

LANDSCAPE PROOF OF EVIDENCE

**LAND NORTH OF LITTLE CHEVENEY FARM,
SHEEPHURST LANE, MARDEN, KENT**

ON BEHALF OF STATKRAFT UK LTD

TOWN & COUNTRY PLANNING ACT 1990

MBC REF: 22/501335/FULL

PINS REF: APP/U2235/W/23/3321094

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APPENDIX

Appendix A Appellant Technical Response to the Council’s Review of Photography and Visual Material

1. INTRODUCTION, BACKGROUND AND SCOPE OF EVIDENCE

WITNESS, QUALIFICATIONS AND PRACTICE

- 1.1. My name is Allison Walters and I hold a Bachelor of Science degree in Environmental Biology (BSc Hons) and a Postgraduate Diploma in Landscape Architecture (PGDipLA). I am a Chartered Landscape Architect and a Chartered Member of the Landscape Institute (CMLI). I am an Approved Assessor for Building with Nature. I am on the Advisory Board of Council for the Landscape Institute.
- 1.2. I am the founding director of Awscape Ltd which was established in 2008. The company has a team of two and our work encompasses landscape planning, landscape design and project delivery. Renewable development forms a large part of our project portfolio.
- 1.3. I have 20 years of experience within the landscape architectural field working for both local planning authorities and private practice prior to founding Awscape Ltd. Prior to Awscape, I worked for Wardell Armstrong LLP for over 10 years where I was made Associate Director. I was involved in landscape planning for many years with projects that included renewable development, residential, commercial, waste and mineral development. These included sites within or adjacent to sensitive locations such as National Parks (NP) and Areas of Outstanding Natural Beauty (AONB). I have prepared Landscape Proofs of Evidence for inquiries for housing and renewable projects and I have prepared written representations for a number of appeal sites.
- 1.4. I am based in Stoke-on-Trent and my colleague in East Sussex. We undertake our work in compliance with the Landscape Institute's Code of Practice. We also operate under the following Sustainable Development Goals:
 - 11. Sustainable Cities and Communities
 - 12. Responsible Consumption and Production
 - 15. Life on Land

STATEMENT OF TRUTH

- 1.5. This proof of evidence is based on my own professional judgement and is presented in accordance with the guidance of my professional institute. The content is true to the best of my knowledge and belief and is presented irrespective of whom I am instructed.

INSTRUCTION

- 1.6. I was instructed in February 2022 on behalf of Statkraft UK Ltd, hereafter referred to as the Appellant, to present evidence in relation to landscape and visual matters in respect of the refusal of planning application 22/501335/FULL by Maidstone Borough Council. The appeal was lodged in April 2023 whereby I was requested to provide a Written Representation, Landscape

Response to Appeal Scheme, April 2023 (CD1.32). The Planning Inspectorate subsequently determined that the appeal should be considered at a Local Inquiry, and I was then further appointed in November 2023 to be their Expert Witness on landscape.

1.7. The description of the proposed development (the Application Scheme) is:

Installation of a renewable energy led generating station comprising of ground-mounted solar PV arrays, associated electricity generation infrastructure and other ancillary equipment comprising of storage containers, access tracks, fencing, gates and CCTV together with the creation of woodland and biodiversity enhancements.

1.8. The planning application was accompanied by a Landscape and Visual Impact Assessment, dated February 2022 (CD1.9). It includes Appendix B Photography and Verified Views that were undertaken in July 2021 to reflect the site conditions at that time. This report was issued as part of the planning application in February 2022. This was accompanied by Drawing AW0143-PL-002 Proposed Mitigation, Landscape and Ecology Enhancements, Feb 2022.

1.9. I prepared the Landscape and Visual Impact Assessment, undertook site photography (excluding verified views), and assisted in the development of the site layout. I also prepared the mitigation, landscape and ecology enhancements drawing AW0143-PL-002. Andy Maw Design Limited was instructed by Awscape Ltd to prepare the verified views from selected viewpoints around the site.

REASONS FOR REFUSAL

1.10. Following determination by the Planning Committee, Maidstone Borough Council issued a notice of decision dated 28th October 2022. There were 5 reasons for refusal of which reason two is relevant to Landscape and Visual and states:

Reason 2

'(2) By virtue of its scale and character, the proposed development would cause significant harm to the character and appearance of the countryside and does not adequately mitigate these impacts, contrary to the aims and objectives of the National Planning Policy Framework and policies SP17, DM1, DM24 and DM30 of the Maidstone Borough Local Plan 2017.'

1.11. The Council consider the proposals to be contrary to:

- Aims and objectives of the NPPF
- Policy SP17 Countryside;
- Policy DM1 Principles of good design;
- Policy DM24 Renewable and low carbon energy schemes; and

- Policy DM30 Design principles in the Countryside, of the Maidstone Borough Local Plan 2017

1.12. I consider these policies and guidance that are of relevance to the reasons for refusal and main issues, as well as supporting evidence within Sections 2, 3, 5 and 6 of this Proof of Evidence.

PROCESSING OF THE APPLICATION AND APPEAL

1.13. Prior to determination on 28th October 2022, public objections were raised from June 2022 until October 2022 and a detailed response was provided on landscape matters on 31st August 2022 (CD1.22.3) along with an amended site layout issued on 1st September 2022 (27899/050/RevE) (CD1.21).

1.14. The Landscape Officer Consultee Response (CD2.1.34) was issued on 11th October 2022, one day prior to the Council's Committee Report, dated 12th October 2022 (CD1.24 and CD1.25).

1.15. Whilst the applicant would have been content to address the Landscape Officer's concerns through further minor revisions to the scheme, the Committee Report was prepared 1 day after receiving this consultee response, and the planning application refused on 28th October without any opportunity for the applicant to consider and address these concerns.

1.16. An appeal was lodged in April 2023 and a Written Representation, titled 'Landscape Response to Appeal Scheme – April 2023' (CD1.32) was prepared. This report dealt with the plans and reports submitted as part of the planning application. In my proof of evidence, I refer to this scheme as the Application Scheme.

1.17. Additionally, in order to address consultee comments that were included within the Landscape Officer's response and the Committee Report, changes were made to the layout of the proposed development within the Application Site. In my proof of evidence, I refer to the 'scheme as amended' by these changes as the Appeal Scheme.

1.18. The Appeal Scheme was designed to improve visual amenity for 8 Sheephurst Cottages, dwellings along Sheephurst Lane, Willow Cottage, Willow Barn, dwellings of Little Cheveney Farm and Sheephurst Farm. All woodland was included within the redline boundary, and the nature of planting was changed in accordance with local provenance as requested by the Council's Landscape Officer. These changes are identified on Drawing AW0143-PL-003 Proposed Mitigation, Landscape and Ecology Enhancements with appeal amendments (CD1.2.3).

1.19. The changes were supported by an LVIA Addendum and Photography and Verified Views, April 2023 (CD1.37). Only those views affected by the changes to the proposals were amended, images were not retaken, but photomontages were amended. At this stage two additional verified views were taken in February 2023 as these were specifically mentioned within the Committee Report and were deemed of relevance to the case.

- 1.20. The Inspector at the Case Management Conference (CMC) held on 10th November 2023, accepted the Appeal Scheme. This will therefore form the basis of my proof of evidence supported by relevant documents detailed in the Core Document List and Appendices to this evidence.
- 1.21. The Council's SoC (CD9.2) was received on 7th November 2023. The Council's SoC explains further the reasons for refusal and what will be covered in their Proof of Evidence on Landscape Character and Visual Impact in paragraphs 35 to 59.
- 1.22. In Paragraph 59 of the Council's SoC, it is revealed that the Council requested an expert review of the visual material that forms part of the LVIA/Addendum for the Application Scheme and the Appeal Scheme. This was the first time any issue had been raised in relation to the visual material. The Council's consultant, Mr Mike Spence, was appointed by Mr Peter Radmall, on 11th October 2023. And his terms of appointment were to '*carry out your usual review of the ZTV, photography and visualisations*'. He issued the expert review to the Council on 17th October 2023.
- 1.23. This expert review of the visual material (CD4.8) was not provided with the Council's SoC and was requested at the CMC meeting on 10th November. It was agreed it would be provided within 7 days of this meeting. This information was issued to the Appellant on 17th November 2023. The document was not dated.

SCOPE OF EVIDENCE

Main Issues

- 1.24. In presenting my evidence I explain why I consider that the landscape and visual impacts of the appeal scheme are acceptable given the character of the site and its surrounding context. My evidence addresses the Council's Reason for Refusal No.2 with regard to landscape character and visual amenity.
- 1.25. The Statement of Common Ground (CD10.1) will be relied upon where the parties have reached agreement on landscape issues.
- 1.26. My Proof of Evidence will address the following specific matters raised by Maidstone Borough Council in their reasons for refusal:
 - Scale of the proposed development
 - Character of the proposed development
 - Significant harm to landscape character of the countryside
 - Significant harm to the appearance of the countryside
 - No adequate mitigation of the impacts

- 1.27. My proof of evidence will only refer to the effects on landscape character and visual amenity and will include reference to potential views from residential dwellings.
- 1.28. My evidence will not include effects on heritage assets including the setting and views to and from listed buildings which will be addressed by Mr Robert Sutton in his Heritage Proof of Evidence.
- 1.29. My evidence will also not include weight associated with potential harm, which will be addressed by Mr Chris Cox in his Planning Statement.
- 1.30. Having regard to the additional issue raised for the first time in the Council's SoC (CD9.2), paragraph 59, and explained in the document subsequently provided entitled: Review of Photography and Visual Material (CD4.8) by Mr Mike Spence, I will also be covering the following matters:
 - HV Compound and access
 - Soil bunds
 - Photography and Visualisations (Appendix A)
 - Winter Views
- 1.31. Where relevant to matters associated with landscape character in particular changes to the landscape over time, I will cross-refer to the Heritage Desk Based Assessment, January 2022 (CD1.3).

Supporting Information

- 1.32. The planning application (Application Scheme) was accompanied by the following documents that I shall refer to within my evidence:
 - Landscape and Visual Impact Assessment (LVIA) February 2022 (CD1.9)
 - LVIA Appendix B Photography, Verified Views and Methodology, February 2022 (CD1.9)
 - Drawing AW0143-PL-002 Proposed Mitigation, Landscape and Ecology Enhancements, February 2022 (CD1.9)
 - Heritage Desk Based Assessment Jan 2022 (CD1.3)
 - Landscape and Ecological Management Plan (LEMP) with Biodiversity Net Gain Management and Maintenance Plan (CD1.13).
- 1.33. I shall also make reference to the supporting documents that accompanied the Appeal Scheme of April 2023. These include:

- LVIA Addendum - Appeal scheme with amendments, April 2023 (CD1.37)
- Contextual views – Appeal scheme with amendments, April 2023 (CD1.37)
- Photomontages – Appeal scheme with amendments, April 2023 (CD1.37)
- Drawing AW0143-PL-003 Proposed Mitigation, Landscape and Ecology Enhancements with Appeal Amendments, April 2023 (CD1.2.3)
- Landscape Response to Appeal Scheme, April 2023 (Written Representation) (CD1.32)

1.34. I shall also make reference to the following documents that were received as part of the planning application process:

- Maidstone Borough Council’s Committee Report dated 20th October 2022 (CD1.24 and CD1.25)
- Maidstone Borough Council’s Landscape Officer consultee response (CD2.1.34)

1.35. I refer to the following documents received from Maidstone Borough Council as part of this Appeal process:

- Maidstone Borough Council’s Statement of Case (Council’s SoC) (CD9.2)
- Maidstone Borough Council’s Review of Photography and Visual Material (CD4.8)
- Email correspondence requesting appointment of photography material (CD4.9)

1.36. I will also refer to the following documents in support of my evidence:

- Addendum to Flood Assessment & Outline Drainage Strategy (Dec 2023) (CD11.3.3)
- Guidelines for Landscape and Visual Impact Assessment, Third Edition (2013), Landscape Institute and Institute of Environmental Management and Assessment (CD4.1)
- Technical Guidance Note (TGN06/19): Visual Representation of Development Proposals (CD4.3)
- National Character Area Profile 121: Low Weald (CD4.2)
- Landscape Assessment of Kent (2004) (CD4.5)
- Maidstone Landscape Character Assessment (2012) (CD4.6)
- Maidstone Landscape Capacity Study – Sensitivity Assessment (January 2015) (CD4.7)

- Maidstone Borough Council Biodiversity and Climate Change Action Plan (April 2023) (CD4.10)
- State of Nature Report 2023 by State of Nature Partnership (CD4.11)

2. APPEAL SITE, SURROUNDINGS and LANDSCAPE CHARACTER

DESCRIPTION OF THE APPEAL SITE AND SURROUNDINGS

- 2.1. The appeal site covers an area of 74.5 hectares and is located on land north of Sheephurst Lane. There are no statutory or non-statutory landscape designations associated with the appeal site or within 1km of the appeal site. The land is arable in nature and characteristic of many rural landscapes with mature hedgerows and hedgerow trees lining each individual field.
- 2.2. The Lesser Teise River splits to the north of the appeal site boundary, with a straightened tributary forming the eastern boundary of the appeal site and a narrow meandering tributary within the appeal site. The river itself is hidden from view except from the two pedestrian bridges that cross it one on the boundary and one within the site.
- 2.3. To the north, the raised South Eastern Railway line forms the majority of the boundary with the appeal site and is lined with scrubby trees reducing in number further west along the railway line. Burtons Lane then continues to form the northern boundary, lined with a mature hedgerow and trees.
- 2.4. The western boundary of the appeal site is formed from an existing managed hedgerow and a small block of Ancient Woodland. Transmission towers and power lines are visible within this part of the appeal site.
- 2.5. The southern boundary follows Sheephurst Lane to the south west with mature managed hedgerows. The boundary wraps itself around Little Cheveney Farm complex, fields and a woodland block, with hedgerows and mature trees forming boundaries to the appeal site. A small section northeast of Little Cheveney Farm has an open fenced boundary.
- 2.6. The appeal site has numerous hedges and mature trees lining the field boundaries often associated with ditches.
- 2.7. A Public Right of Way (PROW), KM244, from Sheephurst Lane south of the appeal site crosses a small section of the appeal site in the south eastern corner. A PROW, KM248, follows the majority of the northern boundary within the appeal site. PROW are noted within the vicinity of the site.
- 2.8. The PROW are visible on the Viewpoint Location Plan with the Ordnance Survey base map within the Photography and Verified Views (CD 1.9).
- 2.9. A more detailed description of the site is found within the LVIA, paragraphs 4.30-4.39 (CD 1.9).
- 2.10. The surrounding landscape incorporates the village of Marden to the east, with a small number of dwellings to the south of the site along Sheephurst Lane and to the north west of the site on

Burton's Lane. It is an intensively farmed arable landscape, with mature hedgerows and hedgerow trees. Blocks and narrow belts of woodland can be seen within the wider landscape, with fields ranging in size and form. Land use varies from intense arable to orchards, polytunnels and small industry as identified in the aerial extract below (Figure 1).

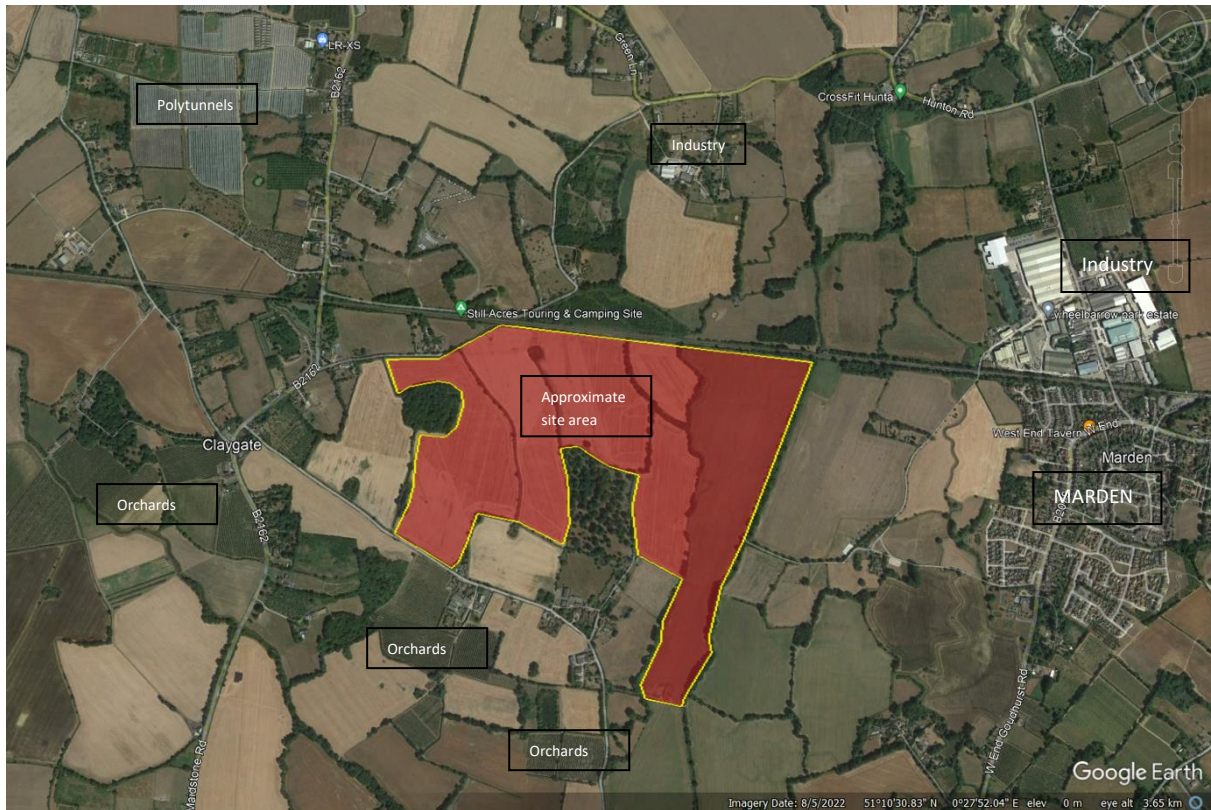


Figure 1: Extract from Google Earth dated May 2022, showing site location and context

2.11. It is also evident from a closer view from Google Earth Pro (Figure 2) that the landscape has fields of irregular sizes and shapes, many of a very small scale and linear in nature (Figure 3). This field pattern is seen throughout the surrounding landscape within the Low Weald.



Figure 2: Extract from Google Earth Pro dated May 2022, showing part of the site and small scale field patterns

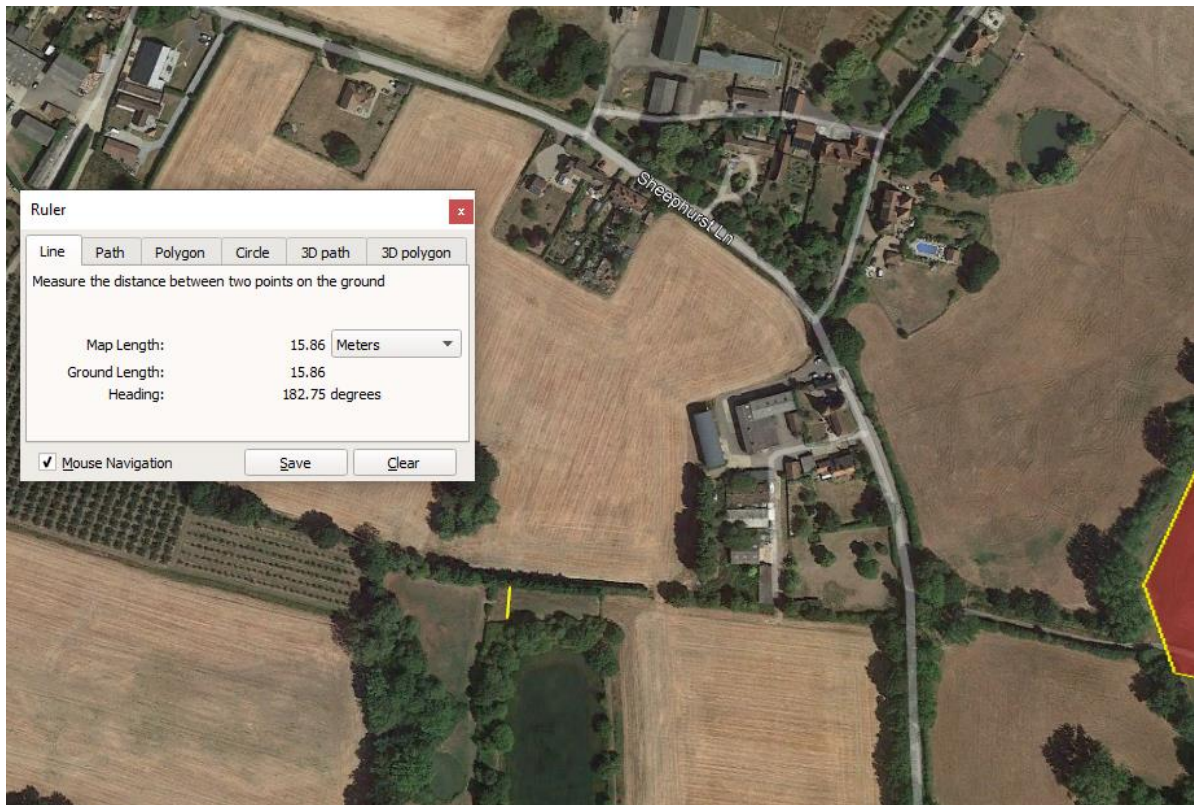


Figure 3: Small scale narrow fields from 15m

2.12. This context will be considered further in my evidence.

LANDSCAPE CHARACTER OF THE APPEAL SITE

2.13. The appeal site is located in a number of landscape character areas from national through to local level. These are explained in detail within the LVIA paragraphs 4.5 to 4.29 (CD1.9). Relevant extracts are presented within this evidence.

National Character Area 121: Low Weald (CD 4.2)

2.14. Typical characteristics are a low-lying gently undulating clay-vale, with pastoral and arable farming with areas of fruit cultivation in Kent. Land use is predominantly agricultural with urban influences. Field boundaries are hedgerows and shaws, enclosing small, irregular fields. Small towns and villages are scattered among areas of woodland. Woodland is an intricate mix of ancient, broadleaved oak, shaws, field copses, tree groups and riparian trees along watercourses. Many streams and watercourses are associated with this landscape character.

2.15. Within the site, there is evidence of woodland and field boundaries, although where there were small fields, boundaries have been lost to agricultural intensification. Fruit cultivation and polytunnels are noted in the surrounding landscape (as visible in Figure 1).

2.16. There are a number of Statements of Environmental Opportunity (SEO) which are found in the National Character Area Profile 121 Low Weald (CD4.2). These are summarised below:

- SEO1 is to protect, manage and significantly enhance the mix of woodlands to reduce habitat fragmentation, plus improving and encourage access.
- SEO2 is to conserve and enhance the historical aspects of the Low Weald Landscape.
- SEO3 is to improve the quality, state and structure of all Wealden rivers, streams and standing water bodies.
- SEO4 is to maintain the sustainable but productive pastoral landscape of the Low Weald while expanding and connecting semi-natural habitats.

2.17. I will discuss how the landscape enhancements and the design have addressed these SEOs in Section 5 of my evidence below.

The Landscape Assessment of Kent, 2004 (CD4.5)

2.18. This assessment provides more specific detail to the local area, of which the appeal site lies within the Low Weald Fruit Belt to the west and Teise Valley to the east.

Low Weald Fruit Belt

2.19. The Low Weald Fruit Belt has characteristics of dwarf fruit trees, open arable fields, hops and pasture. A small scale landscape is experienced where shelterbelts and hedgerows are intact. Small woodlands are notable within this area.

2.20. The variety of landcover that included hops and traditional fruit trees is diminishing. It is described as a changing landscape and it is noted that the ecological corridors of floodplains and streams are becoming isolated.

2.21. The condition of this landscape is identified as being good despite its diminishing qualities. Sensitivity is moderate with the oaks and hedgerows being distinguishing features.

2.22. Landscape actions for this LCA are to

- conserve the rural elements of the landscape around the settlements
- Conserve the scale and tranquillity of rural settlements and hamlets
- Conserve and manage mature tree stock
- Reinforce enclosure patterns.
- Reinforce the ecological interest of ditches and watercourses

- Conserve and reinforce the attributes of rural lanes

Teise Valley

- 2.23. The Teise Valley has open arable fields evolved from the removal of traditional orchards. Tall poplar shelterbelts mark the edges to these orchards. However, more recent dwarf fruiting stock is being planted in place. Farm intensification is evident with river edge vegetation being removed to increase field size. Where hedges are retained they give unity, but where they are removed the result is a fragmented landscape.
- 2.24. The condition of the landscape is classed as poor with much influence of arable pressure on removal of landscape infrastructure along the river margins.
- 2.25. The sensitivity of this area of landscape is also classed as Very Low and the landscape is now rarely distinguishable from the Low Weald.
- 2.26. This landscape actions for this LCA are to:
- Create riverside plantings of willow and black poplar
 - Create riparian woodland
 - Create wetland areas
 - Create enclosure to upper stretches of farmland
 - Create bankside habitats

Maidstone Landscape Character Assessment, 2012 and Maidstone Landscape Capacity Study: Sensitivity Assessment, 2015 (CD4.6 and CD4.7)

- 2.27. This assessment details specific areas that the site is located within. The west of the site is located within the Laddingford Low Weald Landscape character area/type and to the east of the site the Teise Valley LCT.
- 2.28. The characteristics are similar to those of the regional landscape character assessment.

Laddingford Low Weald

- 2.29. The Laddingford Low Weald characteristics are of a low lying landform with intricate network of ditches, ponds and reservoirs. Small blocks of woodland with orchards, hops and pasture around settlements. There is more expansive arable land within the surrounding landscape, and linear settlement along roads.
- 2.30. Views are often contained by the hedgerows and tall shelterbelts, but views do extend across the large scale arable fields. However, this is caused by hedgerow boundary removal to accommodate extensive arable field.

2.31. Within the Maidstone Landscape Capacity Study, the landscape character sensitivity is identified as moderate and visual sensitivity as moderate.

2.32. The guidelines for this LCA are to

- Consider the generic guidelines for the Low Weald
- Conserve the frequency of willow
- Conserve the network of ponds and improve habitat connectivity with native vegetation corridors
- Reinststate traditional hedgerow boundaries and gap up existing hedgerows where they are in poor condition
- Conserve, and where possible, extend native woodland blocks
- Improve the sense of arrival and individuality of separate settlements by avoiding further infill development
- Soften the visual impact of large agricultural barns and silos with native planting

Teise Valley

2.33. The Teise Valley is a flat low lying landform, with narrow rivers, ditches and ponds. The rivers and ditches are lined with native vegetation comprising much willow. Large open arable fields and pasture are prevalent. There are some scattered orchards and isolated oak trees.

2.34. Fields have an irregular pattern and the landscape is generally unenclosed due to land drainage and agricultural intensification.

2.35. Views extend towards the Greensand Ridge and across large open fields of pasture and arable enclosed by tall tree belts. It is an intensively farmed landscape with little evidence of traditional field pattern.

2.36. Within the Maidstone Landscape Capacity Study, the landscape character sensitivity is identified as high, and visual sensitivity as moderate.

2.37. The guidelines for this LCA are to:

- Consider the generic guidelines for Valleys
- New development should respect the local vernacular in scale, density and materials
- Conserve and encourage grassland and pasture to improve water quality and biodiversity within ditches and avoid further arabilisation

- Conserve native tree belts, ensuring that they are correctly managed and gaps replanted
- Encourage the restoration of lost hedgerow boundaries in arable areas
- Conserve isolated oaks within arable and pasture land and plant new specimens to replace ageing examples
- Create stronger features at crossing points along the rivers, utilising local ragstone for bridges
- Conserve remoteness by avoiding the development of new buildings and roads

2.38. My evidence will discuss how the landscape enhancements have addressed the guidelines for these LCAs.

HISTORIC LANDSCAPE CHARACTER AND LANDSCAPE CHANGE

2.39. As identified in the Heritage Desk Based Assessment, Jan 2022, Appendix 3 Historic Ordnance Survey Mapping (CD1.3), the site is evident on a series of maps dating from 1872 through to 1993.

2.40. The historical maps show that the site and its surrounding area has undergone significant transformation over time, with multiple changes in land use. This has created a changeable landscape character, one that has and continues to respond to changing needs.

2.41. From the late 19th Century it is evident that field boundaries create a small scale landscape that is dotted with orchard planting. Further into the 20th Century in the 1938 map, field boundaries remain and the site continues to include orchards. Orchards become more prevalent throughout the site in 1961 although removal of field boundaries and orchards appears to have commenced in the 1986-1989 map.

2.42. This landscape is notable for its changeability over time and has seen significant arable intensification in recent decades. This is evident in the descriptions of the landscape character areas above and the guidelines for their enhancement to reinstate the landscape, historic field boundaries and improve connectivity and visual integrity. Arable intensification is also evident on the following aerial photos from Google Earth Pro (Figures 4-6).



Figure 4: Google Earth Pro aerial photo extract in 2022, with large fields and agricultural intensification



Figure 5: Google Earth Pro Aerial extract in 2011, showing shelter belt field boundaries in SE corner of the site and smaller field sizes



Figure 6: Google Earth Pro Aerial Extract in 1960 showing extent of diverse use of land particularly for orchards and hops with smaller and narrow field strips within and outside of the site

3. DESCRIPTION OF THE PROPOSALS – APPEAL SCHEME

SITING AND LAYOUT

- 3.1. The Appeal Scheme as seen within the Drawing AW0143-PL-003 (CD1.2.3) comprises 6 connected fields bounded by hedgerows and trees. The Appeal Scheme would consist of a series of south-facing solar arrays arranged across the Site on an east/west axis. The distance between each array would be 3.5-5.5m.
- 3.2. The HV Compound and ancillary buildings would be located within the western field with no development to the southern extent of the western most field. This is to mitigate impacts upon 8 Sheephurst Cottages.
- 3.3. The solar arrays would be surrounded in a fence, which to the west, north and east would be accompanied by a native hedgerow outside of the fenceline.
- 3.4. Woodland planting would be located principally along the southern boundary of the site. The depth of woodland planting ranges from 14m to 140m and has been increased across the majority of the Site for the Appeal Scheme, thus increasing the distance of the arrays from the dwellings.
- 3.5. Soil bunds of 3m in height were proposed within the Construction and Decommissioning Statement. They were considered temporary as part of the construction, but due to the changes in the layout, and removal of panels to the south west field they will no longer be required. Further detail is provided in paragraphs 5.8-5.14.

HEIGHT AND APPEARANCE

Solar arrays

- 3.6. The solar arrays comprise a series of short narrow aluminium posts supporting pV modules together with in field substations and inverters.
- 3.7. The panels would have a maximum height of 3m above ground and drawing SKUKX-SHEEP-000-MCS 205 (CD1.2.19) shows a typical solar array.

High Voltage Compound (HV Compound), Switchgear Station & Monitoring cabin

- 3.8. In order to connect to the local distribution network operate by UK Power Networks, the solar energy farm would require an HV Compound.
- 3.9. The HV compound layout plan and elevations are contained in drawing SKUKX-SHEEP-001-MCS 465 (CD1.2.13). The maximum height of the HV compound would be between 6.5 and 7.5m. The area required for the HV compound would be 49.5m long and 19m wide.

3.10. The Switchgear station is located adjacent to the HV compound. The building has a height of 3.396m and an area of 4.96m x 16.25m. The elevations are contained in drawing SKUKX-SHEEP-000-MCS 253 (CD1.2.21).

3.11. The monitoring cabin would be a maximum height of 5m with an area of 5.76m x 4.86m. The elevations are contained in drawing SKUKX-SHEEP-000-HVG 104 (CD1.2.15)

Additional infrastructure

3.12. Additional infrastructure includes:

- the perimeter fence which is 2.3m in height and similar in style to a deer fence. The elevations are contained in drawing SKUKX-SHEEP-000-MCS-203 (CD1.2.17).
- Access gates with a maximum height of 2.4m. Elevations are contained in drawing SKUKX-SHEEP-000-MCS-204 (CD1.2.18)
- CCTV cameras with a maximum height up to 5m. Elevations are contained in drawing SKUKX-SHEEP-000-MCS-206 (CD1.2.12)
- Internal tracks with widths ranging from 3.5-5m. Cross section are contained in drawing SKUKX-SHEEP-000-MCS-201 (CD1.2.16)

MASSING AND SCALE

3.13. The solar arrays are arranged in a linear format, but only occupy approximately 29% of the total development site area utilised for the solar array with 3.5-5.5m spacing between rows.

3.14. The arrays are arranged to avoid shadow effect from surrounding trees and vegetation.

3.15. The HV compound and ancillary buildings are located to the centre of the western field, in close proximity to existing transmission towers.

3.16. The arrays are set back from the edge of the development site with no development outside of the fenced boundary. These areas contain substantial meadow buffer zones a minimum distance of 15m from the boundaries of the site.

3.17. The woodland planting provides a broad structural landscape to the south of the development edge connecting existing woodland and vegetation.

3.18. The massing and scale are not dissimilar to polytunnels widely used and visible within the surrounding landscape, see Figure 1 above.

LANDSCAPE MITIGATION

3.19. The landscape mitigation as identified on drawing AW0143-PL-003 (CD1.2.13) includes the following:

- New hedgerows outside of the fence line
- Gapped up existing hedgerows
- New trees to existing hedgerows
- Woodland planting
- Community orchard
- Permissive path

3.20. The purposes of the landscape mitigation is to:

- reduce the visual impacts of the Appeal Scheme from identified visual receptors within the landscape.
- Enhance biodiversity by reconnecting existing wildlife corridors and woodland
- Enhance and restore the structure of the landscape in line with guidance from landscape character areas, and
- Promote positive community use and access

3.21. Changes were made to the mitigation planting as part of the Appeal Scheme. This included the following:

- Moving all woodland that was shown outside of the redline boundary on the Application Scheme to within the red line boundary of the Appeal Scheme
- Providing greater depth of mitigation woodland to further reduce the visual impact
- Change of woodland species mix to be in line with the Maidstone Landscape Character guidelines.

3.22. The woodland planting creates deep woodland corridors that respond to the guidelines and recommendations to enhance and restore the landscape character areas as detailed within Section 2 above.

3.23. The landscape planting also enhances biodiversity by restoring east-west connections within the landscape providing beneficial wildlife corridors whilst creating meadow landscapes for a wide range of wildlife.

- 3.24. The landscape planting will help to create small scale field patterns prevalent but, in many instances, fragmenting within this landscape.
- 3.25. The permissive paths have been identified to connect with existing disconnected PROW to create more fluid and circular routes to improve access around the local area.
- 3.26. Reducing arable use with pasture and meadow use will also have an important role in improving the quality of water in the adjacent watercourses and site ponds.

4. POLICY CONTEXT

- 4.1. I summarise below the policies and guidance that are of relevance to the appeal in relation to character and appearance (reason for Refusal 2). These includes those policies identified within the reason for Refusal. I set out the relevant policy for each of the main issues separately.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) (CD3.3)

- 4.2. Reason for refusal 2 suggests that the proposed development would be contrary to the aims and objectives of the NPPF.

- 4.3. As stated in the NPPF '*The purpose of the planning system is to contribute to the achievement of sustainable development*'. The objective of which is '*meeting the needs of the present without compromising the ability of future generations to meet their own needs*'.

- 4.4. The main objectives relevant to my evidence are as follows:

b) a social objective – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.*

c) an environmental objective – *to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

- 4.5. There has so far been no specific clarity from Maidstone Borough Council as to what aspects of the NPPF they consider the appeal site is contrary to. It is assumed therefore that they consider that the proposed development of the site for the purposes of renewable energy generation is contrary to the social and environmental objectives as detailed above. These are further elaborated in the following section extracts that have been detailed within the LVIA.

- 4.6. Section 11 'Making Effective use of land', paragraph 119 states:

Planning policies and decisions should promote an effective use of land in meeting the need for...other uses, while safeguarding and improving the environment...

- 4.7. Paragraph 120 states, planning policies and decisions should:

a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as development that would enable new habitat creation or improve public access to the countryside

- 4.8. Section 12, paragraph 130 states:

Planning policies and decisions should ensure that developments:

.b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

.c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change...

4.9. Section 14 'Meeting the challenge of climate change, flooding and coastal change' Paragraph 155 states: *To help increase the use and supply of renewable and low carbon energy and heat, plans should:*

a) Provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts)

4.10. Paragraph 158 states: *When determining planning applications for renewable and low carbon development, local planning authorities should:*

.b) approve the application if its impacts are (or can be made) acceptable...

4.11. Section 15, 'Conserving and enhancing the natural environment' Paragraph 174 states: *Planning policies and decisions should contribute to and enhance the natural and local environment by:*

a) protecting and enhancing valued landscapes...

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland

.e) Preventing new development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality...

4.12. The Council's SoC confirms in paragraph 42 that *'the Council does not consider the site to form part of a "valued landscape" in the meaning of NPPF174(a)'*.

4.13. My evidence will detail how these have been considered within the overall context of the development.

MAIDSTONE BOROUGH LOCAL PLAN 2017 (CD3.1)

Policy SP17 The Countryside

4.14. Policy SP17 is designed to protect and conserve the countryside but with a level of flexibility.

4.15. Policy SP17 states:

The countryside is defined as all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policies map

1. Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area

4. Proposals should not have a significant adverse impact on the settings of the Kent Downs Area of Outstanding Natural Beauty or the High Weald Area of Outstanding Natural Beauty

6. The distinctive landscape character of the Greensand Ridge, ... and the Low Weald, as defined on the policies map, will be conserved and enhanced as landscapes of local value

4.16. Figure 7, an extract from Page 71 of Maidstone Borough’s Local Plan shows that the Appeal Site is not within or close to any areas identified as Landscape of Local Value.

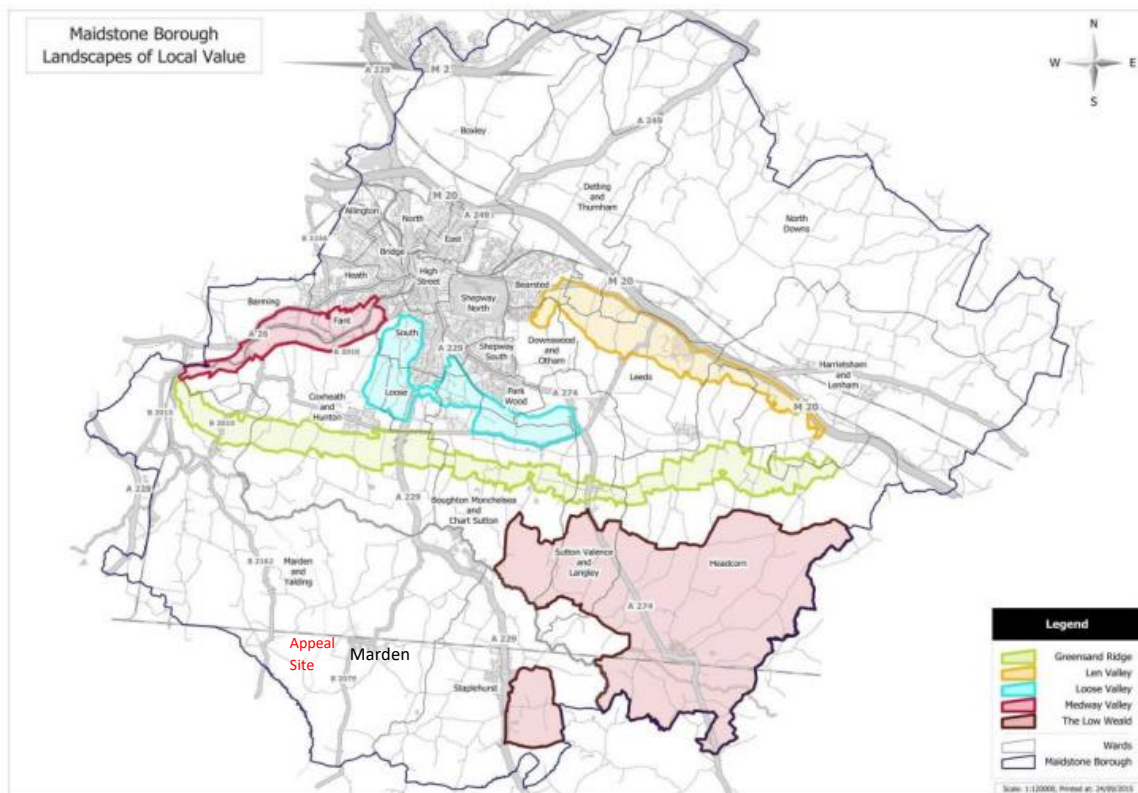


Figure 7: Extract from the Maidstone Local Plan identifying the locations of Landscape of Local Value

- 4.17. This supporting text states that Maidstone Borough is predominantly rural with a large population living in villages as well as on fringes of urban areas. The text also goes on to state that *'the countryside has an intrinsic character and beauty that should be conserved and protected for its own sake. However, there is also a need to ensure a level of flexibility for certain forms of development in the countryside in order to support farming and other aspects of the countryside economy and to maintain mixed communities. This needs to be mitigated in a way that maintains and enhances the distinctive character of the more rural parts of the borough.'*
- 4.18. The text goes on to state that the countryside is a sensitive location within which to integrate new development and the council will expect proposals to respect the high quality and distinctive landscapes of the borough in accordance with policy DM30. This is through landscape and visual impact assessments that are carried out as appropriate to assess suitability and to aid and facilitate the design process.
- 4.19. An LVIA was submitted with the application, and an addendum with the Appeal Site. The Landscape Officer commented in her report that the *'submitted Landscape and Visual Impact Assessment appears to be in general accordance with GLVIA3'* although she would like to have seen more consideration of *'construction phase of the development'*.

Policy DM1 Principles of good design

- 4.20. Policy DM1 states:

Proposals which would create high quality design and meet the following criteria will be permitted:

.i. Create designs and layouts that are accessible to all, and maintain and maximise opportunities for permeability and linkages to the surrounding area and local services;

ii. Respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and Site coverage...

v. Respect the topography and respond to the location of the Site and sensitively incorporate natural features, such as trees, hedges and ponds worthy of retention within the Site. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the Site boundaries should be used as a positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area;

vi. Provide a high quality design which responds to areas of heritage, townscape and landscape value or uplifts an area of poor environmental quality;...

Account should be taken of Conservation Area Appraisals and Management Plans, Character Area Assessments, the Maidstone Borough Landscape Character Guidelines SPD, the Kent Design Guide and the Kent Downs Area of Outstanding Natural Beauty Management Plan.

4.21. In section 5 below I discuss this in relation to the design intentions and how these have responded to good design.

Policy DM24 Renewable and low carbon energy schemes

4.22. Policy DM24 states:

1. Applications for larger scale renewable or low carbon energy projects will be required to demonstrate that the following have been taken into account in the design and development of the proposals:

i. The cumulative impact of such proposals in the local area;

ii. The landscape and visual impact of development;

iv. The impact of proposals on the amenities of local residents...

vi. The impact on ecology and biodiversity including the identification of measures to mitigate impact and provide ecological or biodiversity enhancement.

3. Provision for the return of the land to its previous use must be made with the installations have ceased operation.

4.23. The supporting text states that in Maidstone Borough, parts of the natural landscape features and resources mean that there is a technical suitability for the construction of renewable schemes. It goes on to state that in the correct locations such proposals are a benefit to the borough as a whole, and they need to be appropriately sited to not conflict with landscape character. They state that it should not affect the existing amenity of residents in a harmful way.

4.24. In the Planning Policy Advice Note on Large Scale (>50kW) solar PV arrays: January 2014 (CD3.19), it states in paragraph 3.47 that landscape/visual impact must be considered with great care and mitigation measures proposed wherever necessary.

4.25. Within my evidence I will discuss that mitigation as detailed in Section 3, has been provided for the appeal site and explain that the LVIA has considered the relevant landscape and visual impacts, incorporating specific requirements for biodiversity and ecology within the mitigation.

Policy DM30 Design Principles in the Countryside

4.26. Policy DM30 states:

Outside of the settlement boundaries as defined on the policies map, proposals which would create high quality design, satisfy the requirements of other policies in this plan and meet the following criteria will be permitted:

i. The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features;

ii. Impacts on the appearance and character of the landscape would be appropriately mitigated. Suitability and required mitigation will be assessed through the submission of Landscape and Visual Impact Assessments to support development proposals in appropriate circumstances;

iii. Proposals would not result in unacceptable traffic levels on nearby roads; unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation, or historic or archaeological importance or the erosion of roadside verges;

iv. Where built development is proposed, there would be no existing building or structure suitable for conversion or re-use to provide the required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area;

...

Account should be taken of the Kent Downs AONB Management Plan and the Maidstone Borough Landscape Character Guidelines SPD

- 4.27. My evidence will detail how the site has been appropriately designed to enhance the existing landscape infrastructure, has not changed the character of a rural lane unsympathetically to the location and where required has been appropriately mitigated to reflect the landscape character of the local area.

5. EFFECT ON LANDSCAPE CHARACTER OF THE APPEAL SCHEME AND WIDER AREA

INTRODUCTION

- 5.1. The landscape character of the site and surrounding area is summarised in Section 2 providing information of the national, regional and local landscape character areas along with their requirements for landscape enhancements and improvements. Further detail is provided in the LVIA, Feb 2022 (CD1.9).
- 5.2. Section 2 also discusses and references the historic character of the site in particular maps within the Heritage Desk Based Assessment, Appendix 3 (CD1.3) that show the progressive landscape change and more recent degradation as well as identifying it as a changeable landscape.
- 5.3. Maidstone Landscape Capacity Study: Sensitivity Assessment 2015 (CD4.7) identifies the landscape character areas of Laddingford as moderate sensitivity and Teise Valley as high sensitivity. The Council have stated that they will be relying on this within their case. However, as stated within paragraph 5.42 of the GLVIA3 (CD4.1), these cannot be relied upon within LVIA assessments and must not be recorded as part of the baseline as they are generic to the entire landscape character area as a whole without appropriate consideration of the type of development:

'Some of these existing assessments may deal with what has been called 'intrinsic' or 'inherent' sensitivity, without reference to a specific type of development. These cannot reliably inform assessment of the susceptibility to change since they are carried out without reference to any particular type of development and so do not relate to the specific development proposed. Since landscape effects in LVIA are particular to both the specific landscape in question and the specific nature of the proposed development, the assessment of susceptibility must be tailored to the project. It should not be recorded as part of the landscape baseline...'

- 5.4. Within the LVIA, Feb 2022 (CD1.9), these landscape character studies and sensitivity studies were considered, but not relied upon, as a gauge for the sensitivity of the site to this type of development. A detailed site specific analysis of the landscape baseline was provided and can be found in Section 5 of the LVIA of February 2022 (CD1.9). An assessment was then undertaken of the effect of the appeal site development on these specific elements of the landscape.
- 5.5. A summary of these is provided below and the impacts of the proposed development discussed.

TOPOGRAPHY

- 5.6. The site's topography ranges from 18mAOD in the north to 19.75mAOD to the south east with slight undulations within the site and was assessed as medium susceptibility to change.

- 5.7. However, as the solar panels are ground mounted, the overall topography will generally be unaffected, although will be slightly raised in the south west corner as detailed below as there will be some removal of soils to facilitate HV compound and track creation.
- 5.8. The Landscape Officer's consultee response (CD2.1.34) raised concerns about the 3m high soil bunds that were mentioned within the Construction Method and Decommissioning Statement, March 2022. This has been further raised in Paragraph 50 of the Council's SoC (CD9.2).
- 5.9. There was and is no intention to retain soils in 3m high bunds on a permanent basis. This was a temporary measure originally proposed as part of the Construction Method and Decommissioning Statement. The intention is that soils will be used to facilitate planting wherever possible and that surplus will be stored outside of Flood Zones.
- 5.10. There is an area of approximately 9000m² of undeveloped land within the red line boundary where the full volume of displaced soils can be deposited if necessary prior to landscape planting, identified in Appendix 2 Environment Agency Modelled Fluvial and Pluvial Flood Extents Drawing No S714/07RevA contained within the Addendum to Flood Assessment & Outline Drainage Strategy (Dec 2023) (CD11.3.3).
- 5.11. The soils placed on the above identified land will be up to 300mm in height. The placement of soils will be of benefit to landscape planting, increasing soil depth. As this area is within the red line boundary, and not used for solar arrays and associated infrastructure, any excavated material can be taken directly to the land without first being stockpiled in 3m bunds.
- 5.12. Within Paragraph 2.1.2 of the Landscape Response to the Appeal Scheme (CD1.32), I advised that a condition be proposed. The condition that has been proposed by the LPA on storage of soils outside of the Flood Zones 2/3 can be amended to read:

"There shall be no storage of any materials including soil or raising of ground levels within that part of the site affected by the 1 in 100 year fluvial flood event (including a 35% allowance for climate change) as specified on PFA Consulting's Drawing No. S714/07 contained within the Addendum to Flood Risk Assessment & Outline Drainage Strategy (December 2023)"
- 5.13. Raising this small area of land within the red line boundary by a maximum of 300mm will not give rise to any adverse effects on landscape character as it will not be a perceived change within the landscape character.
- 5.14. The remaining overall topography will not be affected by the proposed appeal site development.

TREES & WOODLAND

Existing

- 5.15. It is proposed that all trees and woodland are retained. There is no existing woodland within the site boundary, but a small block of Ancient Woodland lies adjacent to the west and a block

of mature woodland to the south. Mature trees are noted throughout the site within the existing hedgerows.

- 5.16. Existing trees and woodland have been identified within the LVIA, Feb 2022 (CD1.9) as being of high susceptibility to change. They have been thoroughly considered within the design of the development and have been retained.
- 5.17. Ancient Woodland offset distance is addressed within the Ecological Proof of Evidence prepared by Mr Danny Thomas because it concerns ecological rather than landscape or visual impact and is therefore not discussed within this proof of evidence.
- 5.18. The Landscape Officer's Consultee Response (CD2.1.34) mentions veteran trees and that an arboricultural report was not submitted. I refer to paragraph 2.1.2 of the Landscape response to the Appeal Scheme (CD1.32) for more information, as veteran trees were not identified within the LVIA other than quoting Maidstone Borough Council's landscape character information.
- 5.19. From the time the application was validated on 1st June 2022 to determination in October 2022, the landscape officer had time in which to request an arboricultural report from Statkraft, had that been thought necessary to reach an informed decision. No such information was requested.
- 5.20. The site layout has been designed to avoid existing trees and hedgerows. An arboricultural report can be conditioned to include a Tree Constraints Plan and an Arboricultural Method Statement for the protection of retained trees and hedgerows during construction and decommissioning.

Proposed

- 5.21. There is approximately 52,241m² of mitigation woodland and 18,070m² of biodiversity woodland proposed to be planted as part of the Appeal Scheme, along with 3977m² of orchard and 30 individual standard trees to be planted within existing hedgerows.
- 5.22. The landscape officer's consultee response (CD2.1.34) advised that the species are consistent with the Maidstone Landscape Guidelines. These have been amended within the Appeal Scheme Landscape Mitigation and Enhancement Plan, AW0143-PL-003 (CD1.2.3) to be in line with local provenance.
- 5.23. This means that several species within the mitigation woodland are faster growing as the species mix includes a larger percentage of willow, alder and birch, pioneer species within a woodland setting, and particularly suited to low lying environments. Their growth height at 10 years ranges from 6-12m. Within the Appeal Scheme photomontages, woodland is shown at a maximum height of 9m.
- 5.24. The effect will be that the mitigation woodland in the Appeal Scheme will establish quicker than that originally proposed.

- 5.25. In dealing with the issues raised by the Council associated with mitigation causing harm by virtue of its use within this landscape character as raised in the Council's SoC and also raised within the Committee report, I refer to paragraphs 5.30-5.46 below which deals with mitigation in its entirety as trees, woodland and hedgerows.

HEDGEROWS

Existing

- 5.26. It is proposed that all existing hedgerows are retained. Existing hedgerows have been identified within the LVIA, Feb 2022 (CD1.9) as being of high sensitivity to change. There will be a small number of areas of hedgerow removal where access tracks cross between fields. However, these are minor and would resemble field gated access.
- 5.27. Hedgerows that are gappy in nature have been identified for additional planting on drawing AW0143-PL-003 (CD1.2.3). This equates to 1,388linm of gapping up, thus enhancing the existing landscape infrastructure within the red line boundary.

Proposed

- 5.28. There is approximately 2358linm of new hedgerow proposed on the site, not including gapping up hedgerows. New hedgerow is proposed externally to the fenceline of the solar arrays. The hedgerows are there to mitigate visual impacts, but also to enhance biodiversity, improve habitat connectivity and repair the degraded landscape.
- 5.29. The hedgerow species have not been altered throughout the process, and do not include evergreen species as they are notoriously slow to grow and are not prevalent locally within hedgerows. It would seem prudent to include species that are known to grow locally and abundantly for the purposes of Mitigation.

RESPONSE TO ISSUES SPECIFIC TO LANDSCAPE MITIGATION

- 5.30. Within the GLVIA3 (CD4.1), paragraph 4.29, p62 states:

“Mitigation measures can sometimes themselves have adverse effects on landscape or visual amenity, as was as on other matters such as cultural heritage or ecology, and their planning and design needs careful consideration. They should be designed to fit with the existing character of the landscape where this is a desirable landscape objective, respecting and building upon local landscape distinctiveness, for example in use of materials that are locally derived. They should also respond, where possible, to landscape objectives that may have been set in development or management plans or strategies for the area”

- 5.31. The Council's SoC (CD9.2) in paragraph 51 states that *‘the landscape strategy to essentially ‘hide’ the substantial array of solar panels and other infrastructure would itself amount to a source of harm and would therefore be inappropriate. It would restrict public views across the currently*

open fields that give the countryside much of its intrinsic character. It would also introduce hedgerows that will reduce the legibility of the existing field pattern.'

- 5.32. The Committee Report (CD1.24) also states that *'the locality is being artificially altered over a long period in the attempt to hide the solar arrays...'*. In the Council's SoC in Paragraph 51 and also raised within the Committee Report, and highlighted on Page 8 of the Landscape Response to Appeal Scheme, Maidstone Borough Council suggest that introduction of new hedgerows would restrict the wide open vistas that currently give the local countryside its intrinsic character and qualities and the locality is being artificially altered. The Council state that the landscape strategy would in itself amount to a source of harm and would be inappropriate.
- 5.33. These criticisms are misplaced, for the reasons set out below.
- 5.34. Mitigation is an accepted means of screening development in the Laddingford Low Weald Landscape Character area, as identified within paragraph 2.32 above. Although not using the term mitigation, the term *'softening'* is used, which in essence is the same thing.
- 5.35. Within Section 2 above, paragraphs 2.23, 2.30 and 2.34 explain why this landscape character is currently more open than it has been in recent decades. The open views across the landscape within the site have been caused by removal of hedgerow and shelterbelt vegetation as a result of agricultural intensification.
- 5.36. Within Section 2 above paragraphs 2.22, 2.26, 2.32, and 2.37 detail the actions and guidelines for the enhancement and restoration of these character areas. These guidelines are to improve tree stock, and to create woodland, be that riparian, riverside plantings, reinforcing enclosure, extending native woodland blocks, improving habitat connectivity with native corridors.
- 5.37. The trainline has created a manmade boundary to the north of the site. Planting a linear hedgerow offset from this boundary by a minimum of 15m will create small scale field patterns. Small scale fields are prevalent elsewhere within this landscape.
- 5.38. To support this, I refer to Figure 2 above showing an extract from Google Earth Pro identifying small scale field patterns that are within the local landscape near to the site. I refer to Figure 3 which shows narrow fields within the local landscape varying from 15m in width. I would also like to bring attention to the Heritage Statement, Appendix 3 (CD1.3) with historic maps, that show smaller fields with numerous field boundaries present prior to agricultural intensification in the 1980s. I would also like to bring attention to the landscape actions of the character areas (paragraphs 2.22 and 2.26) which encourage landscape enclosure.
- 5.39. Figures 8 below show a PROW (identified red) through a tree lined landscape with restricted views that include small scale fields, hedgerows, woodland and orchard planting. This is typical within this landscape and does not reduce the legibility of the existing field pattern.

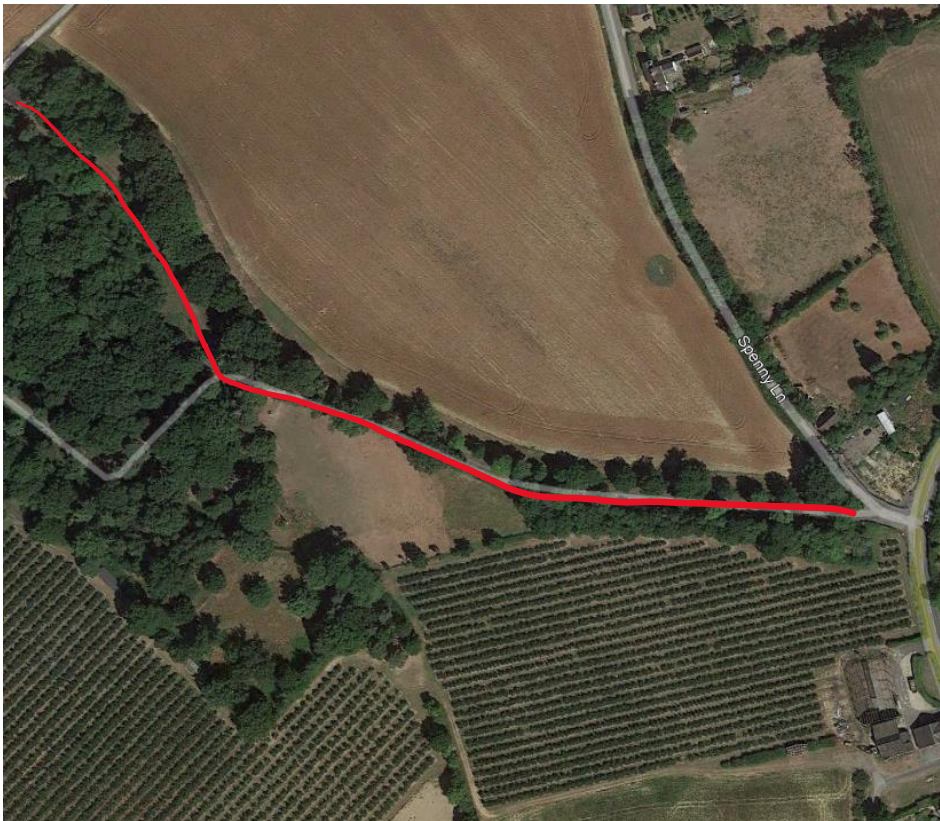


Figure 8: Extract from Google Earth Pro, west of Claygate and the Appeal Site.



Fig 8.1 View south of PROW through small scale landscape with layers of hedgerows, trees and orchards beyond



Fig 8.2: View north from PROW towards Greensand Ridge restricted by vegetation

5.40. This is also notable in Figures 9 along a PROW (identified red) north of Shephurst Lane and south east of the Appeal site where views from the PROW are restricted by vegetation.

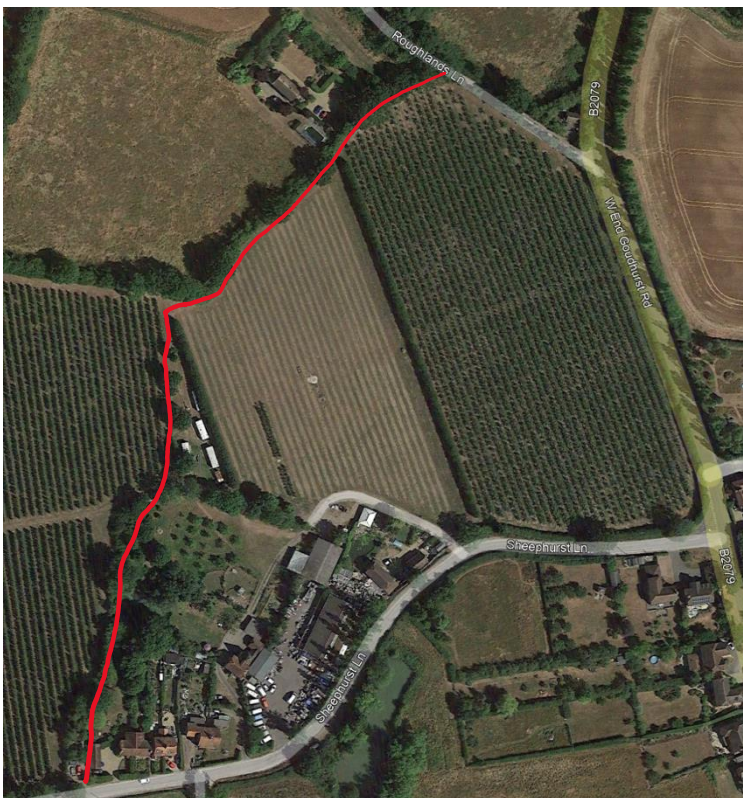


Figure 9: Extract from Google Earth Pro north of Shephurst Lane



Fig 9.1 View along PROW constrained by vegetation to left and right of view



Fig 9.2: View from PROW through orchard planting



Fig 9.3: View across small scale landscape to fenced orchard planting



Fig 9.4: View looking north west from PROW restricted through small scale landscape with layers of hedgerows

5.41. As can be seen in the aerial photos and views taken from these public footpaths, that PROWs within the local, small scale narrow fields, would have restricted views and are therefore not

out of character within this location. And in fact, were once a prevalent aspect of the local landscape as visible in the 1960s aerial photograph of Figure 6.

- 5.42. Retaining and preserving the current situation would only preserve a view of an arable landscape with some filtered views of the Greensand Ridge. These views have been created through removal of vegetation for intensive farming, both through removal of hedgerows and shelterbelt vegetation and removal of orchard planting. It is possible that orchard planting may again become fruitful within Kent.
- 5.43. However, the public benefits of creating new, and enhancing existing landscape infrastructure that is in character with the local landscape, will improve this landscape structure for current and future generations. In particular, Maidstone Borough Council declared a Climate Emergency in 2019 and prepared a Biodiversity and Climate Change Action Plan, updated in April 2023 (CD4.10). The landscape infrastructure of this site provides significant public benefit by directly addressing the following key biodiversity actions within this Action Plan:
- Action 6.5 Implement a nature recovery strategy, linking habitat restoration and creation to improve flood protection and water quality.
 - Action 6.6 Work with local farms and landowners to deliver landscape scale biodiversity initiatives Nature Recovery Strategy – including reconnecting habitats...
 - Action 6.7 Increase borough canopy cover expanding ancient forests and reconnecting of existing woodland...
- 5.44. The State of Nature Report 2023 prepared by the State of Nature Partnership (CD4.11) identifies a 19% decline of the abundance of UK terrestrial and freshwater species since 1970. Actively reintroducing and creating new landscape enhancements that are in character with the landscape will go towards redressing this decline by improving biodiversity through new wildlife corridors. This is of national public benefit.
- 5.45. The landscape enhancements on drawing AW0143-PL-003 (CD1.2.3) are in line with this requirement to repair this degraded landscape and directly respond to the actions and guidelines of each landscape character area as prepared by Natural England, Kent County Council and Maidstone Borough Council. In responding to these guidelines therefore the landscape enhancements as part of the Appeal Scheme, do not equate to a source of harm and would not be inappropriate within this location.
- 5.46. The landscape character area guidelines from national through to local level appraisals must have therefore considered that introducing trees, woodland, hedgerows, vegetation etc back into these two landscape character areas will reduce the currently experienced openness of parts of these landscape character areas. Introducing such features will repair the structure of the landscape to one which has more limited openness and one that has biodiversity benefits through the habitat connectivity of a wooded, hedged, shelter belt structured landscape with small scale field patterns allowing glimpsed views.

LAND USE

- 5.47. The site is located within an arable landscape that has seen significant change over the last century which once included orchards, arable and potentially grazing which would have likely occurred under orchard crops. More recently arable farming has intensified resulting in loss of key landscape features within both the landscape character areas within which the site is located.
- 5.48. Within the surrounding landscape, see Figure 1 above, the wider landscape includes orchard crops within small scale landscapes and larger scale areas of polytunnels to prolong the agricultural growing season. Further land use includes a larger scale industrial site to the north of Marden.
- 5.49. Within the LVIA, 2022 (CD1.9) the susceptibility to change of an arable landscape particularly within these changing landscape character areas was identified as low-medium.
- 5.50. The wide use of large scale polytunnels within the wider landscape character (as seen in Figure 1) creates a scale not wholly different to a solar farm. More recently the approval of Bockingfold Solar Farm to west of Claygate within the same landscape character area as this site, suggests that this landscape can indeed accommodate the scale of development proposed within this location.
- 5.51. The appeal scheme, during its operation, would return the land to meadow and grazed pasture. This is an accepted farming practice within these landscape character areas. A recommendation within the Teise Valley Landscape character area as detailed within paragraph 2.37 above, is to encourage grassland and pasture and avoid arabilisation.

WATERCOURSES AND DITCHES

- 5.52. The site has numerous watercourses and ditches. The Lesser Teise River is located to the east of the site and a tributary runs north-south within the site boundary. These watercourses and ditches are only really visible as a result of the mature vegetation that line them and their susceptibility to change within the LVIA 2022 (CD1.9) is assessed as having a high susceptibility to change.
- 5.53. The tree lined watercourses provide noticeable vegetation within the landscape character of the site. The value of the remnant hedgerows overall is assessed as being medium-high. However, the arable intensification of the landscape has included the straightening of the Lesser Teise River and loss of historic hedgerows, resulting in this aspect of the landscape condition being assessed as medium.
- 5.54. A further issue raised in the Teise Valley Landscape Character area, summarised in paragraph 4.21 of the LVIA, February 2022 (CD1.9), is that ditches and rivers are suffering algal blooms caused by intensive arable cultivation.

5.55. I refer to the guidelines for the Teise Valley LCA in paragraph 2.37 above which encourages grassland and pasture to improve water quality. The proposed pasture and meadow grassland will have significant benefit to the Lesser Teise River and ditches within this local area.

5.56. I refer to paragraph 4.8 of the Landscape and Ecological Management Plan (LEMP) (CD1.13) which explains that within 1 year for modified grassland and 5 years for meadow grassland these grassland areas will be fully established and contributing to the improvement of the water course.

PUBLIC ACCESS & PUBLIC RIGHTS OF WAY

5.57. The Public Rights of Way (PROW) that enter the site include a PROW to the north of the site (KM248) and PROW to the south east of the site (KM244).

5.58. These PROW traverse along the boundaries of or cut through a farmland countryside landscape. This is typical of most PROW within rural locations and there is no uniqueness to PROW undertaking this role within a rural landscape.

5.59. The Ordnance Survey map identifies that the PROW traverses the north east corner of the site as identified in Figure 10.

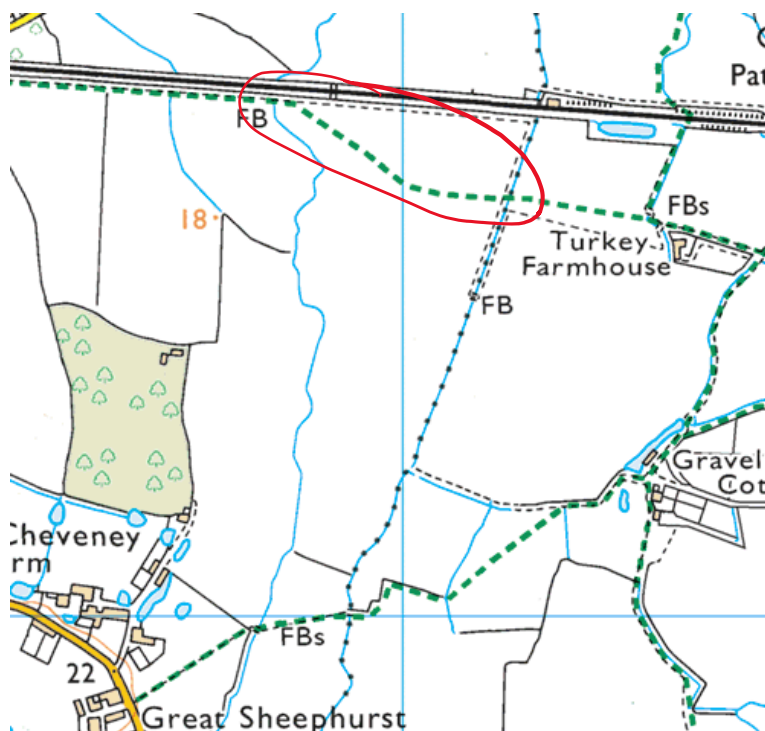


Figure 10: Extract from Ordnance Survey showing location of PROW.

5.60. However, the route of KM248 appears to have self-diverted over time and despite objections from local residents the evidence from the extracts below from Google Earth Pro and recent site images (Figures 11-17) shows it has in the main 'self-diverted'.



Figure 11: 2022 Google Earth Pro Aerial extract to north east of site showing no field crossing



Figure 12: 2020 Google Earth Pro Aerial extract to north east of site showing no field crossing



Figure 13: 2018 Google Earth Pro Aerial extract to north east of site showing no field crossing



Figure 14: 2011 Google Earth Pro Aerial extract to north east of site showing no field crossing



Figure 15: 2006 Google Earth Pro Aerial extract to north east of site showing no field crossing



Figure 16: Image of PROW around perimeter of site in use, taken on 18.12.23



Figure 17: Image of location of PROW across field no longer in use, taken on 18.12.23

- 5.61. The application to divert the PROW is therefore a formality in respect of a short section of PROW that is no longer used.

PERMISSIVE FOOTPATH

- 5.62. The Council in paragraph 47 of their SoC (CD9.2), suggest that the permissive footpath would have a poor outlook. As a permissive footpath there is no legal right of access and no requirement within the GLVIA3 (CD4.1) to consider its outlook as it is not a PROW.
- 5.63. However, its outlook has been considered within the proposals and it would not be poor or out of character. It is not adjacent to the boundary of the fence line. To the east it is mostly 50m from the fenceline boundary with meadow, new and existing gapped up hedgerows and an orchard for outlook. Looking to the west it would be located within an open setting of meadow, with existing woodland, new woodland, ponds and new hedgerow. The line of the path also generally follows the line of existing pylons and overhead power lines. It is hardly a poor outlook when the features which would be apparent to the viewer are already characteristic of the local landscape and those experienced along the existing PROW.
- 5.64. The permissive path has been included to improve the connectivity of existing PROW and provide better access to the countryside. This is in line with the Statement of Environmental Opportunity SEO1 of the National Character Area Profile 121 Low Weald (CD4.2) that advises improving and encouraging access into this landscape.

GATED ACCESS

- 5.65. The Council's SoC (CD9.2) paragraph 49 states that the new gated access onto a public road would be out of character compared to traditional farm entrances.
- 5.66. Figure 18 identifies a farm entrance to Little Cheveney Farm, a working farm within the immediate local vicinity of the Appeal Site. It is a wide and concreted entrance to the farm, softened with hedgerows.
- 5.67. The appearance and location of such a farm entrance in close proximity to the site clearly shows that providing access into the Appeal Site is not dissimilar to a precedent that has already been set within the character area and as such is not out of character.



Figure 18: Farm entrance on Sheephurst Lane, south of the site.

WINTER VIEWS

- 5.68. The Council's SoC (CD9.2) paragraphs 53-55 state that the visualisations do not show the development in winter conditions. The Council state that evergreen planting would provide year round cover, but because evergreen species are not typical of this character area, they would be inappropriate to include within the planting scheme. They go on to state that planting without evergreen species therefore would not satisfactorily mitigate development of this scale.
- 5.69. The assessment was undertaken in summer when Awscape Ltd was appointed. It is not a requirement to take winter views in LVIA's and the timing of the assessment work and the project programme influenced the practicality of covering more than one season.

- 5.70. Winter views were not requested or even mentioned within the Landscape Officer’s Response or the Committee Report. The Council had time prior to determination and through the appeal process to request winter views had they been thought necessary to reach an informed view of likely impacts.
- 5.71. Two additional views were submitted as part of the LVIA Addendum (CD1.37). These were to accompany the Appeal Scheme to address specific concerns relating to the Greensand Ridge and a gated access off Sheephurst Lane into the Appeal Scheme. These were commissioned as part of the appeal process, to be submitted in April 2023, and as such these two new views were undertaken in Winter. Existing viewpoints only required amendments to the photomontages and it was not considered necessary to introduce a revised image baseline at this stage, not least because prior to its SoC the Council had not suggested otherwise.
- 5.72. In the Council’s SoC at paragraph 53 it is said that *‘the deciduous species mix is considered unlikely to provide year-round cover’*.
- 5.73. I do not consider that to be correct. To illustrate the point, whilst on a site visit on 24th November 2023, to an Energy from Waste facility that was completed in 2014 I walked a PROW located adjacent to the Site that had been planted with a young hedgerow to mitigate the view. The hedgerow was approximately 9-10 years old. The following images (Figures 19-20) identify the view of the facility and the effect of the winter hedgerow.



Figure 19: View of the Energy from Waste facility through an opening in the hedgerow.



Figure 20: View of the Energy from Waste facility directly through the winter hedgerow

- 5.74. These comparative images show that a deciduous hedgerow of approximately 10 years old, in winter, can effectively mitigate a view of a large scale development even when facing the facility.
- 5.75. Further to this, an exercise was undertaken to determine the visibility of the Appeal Site from the north with a winter hedgerow. Year 1 would be similar as that of a summer view.
- 5.76. At Year 10 (Fig 21 extract below) only a small section of the top edge of the solar arrays closest to the fenceline would be partially visible through the hedge. The majority of the solar arrays and fenceline would be mitigated by the winter hedge. It is considered that this satisfactorily (i.e. fulfils needs or expectations) mitigates the development of this scale and character in this location.



Fig 21: Extract of Winter photomontage at Year 10 from Viewpoint 6

SUMMARY OF EFFECTS UPON LANDSCAPE CHARACTER

- 5.77. The Council's SoC (CD9.2) in Paragraphs 51-52 discusses the landscape strategy of the development and suggest that this, in itself, would amount to a source of harm and be inappropriate.
- 5.78. In assessing a solar farm in terms of impact on landscape character, it is appropriate to identify harm, and to determine if mitigation is required based on that harm.
- 5.79. It is then appropriate to determine whether, if the impact of the solar farm is mitigated by planting, the landscape screening would in itself give rise to harm. This involves analysis of the existing landscape character and any recommendations within the national, regional and local landscape character assessments for enhancements and restoration which are considered and designed, if appropriate, into the landscape strategy.
- 5.80. It is then a case of determining if the benefits of the mitigation planting outweigh the harm of any negative effects that the solar farm may have on the landscape character and associated views.
- 5.81. It is also an important consideration that when assessing the effects of the Appeal scheme on landscape character, to understand that the solar farm is a temporary development and when

decommissioned, the new landscape infrastructure would remain and would have established over 37 years. Developments such as solar farms within rural landscapes are a great opportunity to deliver longer term improvements and enhancements to existing landscape infrastructure as well as introducing new landscape infrastructure that is sympathetic to landscape character.

- 5.82. It is unclear from the Council's SoC whether they would prefer to have an unmitigated impact if the solar farm was approved. The Council's SoC (CD9.2) in Paragraph 52 also seems to consider that the new planting would need to be removed during restoration as they consider it to cause harm, thus returning it to the open nature of the landscape. This has never been mentioned before as an option and in my opinion would not be appropriate.
- 5.83. In relation to the Appeal Scheme, the views from PROW are not designed views but views through an arable landscape not dissimilar to many rural landscapes. However, within the Appeal Site, the availability of views is as a result of progressive removal of vegetation caused by an increase in intensive farming, resulting in loss of orchards, hedgerows and shelterbelts that blocked or filtered views.
- 5.84. The landscape strategy for this site has considered the existing landscape character and recommendations and incorporated these into an appropriate mitigation and enhancement strategy that is not dissimilar to the nature of the local landscape in creating small scale fields and PROW that pass between rows of vegetation. The need to enhance and repair the landscape is stressed within the guidelines for National, Regional and Local landscape character areas within which the site is located.
- 5.85. The scale and massing of the development is not out of character within the wider landscape and there is greater opportunity to incorporate more considered landscape enhancements within this development than is the case for the polytunnels that are prevalent in the wider landscape (and are also temporary development).
- 5.86. The scale and massing of the development without the landscape mitigation would equate to slight-moderate harm. With landscape mitigation the harm would reduce to limited.
- 5.87. The landscape mitigation would have substantial benefits during the Appeal Scheme's operational lifetime but also in the longer term once the site is decommissioned in repairing and restoring the characteristic features of a landscape that has suffered substantial fragmentation. This has local, regional and national benefits to the landscape character and to biodiversity as detailed in paragraphs 5.45-5.48 above.
- 5.88. Winter views are considered to be effectively screened with deciduous planting within 10 years and would provide satisfactory mitigation of a development of this size and scale.
- 5.89. When the pros and cons are considered for the landscape strategy of the Appeal Scheme, it is very clear that the benefits of the landscape enhancements far outweigh any negative effects of a temporary solar farm.

6. EFFECT ON VISUAL AMENITY

INTRODUCTION

- 6.1. Visual amenity was assessed as part of the LVIA, February 2022 (CD1.9) and is supported by Appendix B, Photography and Verified Views (CD1.9). The LVIA was undertaken to support the Application Scheme.
- 6.2. The Committee Report (CD1.24 & 25) raised concerns over the intervisibility between the site and the Greensand Ridge from PROW KM244 in the SE corner of the site, and the visibility of the site from a field gate along Sheephurst Lane (included within the LVIA Appendix B as Plate G (CD1.9)).
- 6.3. Further concerns were raised within the Committee Report regarding the impact on visual amenity for residents of 8 Sheephurst Cottages, Willow Cottage and Willow Barn, converted dwellings around the Little Cheveney Farm complex and Great Sheephurst Farm. These were addressed in the Landscape Response to the Appeal Scheme of April 2023 (CD1.32) which related to the Application Scheme.
- 6.4. To address these concerns the Appeal Scheme includes a reconfigured layout to the south and additional mitigation planting to address the concerns over visual amenity from residents and to incorporate all woodland within the site boundary. The landscape changes are identified on Drawing AW0143-PL-003 (CD1.2.3).
- 6.5. An LVIA Addendum (CD1.37) was prepared for the Appeal Site. Only those views affected by the changes were amended and reassessed within the addendum. It was deemed unnecessary to provide new photography considering the timeframe within which the previous images had been taken. Two additional viewpoints were assessed, one from the gateway along Sheephurst Lane (Viewpoint 12) and one from within the Greensand Ridge (Viewpoint 13). These were included within the Addendum Appendix Photomontages for the Appeal Scheme (CD1.37).
- 6.6. The LVIA acknowledges that the solar farm will have an initial adverse impact on the visual amenity of a number of receptors within the local vicinity. It is highly unlikely that a solar farm can be placed within a rural landscape without having adverse effects. However, where these adverse effects occur, it is important to address them either through scheme redesign (if required) and/or mitigation and to ensure that the mitigation does not in itself cause harm. It is also necessary to consider how quickly these effects can be mitigated and assess the effects after 10 years.

VISUAL EFFECT OF THE APPEAL SCHEME

- 6.7. Where the visual effect of the Appeal Scheme was assessed as adverse, appropriate mitigation planting has been included to reduce/remove the visual impact. This mitigation planting has been undertaken in a way that is in accordance with the local landscape character as detailed

in Section 5. Table 1 below summarises the Visual effects of the Appeal Scheme initially and after 10 years.

Table 1: Summary of Visual Effects of the Appeal Scheme					
Viewpoint	Sensitivity	Magnitude of Change on completion	Significance of effect on completion	Magnitude of change after 10 years	Significance of effect after 10 years
1 – PROW 190m S	High	Medium	Substantial Adverse	Medium Beneficial	Substantial Beneficial
2 – PROW within S	High	High	Substantial Adverse	Low-Medium Beneficial	Moderate-Substantial Beneficial
3 – PROW 80m E	High	Medium	Substantial Adverse	Low-Medium Beneficial	Moderate-Substantial Beneficial
4 – PROW 410m E	High	Medium	Substantial Adverse	Medium Beneficial	Substantial Beneficial
5 – PROW 250m E	High	Medium	Substantial Adverse	Medium Beneficial	Substantial Beneficial
6 – PROW within N	High	High	Substantial Adverse	Negligible	Negligible
7 – PROW within N	High	High	Substantial Adverse	Negligible	Negligible
8 – PROW within N	High	High	Substantial Adverse	Low-medium Beneficial	Moderate-Substantial Beneficial
9 – Road (Sheephurst Lane) 40m W	Medium	Negligible	Negligible	Negligible	Negligible
10 – Dwelling 30m E	High (downstairs) Medium (upstairs)	Negligible-Nil (downstairs) Low-Medium (upstairs)	Negligible-Nil Slight-Moderate Adverse	Nil (downstairs) Negligible (upstairs)	Nil (downstairs) Negligible (upstairs)
11 – Viewpoint 4.3Km SW	High	Negligible	Negligible	Negligible	Negligible
12 – Sheephurst Lane	Medium	Low	Slight Adverse	Medium beneficial	Moderate Beneficial

Table 1: Summary of Visual Effects of the Appeal Scheme					
Viewpoint	Sensitivity	Magnitude of Change on completion	Significance of effect on completion	Magnitude of change after 10 years	Significance of effect after 10 years
13 – PROW Greensand Ridge	High	Negligible-Nil	Negligible-Nil	Negligible-Nil	Negligible-Nil
Bungalow Little Cheveney Farm (downstairs) 55m S	High	Medium	Substantial Adverse	High Beneficial	Substantial Beneficial
Oast House dwellings @ Little Cheveney Farm and Great Sheephurst Farm (upstairs) from 140-300m S	Medium	Low-Medium	Slight-Moderate Adverse	Medium-High	Substantial Beneficial
Dwellings @ Little Sheephurst Farm (upstairs) from 30-125m SE	Medium	Low-Medium	Slight- Moderate Adverse	Negligible-Nil	Negligible-Nil
Little Long End Burtons Lane (upstairs) 60m NW	Medium	Nil	Nil	Nil	Nil
Turkey Farmhouse 350m E	High (downstairs) Medium (upstairs)	Low-Medium (both)	Moderate-Substantial Adverse Moderate Adverse	Medium beneficial Medium Beneficial	Substantial Beneficial Moderate Beneficial
Burtons Road	Medium	Negligible	Negligible	Negligible	Negligible
Railway Line	Medium	Medium	Moderate Adverse	Negligible-Low	Negligible-Slight Adverse
Marden village (western edge)	Medium (upstairs)	Low-Medium	Slight-Moderate Adverse	Medium Beneficial	Moderate Beneficial

6.8. As can be seen from these visual assessments, it is considered that after 10 years landscape mitigation planting will screen the views and reduce the adverse effect of the visual impact.

INTERVISIBILITY WITH THE GREENSAND RIDGE

6.9. The Committee Report (CD1.24 & 25) and the Council’s SoC (CD9.2), paragraphs 43-44 refer to the intervisibility of the Greensand Ridge to and from the Appeal site and that the solar arrays and long term mitigation planting would obstruct these important views.

- 6.10. Within the Appeal Site, the Greensand Ridge is partially visible from a short section of PROW KM244 (Viewpoint 2, CD1.37).
- 6.11. An additional viewpoint was taken from a PROW within the Greensand Ridge as potentially having a view of the Appeal Site, Viewpoint 12 (CD1.37). The view incorporated polytunnels, industrial roofscapes and orchards within the rural landscape. It was not possible to ascertain the site from the PROW within the Greensand Ridge. There were only small sections where there were panoramic views of the landscape. The majority of views were partially screened by intervening orchard planting as identified within Paragraph 5.36 of the LVIA Addendum (CD1.37).
- 6.12. Parts of the Greensand Ridge would have only become visible from PROW KM244 within the last few decades due to removal of field boundary vegetation, shelterbelts and orchards for the purpose of intensive farming as identified in Section 2 above.
- 6.13. Although the Landscape Character areas mention that there are views of the Greensand Ridge, and the openness of the landscape, it also clearly states that these are as a result of vegetation removal for intensive farming and that reinstatement of boundaries is recommended to enhance and repair this landscape.
- 6.14. As stated in paragraph 5.46 above, the landscape character area guidelines from national through to local level appraisals must have therefore considered that by introducing trees, woodland, hedgerows, vegetation etc back into these two landscape character areas this will reduce the currently experienced openness of parts of these landscape character areas. But in doing so, will restore the structure of the landscape that has seen significant degradation over recent decades.
- 6.15. The mitigation planting can restore the connections between the north-south mature hedgerows to create smaller field patterns, which would inevitably result in the short section of the PROW within the south of the site no longer experiencing views of the Greensand Ridge.
- 6.16. The Council's SoC overstates the importance of this view and as previously stated in paragraph 5.77 the benefits of mitigation planting far outweigh any effects that the Council may consider to be negative.

VISUAL ANALYSIS

- 6.17. Detailed analyses of views of the Appeal Scheme are set out in the LVIA and LVIA Addendum (CD1.9 and CD1.37) and not repeated within this proof. However, extracts of information relevant to this evidence are detailed below. Views of the Appeal Scheme are localised and within close proximity to the site. The Appeal Scheme is not discernible from long distance views from the Greensand Ridge and not visible from The High Weald AONB.

PUBLIC HIGHWAYS

- 6.18. Sheephurst Lane is the only road within proximity to the site that may have potential views of the Appeal Scheme. The access from Burton's Lane has been removed within the Appeal Scheme and therefore the effects would be negligible from Burtons Lane.
- 6.19. The Committee Report (CD 1.24 & 1.25) raised concerns that a gap in the hedgerow of a field gate (previously identified as Plate E within the LVIA (CD1.9) on a 50mph road, west of 8 Sheephurst Cottages) would allow views into the site. This location was reassessed within the LVIA addendum as Viewpoint 12 (CD1.37). The camera was mounted facing the gate despite the transient nature of the view afforded from the road. This was for safety reasons and also to ensure that the greatest detail was captured.
- 6.20. The distance of the receptor to the nearest PV panel is approximately 232m and from the HV compound approximately 165m. With such distance and taking account of the very small opening in the hedge boundary and transient nature of the view, magnitude of change is deemed as low with a Slight Adverse effect. The adverse effect would reduce with gapping up of the hedgerow and woodland planting that would fully screen the view.
- 6.21. The rest of Sheephurst Lane is lined with mature hedgerows that prevent intervisibility with the site.
- 6.22. There are no other roads with views of the Appeal Site.

PUBLIC RIGHTS OF WAY

- 6.23. The Council's SoC (CD9.2) in paragraph 44 and 45 raises concerns in relation to the effect of the Appeal Scheme from PROW KM244 located south east of the site. Viewpoint 1 (CD1.37) is located outside of the site and Viewpoint 2 within the site. Viewpoint 2 has been discussed within paragraphs 6.9-6.16 above.
- 6.24. Viewpoint 1 is located 190m from the Appeal Scheme boundary visible within the view. A woodland buffer of minimum depth of 55m would be located between the Appeal Scheme boundary and the solar arrays. There are partially screened views of the Greensand Ridge beyond mature trees.
- 6.25. The solar arrays are a distance of at least 245m from the receptor. There is evidence of a fragmented hedgerow in the foreground of the viewpoint, and the field boundary beyond has no vegetation, removed over time. Should the foreground hedgerow be gapped up and a fully functioning hedgerow which is outside of the remits of this Appeal Scheme, it would mostly screen views of the land beyond. The proposed mitigation within the site boundary reinstates a former field boundary providing additional connecting woodland. This is entirely appropriate within this landscape character area and does not create harm, when it is evident that existing hedgerows within the foreground are undergoing progressive fragmentation and would, if intact screen the view.

- 6.26. It is accepted that there would be initial adverse impacts from the proposed development. However, these can be mitigated within 10 years as detailed within Section 3 Mitigation Planting.
- 6.27. The Lesser Teise River has a dense vegetated boundary along its length that has suffered minor fragmentation. An intact vegetated edge along the Lesser Teise River would prevent views towards the Site and across the landscape. The proposals to gap up this vegetation corridor with a 50% mix of willow species would within 10 years restore the vegetated boundary along the Lesser Teise River substantially reducing views across the landscape and into the Appeal Scheme.
- 6.28. Viewpoint 3 (CD1.37) is located east of the Site along KM244 and approximately 79m from the solar arrays. The view is through a gap in the Lesser Teise River vegetation. There would be initial adverse effects on this receptor but gapping up of the riverside boundary would within 10 years substantially reduce the visibility of the appeal scheme.
- 6.29. This is the case from all PROW east of the Site including Viewpoint 4, 410m east of the Appeal Site boundary and approximately 470m from the solar arrays and Viewpoint 5 along PROW KM248 north of Turkey Farmhouse. From this location gapping up of the Lesser Teise River, a community orchard, and a hedgerow to the solar array fenceline would provide layers of landscape structure that would substantially reduce the visibility of the Appeal Scheme from this location within 10 years.
- 6.30. Land to the east of the Lesser Teise River outside of the red line boundary would not have any gapping up planting as part of the Appeal Scheme. The open character of the floodplain of Marden created by intensive farming and as identified within the Landscape Character of the Teise Valley would not be affected by the Appeal Scheme.
- 6.31. PROW KM248 continues into the Appeal Scheme and runs along the majority of the northern boundary before exiting onto Burtons Lane. Its diversion is discussed in Paragraphs 5.57-5.61.
- 6.32. It is acknowledged that there would be adverse impacts on the views from this PROW. Concerns raised in paragraph 46 of the Council's SoC that deal with the effect on landscape character and openness have been discussed in detail within Paragraphs 5.30-5.46. It is considered that the hedgerow alone would provide sufficient mitigation to screen the Appeal Scheme within 10 years.

RESIDENTIAL DWELLINGS

- 6.33. The Council's SoC (CD9.2) Paragraph 48 and the Committee Report (CD1.24 & 1.25) paragraph 6.28 identify dwellings that would potentially be affected by the Appeal Scheme.
- 6.34. The Appeal Scheme has addressed concerns raised relating to the dwellings detailed within the Council's SoC by virtue of moving the solar arrays further away from the boundaries of dwellings

and removing access to the north along Burtons Lane as seen in Drawing AW0143-PL-003 (CD1.2.3). These are summarised below.

8 Sheephurst Cottages

- 6.35. At 8 Sheephurst Cottages all solar arrays and the HV compound have been removed from the entire southern section of the field west of the cottages. There are no structures present along the boundary of the property. Distance to the HV compound is approximately 188m.
- 6.36. The Woodland buffer planting proposed along the boundary with 8 Sheephurst Cottages is at a minimum 30m in depth with an oblique depth towards the HV compound from 8 Sheephurst Cottages of approximately 90m. Further mitigation woodland of a minimum of 35m along the southern edge within the red line boundary would reduce any adverse visual effects that may arise from dwellings along Sheephurst Lane.

Willow Cottage and Willow Barn

- 6.37. Willow Cottage and Willow Barn have both been considered with the Appeal Scheme, and the distance of the solar arrays from the dwellings has been increased to a minimum of 75m from the closest dwelling.
- 6.38. A minimum depth of 55m of woodland planting is proposed north between the dwellings and the solar arrays. This is to reduce any adverse visual effects that would be experienced from these dwellings and would be achieved within 10 years of planting.
- 6.39. The dwellings are located on an existing field boundary delineated with a post and wire fence.

Little Cheveney Farm

- 6.40. An attempt to take a verified view from the road within the Little Cheveney Farm complex to determine the visibility of the scheme from Little Cheveney Farm and associated dwellings was prevented by a resident who requested that we leave. The resident informed my team that it was a private road and that they were not permitted to take any imagery.
- 6.41. Subsequent contextual views (CD1.37) were taken from the PROW KM244 to the east of the Little Cheveney Farm complex and were included within the LVIA Addendum. These showed that the main orientation of the dwellings was facing due east and not north. Several dwellings had substantial vegetation to the curtilages of the residences reducing their visibility from the PROW.
- 6.42. The increased distance of the solar arrays to the north along with woodland vegetation within the red line boundary of the Appeal Scheme would reduce any adverse visual effects over a period of 10 years.

Great Sheephurst Farm

6.43. Great Sheephurst Farm is located west on Sheephurst Lane and south west of the red line boundary. Nearest solar arrays would be approximately 330m north east of the dwelling, and only visible from upstairs windows. Moving a large area of solar arrays further north from the receptor would reduce the visual effect. Mitigation woodland would reduce any adverse visual effects over a period of 10 years.

Dwelling along Burtons Lane

6.44. Further to the removal of the access track from Burtons Lane into the site, views from a single dwelling along Burtons Lane with an oblique view from upstairs windows are likely to remain the same as identified within the original LVIA assessment (CD1.9) as Slight Adverse. These are not classed as significant and with mitigation would remove any adverse effects.

Turkey Farmhouse

6.45. Views from Turkey Farmhouse are similar to Viewpoint 5 discussed in paragraph 6.29. Turkey Farmhouse faces the site. There is substantial vegetation to the boundaries of the gardens to Turkey Farmhouse that filter views from ground floor into the site. Turkey Farmhouse was photographed from within the site boundary to ascertain its visibility from within the Appeal Site to determine the likely effects (Plate B, CD1.9). As stated within paragraph 6.27, proposals to gap up the vegetation along the Teise River along with the layers of vegetation within the site, will significantly reduce the visibility of the Appeal Scheme from Turkey Farmhouse.

SUMMARY

6.46. The appeal scheme has been amended to address the concerns raised over visual impact from dwellings, PROW and roads south of the site. This has been achieved by means of:

- increasing the distance of the solar arrays and HV compound from these receptors,
- removing solar arrays where required, and
- providing substantial woodland planting to the southern aspects of the Appeal Scheme, in between the receptors and the solar arrays.

6.47. In so addressing these concerns, the initial magnitude of change on these dwellings has reduced. The proposed landscape planting would over a period of 10 years reduce the effect on visual amenity significantly as mitigation planting matures.

6.48. The overall harm of the Appeal Scheme reduces substantially with increase in distance from the site. The general harm to visual receptors prior to landscape mitigation and within a limited area of 500m of the site would be Moderate. With landscape mitigation and within 5-10 years the harm would reduce to Limited.

REVIEW OF PHOTOGRAPHY AND VISUAL MATERIAL

- 6.49. As explained above, a review of the Photography and Visual Material (CD4.8) has recently been undertaken by Mr Mike Spence at the instruction of Mr Peter Radmall, for Maidstone Borough Council. The details of appointment and availability of this material is provided in Paragraphs 1.21-1.23 of this evidence and CD4.9.
- 6.50. The Landscape Officer response (CD2.1.34) confirmed that the LVIA was '*in general accordance with GLVIA3*'. There is no reference within this consultee response or the Committee Report to any issues with regards the photographs, visualisations or how these were taken, processed, displayed or issued. It is my understanding that this indicated an acceptance by the Council that the LVIA as a whole had been appropriately carried out and was fit for purpose.
- 6.51. It is, therefore, unclear the reason for the Council subsequently commissioning this assessment. If the Council's Landscape expert witness, Mr Peter Radmall, had sought the opportunity to converse with myself with regards to this material prior to raising these points in the Council's SoC, I consider they could have been resolved without the need to take time discussing them in the written evidence.
- 6.52. In order to assist the Inspector, however, myself and Andy Maw Design Limited (AMD) have prepared a technical response to the issues raised in Mike Spence's review which is provided in Appendix A of this Proof of Evidence. The concluding paragraphs of Appendix A are relayed in paragraphs 6.53 and 6.54 below.
- 6.53. When considered as a whole it appears that assumptions have been made by the Council's review based on what appears to be a desk-based review of the series of pdf documents. These assumptions relate to the preparation of the ZTV, the 3D model, the visible extent of the site that has been clearly described in each viewpoint within the LVIA, height of vegetation, distances and the scale of the site. This information could have been requested by The Council and provided.
- 6.54. The photography and the preparation of the visualisations has been undertaken in accordance with the Technical Guidance Note (CD4.3). The 90degree views that are presented within the appendices of the LVIA and the LVIA Addendum are cylindrical views. They show the visible extent of the solar arrays in that view. They are also the context of the view as confirmed by the images within the Appendix and as described within the LVIA. All other methodology has been undertaken with the correct approach. The Council's critique therefore does not raise any points that undermine the 'fitness for purpose' of the visual material or any of the judgements reached in the LVIA as to the nature and extent of the visual impacts themselves.
- 6.55. In my opinion the technical points raised in the review of photography material are really a distraction from consideration of the important substantive issues that fall to be addressed when considering Reason 2 of the Reasons for Refusal.

7. POLICY COMPLIANCE

7.1. This section summarises the evidence that confirms compliance with the relevant policies referred to within Reasons for Refusal, Reason 2. The relevant policies are detailed in Section 4 above.

NPPF

Section 11

7.2. As my evidence explains, the Appeal Scheme provides a significant opportunity to improve the environment with new woodlands, hedgerows, orchard, meadows, ponds and permissive paths as well as safeguarding existing landscape infrastructure through gapping up of existing hedgerows and planting hedgerow trees.

7.3. The multiple benefits include:

- improving access to the countryside through permissive paths,
- Planting an orchard for local community benefit
- reinstating a small scale structure to the landscape lost through removal of vegetation with intensive farming practices,
- recreating wildlife corridors across the site,
- future proofing mature hedgerows at risk through gapping up their length and planting trees
- enhancing biodiversity; and
- improving the quality of the water courses with reduction of arable use and promotion of grazing and meadows.

Section 12

7.4. The Appeal Scheme has altered the layout from that of the Application Scheme to reduce the visual impact from residential receptors providing greater distance between dwellings and the solar arrays.

7.5. The landscape strategy would mitigate the adverse visual effects for receptors and has also included landscape infrastructure that is in accordance with the recommendations of national, regional and local landscape character areas within which the site is located. The landscape strategy is sympathetic to the local landscape and will be visually attractive as it matures.

Section 14

- 7.6. Adverse visual effects from residential dwellings and PROW identified in the Application Scheme were considered and the layout changed to that of the Appeal Scheme. Mitigation woodland, new hedgerows and gapping up of existing hedgerows have been designed to further reduce the adverse effects.
- 7.7. It is considered that the redesign and the landscape enhancements address these impacts satisfactorily. Within a short time scale, of up to 10 years, these landscape enhancements would substantially mitigate the adverse effects and reduce adverse effects.

Section 15

- 7.8. The Appeal Scheme is not located within a national, regional or local valued landscape, nor does it have any landscape designation.
- 7.9. National, Regional and Local Landscape Character Areas have been thoroughly considered within the LVIA, and despite the openness of parts of the Site, the current structure of the site has been created within the last 50 years through progressive removal of mature hedgerows, shelterbelts and orchards. This has created uncharacteristic large-scale fields and has fragmented the landscape with few connections running east to west within the site.
- 7.10. Existing vegetation will be retained and enhanced and new vegetation will provide natural east to west connections, connect existing isolated woodlands, and reintroduce the small-scale field patterns prevalent within this location. The new trees, woodland and hedgerows that are in character with the landscape character areas, have wider benefits both, locally, responding to Maidstone Borough Council's Climate Change Action Plan and nationally by contributing to reversing the decline in nature as detailed in the State of Nature Report 2023.

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Policy SP17 The Countryside

- 7.11. My evidence explains how the Appeal Scheme with the landscape enhancements would satisfactorily mitigate adverse effects of the solar energy farm on the landscape. The solar energy farm is a temporary development that would be decommissioned within 37 years retaining all existing landscape infrastructure.
- 7.12. Within the Appeal Scheme's wider context, this rural landscape is not unfamiliar with temporary or larger scale development that include numerous polytunnels, industrial development north of Marden and will include a solar energy farm at Bockingfold and a switching station south of Sheephurst Lane. This form of development therefore is not out of character with its wider context.

- 7.13. The landscape enhancements are considered appropriate to the landscape character and follow the recommendations and advice of the relevant landscape character area assessments.
- 7.14. The Greensand Ridge has been considered within the Appeal Scheme and the effect is minimal. The Low Weald Landscape of Local Value identified in the Local Plan does not constitute part of this site nor within the Study Area. There are no areas of Landscape of Local Value within or near to the site.
- 7.15. The LVIA and subsequent layout of the Appeal Scheme along with the landscape enhancements consider that the Appeal Scheme can be mitigated in accordance with this policy.

Policy DM1 Principles of Good Design

- 7.16. The Appeal Scheme maximises opportunities for permeability of the landscape with permissive paths, connecting to existing PROW providing links to the surrounding area.
- 7.17. The Appeal Scheme has respected all landscape infrastructure within the site and has sensitively incorporated natural features within the landscape enhancements that are in character with the local landscape character area recommendations. These enhancements would assimilate the development into the landscape respecting the local and natural character of the area with a high quality design.
- 7.18. The design will improve the environmental quality of the local area and substantially enhance biodiversity through meadows, ponds and landscape infrastructure, alongside water quality improvements to the Lesser Teise River, ditches and ponds with reduction in arabilisation.

Policy DM24 Renewable and low carbon energy schemes

- 7.19. The detailed LVIA has thoroughly considered the landscape and visual impact as well as the cumulative effects within the local area. The Appeal Scheme addresses the amenity of local residents and has provided mitigation that will have significant landscape benefits as well as biodiversity benefits.
- 7.20. The Appeal Scheme has been appropriately sited in a location that does not conflict with the landscape character but can indeed enhance the landscape character in line with the character area requirements for future generations and have benefit to the Borough as a whole particularly in relation to Maidstone Borough Council's Climate Change Action Plan.

Policy DM30 Design Principles in the Countryside

- 7.21. The scale and massing of the development is in line with similar structures within the landscape particularly polytunnels and the approved solar energy development at Bockingfold and switching station south of Sheephurst Lane.

- 7.22. The Appeal Scheme has been designed to reduce visual impact and to mitigate visual impact, where required, by enhancing the local landscape character in accordance with national, regional and local landscape character recommendations.
- 7.23. Access into the Appeal Scheme would create an entrance that is typical of farm entrances local to the site.
- 7.24. All structures within the Appeal Scheme have been located away from dwellings and well screened by proposed vegetation and existing retained and enhanced vegetation.
- 7.25. It is therefore considered that the proposed Appeal Scheme is compliant with all relevant policies, responds to National, Regional and Local Landscape Character recommendations, is of significant benefit to Maidstone Borough Council's Climate Change Action Plan and contributes Nationally to reversing the decline in nature as detailed in the State of Nature Report 2023.

8. CONCLUSION

- 8.1. For the reasons stated above it is my professional judgement that on landscape and visual grounds there are no substantive reasons for refusing planning permission for the solar energy farm on Land North of Little Cheveney Farm, Marden, Kent.

APPENDIX

Appendix A: Appellant Technical Response to the Council's Review of Photography and Visual Material

- Appendix A.1: Technical Details for Photomontages
- Appendix A.2: Photomontages at A1
- Appendix A.3: ZTV_DSM_2m_5km and ZTV_DTM_1m_5km