



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

**Appeal by
Statkraft UK**

in relation to

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

**PROOF OF EVIDENCE ON
LANDSCAPE AND VISUAL
MATTERS**

prepared by

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on behalf of

Maidstone Borough Council

December 2023

Contents

1.	Introduction	1
2.	Site Description and Context	7
3.	Landscape Receptors and Sensitivity	12
4.	Visual Receptors and Sensitivity	19
5.	The Proposals and their Sources of Impact	22
6.	Predicted Effects	32
7.	The RfR2 Concerns and their Policy Implications	40
8.	Summary and Conclusion	45

Appendices (separate document)

- A. Published Landscape Character Areas
- B. MSEnvision Review of LVIA Visual Material
- C. Cawrey High Court Judgment

1. Introduction

Background

- 1.1 My name is Peter Radmall. I have an M.A. in Geography from the University of Oxford and a B.Phil. in Landscape Design from the University of Newcastle-upon-Tyne. I am a Chartered Landscape Architect and have around 45 years of professional experience. I have worked for several design and planning practices, and have taught at a graduate and post-graduate level in the UK and Australia. I have been an independent practitioner for the last 30 years.
- 1.2 My principal area of expertise is landscape and visual impact assessment. I have carried out such assessments for a wide range of projects, including solar energy schemes, and have acted as an expert witness on numerous occasions.
- 1.3 I was instructed in September 2023 by Maidstone Borough Council to prepare landscape and visual impact evidence in relation to this appeal. This evidence has been prepared and is given in accordance with the guidance of the Landscape Institute, and I can confirm that it represents my true and professional opinion.

Scope and Approach

- 1.4 My evidence considers the landscape and visual effects of the proposed development. These relate to impacts on the character, appearance and perceptual qualities of the landscape, and impacts on views and their amenity value for the people who experience them. Whilst these impacts are by convention treated separately, they are closely related, since landscapes are mainly perceived visually.
- 1.5 A Landscape and Visual Impact Assessment (LVIA) was prepared in support of this application ¹, followed by an LVIA Addendum ² which reflects amendments that have been made to the scheme following determination.

¹ awSCAPE, February 2022

² awSCAPE April 2023

Following the approach adopted by the appellant's landscape consultant, I have addressed the effects of the original scheme first, and have then commented on how these might be influenced by the proposed amendments.

- 1.6 Having reviewed the LVIA/Addendum, I consider them to be in accordance with the prevailing guidance (GLVIA3).³ However, this does not necessarily mean that I agree with every aspect of the LVIA methodology or with every judgment within it. In addition, I have identified a number of omissions in its approach. These, together with points of disagreement, are reported in Sections 3, 4 and 6 of this proof.
- 1.7 Much of the LVIA is otherwise of a factual and largely uncontentious nature, and in order to minimise repetition I have not carried out a duplicate LVIA of my own. Instead, I refer to the LVIA where relevant and have undertaken supplementary work to inform my own assessment. I doing so, I have tried to comply with the overall approach adopted in the LVIA, including its terminology, whilst using my own judgment.
- 1.8 The LVIA was supported by zones of theoretical visibility (ZTVs), a number of assessment views and visualizations for four viewpoints. The LVIA Addendum was supported by additional and/or amended visualizations. This material has been reviewed by Mike Spence (trading as MSEnvision), a visualization expert who co-authored the Landscape Institute guidance⁴. His advice is attached as **Appendix B**, and in summary recommends that the photography and visualizations are of limited reliability. I have treated this advice as a "health warning" when reviewing the material, and would suggest that others do the same.
- 1.9 I undertook fieldwork in September of this year, when deciduous vegetation was in leaf; and in November, when visibility had increased due to leaf-fall. All but two of the LVIA photographs were taken in July, when vegetation was fully in leaf. Visibility will be greater during winter months, and I have made allowance for this in my assessment.

³ Guidelines for Landscape and Visual Impact Assessment (Landscape Institute/Institute of Environmental Management and Assessment, 2013)

⁴ TGN06/19: Visual Representation of Development Proposals, September 2019

- 1.10 My fieldwork was undertaken from public rights-of-way (PRoWs), byways and roads. As is normal for LVIA's, I did not seek access to private property, and have inferred impacts on private views where possible from the nearest available locations.
- 1.11 In considering the likely effects, I focus on the project as completed and operational, initially for "Year 1" (before landscaping has taken effect) and then for a future scenario once landscaping has become established. Whilst the LVIA uses "Year 10" for this scenario, the LVIA Addendum considers "Year 5-10", to account for the use of faster-growing tree species.
- 1.12 However, the precise growth-rate of trees is subject to many variables, and is difficult to predict (or visualize) with great accuracy. A "Year 15" scenario is often adopted in LVIA⁵. Reflecting these uncertainties, I consider "Year 10" to represent a sensible compromise, and have adopted this in my assessment.
- 1.13 I do not specifically assess impacts during construction. Many of these impacts would be temporary and would vary throughout the construction period. Longer-term changes occurring during construction (e.g. removal of arable use) would be captured within the Year 1 scenario.

Main Issues

- 1.14 This evidence relates to Reason for Refusal 2, which is as follows:
- 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.*
- 1.15 The main issues identified in RfR2 may be summarized as follows:
- i. The source of harm is the scale and character of the development;
 - ii. The degree of harm is significant;

⁵ And in some cases even "Year 30".

- iii. The receptor that would be harmed is the character and appearance of the countryside; and
- iv. The proposed mitigation would be insufficient to avoid or neutralise that harm.

1.16 I would also make the following comments and clarifications:

- i. The RfR does not refer to impacts on views or visual amenity. However, it does refer to the “appearance” of the countryside, which is self-evidently perceived visually and contributes to the amenity of views as experienced, in particular, by users of PRowS and by local residents. I have therefore followed the approach of the LVIA in considering visual impacts and their potential implications for both character and amenity.
- ii. The RfR does not refer to “valued landscape”, as per NPPF 174(a). It is common ground that the site is not located within a designated landscape. However, this is not to imply that the site possesses no value, and I identify its valued attributes in Section 4. For the purposes of this appeal, the Council does not consider the site to form part of a valued landscape in NPPF terms, and I am not seeking to argue otherwise.
- iii. The site is theoretically inter-visible with the High Weald AONB. However, the RfR makes no reference to harm to the setting of the AONB. Having taken account of viewing distance and the very limited viewing opportunities from the AONB, I am satisfied that no such harm would arise, and none has been alleged by the High Weald Joint Advisory Committee.

Structure of this Evidence

1.17 My evidence is organised as follows:

- Section 2 describes the appeal site and its landscape context;

- Section 3 identifies the key landscape receptors and assesses their sensitivity;
- Section 4 considers the potential visual receptors and their sensitivity;
- Section 5 highlights the relevant characteristics of the proposed development as sources of impact, and considers their perceptual implications;
- Section 6 assesses the predicted effects on landscape character and visual amenity, and compares my conclusions with those of the LVIA/Addendum;
- Section 7 considers the concerns raised in Reason for Refusal (RfR) 2 and their policy implications; and
- Section 8 presents a summary and conclusion.

1.18 My evidence comprises this document (written proof), together with the attached appendices, which are as follows:

- A. Published Landscape Character Areas;
- B. MSEnvision Review of LVIA Visual Material; and
- C. Cawrey High Court Judgment

References

1.19 The main documents to which I shall be referring are as follows:

Landscape Institute Guidance

- Guidelines for Landscape and Visual Impact Assessment (GLVIA3), LI/IEMA, 2013 [CD4.1]
- TGN06/19: Visual Representation of Development Proposals [CD4.3]
- Assessing landscape value outside national designations (Landscape Institute Technical Guidance Note 02/21 (TGN02/21) [CD4.4]

Published Landscape Character Assessments

- National Character Area Profile for NCA 121: Low Weald [CD4.2]
- Landscape Assessment of Kent (2004) [CD4.5]
- Maidstone Landscape Character Assessment (2012) [CD4.6]

Application Documents

- Landscape and Visual Impact Assessment (LVIA), awSCAPE, February 2022) [CD1.9] and LVIA Addendum (April 2023) [CD1.37]
- Drwg AW143-PL-003: Landscape and Biodiversity Enhancements [CD1.2.3]
- Ecological Impact Assessment [CD1.36]

Planning/Policy Documents

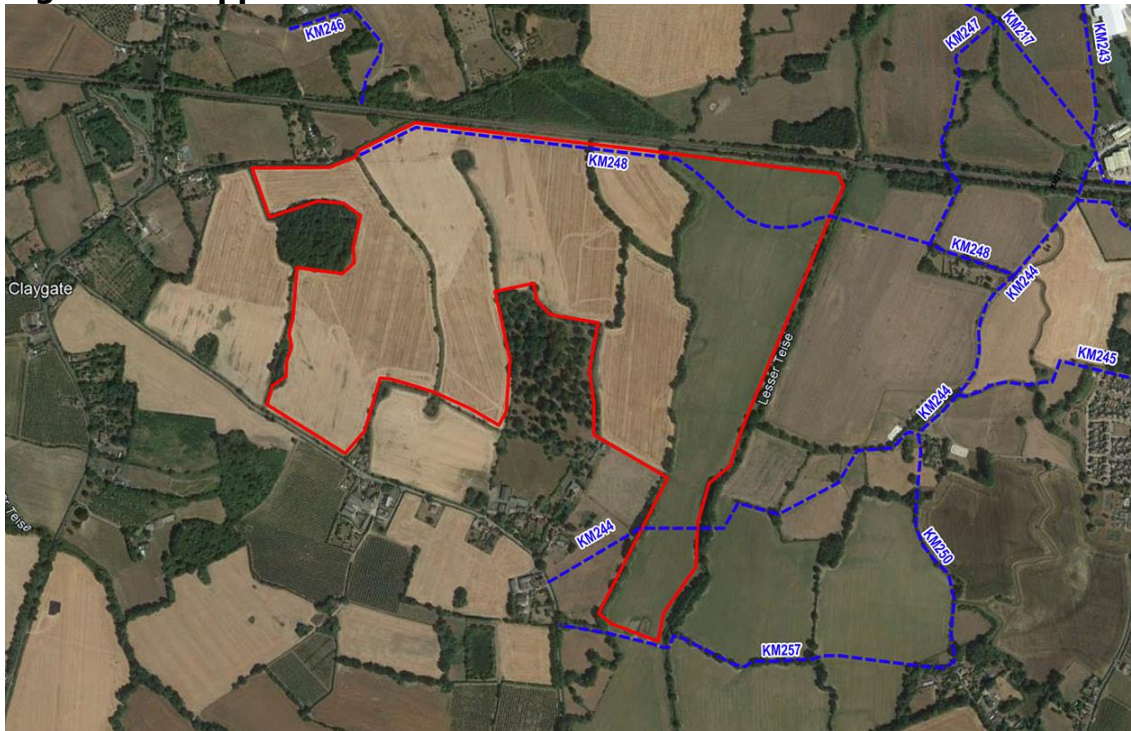
- Committee Report [CD1.24/25]
- Maidstone Borough Local Plan (2017) [CD3.1]
- National Planning Policy Framework (September 2023) [CD3.3].

2. Site Description and Context

Site Character

- 2.1 The site is described in LVIA Section 3 and in other application documents. I shall focus on those aspects of relevance to its character and appearance, and to its relationship with the surrounding area. An aerial photo is provided in **Figure 2.1**.

Figure 2.1: Appeal Site



- 2.2 The site is c75 hectares in area and comprises seven medium- to large-scale fields under arable cultivation. The fields are defined by ditches and established hedgerows, with mature trees (typically oak). More continuous tree cover defines the northern boundary (along the South-Eastern Railway) and the eastern boundary (along the Lesser Teise River). There are no woodlands within the site, although a small “ancient woodland” defines part of the western boundary. Whilst some of the hedgerows are cut to maintain a uniformly low height, others have been allowed to grow out and/or have become gappy.
- 2.3 The site is essentially flat, with an elevational difference of <2m. Together with its absence of development, this is consistent with its location

within/adjoining the Teise floodplain. Whilst the site contains no buildings, there are scattered farmsteads, dwellings and agricultural buildings to the east (Turkey Farmhouse and Gravelpit Farm Cottages), south (at Cheveney and Sheephurst farms, off Sheephurst Lane) and west (at Claygate/Burtons Lane). The agricultural buildings include prominent oast houses and barns (now converted to residential use), several of which are listed. The edge of Marden lies c0.6km to the east. A high-voltage power line crosses the western part of the site in a broadly north/south direction, and three pylons are located within it.

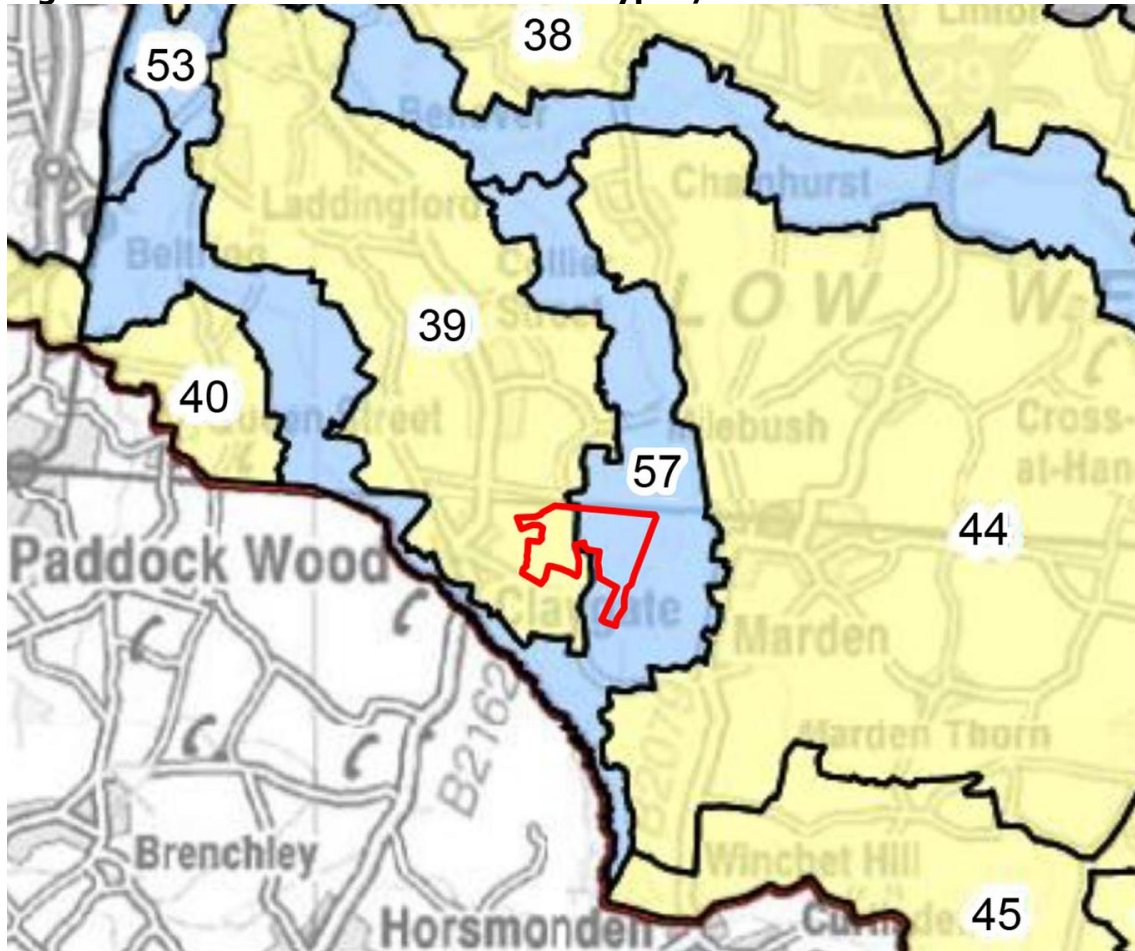
- 2.4 The local area supports a moderately coherent network of PRoWs, byways and lanes (shown as dashed blue lines on **Figure 2.1**). PRoW KM248 crosses the northern part of the site, continuing westwards along Burtons Lane to Maidstone Road. PRoW KM244 crosses the southern part of the site, continuing westwards to Sheephurst Lane and north-eastwards towards Marden. PRoW KM257 and Sheephurst Lane adjoin two sections of the southern boundary.

Relationship to Published Landscape Character

- 2.5 The site is located within National Character Area (NCA) 121: Low Weald, and the following county- and borough-wide character areas/types:
- Kent LCAs Low Weald Fruit Belt and Teise Valley; and
 - Maidstone Landscape Character Types Low Weald and Valleys, and Laddingford Low Weald and Teise Valley character areas.
- 2.6 The key characteristics of these character areas are presented in **Appendix A**, together with a summary of the degree to which the site/surrounding area are representative of them. As would be expected, the site and surrounding area are most representative of the borough-wide character areas, the site's relationship to which is shown in **Figure 2.2**.
- 2.7 The site/surrounding area overlap the Laddingford Low Weald (pale yellow/LCA 39) and Teise Valley (LCA 57/pale blue) landscapes. They therefore display a combination of characteristics, notably in relation to their

low-lying terrain, frequent watercourses, mix of arable (within the site) and pastoral land-uses, distinctive field pattern defined by hedgerows and tree-belts, and the scattered and visibly historic settlement pattern.

Figure 2.2: District-Wide Character Types/Areas



- 2.8 The only adverse modern influences on the character of the site are the pylons, which are prominent across its western part; and the railway, due to passing trains. Modern housing on the edge of Marden can also be glimpsed to the north-east. However, these influences are not sufficient to determine the character of the site/surrounding area, which remain overwhelmingly tranquil and rural.
- 2.9 These characteristics are appreciated from the PRoWs that pass through and close to the site. These routes create an alternating sense of openness, where they cross larger, arable fields, sometimes providing opportunities for longer-distance northward views towards the Greensand Ridge; and

enclosure, where they pass through or between hedgerows/tree-belts, or across smaller fields.

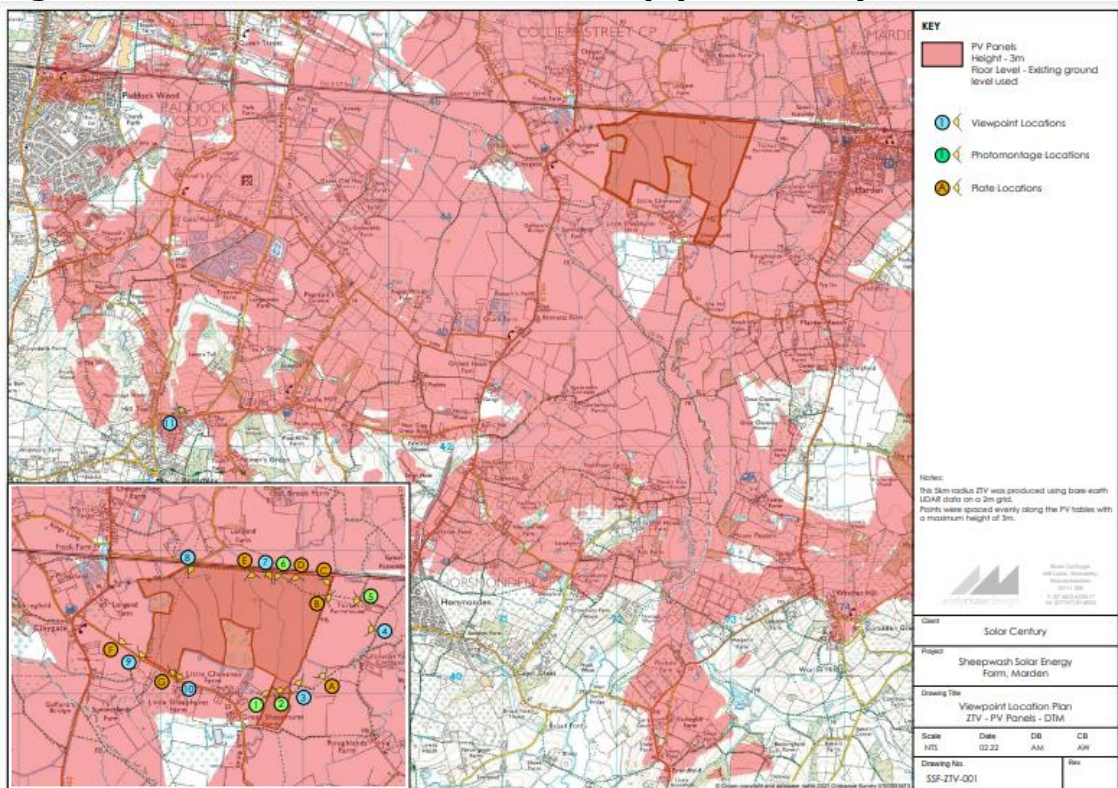
- 2.10 This relationship between openness and enclosure is reflected at the character area-level. The Maidstone LCA refers to views within the Laddingford Low Weald as being “*contained by the small-scale field pattern with hedgerows and tall shelterbelts often enclosing orchards*”, whilst the field pattern within the Teise Valley is described as “*irregular and generally unenclosed, with an open character...*”
- 2.11 Land-use changes since the mid-20thC, notably field amalgamation, the decline in orchards and the disappearance of hop-growing, have blurred some of the distinctions between the character areas. As a result, the landscape is likely to have become more open, although there may have also been a selective increase in enclosure as some hedgerows have been allowed to grow out and shelterbelts have matured. The relationship between openness and enclosure remains a key influence on how the landscape is perceived and on the visual amenity of the PRoWs.

Visual Influence

- 2.12 The Zones of Theoretical Visibility (ZTVs) presented in the LVIA were based on terrain data only, and therefore represent a worst-case; actual visibility on the ground is highly fragmented by hedgerows, trees and (occasionally) buildings. Since vegetation in the area is almost entirely deciduous, visibility will also vary seasonally.
- 2.13 The ZTV shows the potential visibility of the site extending almost continuously across the surrounding Low Weald and Teise Valley landscapes over distances of 1-2km, interrupted by small areas of “visual shadow” due to variations in landform (ref **Figure 2.3** below). Potential visibility is shown to extend over longer distances (c3-4km) to the elevated terrain of the High Weald to the south/south-west.
- 2.14 In his review of the appellant’s visual material (ref **Appendix B**), Mr Spence criticises the fact that the ZTV was not centred on the site, which resulted in the truncation of visibility to the north and east. As a result, the LVIA did not

initially identify viewpoints from the Greensand Ridge, although this was rectified in the LVIA Addendum.

Figure 2.3: Zone of Theoretical Visibility (from LVIA)



- 2.15 The appeal site is not individually distinctive in the landscape, and can only be located in views by reference to the surrounding field pattern, the power line and nearby properties. Nevertheless, the site is distinguished by its representativeness of the Low Weald and Valley typologies, and by its continuity in character and degree of inter-visibility with the surrounding countryside. The site contributes to the character and appearance of the area by reinforcing the distinctiveness of these typologies as recognised at the county and national levels, as well as within the borough-wide LCA.

3. Landscape Receptors and Sensitivity

Receptors

- 3.1 The LVIA identifies the following landscape receptors for assessment purposes:
- Physical landscape components within the site: Topography, trees/hedgerows and arable land (within the site and its immediate setting);
 - The characteristics and qualities of the site (as defined in GLVIA Box 5.1); and
 - The study area, defined as a 5km radius around the site boundary.
- 3.2 I would make two comments. Firstly, whilst Box 5.1 remains part of GLVIA3, it has been refined in the more recent TGN02/21 relating to landscape value, which I shall be using as the basis for my approach. Secondly, the LVIA does not explicitly consider the published character types/areas as receptors (although it might be assumed that those parts of them falling within the study area are implicitly covered).
- 3.3 Reflecting the above, I have based my assessment on the following receptors:
- i. The physical landscape components within the site: Topography, arable farmland, hedgerows/trees, field pattern and watercourses;
 - ii. The “landscape value” factors from Table 1 of TGN02/21;
 - iii. The site as a whole and its immediate setting; and
 - iv. The Laddingford Low Weald and Teise Valley character areas (with a comment on the degree to which effects may have implications further up the character hierarchy at the county and NCA levels).

Landscape Value

- 3.4 GLVIA3 advises that landscape sensitivity is derived from a combination of value and susceptibility to change. I shall therefore firstly consider the landscape value of the site. Landscape value is a relative concept, the meaning of which can vary across different geographical scales. In this case, I consider the appropriate scale to be the rural parts of the district that fall outside designated landscapes - AONBs and LLVs (Landscapes of Local Value).
- 3.5 I have based my assessment on the "Range of factors that can be considered when identifying landscape value" set out in Table 1 of TGN02/21. In **Table 3.1** below, I identify the degree (high/medium/low, or gradations between these) to which the site exhibits those factors.

Table 3.1: Degree to which the Site exhibits the TGN02/21 Table 1 Factors

Factor	Definition	Assessment	Explanation
Natural heritage	Landscape with clear evidence of ecological, geological, geomorphological or physiographic interest	Medium	<ul style="list-style-type: none"> The pattern of fields, watercourses, hedgerows and tree-belts supports a mosaic of habitats. The woodland adjoining the site to the west is "ancient".
Cultural heritage	Landscape with clear evidence of archaeological, historic or cultural interest	Medium to High	<ul style="list-style-type: none"> Whilst there are no obvious heritage features within the site, many of its field boundaries are understood to be of historic origin. There are several listed buildings in the surrounding area, which are variously inter-visible with the site and/or appreciated from nearby PRowS.
Landscape condition	Landscape which is in a good physical state both regard to individual elements and	Medium to High	<ul style="list-style-type: none"> The site appears to be reasonably well-managed, with no obvious signs of neglect or deterioration (e.g. dieback).

	overall landscape structure		
Associations	Landscape which is connected with notable people, events and the arts	None	<ul style="list-style-type: none"> None identified
Distinctiveness	Landscape that has a strong sense of identity	Medium to High	<ul style="list-style-type: none"> The site retains a strong sense of identity as part of the Low Weald and Valley typologies.
Recreational	Landscape offering recreational opportunities where experience of landscape is important	Medium	<ul style="list-style-type: none"> Whilst the site does not provide open access, three footpaths pass through or adjacent to it, linking to a local network of PROWs and lanes. The site provides a sequence of generally attractive views that contribute to the amenity of these routes. These include a view of Collier Street church.
Scenic	Landscape that appeals to the senses, primarily the visual	Medium	<ul style="list-style-type: none"> With a few exceptions (notably where the pylons are visible at close range), the scenery of the site is in general pleasingly attractive.
Wildness	Landscape with a strong perceptual value [of wildness]	Low to Medium	<ul style="list-style-type: none"> Whilst the site cannot be said to be wild (in the sense of unmanaged), it retains a substantial degree of naturalness.
Tranquillity	Landscape with a strong perceptual value [of tranquillity]	High	<ul style="list-style-type: none"> The site maintains a high degree of tranquillity, interrupted only by occasional passing trains.
Dark Skies	Landscape with a strong perceptual value [of dark skies]	Medium to High	<ul style="list-style-type: none"> The site currently includes no sources of lighting, although nearby properties/farmyards may be a source of light spill.
Functional	Landscape which performs a clearly identifiable and valuable function, particularly in the	Medium to High	<ul style="list-style-type: none"> Whilst the site's primary function (in land-use terms) is agricultural, it also performs ecological, runoff management,

	healthy functioning of the landscape		carbon capture and recreational functions.
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- 3.6 The site scores medium or above for the overwhelming majority (nine out of eleven) of the factors, of which four score medium to high and one scores high. On the assumption that representativeness of the TGN factors can be used as an indication of relative value, this suggests that the site can be considered to be of medium to high value overall.

Landscape Sensitivity

- 3.7 GLVIA3 defines susceptibility as “...the ability of the [landscape, site or specific component] to accommodate the proposed development without undue consequences for...the baseline situation and/or the achievement of landscape planning policies and strategies” [GLVIA3 5.40]. “Undue consequences” are not defined, but can probably be taken to mean something akin to significant harm. It should be noted that susceptibility is normally assessed in relation to the scale/type of development proposed.
- 3.8 I set out my appraisal of the susceptibility of the landscape receptors identified at para 3.3, to arrive at an overall assessment of their sensitivity, in **Table 3.2** below.

Table 3.2: Sensitivity of Landscape Receptors

Receptor	Value	Susceptibility	Sensitivity + Explanation
Landscape Components within Site			
Topography	Medium	Medium	Medium – The low-lying topography of the site is highly characteristic of the Low Weald/Valleys typologies, and is potentially susceptible to relatively small-scale changes (e.g. bunding).
Arable farmland	Medium	High	Medium to High - Arable land is particularly characteristic of the Teise Valley CA and contributes to visual openness. Since the introduction of solar panels would require this use to be replaced by grassland, and would displace the associated openness, its susceptibility is considered to be high.
Hedgerows and trees	High	High	High - These are a distinctive and prominent feature of the Low Weald and Valleys typologies,

			and would be highly susceptible to any removal for access purposes.
Field pattern	High	Medium	Medium to High – As for hedgerows/trees; less susceptible to physical change, but potential to lose legibility due to screening by the solar arrays.
Water bodies	Medium	Low	Low to Medium – An indirect influence on site character, and unlikely to be physically affected by the development as proposed.
TGN02/21 Factors within Site*			
Natural heritage	Medium	High	Medium to High - Highly susceptible to adverse impacts during construction, and to long-term benefits due to biodiversity enhancement.
Cultural heritage	Medium to High	High	Medium to High – Highly susceptible to adverse impacts (mainly on setting) during construction, followed by long-term changes to field pattern.
Landscape Condition	Medium to High	High	Medium to High – Highly susceptible to adverse impacts during construction, and to long-term benefits from enhanced management.
Associations	None	None	Assumed N/A - Since none have been identified.
Distinctiveness	Medium to High	High	Medium to High – Since solar farms are a generic land-use unrelated to specific typologies.
Recreational	Medium	Medium	Medium - Whilst PRowS can be retained or diverted, their visual amenity is susceptible to change.
Scenic	Medium	High	Medium to High – Highly susceptible to disruption during construction and to long-term change due to the introduction of infrastructure.
Wildness	Low to Medium	High	Medium - Although wildness is limited by the site's managed use, it remains highly susceptible to further loss through development.
Tranquillity	High	High	High – Highly susceptible to disturbance, particularly during construction.
Dark skies	Medium to High	High	Medium to High - The intrinsically dark character of the site would be susceptible to the introduction of any lighting.
Functional	Medium to High	Medium	Medium – Although the primary function of the site would change (from agricultural land to energy infrastructure), it would remain in viable use.

Appeal Site as a Whole	Medium to High	High	Medium to High - Reflects the assemblage of valued attributes and their vulnerability to adverse change.
Local Landscape	Medium to High	Medium to High	Medium to High – Broadly similar to the site, although susceptibility decreases towards Marden.
Laddingford Low Weald + Teise Valley Character Areas	Medium to High	High	Medium to High – Susceptibility is elevated by both areas’ contribution to district-wide character and the function of open countryside.

* Value derived from Table 3.1

Comparison with LVIA

- 3.9 My finding of medium to high value for the site compares with the LVIA’s conclusion of medium (LVIA Table 2). As noted previously, the TGN02/21 factors do not correspond precisely with those in Box 5.1. The main areas of difference between us relate to cultural heritage, condition, distinctiveness and some perceptual factors. Whilst I accept that the site does not demonstrate the factors sufficiently to qualify as a valued landscape, I nevertheless consider the LVIA to have under-valued it.
- 3.10 In relation to susceptibility, the LVIA considers only the physical components within the site (LVIA Table 1) – the susceptibility of perceptual factors is ignored. This is contrary to the advice at GLVIA 3.21, which states that landscape receptors include “*the constituent elements of the landscape, its specific aesthetic or perceptual qualities and the character of the landscape in different areas...*” [my emphasis]. It should also be noted that the LVIA does not include water bodies or the overall field pattern amongst the constituent elements of the site.
- 3.11 Of the three receptors that are common between us, we agree on the susceptibility of topography (medium) and hedgerows/trees (high). However, we differ materially in relation to arable land, which I find to be of high susceptibility, compared to the LVIA’s low to medium. Since the arable use of the site is by definition incompatible with its conversion to a solar farm, and is a key influence on the character and openness of the site, I consider my assessment to be more appropriate.

3.12 The LVIA concludes that the site and the landscape within the study area are of medium sensitivity. This compares to my finding of medium to high for the site, the local landscape and the “host” district-wide character areas. The Maidstone Landscape Capacity Study⁶ found the Laddingford Low Weald character area to be of moderate overall sensitivity, and the Teise Valley to be of high overall sensitivity. Since my assessment is more consistent with the Capacity Study, I would argue that it is more appropriate.

⁶ Sensitivity Assessment, Jacobs/MBC, January 2015

4. Visual Receptors and Sensitivity

Viewpoints and Visualizations

- 4.1 The LVIA was originally based on 11 assessment views, for which “Type 1 visualizations” were prepared (as per the LI guidance, i.e. with the site extents shown on baseline photos). An additional 9 viewpoints, representative of specific receptors such as properties and roads in the surrounding area (ref summary table at LVIA Table 5), were also considered, although these were not illustrated photographically.
- 4.2 Four of the assessment views are located within the site, whilst the most distant view is located c4.3km to the south-west within the High Weald AONB. The LVIA Addendum included an additional distant view located on the Greensand Ridge, 6km to the north. Photomontages were prepared for four of the views, showing Year 1 and Year 10 scenarios, allowing for the growth of the proposed mitigation planting.
- 4.3 Due to the combination of low-lying terrain, viewing distance, the relatively low-level massing of the development, the location of public access and obstruction by vegetation, the views likely to be materially affected are generally confined to the appeal site and its immediate surroundings, within a radius of c1km. I am therefore broadly in agreement with the geographical scope of the viewpoints identified in the LVIA.
- 4.4 However, this does not mean that I necessarily consider them to represent the full range of relevant views. I would highlight the absence of visualizations (montages) from the following locations:
- Sheephurst Lane (showing likely views through the site entrance);
 - PRoW KM257 adjacent to the site boundary; and
 - The two permissive paths within the site.
- 4.5 It should also be noted that, where views are obtained from PRoWs, they are likely to form part of a sequential experience that influences the overall

amenity of the route, and that impacts on them need to be assessed in this context.

4.6 The LVIA considers viewpoint/receptor sensitivity to be as follows:

- High for users of PRowS and occupants of residential properties at ground-floor level (where the principal habitable rooms are assumed to be located); and
- Medium for users of nearby roads, train passengers and occupants of residential properties in upstairs rooms.

4.7 I would comment as follows:

- I agree with the assumption of high sensitivity for users of/views from PRowS.
- Whilst I agree with the assumption of high sensitivity for occupants of/views from residential properties on the ground-floor, I am not persuaded that this sensitivity necessarily decreases as one ascends the stairs within a property. Whilst views from rooms such as bedrooms may by definition have a reduced amenity role, the overall sensitivity of residential receptors must be considered in the round to be high. In addition, viewing opportunities from upstairs rooms may in some cases be valued more highly than from ground-floor rooms, since the latter are usually more obstructed by vegetation and other features.
- Sections of road (especially the quieter lanes) are likely to be used by walkers where they provide connections between PRowS, and these receptors would be highly sensitive to visual change. It should also be noted that users of these roads will include local residents.

LVIA Photography and Visualizations

4.8 The technical review of the LVIA photography and photomontages by Mr Spence, presented in **Appendix B**, has in summary identified the following concerns:

- No evidence that a full 3D model of the development has been used and whether this includes the proposed landscaping;
- No requirement for re-projection from cylindrical to planar (which is a leftover from the SNH/Highland Council guidance for windfarm visualizations);
- The fields of view do not capture the full extent of the site in all cases;
- The visualizations should be presented on A1-width, rather than A3-width, sheets;
- In two cases (VPs1 and 5), the Year 10 visualizations suggest a growth rate for the planting of c1m per annum, which is considered excessive;
- In five cases (VPs3, 4, 7, 9 and 10), non-compliant camera equipment has been used;
- In one case (VP6), there appears to be a discrepancy between the Y10 visualization and the proposed layout;
- In one case (VP13), the site is very difficult to locate and annotations should have been added;
- All views apart from VPs 11 and 13 should have been re-taken to provide winter versions;
- The modelling appears to be incomplete and the methodology has not been explained.

4.9 As a result, Mr Spence advises that no reliance should be placed on the LVIA visualizations. However, in order to provide an assessment that can be compared with that in the LVIA/Addendum, I have initially taken the visualizations as read, whilst remaining mindful of these concerns when forming judgments about the potential effects.

5. The Proposals and their Sources of Impact

- 5.1 In this section, I summarise the main features of the development and comment on their physical and perceptual implications. My primary focus is on the completed development at Year 1, followed by the potential mitigation achieved by the proposed landscaping as it becomes established (Year 10).
- 5.2 Whilst the construction works would be temporary, they would unavoidably be intrusive, including sources of impact such as noise, mobile and large-scale plant, a construction compound, removal of land cover, possible temporary lighting, and earthworks such as soil-stripping, temporary bunding and trenching. It is understood that topsoil excavated during construction of the access tracks and some infrastructure would be spread on either side of the tracks, or in bunds up to 3m high, for the operational life of the solar farm.
- 5.3 Whilst no reference has been made to the need for any hedgerow/tree removal, it would seem likely that some may be required to accommodate the main site access. In addition, the eastern section of PRow KM248 within the site would be diverted along the northern boundary.

Sources of Impact from Completed Development

- 5.4 The completed development would introduce two main sources of landscape/visual impact: The solar farm and its associated infrastructure, and changes to land cover and vegetation pattern. The proposed site layout (without the landscaping) is shown in **Figure 5.1** below. The main infrastructural elements would comprise the following:
- i. Seven arrays of solar PV panels, comprising parallel east/west rows spaced at 3.5-5.5m, with a southerly orientation. The panels would be blue, grey or black in colour and would be mounted on metal frames extending up to 3m in height, and are estimated to cover 47% of the site.

Perceptual Implications

Year 1

- 5.7 At Year 1, before landscaping has begun to screen views, the main impact of the development would be to transform the overall appearance of the site from a series of arable fields to a solar energy generating station. Grassland would replace arable crops as the dominant land cover, and is indicated to be grazed by sheep. Whilst this might suggest a residual agricultural use, the grassland would be substantially obscured by - and visually subordinate to - the arrays, except where open corridors of land are retained around the site perimeter.
- 5.8 The extent, density and height (well above eye-level) of the solar arrays will obstruct close-range ground-level views across the site and/or frame them where views are gained between the rows or along the access tracks and the peripheral corridors of grassland. When seen en-masse, the arrays will be perceived as an expanse of non-greenfield use that will infill the fields and screen the surrounding hedgerows to varying degrees.
- 5.9 At close range, the panels will also be capable of forming the skyline and of blocking longer-distance views. Where infrastructural features are currently absent (e.g. away from the power line), the arrays will appear as particularly intrusive. These impacts are illustrated by the montage for **LVIA VP4** (50m from the nearest panel), in which the array is also seen to obstruct the view towards the Greensand Ridge.
- 5.10 As viewing distance increases, the panels become less obstructive. However, their height and density are still capable of screening about half the height of the surrounding hedgerow/tree cover, and of occasionally forming the skyline. This is illustrated by the montage for **LVIA VP6** (85m from the nearest panel), which also shows (in comparison to VP4) the contrast in impact between views towards the front or back of the panels.
- 5.11 Once viewing distance increases above c100m, the obstructive effect of the panels is much reduced, as they are too low to form the skyline and their

visibility is reduced by existing vegetation. However, they continue to have an infilling effect, being perceived as a replacement – clearly non-agricultural – land cover. This is illustrated by the montage for **LVIA VP 1** (115m from the nearest panel).

5.12 With further increases in viewing distance, views of the panels become fragmentary, although the sense of infilling with an intrusive, industrial and non-greenfield land cover remains. This is illustrated by the montage for **LVIA VP 5** (302m from the nearest panel).

5.13 The impacts of the other infrastructural elements would be more localised or intermittent (for users of PRoWs) than that of the solar panels. This is due partly to the screening effect of the panels, and partly to the location of this infrastructure away from the PRoWs. The compounds would appear in the middle-ground of the view through the field gate on Sheephurst Lane at Year 1 (montage for **LVIA VP12**), and through the new site access from the lane to be created further to the west. In close-range views (under 100m) the security fence and pole-mounted CCTV would be prominent, as shown in the montages for **LVIA VPs 2 and 6**.

5.14 The physical and perceived impacts of the development at Year 1 may be summarized as follows:

- i. Obstruction and foreshortening of what are currently open views across the fields;
- ii. Reduction in the visibility of the surrounding hedgerows, giving rise to a sense of infilling of the fields;
- iii. Loss of arable land cover;
- iv. Reduction in the legibility of the field pattern;
- v. Introduction of infrastructural elements and developed skylines where none may currently be visible; and
- vi. Perceived replacement of greenfield land cover with one that is clearly not of an agricultural purpose.

- 5.15 In addition, the compounds and inverters would give rise to tonal noise from the cooling fans. Whilst statutory nuisance from noise has now been withdrawn as a concern, in the event that this 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.
- 5.16 The overall impact of the development at Year 1 would be to transform the character of the site from that of a parcel of countryside into a solar energy facility within a countryside setting. Whilst the field pattern within the site would be retained physically, its legibility would be compromised by the screening and infilling effect of the solar panels, and by its subdivision by perimeter fences and newly-planted hedgerows.
- 5.17 The density of the panels would reduce the visible extent of the replacement greenfield land cover (grassland) and the prominence of the surrounding hedgerows/trees. Depending on viewing distance, the development would be perceived as an uncharacteristic infrastructural use that is both obstructive and intrusive, capable of blocking close- and (occasionally) longer-range views across the site.

Year 10

- 5.18 On the assumption that the proposed landscaping achieves sufficient growth to become a feature in its own right, and to provide a meaningful degree of screening, by Year 10, the LVIA montages indicate that its impacts would be as follows:
- i. Close-range views (<100m from the nearest panels, **VPs 2 and 6**): This vegetation would (in summer) entirely or substantially screen views of the arrays and associated infrastructure.
 - ii. In so doing, however, the vegetation would also perpetuate the obstruction of open views across the fields, reducing the visibility of the surrounding hedgerows/trees and blocking long-distance views (**VPs2 and 12**).

- iii. The new woodland planting would infill the established field pattern to varying degrees, reducing its legibility. In addition, 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 (**VP6**).
- iv. In medium-distance views (>c100m from the nearest panels, **VP1**), the vegetation would also wholly or substantially screen the arrays and associated infrastructure. Whilst the established tree cover defining the field pattern would remain visible (as well as a glimpsed view to the Greensand Ridge beyond), the field is seen to be partially infilled and its openness restricted to the middle-ground.
- v. As viewing distance increases (>c300m from the nearest panels, **VP4**), the solar farm would in many cases be entirely screened. However, existing views through the gappy hedgerow would be lost, and the legibility of the field pattern substantially reduced.

5.19 It should be reiterated that the LVIA montages show summer conditions, and that the effectiveness of the screening provided by the landscaping would be expected to be substantially reduced in winter (and assuming that the new hedgerows would be cut).

5.20 The relationship between the proposed layout/mitigation planting and the relevant PRoWs/permissive paths from which most public views will be gained may be summarized as follows:

- i. Burtons Lane: Views into the site are substantially screened by the existing hedgerow. The nearest panels would be located c100m to the south-east and would be seen end-on (if at all). Further screening would be provided by the proposed perimeter hedgerow and block of biodiversity woodland.
- ii. PRoW KR248 along the northern site boundary (existing and proposed diversion): The nearest panels would mainly be within c25m, pulling back to c100m approaching the high-voltage power line, and would be seen from the rear. Apart from trees around an existing pond,

these views are currently open. Screening would be provided by the proposed perimeter hedgerow and block of woodland close to Burtons Lane.

- iii. PRow KR248 approaching/entering the site from the east: This route would be diverted northwards along the site boundary, with the proposed permissive path providing an alternative southwards route. The panels would be located c75m from the route at the point of entry, seen end-on. Screening would be provided by the proposed perimeter hedgerow and a block of orchard.
- iv. Proposed permissive path along eastern boundary: The panels would typically be located c75m from this route, reducing to c25m to the south, and would be seen end-on. Screening would be provided by the proposed perimeter hedgerow and orchard.
- v. PRow KM244 crossing the site: The nearest panels would be located c50m from the route, and would face towards it (LVIA VP2). Screening would be provided by a proposed belt of woodland.
- vi. PRow KM244 within field to west: The nearest panels would be c275m from the route, facing towards it. Screening would be provided by a proposed block of woodland within the site.
- vii. PRow KM244 within field to east: Existing tree cover along the River Teise provides a substantial degree of screening.
- viii. PRow KM257 adjoining southern site boundary: This boundary is currently open, and the nearest panels would be located c300m from the route, facing towards it. Mitigation is likely to be provided by the proposed belt of woodland adjacent to PRow KM244.
- ix. Sheephurst Lane: Currently glimpsed/framed views into the site at field gates. The compounds would be located c159m into the site, with the panels beyond these. Woodland screening is proposed in front of the compounds and along the boundary with Little Sheephurst

Cottages, although open views would remain through the site entrance.

- x. Permissive path close to western boundary: The panels (seen end-on) and compounds would be located c25-50m to the east. Screening would be provided by the proposed perimeter hedgerow.

Mitigation and Duration of Effects

5.21 The PDAS summarizes the findings of the LVIA as follows:

- *"The LVIA concludes that in terms of landscape effects the development at completion will be slight moderate adverse and will improve to slight beneficial after 10 years"* [PDAS 7.3.1]; and
- *"The LVIA concludes that once mitigation planting has matured (within 10 years) the majority of viewpoints will experience moderate beneficial, negligible or substantial beneficial magnitude of impact"* [PDAS 7.3.2].

5.22 The precise role of the proposed planting, and in particular the threshold at which adverse effects might not only be reduced, but might be considered to become beneficial, requires careful consideration. The primary purpose of the proposed perimeter hedgerows and woodland screening is to mitigate the visual impact of the development – the planting cannot reduce its physical impact in terms of the change in land-use and the introduction of built development onto what is currently a greenfield site.

5.23 The planting would increase the proportion of the site occupied by vegetation, and would amount to a net biodiversity benefit. In order to be beneficial in landscape/visual terms, however, it must not only mitigate the adverse visual effects of the development, but must also amount to a demonstrable improvement over current baseline conditions (as well as the conditions that will be created at Year 1). Furthermore, as my critique of the montages has highlighted, the mitigation itself has the potential to give rise to adverse effects associated with the loss of openness, obstruction of long-distance views and reduced legibility of the field pattern.

- 5.24 The PDAS states that the solar farm would be operational for 37 years, which it describes as “temporary”, after which it would be “fully decommissioned”. It should be noted that “temporary” does not necessarily equate to “short-term”. GLVIA3 provides an example of how the duration of effects might be described, defining “long-term” as 10-25 years [GLVIA 3 5.51]. The operational life of the development would exceed this by a substantial margin
- 5.25 It is acknowledged that the infrastructural components of the development can be fully decommissioned and removed. This would also remove their harmful effects, once topsoil has been replaced and the site fully restored. It is understood, however, that the proposed planting and habitat enhancement would remain, so as to retain the biodiversity benefits. As a result, the changed vegetation structure of the site – the purpose of which is in large part to screen a solar farm that will no longer be present - would effectively become permanent, as would its effects on openness, views and the legibility of the field pattern.
- 5.26 Furthermore, on the assumption that climate change is a long-term crisis, the demand for renewable energy is likely to continue beyond the lifespan of this development. If the latter is allowed, it will have altered the character of the site and local views in such a way that a subsequent application for its repowering or life-extension may be difficult to resist – a scenario that seems even more likely in view of the advice in NPPF158(c). It is therefore reasonable to conclude that use of the site for renewable energy generation could effectively become permanent.

6. Predicted Effects

- 6.1 In this section, I set out my assessment of the effects on landscape character and views/visual amenity. For landscape character, I base my assessment on the receptors I identify in Section 3, and then comment on how these compare with the effects reported in the LVIA/Addendum. For visual effects, I base my assessment on the viewpoints and receptors identified in the LVIA, and then similarly compare our conclusions.
- 6.2 I follow the usual approach for LVIA, whereby effects are reported at completion/Year 1 and once planting is established (Year 10). I also follow the appellant's approach in commenting on the effects as reported in the original LVIA, as then modified in the Addendum.

Landscape Character

Year 1 Effects

- 6.3 In **Table 6.1** below, I set out my assessment of the Y1 effects on the landscape receptors identified in Section 3.

Table 6.1: Landscape Character Effects at Y1

Receptor	Sensitivity	Change	Effect	Explanation
Landscape components within Site				
Topography	Medium	Negligible	Minor Adverse	Change will be confined to the bunds of stockpiled topsoil
Arable farmland	Medium to High	High	Substantial to Major Adverse	The arable use of the site would be displaced
Hedgerows/trees	High	Negligible	Negligible Adverse	Minimal removal assumed for access purposes
Field pattern	Medium to High	Medium to High	Substantial Adverse	Infilling effect of solar arrays
Water bodies	Low to Medium	Low	Minor Beneficial	Minimal physical impact and creation of two ponds
TGN02/21 Factors within Site				
Natural heritage	Medium to High	Medium	Moderate to Substantial Neutral	Assumes biodiversity enhancements have yet to become fully apparent

Cultural heritage	Medium to High	Medium	Moderate to Substantial Adverse	Direct/indirect intrusion into setting of two listed buildings
Landscape condition	Medium to High	Medium to High	Substantial Adverse	Assumes much of site retains its appearance as a former construction site.
Associations	N/A	None	None	None to be affected.
Distinctive-ness	Medium to High	High	Substantial to Major Adverse	Solar farms represent a generic typology that will outweigh local character.
Recreational	Medium	Medium to High	Moderate to Substantial Adverse	Section of KM248 to be diverted. Two permissive paths proposed. Panels will be prominent at close range from PRowS/permissive paths within site, and will be conspicuous from PRowS approaching site. Compounds will be visible at close/medium range from western permissive path and site entrance on Sheephurst Lane.
Scenic	Medium to High	High	Substantial to Major Adverse	Site character transformed from an attractive parcel of countryside to a solar farm within a countryside setting.
Wildness	Medium	Medium	Moderate Adverse	Reduced by change of use to energy infrastructure (prior to biodiversity benefits becoming apparent).
Tranquillity	High	Low	Moderate Adverse	Introduction of potential plant noise and occasional traffic.
Dark skies	Medium to High	Negligible	Negligible Adverse	Lighting assumed to be required only during maintenance visits.
Functional	Medium	High	Substantial Adverse	Landscape functions reduced by change of use (prior to biodiversity benefits becoming apparent).
Appeal Site as a Whole	Medium to High	High	Substantial to Major Adverse	The development would fundamentally change the character of the site from countryside to energy

				infrastructure within a countryside setting.
Local Landscape	Medium to High	Low	Minor to Moderate Adverse	Visual influence of the development would be limited and not determinative of the character of the surrounding area.
Host Character Areas	Medium to High	Low	Minor to Moderate Adverse	Reflects the small proportion affected, the limited visual influence of the development and the fact that the only key characteristics affected are arable farmland and openness.

Residual Effects

- 6.4 As the landscaping becomes established, it would increase the contribution that vegetation makes to site character, both spatially and visually. The implications for the Year 1 effects are set out in **Table 6.2** below.

Table 6.2: Landscape Character Effects at Y10

Receptor	Y1 Effect	Y10 Effect	Explanation
Landscape components within Site			
Topography	Minor adverse	As Y1	Topsoil bunds remain
Arable farmland	Substantial/ Major adverse	As Y1	Loss of arable farmland remains
Hedgerows/ trees	Negligible adverse	Substantial beneficial	As vegetation becomes established
Field pattern	Substantial adverse	Major adverse	As vegetation/replacement enclosure pattern becomes established
Water bodies	Minor beneficial	As Y1	
TGN02/21 Factors within Site			
Natural heritage	Moderate/Substantial neutral	Substantial beneficial	As habitat enhancements become established
Cultural heritage	Moderate/Substantial adverse	Minor/Moderate adverse	As vegetation becomes established and screens settings of listed buildings
Landscape condition	Substantial adverse	Substantial beneficial	As vegetation/management regime become established
Associations	None	None	

Distinctiveness	Substantial/Major adverse	Substantial adverse	Established vegetation insufficient to overcome generic character of solar farm
Recreational	Moderate/Substantial adverse	Minor/Moderate adverse	Adverse effect remains where planting obstructs views and/or infrastructure may be visible
Scenic	Substantial/Major adverse	Moderate/Substantial adverse	Adverse effect remains where infrastructure becomes dominant attribute and landscape legibility is lost
Wildness	Moderate adverse	Moderate neutral	Reduced intensity of management/disturbance offsets the introduction of infrastructure
Tranquillity	Moderate adverse	As Y1	
Dark skies	Negligible adverse	As Y1	
Functional	Substantial adverse	Substantial neutral	Established habitats offset loss of scenic function
Appeal Site as a Whole	Substantial/Major adverse	Moderate/Substantial adverse	Adverse effect reduced, but remains, due to change to infrastructural character
Local Landscape	Minor/Moderate adverse	Minor adverse	As above, but with effect reduced as spatial context increases
Host Character Areas	Minor/Moderate adverse	Minor adverse	As above, but effect remains due to loss of/reduction in key characteristics/attributes

Comment on LVIA Effects

- 6.5 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 at Year 1 [**LVIA Table 3a**] and Year 10 [**LVIA Table 3b**], before reporting the significance of the associated effects [**LVIA Tables 4a/b**]. A strict comparison with my approach is therefore difficult to achieve, and I confine myself to commenting on the LVIA's conclusions.
- 6.6 For Year 1, the LVIA finds the overall magnitude of change to be Low-Medium Adverse, giving rise to a Slight-Moderate Adverse effect "within the study area", which I take to mean the site, the surrounding area and the relevant parts of the host character areas. For Year 10, the LVIA finds the overall

magnitude of change to be Low Beneficial, giving rise to a Slight Beneficial Effect.

- 6.7 The LVIA Addendum [**Table 2**] concludes that the Year 1 effect would be the same as previously reported (Slight-Moderate Adverse). However, it considers the combination of additional woodland planting and faster-growing species to provide more effective mitigation, such that the residual effect would increase to Slight-Moderate Beneficial.
- 6.8 My findings are Substantial to Major Adverse for the site and Minor to Moderate Adverse for the local landscape and host character areas at Year 1, becoming Moderate to Substantial Adverse and Minor Adverse respectively at Year 10. Whilst we agree that the Year 1 effects would be adverse, we differ materially on their significance, and on whether the residual effects would be beneficial.
- 6.9 Our differences at Year 1 reflect our contrasting judgments about landscape sensitivity and magnitude of change, which are not unexpected. Our differences at Year 10 are more fundamental. They reflect what I regard as the LVIA's playing down of the magnitude of adverse change at Year 1 and over-estimation of the ability of mitigation, not only to moderate that change, but to deliver net benefits over and above the existing conditions.
- 6.10 It is acknowledged that net benefits could be achieved in relation to biodiversity and landscape condition (ref **Table 6.2**). However, these amount to only two of the TGN02/21 factors, and would be outweighed by the adverse effects on others. Unless the baseline scenario is a brownfield site or a substantially degraded landscape, I can think of very few circumstances in which the transformation of a parcel of attractive countryside into a solar farm can properly be regarded as a net benefit to the landscape.

Visual Effects

- 6.11 In relation to visual effects, I begin by commenting on the LVIA's assessment of the identified viewpoints in **Table 6.2** below, and then review the effects on the relevant receptor groups. The **red text** relates to the effects and additional viewpoints reported in the LVIA Addendum.

Table 6.2: Summary Effects on LVIA Viewpoints

VP	LVIA Effects		PR Comment
	Y1	Y10	
1	Substantial Adverse Unchanged	Moderate Beneficial Substantial beneficial	<ul style="list-style-type: none"> Agree with Y1 effect Consider Y10 effect to be Substantial Neutral, since the planting partially infills the field and does not amount to a net benefit over current baseline
2	Substantial Adverse Unchanged	Moderate Beneficial Substantial Beneficial	<ul style="list-style-type: none"> Agree with Y1 effect Consider Y10 effect to be Substantial Adverse, due to loss of openness, reduced legibility of field pattern and obstruction of distant view
3	Substantial Adverse Unchanged	Moderate Beneficial Substantial Beneficial	<ul style="list-style-type: none"> Agree with Y1 effect Consider Y10 effect to be Minor Adverse, assuming glimpsed views of the arrays may remain, particularly in winter
4	Substantial Adverse Not reassessed	Moderate Beneficial Not Reassessed	<ul style="list-style-type: none"> Agree with Y1 effect Consider Y10 effect to be Minor Neutral, since the loss of partially open views into the site would be balanced by the reinforcing of riparian vegetation
5	Substantial Adverse Not Reassessed	Substantial Beneficial Not Reassessed	<ul style="list-style-type: none"> Agree with Y1 effect Consider Y10 effect to be Minor Neutral as per VP4
6	Substantial Adverse Not Reassessed	Negligible Not Reassessed	<ul style="list-style-type: none"> Agree with Y1 effect Consider Y10 effect to be Moderate Adverse, due to the loss of openness, reduced legibility of field pattern and potential for residual glimpses of the infrastructure
7	Substantial Adverse Not Reassessed	Negligible Not Reassessed	<ul style="list-style-type: none"> Agree with Y1 effect Consider Y10 effect to be Moderate Adverse, for the same reasons as VP6
8	Substantial Adverse Unchanged	Moderate Beneficial Moderate- Substantial Beneficial	<ul style="list-style-type: none"> Agree with Y1 effect Consider Y10 effect to be Moderate Adverse, for the same reasons as VPs6/7
9	Negligible Unchanged	Negligible Unchanged	<ul style="list-style-type: none"> Agree with both effects, on the assumption that planting would screen this view.

			<ul style="list-style-type: none"> However, a view from the site access itself, in which the compounds are visible, is predicted to be Substantial Adverse at Y1 and Moderate Adverse at Y10.
10	Slight to Moderate Adverse Unchanged	None to Negligible Unchanged	<ul style="list-style-type: none"> Consider Y1 effect to be Moderate Adverse (assuming residential receptors to be of uniformly high sensitivity) Y10 effect could be Minor Adverse if planting foreshortens the view across countryside
11	Negligible Not Reassessed	Negligible Not Reassessed	<ul style="list-style-type: none"> Agree with both effects (assuming development remains screened from view)
12	Slight Adverse Unchanged	Moderate Beneficial Unchanged	<ul style="list-style-type: none"> Consider Y1 effect to be Moderate Adverse and Y10 effect to be Substantial Adverse
13	None to Negligible Unchanged	None to Negligible Unchanged	<ul style="list-style-type: none"> Agree with both effects

6.12 In summary, I generally agree with the Y1 effects. The only exceptions are VP10, where I take issue with the reduction in sensitivity assumed for upstairs windows; and VP12, where I consider the LVIA Addendum to have understated the effect.

6.13 I disagree with the Y10 effects for VPs1-8, and VP12, which the LVIA considers to be beneficial or negligible. This mainly reflects the fundamental difference between us about the effectiveness of the mitigation and its potential to achieve net benefits (as well as reductions in the adverse effects).

6.14 The LVIA goes on to assess the visual impacts on the following receptors:

- i. Residential properties: Bungalow N of Little Cheveney Farm, converted oast houses around Little Cheveney Farm, dwellings around Little Sheephurst Farm, dwelling on Burtons Lane and Turkey Farmhouse. In each case, the LVIA reports adverse effects at Year 1, becoming beneficial (or in one case Negligible) at Year 10. As noted previously, I have not gained access to these properties, but would reiterate my reservations about the potential for effects from upstairs windows to have been under-played, and the degree to which the

proposed mitigation is capable of converting adverse into beneficial effects.

- ii. Users of local roads: Burtons Lane and Sheephurst Lane, for whom the same cautionary note applies. It should also be noted that the view from the existing field gate in Sheephurst Lane (**LVIA VP12**) does not represent the “worst-case” impact from this road, which is likely to be from the new site access.
- iii. Properties on the western edge of Marden village (W of Meades Close/Bramley Court and on Russell Road), for whom the same cautionary note about sensitivity and mitigation applies.

7. The Reason for Refusal 2 Concerns and their Policy Implications

- 7.1 In this section, I consider the relevance of the concerns raised in RfR 2, and the implications of the identified effects for relevant policy. The Reason makes reference to the following: the NPPF (paras not specified) and Maidstone Borough Local Plan policies SP17, DM1, DM24 and DM30. I defer to Mr Robeson as to the status of specific policies, the degree of weight that may be given to them, and the overall planning balance.

Matters raised in RfR 2

- 7.2 This evidence has confirmed the following in relation to the RfR2 matters:

Scale and Character of the Development

- This is a development of commercial scale (as opposed to a farm- or community-based project), in which the solar arrays would cover an area of c35ha.
- Its extent is sufficient to be perceived as a change in land-use, whilst the height and density of the panels would obstruct and intrude into views.
- As energy-generating infrastructure, its appearance would be perceived to be both non-agricultural and of a generic industrial character.

Character and Appearance of the Countryside

- The development would harm the intrinsic and perceived character of countryside that is representative of the Low Weald and Teise Valley.
- Thereby eroding the distinctive qualities of the local landscape, extending across part of two character areas.
- Its impact on views would harm their amenity value, particularly for users of PRowS.

Significance of Harm

- Whilst localised, the resulting harm to character and appearance can properly be regarded as significant.
- The magnitude of many effects at Year 1 would be towards the upper end of the scale, and would affect landscape and visual receptors that can be regarded as sensitive.

Ineffectiveness of Mitigation

- Contrary to the assumptions made in the LVIA, the proposed mitigation would not achieve an overall degree of mitigation sufficient to eradicate the adverse effects, yet alone to convert them into net benefits.
- Where the mitigation would obstruct views of amenity value, it must itself be regarded as harmful.
- These adverse effects would persist throughout the lifespan of the development, and should therefore be regarded as long-term.
- Whilst the development is technically reversible, the altered landscape structure it creates would be retained, increasing the probability that solar energy could become a permanent feature of the site.

7.3 I therefore consider that the Council were justified in raising the concerns set out in RfR2.

Local Plan Policy

7.4 Policy SP17: The Countryside, states (at para 1) that:

"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."

- 7.5 As I have demonstrated, the proposal would clearly be harmful to the character and appearance of the area.
- 7.6 Policy DM1: Principles of Good Design, sets out a series of criteria to be met by development proposals. It is acknowledged that efforts have been made to improve public access (via the permissive paths), to use native planting to assimilate the development into the local landscape, and to protect/enhance biodiversity.
- 7.7 However, the intrinsic character of the development is dictated by its functional requirements, regardless of its context, and cannot be disguised. As a result, its ability to “respond positively” to local character, yet alone to enhance it (criterion i), or to avoid causing “visual intrusion” (criterion iv), is limited. In addition, whilst the proposed landscaping could in the longer-term provide a substantial degree of screening, this would never be completely effective, and would itself be a source of harm to openness, views and the legibility of the field pattern.
- 7.8 On balance, I therefore consider the proposals to fail the tests for good design under the policy.
- 7.9 Policy 24: Renewable and low carbon energy schemes, sets out a series of considerations to be taken into account during the design and development of “larger scale” projects – which applies to this proposal. These include its landscape and visual impact. This has clearly been taken into account in the form of the LVIA, and the revisions to the layout and mitigation made after determination.
- 7.10 However, as I have demonstrated, aspects of the LVIA should not necessarily be taken as read, because of the technical deficiencies of the visual material and the judgments on which assessments have been made in relation to, in particular, site sensitivity and the ability of the proposed mitigation to transform adverse effects into benefits.
- 7.11 In addition, I do not consider the proposed amendments to the scheme to have made a meaningful difference to the landscape/visual effects. Whilst the proposal may technically comply with the policy in a procedural sense

(e.g. in terms of submitting an LVIA), the outcome has not been to achieve a material reduction in its harm.

- 7.12 Policy DM30: Design Principles in the Countryside, sets out a series of criteria to be met by development proposals. As explained in relation to Policy DM1, there are significant limitations on the ability of a development of this scale and infrastructural character to adopt the sort of design principles that apply, for example, to residential development. This is even more applicable within a countryside setting.
- 7.13 For the reasons I have already given, the development would neither maintain nor enhance “local distinctiveness” (criterion i) and would be unsuitable in this location (criterion ii), whilst the proposed mitigation would itself be a source of harm (criterion ii), existing buildings could not be re-used and the proposed structures could not be located close to existing buildings (criterion iv). I therefore consider the development to fail the relevant tests under this policy.

NPPF

- 7.14 Paragraph 174 requires planning decisions to “*contribute to and enhance the natural and local environment*” [my emphasis] by:

(b) “*recognising the intrinsic character and beauty of the countryside.*”

- 7.15 The need to recognize the intrinsic character and beauty of the countryside implies a degree of protection, as was set out in the judgment relating to the High Court judgment in the Cawrey case⁷ as follows (ref **Appendix C**):

“...it would be very odd indeed if the core principle at paragraph [174] of NPPF of “recognising the intrinsic beauty and character of the countryside” was to be taken as only applying to those areas with a designation. Undesignated areas – “ordinary countryside” as per Ouseley J in Stroud DC - may not justify the same level of protection, but NPPF, properly read, cannot be interpreted as removing it altogether.”

⁷ Cawrey Ltd v SSCLG and Hinckley and Bosworth BC, [2016] EWHC 198 (Admin)

- 7.16 Whilst the proposal seeks to mitigate its adverse effects in the form of the planting of new hedgerows and woodland, the residual effects would in my view remain adverse – yet alone amounting to a net benefit in landscape/visual terms. The intrinsic character and beauty of the countryside in this location cannot be protected by covering it with solar panels. Even though the existing vegetation structure would be retained (and selectively reinforced), the mitigation would itself harm openness, views and the legibility of the field pattern. The development is therefore considered to fail the test under NPPF 174(b).
- 7.17 NPPF 158 states that “*When determining planning applications for renewable and low carbon development, local planning authorities should:*
(a) *approve the application if its impacts are (or can be made) acceptable.*”
- 7.18 Whilst I am unable to comment on the overall acceptability of the development in terms of the planning balance, its landscape and visual effects conflict with policy tests at the Local Plan and NPPF levels. Within a landscape and visual context, the effects are in my view unacceptable. It is difficult to see how a scheme of the scale currently proposed on this site could be made acceptable in landscape and visual terms.

8. Summary and Conclusion

- 8.1 The appeal site is c74 hectares, and comprises several medium- to large-scale fields under arable cultivation. These are defined by ditches, hedgerows, sections of linear woodland (shaws) and tree-belts. The area is flat and low-lying, and is typical of the Low Weald and Teise Valley character areas. Despite modern changes in land-use, including hedgerow removal and the loss of orchards and hop-gardens, this is not a degraded landscape.
- 8.2 It retains a coherent and distinctive character. It is overwhelmingly rural and tranquil, Intrusive influences limited to modern housing on the edge of Marden and a power line. Settlement is otherwise scattered, including traditional (often listed) farmhouses, barns and oasts (particularly to the south of the site), due to much of the site lying within a floodplain.
- 8.3 The site is not located within a designated landscape, and it is common ground that it does not correspond to a “valued landscape” in the meaning of NPPF174. However, I consider the site and host character areas to be of medium to high sensitivity to change, which I believe to have been understated (as medium) in the appellant’s LVIA.
- 8.4 The combination of subdued terrain and a field pattern substantially defined by tree cover limits potential views to the site and its immediate vicinity. Potential receptors comprise residents of a few surrounding dwellings, and users of local PRoWs, including two that pass through the site. These receptors are considered to be of high sensitivity. Longer-distance views are confined to views across the surrounding Low Weald/floodplain, or towards the Greensand Ridge, from parts of the site.
- 8.5 The proposal is to cover almost half (47%) of the site with solar panels, together with associated infrastructure. The panels would be up to c3m high and would be perceived as a solid obstruction, with the ability at short-range to block views, infill the fields and form the skyline. The arrays would be enclosed by security fences, together with hedgerows and areas of tree planting for biodiversity and screening purposes. Once established, these hedgerows would subdivide the fields into a series of linear enclosures. The

site would be taken out of arable use and laid down to grassland. The footpath that currently crosses the north-eastern field would be diverted around its northern boundary, whilst permissive paths would be provided along its western and eastern boundaries.

- 8.6 I agree with the LVIA that the effects on completion (Year 1) would be adverse. However, we disagree about the magnitude of change, which the LVIA considers this to be Slight/Moderate at all spatial levels. By comparison, I consider it to be Substantial/Major for the site and Minor/Moderate for the surrounding area/host character areas.
- 8.7 We also disagree about the effectiveness of the proposed mitigation, in terms of its ability both to reduce the adverse effects and to transform them into residually beneficial effects. Whilst the LVIA considers the residual landscape effects to become beneficial, I consider them to remain adverse (though reduced in magnitude).
- 8.8 I accept that some net benefits would arise, particularly in relation to biodiversity and landscape condition. However, these would be outweighed by changes such as the introduction of energy infrastructure, the loss of openness, legibility, distinctive characteristics and scenic value, and the associated reduction in amenity for visual receptors.
- 8.9 In the event that the appeal is allowed, the lifespan of the development would be limited to 37 years⁸, after which the infrastructure would be removed and the site returned to agricultural use. In order to maintain the biodiversity benefits, however, the landscape scheme would remain. But on the assumption that the climate emergency will be prolonged, and in the context of the encouragement given in the NPPF to the re-use of permitted renewable energy sites, it is reasonable to question the likelihood that this reversibility would actually be implemented.
- 8.10 Even within the design life of the development, its effects must be regarded as longer-term. These effects conflict with a range of policy tests intended to protect the countryside at the Local Plan and NPPF levels. As a result, if

⁸ Plus whatever time may be required for a grid connection.

landscape and visual matters were the only consideration, I would respectfully request that this appeal be dismissed.