has capacity, it is not the case that it must be.
- e. As highlighted by the LPA’s cross-examination of the Appellant’s planning witness, Government policy generally favours wind over solar energy. Again this is for good reason; wind energy is more efficient. It is not the case that solar farms are the primary means for achieving net zero.
- f. Much has been made of the LPA’s intention to generate more renewable energy. This is far from unique. It must be seen in the context of an authority who was also well aware that it also has a very strong desire to protect its Green Belt land. It did not suggest it would forsake the latter in favour of the former.

27. The other benefits relied upon are extremely modest:

- a. *Biodiversity/ecological:* There will be some benefit, however it is a normal requirement for development plan policies and the Parish Council is already providing significant improvements in the area by planting large numbers of trees without taking up arable land. Improvements may be delivered without a solar farm. It must also be seen in the context of the inevitable harm that will be caused to other wildlife.

²⁸ CD-PA44 [2.1]

- b. *Landscaping*: This is a normal requirement of development plan policies and is really mitigation. Insofar as any such landscaping is said to benefit heritage, this cannot be double-counted because it is already taken into account by the Appellant in reaching their assessment of heritage harm²⁹.
 - c. *Farm diversification and soil improvements*: These do not compensate for the loss of agricultural land and could be obtained without the need for a solar farm. The latter is only relevant if the Site actually does revert to agricultural use. This is far from certain.
 - d. *Permissive footpaths*: These do not represent an improvement from the current position given the significant harm proposed to the existing public rights of way. Accordingly, this is not considered to be a benefit and should be considered neutral. As highlighted by the LPA's cross-examination of the Appellant's planning witness, the route to avoid walking across part of the Belstone Football Ground is less direct than the existing route which will remain. The second replicates an existing path already used, albeit without permission. Their value is dubious. These proposed permissive paths will no longer be available once the solar farm is decommissioned.
 - e. *Educational strategy*: There are other platforms or this and scant detail has been provided. The information boards are numerous and would be unwelcome 'clutter' in the Green Belt. The proposed location of the board in Field 19 (rather than at the end of Sawyer's Lane) explaining that a double hedgerow is to indicate the former Sawyer's Lane seems highly unlikely to be effective.
 - f. *Economic benefits*: The construction period is under a year and may not involve local workers. In any event, thereafter only very minor ongoing maintenance work would be required. This is underwhelming when compared to the existing agricultural work being undertaken each year. It is likely that fewer people would wish to visit the area, resulting in less support for local businesses. Accordingly, this is not considered to be a benefit.
28. *Reversibility*: This is often referred to by the Appellant. However, it bears very little weight:
- a. There is no guarantee the land will revert to agricultural use in the future. The Design and Access statement raises the possibility of a further application in 35 years. The Appellant asserted the future was 'unknowable' in cross-examination of the LPA's planning witness. Indeed.
 - b. What is certain is that the baseline against which any future application (e.g. a s.73 application to vary the planning condition dictating a 35-year operational period, or indeed a fresh application for planning permission for any built development) will be very different. A regrettable precedent will have been set for future

²⁹ LPA XX of Ms Stoten

development on the Site and a generation will be unable to recall a time when the land was intact.

- c. The development should be considered permanent in landscape terms³⁰.
29. There is nothing ‘very special’ about the circumstances of the proposed solar farm. The other considerations cumulatively fall far short of ‘clearly outweighing’ the harms.
30. Therefore, there is a conflict with CS13, which reflects the NPPF’s very special circumstances test.
31. If such an immense solar farm can go ahead on a Site such as this, subject to the greatly important protections for the Green Belt and heritage assets, one may expect huge swathes of valuable green belt to be similarly lost up and down the country.

HERITAGE: Benefits do not outweigh the harm

32. The harm to the significance of the relevant designated heritage assets is less than substantial and therefore this harm should be weighed against the public benefits of the proposal (NPPF para.202).
33. Harm is therefore agreed. Accordingly, this alone provides a ‘strong presumption’ against granting planning permission³¹.
34. When assessing the four experts’ opinions on the level of harm, it is notable that APC’s expert, Dr Edis, was evidently measured in his report. He was unafraid to agree with the Appellant that there was no harm to Penne’s Place – and yet he still found medium harm to the Hilfield Castle Group and Slade’s Farmhouse. His view is reliable.

Hilfield Castle Group

35. This includes the Hilfield Castle, Gatehouse and Lodge³². It is agreed that they contribute to one another’s significance³³.
36. They are of considerable significance, with reference to both their architectural and artistic interest, and historic interest:
 - a. Listed as Grade II* (particularly important building of more than special interest), Grade II and Grade II respectively³⁴.

³⁰ XX of Mr Kratt; GLVIA 3 [5.51-5.52] refers to long-term as 25 years, 10 years short of this development

³¹ CD-ADHBC2 *East Northamptonshire DC v SoSCLG* [2014] EWCA Civ 137 at [23]

³² The assets are considered together by both APC heritage witness and the Appellant’s [CD-ID18 PoE section 6]. It is agreed that they contribute to one another’s significance. It would be artificial to treat the Gatehouse separately.

³³ Cross-examination of the Appellant’s heritage witness.

³⁴ CD-ID10b APC Heritage report [3.3-3.5]

- b. Designed by Sir Jeffrey Wyatt, ‘*architect to the king*’ who also designed alterations to Windsor Castle and Chatsworth House³⁵.
 - c. The south front differs only in minor details from the extant elevation drawings representing one of Wyatt's earliest known designs³⁶.
37. The setting must include the Western portion of the Site:
- a. The Castle was deliberately set in a commanding position to oversee a country estate, which covered the whole of the Western portion of the Site³⁷.
 - b. Regardless of views on whether the Castle has a ‘main’ façade, it is clear the views are 360 degrees and views to the North and West were important, representing the Castle’s North Park and Western Lawn³⁸. Their undeveloped, rural setting owned by the estate undoubtedly contributed to its significance.
 - c. Now, despite the presence of trees and changes in land ownership, notable views to the North and West remain in both winter and summer³⁹.
38. The solar farm would cause a medium level of less than substantial harm, being clearly ‘noticeable’ and ‘significant’:
- a. Intervisibility, although reduced, remains⁴⁰.
 - b. Abstract harm is striking, the Western portion of the proposed solar farm covering a large portion of the former Hilfield Castle estate⁴¹.
 - c. Previous change has not been of the same scale. The harm would clearly be ‘noticeable’, ‘significant’⁴² and a much greater change from the previous changes to the land relied on by the Appellant; e.g. from parkland to agricultural⁴³.
 - d. It is highly relevant to consider cumulative harm (GPA3 p.4)⁴⁴. In light of previous encroachments such as the Elstree Aerodrome, Elstree Reservoir, electricity pylons and other 20th Century changes:

³⁵ CD-ID13 COG Heritage PoE [117]; Official List entry, Appellant Heritage PoE p.119

³⁶ CD-ID18 Official List entry, Appellant Heritage PoE p.119

³⁷ CD-ID18 Appellant’s PoE p.66-67; Ms Stoten also noted the ‘drama’ typical of the style of architecture in her evidence.

³⁸ CD-ID18 Appellant Heritage PoE p.66, p.70

³⁹ CD-ID18 Appellant Heritage PoE p.76; CD-ID13d COG’s Heritage PoE plate 12

⁴⁰ CD-ID18 Appellant Heritage PoE p.76; CD-ID13d COG’s Heritage PoE plate 12

⁴¹ Cross-examination of Ms Stoten; CD-ID18 Appellant’s Heritage PoE p.66-67

⁴² CD-ID10b APC Heritage report p.20

⁴³ Ms Stoten accepted in cross-examination the proposed change would be much larger.

⁴⁴ This was the position of every Heritage witness other than the Appellant’s Ms Stoten.

- i. The significance of the heritage assets has clearly been compromised in the past by unsympathetic development.
 - ii. Additional change would clearly further detract from the significance of the assets.
- e. Notably this was also the conclusion independently reach by both Historic England (who write the guidance in GPA3 relied on by all parties) and COG’s heritage consultant. It should be noted that Historic England only assessed the Castle, being the only asset in the Group listed as Grade II* or above⁴⁵.

39. The Appellant knows this is a problem. The harm was acknowledged by Ms Stoten who accepted she had advised against the inclusion of Field 1 in her cross-examination. The Appellant has sought to address it both in their parallel planning application and when attempting to amend this scheme on appeal.

Slade’s Farmhouse

40. Similar to the Hilfield Castle Group, this has been put under pressure by previous developments and the proposed development would remove yet more of the rural field system that surrounded it, and to a ‘significant’ and ‘noticeable’ extent.

41. The harm would be of a ‘medium’ level, a view shared by both the APC and COG⁴⁶.

Aldenham House

42. The visual effects would result in a ‘low’ level of harm⁴⁷; a view shared by every witness other than Ms Stoten.

Conclusion

43. Considerable importance and weight must be given to this consideration⁴⁸. The Appellant’s approach of attaching moderate weight is contrary to these authorities.

44. The benefits relied on by the Appellant (covered above) fall considerably short of outweighing the above harm to heritage assets. There is strong scepticism as to the purported heritage landscape benefits relied on by the Appellant. In particular, the

⁴⁵ Therefore, it is somewhat meaningless for the table in the Appellant’s Heritage PoE (CD-ID18 p.6) to refer to Historic England as having not articulated harm to other assets as if it is a confirmed position. Historic England’s representations made it clear that *‘there are numerous grade II listed buildings in immediate proximity to the proposed solar site which should be given due attention’*.

⁴⁶ Though in XIC Ms Kitts’ opinion ranged between low and medium depending e.g. on the impact of the surrounding landscape changes to hedges.

⁴⁷ CD-ID10b APC Heritage report p.16

⁴⁸ CD-ADHBC2 *Barnwell Manor Wind Energy Limited v East Northamptonshire District Council* [2014] EWCA Civ 137 at [24]; s.66 Listed Buildings Act 1990

proposal to install a 1.5m double hedgerow down part of the former Sawyer's Lane beside Slade's Farm. It is underwhelming.

LANDSCAPE

45. As above, the Appellant's own LVIA rightly concludes there would be a high magnitude of major-moderate adverse effects for receptors within the Site⁴⁹. This '*localised*' effect⁵⁰ in the context of a Site covering 130 hectares and criss-crossed by numerous public rights of way is actually an enormous effect. Regardless of the precise percentage of the Borehamwood Plateau that the Site covers, it is clearly a significant and large proportion of it. This landscape character area will be changed.
46. The Appellant's suggestion that the mitigation would, once established – which would take many years, reduce the harm to moderate does not withstand detailed scrutiny:
- a. There are absolutely no photomontages giving any indication of what the Site might look like with the mitigation in place. It is highly unsatisfactory to suggest, as the Appellant did in re-examination of Mr Kratt, that the Inspector and other parties should simply use their imagination when looking at the images provided. It is for the Appellant to show the impact of their proposal.
 - b. No mitigation at all is proposed in many areas, including long stretches of multiple footpaths that will be surrounded by 3m solar panels and 2.2m high fences on both sides. Imagery showing this is a notable omission from the Appellant's evidence.
 - c. The proposed mitigation has limitations in an undulating landscape⁵¹ and where items such as trees provide only intermittent coverage⁵².
 - d. The mitigation is in itself harmful, serving to considerably foreshorten views⁵³ by way of tall hedges. Where the Borehamwood landscape character area is based on views into and across the landscape, and arable land⁵⁴, this is significant.
 - e. The mitigation will result in permanent harm to the landscape. For example, notably, the 7.5 high and 10m hedging proposed in Field 15 will significantly reduce openness⁵⁵. The updated landscape plan and legacy plan⁵⁶ also show various other locations where mitigation hedges will remain, meaning the surrounding views will be removed forever.

⁴⁹ CD-PA15 LVIA p.44

⁵⁰ CD-ID17 App Landscape PoE [7.3.7]

⁵¹ E.g. CD-ID19 VP1, VP2 and VP3

⁵² CD-ID19 Section A-A, Mr Kratt's Figure 10; XX of Mr Kratt by APC

⁵³ Accepted by Mr Kratt in XX by APC

⁵⁴ CD-HSPD3 Landscape Character Assessment

⁵⁵ Updated/supplementary landscape plan

⁵⁶ CD-ID19 Mr Kratt's Figure 12C

CONFLICT WITH THE DEVELOPMENT PLAN

47. There are numerous clear conflicts with the local development plan, such as:

<p>CS12 The Enhancement of the Natural Environment</p>	<p>For the reasons set out above, the <i>natural environment</i> and <i>landscape character</i> are <u>not</u> <i>conserved and enhanced</i> by the proposal.</p>
<p>CS13 The Green Belt</p>	<p>This provides a <i>general presumption against inappropriate development within the Green Belt</i>, unless the very special circumstances test is met. As above, it is not.</p>
<p>CS14 Protection or enhancement of heritage assets</p>	<p>All parties agree⁵⁷ that the development proposal does <u>not</u> <i>conserve or enhance the historic environment of the Borough</i> and conflicts with the requirement to <i>not cause harm</i> to listed buildings.</p> <p>The NPPF has not materially changed since the Core Strategy was found sound; the Core Strategy is not out of date.</p>
<p>CS15 Promoting recreational access to open spaces and the countryside</p>	<p>This requires the safeguarding of access to the local countryside. The admitted harm to the Green Belt, and Landscape within the Site, is in clear conflict with this policy as regards the many public rights of way crossing the Site.</p>
<p>CS16 Environmental impact of development</p>	<p>This requires development proposals to demonstrate that they <i>accord with Policy CS12 and that any adverse effects can be overcome by appropriate alleviation and mitigation, which are capable of being secured through planning conditions or an obligation in accordance with Policy CS21.</i></p> <p>The harm to the landscape clearly contradicts this.</p>

⁵⁷ CD-ID18 Appellant Heritage expert accepts harm to heritage assets

<p>CS17: Energy and CO2 Reductions</p>	<p>This makes it clear that permission for new development of sources of renewable energy generation is <u>subject to important landscape features</u>, minimising any detriment to the <i>amenity of neighbouring residents</i>, and meeting <i>high standards of sustainable design and construction</i>. The admitted harm caused to the landscape (together with noise and glint/glare implications) by an enormous solar farm is in obvious conflict with this policy.</p>
<p>CS22 Securing a high quality and accessible environment</p>	<p>The admitted <u>harm</u> to the green belt, landscape and heritage assets plainly conflicts with the requirement to <i>take advantage of opportunities to improve the character and quality of an area and conserve the Borough's historic environment</i>. Notably, the policy requires account to be taken of the <u>cumulative impact of new development</u>. This is an important consideration when it comes to the heritage assets in particular.</p>
<p>SP1 Creating sustainable development</p>	<p>This required new development to prioritise the efficient use of <u>brownfield</u> land. The Appellant's alternative site assessment, whose (artificial) constraints were admitted⁵⁸ to necessitate development in the Green Belt is in clear conflict with this. The solar farm also conflicts with statement that <u>all</u> developments should: <i>i) ensure a safe, accessible and healthy living environment for residents and other users of a development.</i> <i>iv) be of high quality design and appropriate in scale, appearance and function to the local context and settlement hierarchy, taking advantage of opportunity to improve the character and quality of an area;</i> <i>v) avoid prejudicing, either individually or cumulatively, characteristics and features of the natural and built environment;</i> <i>vii) avoid inappropriate development in the Green Belt;</i> <i>xiii) conserve or enhance the historic environment;</i></p>
<p>SADM11 Landscape character</p>	<p>This provides development <i>will be managed to help conserve, enhance and/or restore the character of the wider landscape across the borough</i>. The admitted landscape harm clearly conflicts with this.</p>

⁵⁸ In cross-examination of Mr Burrell

<p>SADM26 - Development Standards in the Green Belt</p>	<p>This requires development to comply with the following principles, clearly violated by this proposal: <i>(i) developments should be located as <u>unobtrusively as possible and advantage should be taken of site contours and landscape features in order to minimise the visual impact;</u></i> <i>(iv) the scale, height and bulk of the development should be <u>sympathetic to, and compatible with, its landscape setting and <u>not be harmful to the openness of the Green Belt;</u></u></i></p>
<p>SADM29 - Heritage Assets</p>	<p>The provides that the Council will <u>not permit development proposals which fail to protect, conserve or where possible enhance the significance, character and appearance of the heritage asset and its setting. The <u>scale, design, use and character of the proposal</u> are to be taken into account.</u></p> <p>As regards listed buildings, it provides that development proposals will not be permitted <i>which would materially harm <u>the setting</u> or endanger the fabric of a listed building.</i></p>
<p>SADM30 – Design Principles</p>	<p><i>Development which complies with the policies in this Plan will be permitted provided it:</i></p> <p><i>(i) makes a positive contribution to the built and natural environment;</i> <i>(ii) recognises and complements the particular local character of the area in which it is located, and</i> <i>(iii) results in a high quality design.</i></p> <p><i>In order to achieve a high quality design, a development must:</i></p> <p><i>(i) respect, enhance or improve the visual amenity of the area by virtue of its scale, mass, bulk, height, urban form;</i></p> <p>The scale of the proposed solar farm and harm to the landscape clearly conflicts with this.</p>

CONCLUSION

48. The proposal does not accord with the development plan and no material considerations justify a departure from that plan. The Parish Council invites the Inspector to recommend that permission is refused and the appeal dismissed.

4 November 2022

**VIVIENNE SEDGLEY
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