

LANDSCAPE REBUTTAL

**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 1 – Drawing AW0134-PL-APP-004 Landscape Structure Following Decommissioning

1. INTRODUCTION

- 1.1. The Landscape Rebuttal has been prepared in response to the Proof of Evidence of Mr Peter Radmall (hereinafter referred to as “PR”) in respect of the appeal (APP/U2235/W/23/3321094) for the proposed solar farm development at Land North of Little Cheveney Farm, Sheephurst Lane, Marden.
- 1.2. I have not sought to respond to every point where I disagree with PR’s analysis and have instead just addressed those points where I consider a written response is likely to be helpful.
- 1.3. It also refers to any relevant material changes to the publication of the revised NPPF in December 2023.

2. PROOF OF EVIDENCE OF MR PETER RADMALL

Paragraph 3.2

- 2.1. In response to the use of TGN02/21 in PR’s assessment, I point out that both Box 5.1 of GLVIA3 and TGN02/21 have been used within the LVIA. The information within Table 2 (pp20) of the LVIA is further segregated into the constituent parts of TGN02/21, within the descriptions and individually separated to determine their value. TGN02/21 states that ‘Table 1’ within TGN02/21 *‘is not intended to be an exhaustive list of factors to be considered...but to provide a range of factors and indicators.’* I consider the range of factors within the LVIA have been covered effectively and describe the character and context of the Site with enough depth to provide a direct comparison with PR’s assessment.
- 2.2. PR goes on to state that *‘the LVIA does not explicitly consider the published character types/areas as receptors’*. Within Table 1 of the LVIA the landscape elements that make up the Site and the surrounding area have been detailed. These incorporate the site, and its surroundings and consider trees, hedgerows, water, arable land and topography. These are the key characteristics of the landscape of the Site and its context. These represent the landscape character of the Site and Setting, detailed in their susceptibility to change to provide an overall susceptibility of the landscape character.

Table 3.1 and paragraph 3.6

- 2.3. Comparing PR’s Table 3.1 and Table 2 of the LVIA I consider the following points to be important:
- 2.4. Conservation interests in the LVIA Table 2 are detailed separately as Natural Heritage and Cultural Heritage with the same values ascribed as in PR’s assessment. The LVIA and PR’s assessment both consider the site and its setting.

- 2.5. Landscape Condition in the LVIA Table 2 details constituent landscape infrastructure of the site and its setting. However, PR only considers the site in this part of his assessment. The setting is important to determine the overall condition of the landscape. We differ in our result due to this factor.
- 2.6. Rarity (within LVIA Table 2) and Distinctiveness (PR assessment Table 3.1) are considered to be the same. I disagree with PR's consideration of the landscape as having medium to high distinctiveness. PR states in paragraph 2.15 of his evidence, that 'the appeal site is not individually distinctive in the landscape'. In Table 1 of the TGN02/21 distinctiveness has examples of indicators to reach a high value. I have assessed these and I do not consider that the site:
- has a strong sense of place,
 - has any distinctive features which are characteristic of a specific place,
 - has rare or unusual features,
 - or makes an important contribution to the character of a settlement or gateway to a settlement.
- 2.7. It may be that the site contributes to elements of the wider landscape character area, but this does not make it a distinctive or rare landscape. I believe PR has over emphasised this aspect and I consider the LVIA's assessment of low distinctiveness/rarity as fair and reasonable.
- 2.8. Perceptual aspects (within LVIA Table 2) details wildness/tranquillity and scenic value. These are the same as identified in the TGN 02/21 assessment, although PR further separates wildness, tranquillity and dark skies which should be treated as one factor.
- 2.9. I disagree with PR's assessment of tranquillity as being High. It is an arable landscape (which will be regularly managed by farm machinery), it is affected by power lines and passing trains on the South Eastern Mainline. The southern road, Sheephurst Lane, is not a quiet rural road but a fast, busy through route connecting Marden (B2079) to Claygate (B2162). This is frequented by lorries, vans and cars. Dwellings are also noted to the south of the site. When considering tranquillity as high it would be expected that there is no noise, and no effect of modern influences. This is something most notably associated with remote rural locations within AONBs, National Parks, open access land and areas away from any busy infrastructure or urban settings. This site is not without urban influence and therefore cannot be considered as having a high degree of tranquillity when trains pass or vehicles are present on the road, or the farm is being managed, or residents are maintaining their gardens etc. I consider that PR has over emphasised this aspect and the LVIA's assessment of tranquillity of medium is more realistic considering the context of the site.

- 2.10. Dark skies are detailed within PR's evidence. However as lighting is not a material consideration within the operation of the site it was not considered to be a factor requiring further analysis as there would be no effect.
- 2.11. The Functional Aspects factor within the TGN02/21 seems to overlap with the Natural Heritage and Landscape Condition factors. It concerns me that these factors are being considered more than once in PR's assessment, because they will be double counted and skew the resultant score. I consider therefore, that the LVIA's term Representation from Box 5.1 of GLVIA3, describes the site and its context i.e. its current function as an expansive arable landscape, as a more appropriate and fair representation of its function with a value of medium. The LVIA does not include a repetitive assessment. I consider that PR has double counted in his assessment and PR's score is over-valued.
- 2.12. In paragraph 3.6 of PR's evidence, PR scores overall landscape value to be medium to high. However, it appears that he has not considered the 'nil' score for the Association factor or the 'low-medium' score for Wildness factor in his conclusion. I consider that if one was to average out all of these factor scores and not select those that seem favourable, one would return a value of medium, less than that which PR has stated and one that concurs with the LVIA conclusion in Table 2 of the LVIA. I consider PR's scoring to be over-valued.

Table 3.2

- 2.13. Table 1 within the LVIA separates out the landscape elements that are of relevance and importance to the characteristics of the landscape within which the site is located. It separates these into the site and wider area providing a description of how these landscape elements are factors within this landscape character. These elements combine to form the overall landscape receptor and this informs the judgment as to the overall susceptibility of this landscape receptor to change. These elements are the constituent parts of the landscape character areas for the site and the surrounding area.
- 2.14. Paragraph 5.40 of GLVIA3 requires the assessor to make an informed decision in assessing the landscape receptors, by either separating them out into their individual elements or assessing their overall character. This is to avoid double counting because the individual elements are the constituent parts of the overall character.
- 2.15. In Table 3.2 of PR's evidence he assesses both the individual elements and he assesses the overall character for local landscape, Laddingford Low Weald and Teise Valley. I consider that PR has double counted in his assessment and PR's score is over-valued.

Paragraph 3.10

- 2.16. PR suggests that 'susceptibility of perceptual factors is ignored' and is therefore contrary to 3.21 of GLVIA3. The LVIA used paragraph 5.40 of GLVIA3 to assess the susceptibility of change of each individual element. This paragraph states that one assesses an individual element OR a

particular perceptual aspect. The LVIA assessment chose to assess the individual elements of the landscape.

- 2.17. PR suggests that the 'LVIA does not include water bodies or overall field pattern'. The individual elements chosen within the LVIA are only those that are likely to be susceptible to change. The elements are the main structure of the landscape that includes its topography, its use, and its landscape infrastructure. Trees, hedgerows and river margins are the landscape infrastructure of this Site that are susceptible to change and are detailed in Table 1 of the LVIA. Only those landscape elements that are affected by fencing, solar panels or landscape planting have been included as these are the only elements susceptible to change. Field pattern is considered a characteristic of the Site formed by the elements and not an individual element. Field pattern is detailed in Table 2 of the LVIA.

Paragraph 3.11

- 2.18. PR states that arable land is a key influence on the character and openness of the site. The nature of the use of the site in its current form is arable. Arable is unable to continue below the solar panels. However, arable is not the only land use within these character areas. Land use within the local study area includes pasture, fallow, woodland planting, orchards, hops, polytunnels and agricultural buildings. Therefore, the function of land within the local landscape is variable. As there is so much flexibility within the local landscape there are also changes to the openness and the character of this landscape associated with these different functions. Based on the site's context, the LVIA has considered the susceptibility of the arable landscape to change and in my view correctly concludes the susceptibility is low-medium and not high as concluded in PR's evidence.
- 2.19. It should also be noted that Bockingfold solar farm on arable land and a switching station on pasture/fallow land within the same landscape character areas of this site have been recently approved.

Paragraph 3.12

- 2.20. As confirmed in paragraphs 2.1 to 2.16 above the approaches to determining the sensitivity of the landscape are in line with GLVIA3 and the TGN02/21. Where they differ from PR's evidence is that the LVIA includes all values of characteristics to reach the overall concluding value of medium, and the LVIA includes only the relevant individual elements that are susceptible to change, as required in paragraph 5.40 of GLVIA3.

Paragraph 4.7

- 2.21. In relation to bullet point 2 where PR contests the LVIA's consideration of medium sensitivity for receptors in upstairs rooms, I bring attention to Paragraph 6.36 of GLVIA3. This states:

'...residents may be particularly susceptible to changes in their visual amenity – residents at home, especially using rooms normally occupied in waking or daylight hours, are likely to experience views for longer than those briefly passing through...'

- 2.22. Most dwellings have their main rooms of daylight occupation on the ground floor. As this is not a residential amenity assessment, it has to be assumed that dwellings detailed within the LVIA have their main rooms of occupation on the ground floor i.e. kitchen, living room, dining room etc. The receptors in these rooms are likely to be present in these rooms for longer and therefore experience views outside for longer than those of upstairs rooms which would mainly be occupied during night-time hours or briefly passing through. Therefore, the sensitivity of receptors in ground floor rooms would be higher than those with less daylight occupation. The assessment therefore appropriately considers rooms that are upstairs i.e. least occupied in daylight hours to be of medium sensitivity, i.e. less than ground floor.
- 2.23. PR suggests that viewing opportunities from upstairs rooms may be greater as ground floor rooms are usually 'more obstructed by vegetation and other features'. However, this does not change the sensitivity of the receptor. This relates to the magnitude of change on the receptor i.e. what the receptor can see. Despite the upstairs rooms being less sensitive, they may have greater visibility, just as ground floor rooms have higher sensitivity but may have less visibility. This has been taken into consideration within the LVIA and often creates similar results for upstairs and downstairs effects. This can be seen in Table 5, Viewpoint 10 of the LVIA.
- 2.24. In relation to bullet point 3 where PR suggests that walkers on roads would be highly sensitive to change I bring attention to paragraph 6.33 of GLVIA3 (page 114) where it states:
- 'Travellers on road, rail or other transport routes tend to fall into an intermediate category of moderate susceptibility to change. Where travel involves recognised scenic routes awareness of views is likely to be particularly high.'*
- 2.25. I consider Sheephurst Lane to be a typical lane within this local landscape. Sheephurst Lane is not recognised as a scenic route. I would consider that along this road the receptor is more likely to be mindful of the speed and volume of traffic as opposed to admiring any small glimpses of views through buildings and vegetation either side of the road. Receptors on Sheephurst Lane are therefore of medium sensitivity as focus is predominantly on the road and safety.
- 2.26. Burtons Lane is also a typical lane within the local landscape and is a quiet cul-de-sac. It is not a recognised scenic route and is abutted by mature hedgerows. It is therefore appropriately considered to be of medium sensitivity.
- 2.27. I therefore do not agree with PR's judgement that because roads may be used by walkers this automatically increases the sensitivity to high. GLVIA3 clearly states that this can only be the case for recognised scenic routes.

Paragraph 5.6

- 2.28. I disagree with PR's statement that 'the planting mix has been amended with the intention of achieving faster growth.' The reason for changing the planting mix was a direct response to the Landscape Officer's comment 'to ensure that species are consistent with the Maidstone Landscape Guidelines.' This was subsequently altered in the Appeal Scheme. The consistent

species mix includes willow, alder and birch which are faster growing species than the Application Scheme. The faster growth rate is an indirect result of the Landscape Officer's request.

Paragraph 5.15

2.29. PR states that 'in the event that [noise from the compounds and inverters] may be audible from the nearest PROWs, it is likely to be perceived as a source of disturbance in an area that currently retains a high degree of tranquillity'. This is a new point: reason for refusal 5 was concerned with noise impact on residential amenity and has now been withdrawn with a condition agreed. PR does not provide any evidence about the likely noise levels or an explanation why this issue has only been raised for the first time in his evidence and not in the discussions between the Council and the Appellant regarding noise in the context of the agreed condition and the Statement of Common Ground. I understand that the Appellant's noise consultants have been asked to respond to this matter at the Inquiry and I reserve the right to comment further in the light of that response.

Paragraph 5.18 iii

2.30. PR states that 'the new woodland planting would infill the established field pattern to varying degrees, reducing its legibility'.

2.31. I disagree with PR's statement. The woodland planting would create new blocks, boundaries, edges and connections across the fields similar in size, and scale to those already prevalent within the landscape. It does not infill a complete field or reduce legibility of the landscape. The planting has specifically responded to the recommendations for Low Weald landscape character area that states 'conserve and extend woodland blocks' and 'improve habitat connectivity' and for the Valleys 'increase habitat connectivity by promoting vegetation links'.

2.32. The guidelines for these landscape character areas must have considered that implementation of the recommended changes to the landscape would alter the current character of the landscape, and that this would be beneficial. This planting achieves these recommendations.

2.33. PR goes on to state that 'the hedgerows along the perimeter fences would create a series of linear compartments that are uncharacteristic and have no intrinsic purpose except as a consequence of the need to screen the solar arrays'.

2.34. I disagree that these shapes of field are uncharacteristic within the landscape. Small scale fields and narrow landscapes are notable locally. The hedgerows will create linear fields the size and shape of which are prevalent within the local landscape as identified within my main Proof of Evidence at Paragraphs 2.10-2.12 and historical evidence in Figure 6.

Paragraph 5.25

2.35. In response to the concerns raised about the permanency of planting intimated in PR's evidence in paragraph 5.25 and paragraph 5.18, drawing AW0143-PL-APP-004 has been prepared that

illustrates the residual position following the decommissioning of the site and retention of the proposed planting in its wider context.

- 2.36. The drawing shows that without the solar arrays, the structure of woodland and hedgerows is in character with the landscape within which it sits by creating smaller scale field patterns. It would not cause residual harm to the landscape character.

Paragraph 6.5 and tables 6.1 and 6.2

- 2.37. PR states that 'the LVIA does not set out the predicted effects for each of the identified landscape receptors, but assesses the magnitude of change for each source of impact...'
- 2.38. Paragraph 3.24 of GLVIA3 states that 'Landscape professionals should assess the nature of a landscape receptor's sensitivity by combining judgements about its susceptibility to change arising from the specific proposal with judgements about the value attached to the receptor. When considering the nature of a predicted effect its magnitude should be determined by combining judgements about matters such as size and scale of the change, the extent of the areas over which it occurs, whether it is reversible and whether it is short or long term in duration.'
- 2.39. The LVIA has followed the process of Assessing the significance of effects in Figure 3.5 and in alignment with Paragraphs 3.26 to 3.36 of GLVIA3. It has combined the individual judgements about susceptibility of the landscape elements to change and also combined the individual judgements about the value attached to characteristics of the site. This has provided an overall susceptibility to change to this form of development and an overall value to the combined landscape elements. This is combined to provide site specific sensitivity.
- 2.40. Paragraph 5.48 of GLVIA3 states that '*each effect on landscape receptors needs to be assessed in terms of its size or scale, the geographical extent of the area influenced and its duration and reversibility*'. This has been undertaken in Tables 3a and 3b within the LVIA.
- 2.41. Using Tables 3a and 3b with the LVIA the landscape components of the development, site and mitigation were identified and their magnitude of change detailed. These were combined to provide an overall magnitude of change at year 1 and year 10.
- 2.42. Their effects on the sensitivity of the landscape detail the overall significance of effect upon completion and after 10 years.
- 2.43. This methodology appears to differ from that adopted in PR's evidence but is nevertheless in accordance with GLVIA3 methodology.

Paragraphs 6.8-6.10

- 2.44. PR's findings in respect of landscape effects differ from those in the LVIA. PR considers that year one would be Substantial to Major Adverse for the site, and Minor to Moderate adverse for the

local landscape becoming Moderate to Substantial Adverse for the site and Minor Adverse for the local area at year 10.

- 2.45. The LVIA’s equivalent findings are Slight-Moderate Adverse for the site and study area at Year 1 and the residual effect at 10 years Slight to Moderate Beneficial.
- 2.46. I disagree with PR’s suggestion that the LVIA has ‘played down’ the magnitude of adverse change at Year 1 and over-estimated the ability of mitigation, not only to moderate that change but to deliver net benefits over and above the existing conditions.
- 2.47. As detailed in the LVIA, the introduction of solar arrays will result in a high adverse effect and the introduction of electrical infrastructure a medium adverse effect. These effects are balanced by the introduction of planting, retention and enhancement of existing vegetation within the site and the introduction of new path networks. The magnitude of landscape effects is a balance between what the solar arrays impart on the landscape and what is retained, improved and enhanced for the benefit of the landscape and how this responds to landscape character guidelines.
- 2.48. After 10 years the solar arrays and the electrical infrastructure would remain, but their adverse effects would reduce with the mitigation reducing their appearance in the landscape. Landscape character and appearance are interrelated.
- 2.49. With the appeal scheme the planting is faster growing and as such matures quicker, resulting in an increase in the beneficial effects from baseline.
- 2.50. PR’s results will differ from the LVIA’s appraisal, as he considers the sensitivity of the landscape to be higher than it actually is as detailed in Paragraph 2.12 above where he has disregarded factors of lower value in his overall conclusion.
- 2.51. PR’s results will also differ from the LVIA, as PR has a difference of opinion in relation to the effects of the mitigation planting. PR’s opinion is that it would cause harm to the landscape.
- 2.52. PR suggests that ‘net benefits could be achieved in relation to biodiversity and landscape condition’, but believes ‘these amount to only two of the TGN02/21 factors and would be outweighed by the adverse effects on others’. I disagree with this statement and believe that within 10 years, 6 of the factors would have benefit with 3 nil or neutral:

TGN02/21 factors	Changes in the scheme	Beneficial/Adverse/Neutral change
Natural Heritage	Retention of existing, enhancement of existing and creation of new habitats, woodlands, hedgerows and connections. Significant contribution to Maidstone BCs Biodiversity Action Plan	Beneficial

Cultural Heritage	<p>Enhancement of historic field boundaries, creating of small scale fields, strong sense of identity and enclosure to the landscape.</p> <p>[Heritage issues relating to setting of listed buildings are not a landscape matter but one addressed within the heritage evidence.]</p>	Beneficial
Landscape Condition	<p>Condition of the landscape enhanced from the current degraded landscape. Pasture land and meadows to improve soil condition and water quality (as recommended in landscape character guidelines), condition of existing gappy hedgerows improved, connecting fragmented landscape of woodlands and hedgerows with new hedgerows and woodland planting, small scale fields recognisable within the landscape.</p>	Beneficial
Association	No changes	Nil
Distinctiveness	<p>New structure of the natural landscape discernible locally. Balanced by the presence of the solar arrays although screened in the long term.</p>	Neutral
Recreational	<p>PROW has already diverted itself to avoid crossing arable land. PROW would be intimate in nature similar to PROWs in the local area. Enhanced connections to existing PROW within and outside of the site with permissive paths improving accessibility to the countryside. Community orchards for benefit of the community.</p> <p>Views from PROW would be altered in line with character area guidelines to create intimate small scale views as seen within the local landscape.</p> <p>Solar infrastructure would be appropriately screened.</p>	Beneficial
Scenic	<p>Planting and changes to the scenic aspect are in line with the National, regional and Local landscape character area guidelines. This would alter the openness of the landscape that has been caused by landscape degradation and poor management.</p>	Beneficial

	Solar infrastructure would not be dominant features after 10 years.	
Wildness & Tranquillity	No change to dark skies. Tranquillity of the location would improve with the removal of agricultural intensive farming practices. Hedges and vegetation would provide a sense of enclosure experienced elsewhere within the local landscape	Beneficial
Functional	The function of the landscape below the panels would remain in agricultural use and is in line with the local character areas. The landscape does not have a scenic function but a farming function.	Neutral

Table 6.2 and Paragraph 6.13

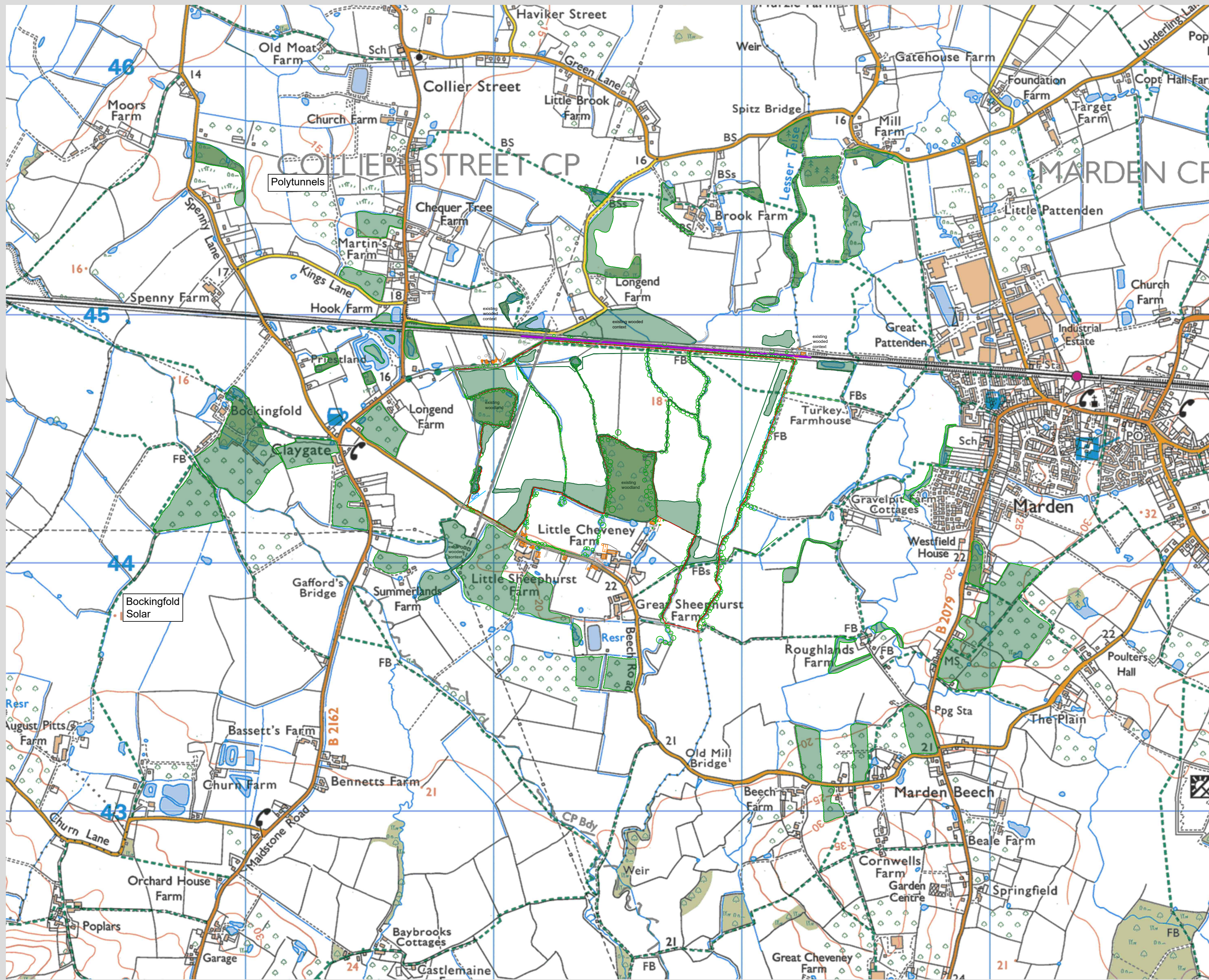
- 2.53. Within Table 6.2 it is unclear how PR has attributed weight to a neutral significance of effect. Within the LVIA the effects are identified as either adverse, beneficial or neutral/negligible/nil as detailed within the LVIA’s methodology. The adverse/beneficial effects are then provided with weight based on the sensitivity of the receptor and the magnitude of change. A judgement is then made on the initial effects from the baseline as to whether the development is considered adverse or beneficial. A neutral/negligible/nil effect however has no weight as it is neither positive nor negative. Therefore PR’s attribution of weight to the neutral effects for VP1, VP4 and VP5 is confusing.
- 2.54. There is a disagreement between PR and myself on the Y10 effects. This, I believe, is based on his opinion that the mitigation planting causes harm in itself as well as his opinion as to ‘the effectiveness of the mitigation and its potential to achieve net benefits’.
- 2.55. As per paragraph 4.29 of GLVIA3, mitigation has been designed *‘to fit with the existing character of the landscape where this is a desirable objective, respecting and building upon local landscape distinctiveness...They should also respond, where possible, to landscape objectives that may have been set in development or management plans or strategies for the area.’*
- 2.56. For this site, mitigation planting has been proposed to screen the proposed development but has also been located where it can contribute to enhancing the landscape character, responding to the guidelines on the landscape character appraisals as well as responding to Maidstone BC’s Biodiversity Action Plan actions, April 2023.
- 2.57. It has been shown within my evidence and in the LVIA that mitigation at 10 years can screen the development and does so effectively. My assessment has considered the original baseline view which in some circumstances is open. However, this is only a character recently attributed to this landscape as a result of arable intensification and poor landscape management, as





detailed within the national, regional and local landscape character assessments. Photographic evidence of the local area in my proof of evidence (Figures 8-8.2 and Figures 9-9.4) shows that this landscape character where it is more intact is more enclosed, intimate in scale, with more landscape structure, smaller fields, narrow passages, with hedges and wooded in nature. Simply taking the baseline as read and assuming all aspects of the baseline are positive and should be preserved is not good practice if it is a degraded landscape caused by arable intensification and poor landscape management. Combining knowledge of the local landscape, with the guidance for the landscape character areas, with the current condition of the landscape, I consider that the mitigation planting serves to enhance and reinforce the local landscape character, resulting in appropriate views across this landscape and effective mitigation. The overall effect of the planting would be beneficial, delivering improvements in line with the assessed landscape character and returning structure to a landscape that has suffered degradation.

- 2.58. The revised NPPF December 2023 has been reviewed. There are no relevant material changes to the publication of the revised NPPF that would affect the LVIA, addendum or my Proof of Evidence.

Appendix 1

Drawing AW0134-PL-APP-004 Landscape Structure Following Decommissioning



- LEGEND**
-  Woodland/Orchard identified local to site
 -  Hedgerows after decommissioning
 -  Ponds, rivers & ditches
 -  Redline boundary



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Client:
 Statkraft UK

Project:
 Sheepwash Solar Energy Farm, Marden

Drawing Title:
 Landscape Structure following decommissioning

Date: Dec 2023	Scale: 1:10,000 @A2	Drawing No: AW0143-PL-APP-004
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