

PROPOSED SOLAR FARM

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

**OPENING STATEMENT
ALDENHAM PARISH COUNCIL**

INTRODUCTION

1. The Appellant seeks planning permission for the:

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. The Parish Council addresses the following key issues:

- a. **Green Belt:** The effect of the development on openness of the Green Belt and whether any benefits of the scheme amount to very special circumstances and clearly outweigh any harm.
- b. **Heritage:** The effect of the proposals upon the settings of the relevant designated heritage assets and whether any public benefits are sufficient to outweigh any harm(s).

3. The Parish Council also have comments regarding the suggested conditions and s.106 agreement. As amendments were circulated late on 18 October 2022, these will be confirmed orally.
4. The Site is wholly within the parish of Aldenham and the Parish Council made formal resolutions to oppose the development on 15 February 2021 and 23 May 2022 (Planning Committee) and 30 May 2022 (Full Council).

GREEN BELT: The effect of the development on openness of the Green Belt and whether any benefits of the scheme amount to very special circumstances and clearly outweigh any harm.

5. There is no dispute that:
 - a. The Site is located wholly within the London Metropolitan Green Belt [SOCG 2.9] and the open countryside [SOCG 8.5].
 - 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). The purposes of the Green Belt include (a) to check the unrestricted sprawl of large built-up areas, and (c) to assist in safeguarding the countryside from encroachment (NPPF para.138).
 - c. Therefore, the development should not be approved except in very special circumstances (NPPF para.147).

6. As to the harm caused:
 - a. It is agreed that the proposed solar farm constitutes ‘inappropriate development’ in the Green Belt [SOCG 8.2]. This is, by definition, harmful to the Green Belt (NPPF para.147) even before any other harms are considered. In this case, the harm to the Green Belt’s openness is substantial; the ambit of the proposed development (130 hectares) is immense and simply inappropriate given the harm that would be caused to the very purposes of the Green Belt described above. This would conflict with Core Strategy CS13 and policy SADM26.
 - b. The Parish Council agrees with the Local Planning Authority that the following ‘other harms’ are significant:
 - i. Landscape character and visual amenity: The Site is vast (130 hectares). The Appellant’s own Landscape and Visual Impact Assessment (“LVIA”) identifies large-scale and major-moderate adverse changes. There are a number of viewpoints where the visual impact arising from the proposed development will be harmful in effect. Planting mitigation is less effective due to the undulating nature of the countryside and the sense of openness will be considerably reduced. It will be shown that the impacts are substantial and understated by the Appellant. They conflict with Core Strategy Policy SP1, CS12, policies SADM11 and SADM30 (CD-HBCLP1).
 - ii. 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 given (s.66 Listed Buildings Act 1990; *Barnwell Manor Wind Energy Limited v*

East Northamptonshire District Council [2014] EWCA Civ 137 at [24] (CD-ADHBC2)).

- c. The Parish Council also draws on the following additional ‘other harms’:
- i. Public rights of way: The Site is crossed by a large number of public rights of way representing considerable recreational assets, which in turn 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, reducing enjoyment and deterring users. This conflicts with Core Strategy Policies SP1, SP2, CS15 and CS22 (CD-HBCLP1). It will be shown that this is a matter to be afforded substantial weight.
 - ii. Agricultural land: The Site is Grade 3b (moderate quality); a valuable resource for producing cereals and grass. This is particularly the case in 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. It will be shown that the long term loss of agriculture is likely, given the proposed introduction of new planting and landscaping. This conflicts with policy SADM26 (CD-HBCLP2). This is a matter to be given significant weight.
 - iii. 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’* (CD-ADHBC6 at [55]) and that it *‘comprises a substantial part of the average person’s lifetime’* (CD-ADHBC 4 at [134]). After 35 years, the solar equipment could be replaced (CD-PA5 Design and Access Statement [5.3]) and there would be a strong case for other types of built development. This is a matter to be given moderate weight.
 - iv. Wildlife: Wire fencing is likely to significantly impact the ability of larger mammals to roam, as would noise. This conflicts with Core Strategy Policy CS12 (CD-HBCLP1). This is a matter to be given moderate weight.
 - v. Noise: It is of concern that there is no condition relating to the impact on public rights of way. The potential to affect users of public rights of way and residential properties conflict with policy SADM20 (CD-HBCLP2) and should be given moderate weight.
 - vi. Flooding: It is 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. This would conflict with Core Strategy Policy SP1, CS16, policy

SADM13, SADM14 and SADM16 (CD-HBCLP1, CD-HBCLP2). This should be given some, albeit limited weight.

- vii. Glint and glare: Four dwellings would be moderately impacted. The mitigation by way of screening would interfere with the open views from these properties which is in itself harmful. Some, albeit limited, weight should be attached to this.
7. 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).
 8. The alleged benefits are over-stated by the Appellant:
 - a. Renewable energy generation: The principle consideration relied upon by the Appellant is the benefit of renewable energy generation. The Parish Council recognises that this should be afforded moderate weight amidst the drive to reduce carbon emissions and that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources (NPPF para.151). However, it is far from clear that this benefit necessitates development in the Green Belt location of the Site (as noted in other decisions refusing permission for solar farms, including the Hilfield Farm 2020 appeal APP/N1920/W/19/3240825 at [24]; CD-AD-COG1). The associated harms are in conflict with Core Strategy Policy CS17 (CD-HBCLP1). It is notable that solar farms are less efficient than other green energy sources such as wind farms and did not form part of the Government’s Plan for a Green Industrial Revolution.
 - b. Biodiversity/ecological: It is accepted that some benefit will arise to be afforded moderate weight. However, these are normal requirements 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.
 - c. Landscaping: This is a normal requirement of development plan policies and should be afforded no weight. On the contrary, the Parish Council is concerned about the impact of fencing on larger mammals and that the changes would prevent the Site returning to agricultural use.
 - d. 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. No weight should be afforded to them.
 - e. 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.

- f. Educational strategy: There are other platforms for providing such education and little detail has been provided. No weight should be afforded to it.
 - g. Economic benefits: Once constructed, only very minor ongoing maintenance work would be required. On the other hand, 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. No weight should be afforded to it.
9. 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.

HERITAGE: The effect of the proposals upon the settings of the relevant designated heritage assets and whether any public benefits are sufficient to outweigh any harm(s).

10. There is no dispute that 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).
11. The Parish Council agrees with the Appellant and LPA as to the relevant heritage assets, save that the Hilfield Gatehouse (Grade II) falls to be considered alongside Hilfield Castle and Hilfield Lodge as part of the Hilfield Castle Group:
- a. Hilfield Castle Group: This is of considerable heritage significance, set in a commanding position overseeing lawns of a country estate. The proposed solar farm would fall within its setting, being placed over much of the former Hilfield Castle estate and adding to the previous encroachments of the Elstree Aerodrome, Elstree Reservoir and other 20th Century changes. It appears the Appellant sought to address this when attempting to amend the scheme on appeal. The harm would be of a ‘medium’ level.
 - b. Slade’s Farmhouse: 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. The harm would be of a ‘medium’ level.
 - c. Aldenham House: The visual effects would result in a ‘low’ level of harm.
12. Considerable importance and weight must be given to this consideration (s.66 Listed Buildings Act 1990; *Barnwell Manor Wind Energy Limited v East Northamptonshire District Council* [2014] EWCA Civ 137 at [24] (CD-ADHBC2)).
13. The Appellant relies on the benefits set out above. The Parish Council considers these fall considerably short of outweighing the above harm to heritage assets. The proposal conflicts with SP1, SP2, CS14, CS22, SADM29 and SADM30 (CD-HBCLP1, CD-HBCLP2).

CONCLUSION

14. 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.

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