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Your ref 21/0050/FULEI

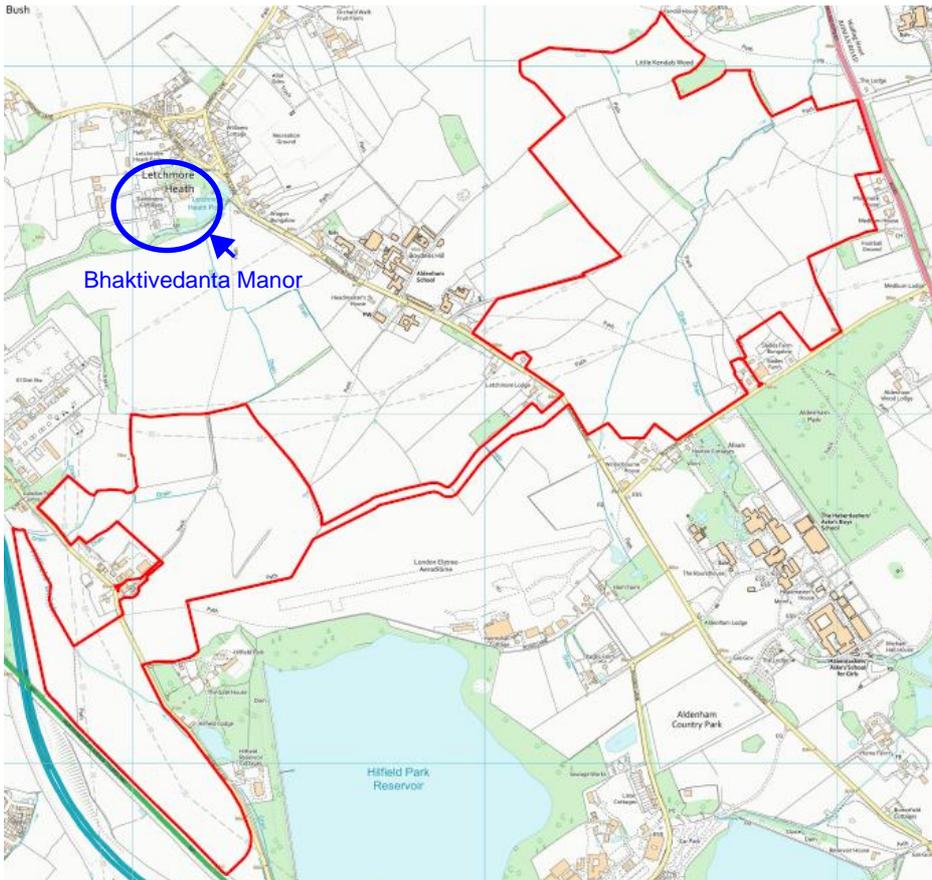
Dear Mr Sanders

**21/0050/FULEI | 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. Land North Of Butterfly Lane, Land Surrounding Hilfield Farm And Land West Of Hilfield Lane, Aldenham**

We are writing on behalf of the International Society for Krishna Consciousness (ISKCON) to strongly object to the aforementioned planning application and to join with the many other individuals and organisations from the local community who have written so eloquently in opposing the proposed solar photovoltaic farm.

Bhaktivedanta Manor was established in 1973 and has evolved into the largest UK centre of ISKCON and an important theological college which is renowned as a place of pilgrimage. It is a holy place dedicated to the upliftment of human society through spiritual education, culture and lifestyle. This rural retreat serves as a window to Vrindavan, Lord Krishna's eternal home. It is a God-centred community which gives refuge to people from all walks of life.

Bhaktivedanta Manor is located in close proximity to the proposed solar photovoltaic farm. The relationship is highlighted on the following extract from the Applicant's submitted location plan.



The planning system is plan-led with planning applications being determined in accordance with the development plan unless material circumstances indicate otherwise.

The development plan for the Borough comprises the Core Strategy (adopted January 2013), Elstree Way Corridor Area Action Plan (adopted July 2015), and the Site Allocations and Development Management (SADM) Policies Plan (adopted November 2016).

The following extract from Policies Map confirms that the site of the proposed solar photovoltaic farm falls wholly within the Green Belt. This map also confirms that Bhaktivedanta Manor is located within the Green Belt together with almost of the surrounding area and local communities. In this respect ISKCON acknowledge and abide by the restrictions that are imposed by a Green Belt location and for ISKCON this is a contributory factor in safeguarding the role of Bhaktivedanta Manor as a rural retreat. The guaranteed openness and continued role of the Green Belt is of fundamental importance to ISKCON as it is for the wider community and the residents and organisations that are located within the area.



Paragraph 133 states that *“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”*.

Paragraph 134 confirms that the Green Belt serves five purposes. Of particular relevance in this case is (c) to assist in safeguarding the countryside from encroachment.

Paragraph 141 confirms that *“Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land”*.

Paragraph 143 confirms that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*.

Paragraph 144 provides guidance to local planning authorities that when considering any planning application, they should ensure that substantial weight is given to any harm to the Green Belt. ‘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.

Paragraph 145 lists a number of development exceptions – in other words developments that could be considered to be appropriate in the Green Belt. The proposed development does not qualify under any of these identified appropriate developments.

Paragraph 146 identifies certain other forms of development which are also not inappropriate in the Green Belt, but such developments are still required to preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The proposed development does not qualify under any of those developments that are listed.

Paragraph 147 of the NPPF is particularly relevant and states that *“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”*.

Both local and national planning policies confirm that the proposed development is an inappropriate development and therefore very special circumstances are required to demonstrate that 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.

There is no legal definition of what can constitute ‘very special circumstances’ and each case is considered generally on individual merits. However, the bar is set high reflecting the great importance that the government attaches to Green Belts.

The Applicant’s case is set out in Section 5.11 of their submitted Planning Statement. The Applicant accepts that the proposed solar photovoltaic farm is inappropriate development in the Green Belt and therefore requires very special circumstances to be demonstrated if it is to outweigh the automatic policy conflict.

The Applicant highlights that the Core Strategy does underline that the promotion of renewable energy technology, subject to adequate mitigation of any adverse impacts, is supported by the Council. This is not helpful to their case because such an indication of support does not override the clear policy objection in terms of the Green Belt.

The Applicant states that one factor which can affect appropriateness, the preservation of openness and conflict with Green Belt purposes, is the duration of development and the reversibility of its effects. They further state that the Application is proposed for a lifetime of 35 operational years and this is therefore considered to be relevant to its acceptability within the Green Belt. The Applicant advances this on the basis that it forms part of the advice contained within the National Planning Practice Guidance (NPPG) (ID: 64-001-20190722 published 22 July 2019).

As the NPPG confirms these are examples of matters that the courts have identified which may need to be taken. They are neither prescriptive nor definitive.

The National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them.

The Applicant quotes from Paragraph 13 of the Planning Policy Guidance which states “However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.” The context for this is however in terms of general landscape impacts and not specifically those that are designated as Green Belt. This is an important point since the Applicant’s case rests to a large extent on their case that the Proposed Development has sensitively sited various elements of the scheme to reduce landscape and visual effects and potential harm to the Green Belt.

The Applicant concludes that the Proposed Development would result in limited harm to three of the four relevant purposes of the Green Belt, and the strategic performance and function of the remaining Green Belt would prevail. This is a matter of opinion.

They have also assessed the proposed development against a number of considerations (Table 5.1, page 46, Planning Statement) and concluded either limited temporary harm<sup>1</sup> or no harm. In Section 5.11.3 they draw together what they consider are the very special circumstances that exist in the case of the proposed solar photovoltaic farm to outweigh the clear conflict with both national and local planning policies.

Such very special circumstances that the Applicant has identified are:

- a) Increasing Renewable Energy Generation
- b) Climate Emergency
- c) Energy Security
- d) Best Available Technology
- e) Good Design
- f) Alternatives
- g) Temporary and Reversible Impacts
- h) Biodiversity Net Gain
- i) Soil Regeneration
- j) Green Infrastructure

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<sup>1</sup> Based on a 35-year life span for the solar photovoltaic farm

k) Farm Diversification

l) Transmission Vs Distribution Connection

The Applicant concludes on the basis of their assessment that “On balance, it is considered that the benefits of the Proposed Development outweigh the temporary and reversible harm by reason of inappropriateness and any other harm identified. As such very special circumstances exist to justify the Proposed Development in the LMGB”.

It is respectfully advised that a), b), c), d), and l) whilst all commendable in themselves are attributes that can be applied to any proposal for a solar photovoltaic farm – they are not specific to this proposal or this location and they do not constitute very special circumstances in support of an inappropriate development. Equally, biodiversity net gain is an expectation of any development proposal which is soon to become an integral part of the planning regime due to legislation changes proposed in the new Environment Bill. Soil regeneration, green infrastructure and farm diversification (i),j) and k) are by-products of the development proposal and not mainstream benefits that contribute to very special circumstances.

That leaves two matters ‘Alternatives’ and ‘Temporary and Reversible Impacts’. Dealing with the latter first the Applicant argues that since the proposed solar photovoltaic farm has a lifetime of 35 operational years then the Proposed Development can be considered a temporary development. To support their proposition the Applicant relies on Paragraph: 013 Reference ID: 5-013-20150327, published 27 March 2015 of the NPPG which does identify that this is one of the particular factors that a local planning authority will need to consider in assessing solar farm proposals. However, the same guidance also advises that such considerations also include encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value.

Then there is the issue of the 35 year life span for the project and whether this can be construed as a temporary development. This is in excess of 50% of the generally expected life span of a permanent building and for this reason it is disingenuous to present this as a temporary development and a very special circumstance to justify the conflict with Green Belt policies. As stated earlier Bhaktivedanta Manor was established in 1973 and represents nearly 50 years of considerable endeavour and investment to achieve the renowned rural retreat that exists today. The impact of the proposed solar photovoltaic farm on Bhaktivedanta Manor for the next 35 years is not something that can be dismissed as merely temporary.

Finally, under f) ‘alternatives’, the Applicant claims that within the defined Study Area, there are no alternative sites which are suitable and available for the Proposed Development. However, that there is no other alternative location (if indeed this is the case) is not a sound basis for promoting the proposed solar photovoltaic farm.

It is therefore respectfully suggested that the Applicant has failed to demonstrate that very special circumstances exist in the case of the proposed solar photovoltaic farm to outweigh the clear and categorical conflict with both national and local planning policies. In the absence of such very special circumstances the area, Bhaktivedanta Manor and the wider local community will be subjected to the impacts of an inappropriate development for the next 35 years and their acceptance of Green Belt restrictions and the benefits that such restrictions bring will be totally undermined.

The National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development, it is important that the planning concerns of local communities are properly

heard in matters that directly affect them. In this case the concerns of the local community are extensive and many and cannot be ignored.

For these reasons this proposed solar photovoltaic farm should be refused as an inappropriate development within the Green Belt that is directly in conflict with both national and local Green Belt policies namely Core Strategy Policy CS13 and NPPF paragraph 144.

This letter of objection has been submitted in response to the site notice requirement that comments must be submitted by the 27<sup>th</sup> February 2021 and therefore acknowledgment that it represents a duly made objection is requested.

It is also requested that an update on how and when this application is to be determined and in particular whether it will be presented to a forthcoming meeting of the Council's Planning Committee.

If there are any queries or additional information is required in response to this objection please contact the undersigned.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alan Gunne-Jones', enclosed within a hand-drawn oval shape.

**Alan Gunne-Jones MRTPI**

**Managing Director**

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