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To: [Cleve Hill Solar Park](#); [Jones, Hefin](#)
Cc: [REDACTED]
Subject: EN010085 - Cleve Hill Solar Park - The Applicant's Deadline 3 Submission (email 6 of 7)
Date: 01 August 2019 23:20:11
Attachments: [REDACTED]

Dear Hefin,

EN010085 - Cleve Hill Solar Park - The Applicant's Deadline 3 Submission (email 6 of 7)

Please find attached the Applicant's Deadline 3 submission.

Please do not hesitate to get in touch if you have any queries.

Kind regards,

Mike

Michael Bird

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CLEVE HILL SOLAR PARK

WRITTEN SUMMARIES OF ORAL SUBMISSIONS ISSUE SPECIFIC HEARING 3 ON LANDSCAPE AND VISUAL AMENITY

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Revision A

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**WRITTEN SUMMARY OF CLEVE HILL SOLAR PARK LIMITED'S ("THE APPLICANT")
ORAL CASE PUT AT ISSUE SPECIFIC HEARING 3 ON 23 JULY 2019**

1. INTRODUCTORY REMARKS

- 1.1 Issue Specific Hearing 3 ("ISH") on matters relating to landscape and visual amenity was held at 10:00am on 23 July 2019 at Hempstead House Hotel, London Road, Bapchild, Sittingbourne, ME9 9PP.
- 1.2 The ISH took the form of running through items listed in the agenda published by the ExA on 8 July 2019 (the "**Agenda**"). The format of this note follows that of the Agenda. The Applicant's substantive oral submissions commenced at item 3 of the Agenda, therefore this note does not cover items 1 and 2 which was procedural and administrative in nature.

2. AGENDA ITEM 1 – INTRODUCTION OF THE PARTICIPATING PARTIES

- 2.1 The ExA: - David Rose (Lead Panel Member) and Andrew Mahon
- 2.2 The Applicant:
- 2.2.1 **SPEAKING ON BEHALF OF THE APPLICANT:** - Gareth Phillips (Pinsent Masons LLP).
- 2.2.2 Present from the Applicant: - Simon McCarthy.
- 2.2.3 The Applicant's legal advisors:- Claire Brodrick and Peter Cole (Pinsent Masons LLP).
- 2.2.4 The Applicant's consultants: Mike Bird and Mark Topping (Arcus Consultancy Services)
- 2.3 Swale Borough Council – Graham Thomas and Alison Peters
- 2.4 Kent County Council – Francesca Potter
- 2.5 Canterbury City Council – Joanna Dymowska
- 2.6 GREAT – Lut Stewart and Marie King
- 2.7 Graveney with Goodnestone Parish Council – Alan Stewart
- 2.8 CPRE Kent – Richard Knox-Johnson
- 2.9 Faversham and Swale East Branch Labour Party – Anne Salmon
- 2.10 Faversham Society – David Melville and Harold Goodwin
- 2.11 Faversham & Oare Heritage Harbour Group – David Pollock
- 2.12 Faversham Creek Trust - Sue Akhurst
- 2.13 The Ramblers and Faversham Footpath Group– Ian Wild
- 3. AGENDA ITEM 3 – POLICY AND GUIDANCE**
- 3.1 **General methodology and guidance framework adopted, including GLVIA 3 and LI technical notes;**

- 3.2 In response to a request from the ExA to set out the relevant guidance and policy, Mark Topping, on behalf of the Applicant, confirmed that the methodology used for the Landscape and Visual Impact Assessment (LVIA) had been developed using GLVIA3 (Landscape Institute (2013). Guidelines for Landscape and Visual Impact Assessment, third edition²) and the Landscape Institute technical notes¹. Mr Topping explained that the methodology starts with a baseline assessment so that a thorough understanding of site, local context and landscape and visual receptors can be obtained. The next stage is to develop the zone of theoretical visibility (ZTV) which maps the likely visibility of the Project in the local landscape so that the Applicant can understand how the Project may affect identified receptors e.g. footpath receptors. Mr Topping added that the desk-based work is accompanied by field work so that it can be established where views are likely to occur. Mr Topping explained that the assessment is based on an understanding of the nature of the receptor (the sensitivity of that receptor) and the nature (magnitude) of effects. The assessment will then make a conclusion as to the likely significance of effect which is based on professional judgment. Mr Topping added that he had over 19 years' experience of carrying out such assessments.
- 3.3 Mr Topping confirmed that the relevant technical guidance notes related to photography and clarifications to GLVIA3 (Landscape Institute (2019). GLVIA3 Clarifications²). The LVIA had deviated from the guidance as it refers to SNH guidance dated 2006 whereas the Applicant had used SNH 2017 (SNH (2017). Visual Representation of Windfarms, v2.2³) instead. The updated guidance focusses on cameras of higher specification, A1 (as per SNH 2017) as opposed to A3 plans (as per The Highland Council (2016). Visual Standards for Wind Energy Developments) and a full 53.5-degree angle of view.
- 3.4 In response to a question from the ExA relating to the applicability of SNH guidance (which related to windfarms), Mr Topping explained that the guidance had been used to deal with the photomontage elements. Mr Topping confirmed that the principle of the LVIA itself was based on GLVIA3.
- 3.5 **Local Plans;**
- 3.6 In response to a request from the ExA to explain the local planning policy framework and relevant policies, Mr Topping explained that the Applicant had taken into account local plan policies throughout the process. Mr Topping confirmed that the site was designated as an Area of High Landscape Value (AHLV) - Kent Level DM24⁴. The Applicant had also taken into account local, regional and national policies relating to the retention of trees, vegetation and green infrastructure.
- 3.7 **Relevant published national, regional and local landscape character assessments.**
- 3.8 In respect of local character assessments, Mr Topping explained that the site is covered by one national character area (character profile 81- Greater Thames Estuary)⁵. Although the site is large it constitutes a very small proportion of the whole national character area. At a regional level, the character assessment covers a large area. The site still constitutes a small proportion of the regional landscape character area (Eastern Swale Marshes).
- 3.9 At a local level, Mr Topping explained the site was part of the Graveney Marshes Landscape Character Area. Mr Topping confirmed that the most recent character

¹ Available at: <https://www.landscapeinstitute.org/technical-resource/li-technical-notes/> [accessed

² Available at: <https://www.landscapeinstitute.org/technical/glvia3-panel/glvia3-clarifications/> [accessed on 01/08/2019].

³ Available at: <https://www.nature.scot/professional-advice/planning-and-development/renewable-energy-development/visual-representation-guidance> [accessed on 01/08/2019].

⁴ Bearing Fruits 2013: The Swale Borough Local plan

⁵ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making/national-character-area-profiles>.

assessment review covering this area (South Swale Marshes - AHLV) was not available at the time of the LVIA so had not been included in the ES. Mr Topping explained that given the scale of the surrounding landscape, although the effects of the Project are significant, it was his professional opinion that the landscape had the capacity to absorb the Project given the open landscape, wide skies, substation and power lines.

- 3.10 Mr Topping concluded that the entire range of character areas had been considered and the landscape as a whole at the various scales and designations had the capacity to absorb a development of this nature.
- 3.11 Mr Topping clarified that since the submission of the Application there had been changes to residential visual amenity assessment (RVAA) guidelines (the latest being: Landscape Institute (2019). Residential Visual Amenity Assessment. Technical Guidance Note 2/19⁶). Mr Topping confirmed that he stood by the conclusions of the assessments, although it does deviate from the latest methodology guidance. Mr Topping added that the updated guidance gives details of specific stages and more clarity of residential visual amenity threshold.

4. **AGENDA ITEM 4 – APPROACH TO ASSESSMENT**

- 4.1 **Study areas and visibility of the Proposed Development, including residential receptors in the ZTV between 1km and 2km from the Proposed Development;**
- 4.2 In response to a question from the ExA as to why residential receptors were limited to within 1km, when other receptors are within 2km, Mr Topping explained that the approach to LVIA and RVAA differs; however the process of LVIA defines what is likely to be assessed within an RVAA and as such the residential elements of the LVIA were incorporated into the RVAA. In respect of RVAA, although there are residential receptors outside the 1km zone, the likely effects on residential amenity are not considered to be significant. In determining the LVIA study area, the Applicant had focussed on where the likely significant landscape and visual effects are likely to be. Mr Topping confirmed that the new guidelines provided greater clarity on separation of LVIA and RVAA.
- 4.3 Mr Topping clarified that although the Applicant had assessed in detail the 1km study area, site visits had been undertaken across the whole study area for the purposes of the assessment. Even though the wider area is not specifically referenced in the ES, it has been assessed as part of the LVIA process. However, the LVIA assessment in relation to residential receptors included as part of the RVAA had focussed on areas that are likely to have significant effects (within 1km).
- 4.4 In response to a question from the ExA, Mr Topping confirmed that properties between 1 and 2km had been considered as part of the establishment of the ZTV and had been considered as part of the likely significant effects assessment.
- 4.5 In response to a question from CPRE Kent, Mr Topping confirmed that residential receptors on the Isle of Sheppey had been considered. A suite of representative view points for receptors on the Isle of Sheppey had been produced, one from The Church of St. Thomas the Apostle (which has residential properties on either side) on the Isle of Harty. Mr Topping added that the impacts from these properties were considered to be not significant.
- 4.6 In response to a question from The Ramblers and Faversham Footpath Group relating to viewpoints from the Ferry Inn, Mr Topping explained that there was no viewpoint from the Ferry Inn. However, viewpoint 17 (Public Right of Way (ZS42 - Bridleway) near to Mocketts Farm) is from the top of the hill above the Ferry Inn and was selected because it was considered that any effects would be greater from this vantage point.

⁶ Available at: <https://www.landscapeinstitute.org/technical-resource/rvaa/> [accessed on 01/08/2019].

Mr Topping confirmed that he had visited the site on several occasions in winter and summer for viewpoint 14 (The Church of St. Thomas the Apostle). Mr Topping said his professional opinion was that the view of the Project from the Ferry Inn would be barely perceptible above sea wall.

- 4.7 In response to a question from the Faversham & Oare Heritage Harbour Group relating to views from the sea from the entrance to the Swale up to Faversham Creek, Mr Topping explained that the assessment had been based on fieldwork and the ZTV. There was a small element of the views from within the Swale, however, the views were likely to be restricted by the sea walls, particularly given the tide. Mr Topping concluded that any view of the Project above the sea wall would constitute a small percentage of the large horizontal view.
- 4.8 In response to a question from CPRE Kent regarding the reflection from the panels, Mr Topping explained that the assessment had been based on visual impact (i.e. what can be seen). Mr Topping had visited a similar site in Holland to understand how the light reflected and it responded to the colour of the sky. Mr Topping confirmed that he had reviewed the Glint and Glare report but not particularly taken it into account for the purposes of the LVIA.
- 4.9 In relation to views from the sea, Mr Topping added that he considered that the view of the Project would be barely perceptible as from the particular viewpoints the amount the site would occupy within view would be very small. It would consist of a thin sliver of a different hue above the sea wall; however, it would not be distinguishable from the other elements. The taller structures in the electrical compound would be visible, but constitute a very small percentage of the view.
- 4.10 **Methodology adopted for viewpoint photographs and visualisations;**
- 4.11 In response to a question from the ExA relating to the scale, cropping and viewing distances of the photomontages, Mr Topping confirmed that the photomontages were all produced in line with the appropriate guidelines but that he would check the specific points raised and respond in writing for Deadline 3 (see Appendix 1 to this summary).
- 4.12 In response to a question from the ExA relating to the use of the ZTV and representative photomontages, Mr Topping explained that they are both powerful tools. The Applicant had produced an augmented ZTV with LIDAR data which provides much more detail such as tree data, buildings and excludes hedgerows etc. below 3m. Mr Topping added that this was an iterative process and allowed the Applicant to focus on specific important areas. Mr Topping explained that the photomontages allow the assessor to understand the quantum of development in such a large landscape, in particular to understand height and massing. Mr Topping confirmed that having considered the tools available, he then went into the landscape to check that the assessment of effect was correct based on professional judgement.
- 4.13 In response to a question from the ExA relating to the north west of the site, Mr Topping confirmed that he had a high degree of confidence in his prediction of views of the array. Mr Topping added that the route of the Saxon Shore Way is dynamic as you travel through the landscape and land levels change. Mr Topping reiterated that he had a high degree of confidence that the viewpoints produced were representative.
- 4.14 In response to a question from the ExA regarding the need for cross sectional drawings, Mr Topping explained that the Applicant produced and used sketch cross sections to understand the likely views prior to creating the photomontages. For example, to understand the likely effects of distance and the seawall. Mr Topping confirmed that this work formed part of the baseline assessment. Mr Topping confirmed that the Applicant would submit the cross sections into the Examination (see Figure 11.4.7.1 Indicative Landscape Cross Sections in Deadline 3 submission document reference 11.4.7).

- 4.15 In response to a question from the ExA relating to views around the Shipwright's Arms and The Swale, Mr Topping confirmed the Applicant would provide sections from the bench on the Saxon Shore Way east of the Shipwright's Arms inscribed with "take a pew, enjoy the view" and from Sayes Court on Sheppey (see Deadline 3 submission document reference 11.4.7). Mr Topping explained that the augmented ZTV was used to understand visibility and the worst case scenario was used.
- 4.16 In response to a question from the ExA relating to comments in the Local Impact Reports relating to seasonal variations for TA11.3, Mr Topping confirmed that he would check to see if there were any photos taken in March 2018 that can be submitted into examination. An updated version of TA11.3 has been produced adding all winter photography where available from the same viewpoints (see Deadline 3 document reference 11.4.8).
- 4.17 **Scope and choice of locations for viewpoints and montages, and relationship with identified relevant receptors;**
- 4.18 The Applicant notes that Canterbury City Council confirmed that they had conducted an independent assessment and were currently reviewing the conclusions. Mr Topping added that the Applicant had agreed the viewpoint locations with the local planning authorities.
- 4.19 **Rationale for undertaking a Residential Visual Amenity Assessment (RVAA);**
- 4.20 In response to a question from the ExA relating to the appropriateness of the RVAA, Mr Topping explained that through the consultation process the Applicant had listened to and engaged with residents. The Applicant had considered the proximity of some of the residential properties to the Project and its scale and wanted to better understand nuances of views from different rooms in each of the residential properties.
- 4.21 Mr Topping confirmed that he had referred to GLVIA3 and used the emerging RVAA guidance available at the time. Mr Topping explained that the RVAA guidance is a technical note. Mr Topping acknowledged that the emerging guidance was normally relevant to higher structures e.g. wind turbines, but he had interpreted the emerging guidance to be relevant to a development of this scale.
- 4.22 Mr Topping explained that the LVIA process looks at residential receptors and effects on receptors. For a residential receptor, it may have major significant effects but that does not mean that the threshold for residential amenity has been breached. A similar process is undertaken for RVAA and acknowledges that there is no right to a view. However, windfarm case law has established that it is not in the public interest for there to be overbearing effects on properties. Whether the residential amenity threshold has been breached in context of RVAA is based on guidance, professional judgement, understanding the impacts likely to occur and the relationship of a property to its landscape and view. Mr Topping added that the RVAA is looking at what will change or be lost in that view. Mr Topping confirmed that a RVAA considered the habitability of a property and that with reference to the term "overbearing" stated earlier, he agreed with the ExA that it was not in the public interest to create properties that were uninhabitable where such a state did not exist before .
- 4.23 In response to comments from Interested Parties, Mr Topping confirmed that the guidance doesn't stipulate specific types of development but it does refer to form, e.g. tall structures and low structures. The guidance can therefore be applied to residential development or a solar array. Mr Topping explained that the Applicant had assessed the study area on that basis and taken into account the low profile of the development. The assessment had considered how the development sits in the landscape setting and the proportion of the development within the view. The assessment then concludes whether the landscape can absorb the development or if it will result in an uninhabitable situation.

- 4.24 Mr Topping confirmed that the Applicant had written to properties within 1km to understand if they would like a visit by the applicant to assess RVAA in their home as part of the consultation process. The Applicant had considered views from the publicly accessible curtilage and considered similar views from properties together (property clusters). Mr Topping confirmed that the Old Vicarage was referenced in Section 5.8 of the RVAA as part of residential cluster 8.
- 4.25 Mr Topping confirmed that he would check whether the owners of Coney Banks were contacted to arrange for access. The Applicant did not specifically contact the owners of Coney Banks to arrange for access. However, the owners of Coney Banks were consulted on the Project in accordance with the requirements of the Planning Act 2008
- 4.26 In response to questions relating to the setting of heritage assets, Mr Topping explained that the LVIA considered the contribution that such heritage assets make to the quality of the landscape. The impact of the development on the heritage assets is considered as part of the heritage assessment. Mr Topping explained that in respect of the view from the Saxon Shore Way, the assessment considers the contribution of heritage assets to the landscape. This includes the view across the AONB and the setting of Graveney Church within the trees. However, the Church occupies a very small percentage of the landscape and does not define it. Mr Topping confirmed that the Applicant had carried out the assessment in a balanced way. In response to a comment by CPRE Kent, Mr Bird stated that the Applicant would summarise the difference between the use of the term “setting” in the landscape assessment compared to the heritage assessment (see Appendix 3 to this summary).
- 4.27 In response to a comment relating to the human eye and panoramic views, Mr Topping explained that the photomontages had been produced based on the specific guidelines. However, when looking at landscape as a whole to carry out the assessment using professional judgement, the Applicant had taken into account different climatic conditions and looked at the landscape in the round before balancing any detractors and coming to a decision.
- 4.28 **Form of Proposed Development used in the assessments and the extent to which variation in effect possible with the built scheme is accommodated;**
- 4.29 In response to a question from the ExA relating to the candidate design and flexibility in the context of the LVIA, Mr Topping explained that the Applicant had worked hard to maximise the quantum of development for each parcel of the site. The LVIA had assessed the maximum amount of development. Mr Topping confirmed that he was therefore confident that he had assessed the worst-case scenario and the candidate design constituted the worst case from a LVIA perspective. Mr Topping confirmed that the energy storage represented the worst case from a LVIA perspective due to the bund and larger structures and that the impacts of solar panels would be lower.
- 4.30 Mr Topping confirmed that he had the utmost confidence in the assessment. The landscape team had been involved in the master planning process and considered a large range of options. Mr Topping confirmed that he was confident that the LVIA had assessed the worst case.
- 4.31 Mr Phillips added that the key parameters used in the in assessment formed part of the outline design principles that were secured in the DCO.
- 4.32 **Approach to assessment of significance of effect in the LVIA, RVAA and Glint and Glare studies.**
- 4.33 In response to a question from the ExA relating to the approach taken to the significance of effect in EIA terms, Mr Topping confirmed that he had carried out the assessed in accordance with the detailed methodology which followed GLVIA3. This had been balanced with professional judgement.

- 4.34 In response to a question from the ExA as to why residential receptors 11 and 18 had a lower sensitivity than other similar receptors, Mr Topping confirmed that he would respond in writing for Deadline 3. The Applicant can confirm that the sensitivity allocated to the residential receptors in the ES is correct and the difference is based on an assessment of the value of the receptor, their susceptibility to change and therefore their sensitivity (or the nature of the receptor), combined with an assessment of the magnitude of change or the nature of change. Each receptor's sensitivity may be different based on an assessment of the above and each magnitude of change may also be different given the differing scales of change, over differing geographic extents. However, factors such as duration and reversibility remain a constant. Based on these factors similar types of receptors may experience effects to a greater or lesser degree based on the above factors assessed through a matrix with narrative, and based on professional judgement.
- 4.35 In response to a question from the Faversham Society regarding the height of the energy storage, Mr Bird explained that the parameters were secured in the outline design principles. This stipulated that the energy storage structures must not be higher than the bund.
- 4.36 Mr Phillips added that the parameter that needs securing in the DCO is the height of the bund. If the energy storage is no taller than the bund then there will be no additional landscape and visual effects. If the energy storage exceeded the height of the bund then it could make a difference to the conclusions of the LVIA. Therefore the parameter secured is height against the bund.
5. **AGENDA ITEM 5 – RELATIONSHIP BETWEEN VISUAL ASSESSMENTS AND THE OUTLINE DESIGN PRINCIPLES**
- 5.1 In response to a question from the ExA relating to the relationship between the candidate design and the outline design principles, Mr Topping explained that the Applicant had assessed the landscape and visual impacts based on the worst-case scenario which was the largest quantum of panels possible. Mr Topping confirmed he had taken into account spacing and panel height etc. and that he was confident that was sufficient to carry out a robust and comprehensive assessment.
- 5.2 In response to a question from the ExA regarding the lack of design principles related to other features, such as materials and design details for panels and paths, Mr Topping explained that the features had been assessed in terms of location and how they lie in the landscape, including level difference and any vegetation clearances, to establish whether they would affect the underlying character of the landscape.
- 5.3 Mr Topping added that he had looked at panels used in the similar site in Holland, in particular the materials, materials on the undersides of panels, angles, material finishes, aesthetics, colours etc. which allowed him to have an understanding of what the Project would look like. There was an elevated bund on that site, so he was also able to understand the effect looking down on the panels.
- 5.4 Mr Topping explained that in the Holland site the fencing used was metal palisade. However, for the Project the Applicant was proposing timber and post deer fencing which was more in keeping with the rural area.
- 5.5 Mr Topping concluded that he was confident that any materials used would fall within the assessment.
- 5.6 Mr Bird explained that the requirement for approval of the detailed design included fencing. Mr Bird added that the candidate design was based on the experience of Hive and Wirsol. Mr Bird added that the outline design principles would be updated for Deadline 3 to include such features (see document reference 7.1, revision B).

- 5.7 Mr Phillips explained that the Applicant was going to audit the outline design principles to ensure that they captured all of the mitigation referred to in the ES. When assessing an application to discharge a requirement, SBC would have to have regard to the outline design principles and the ES. If the proposed design does not fall within the parameters of the ES then Swale could refuse to discharge. However, in practice, pre-application discussions and consultation would have taken place.
- 5.8 The Applicant notes that SBC confirmed that it would be able to follow the audit trail but that it would be in the Applicant's interest to clearly set out how the final design was compliant when making any application to SBC pursuant to the Requirements.
- 5.9 In response to a comment from CPRE Kent relating to the ability to appeal any refusal of the discharge of requirements, Mr Phillips explained that it was reasonable and in keeping with principles of natural justice for the Applicant to be able to appeal a decision of SBC to refuse approval. However, on appeal, the Secretary of State would need to follow the outline design principles and ES too, so they would apply whoever is the decision maker.
- 5.10 In response to comments made by GREAT, Mr Topping confirmed that he was confident that he had sufficient detail to carry out the assessment. Mr Topping explained that the information gathered from the visit to the similar site in Holland merely provided information as to the style and massing of east/west panels. Mr Topping added that the Project was clearly a very different site and scale. The LVIA had been carried out using the correct methodology and professional judgement and the assessment is bespoke to the Project, the site and that of the surrounding landscape.
- 5.11 Mr Topping explained that the design of the Holland site did not have to take into account residential receptors or a footpath and therefore there was greater flexibility. For the Project, there is a more sensitive landscape with receptors. The design parameters put forward are therefore different and specific to the site. Mr Topping reiterated that he was confident in the assessment and had taken mitigating factors into account.
- 5.12 In response to a question from the ExA relating to outline design principles for the energy storage, Mr Bird explained that only two design principles applied and they related to location (within Work No. 2) and height.
- 5.13 Mr Bird confirmed that the height of the bund is not less than 5.316m above ordnance datum and referred to paragraph 5.4.2 of Chapter 5 of the ES and Table 5.2a (APP-035).

6. **AGENDA ITEM 6 - LANDSCAPE MITIGATION, INCLUDING PLANTING SCHEME**

- 6.1 **Summary of landscape mitigation proposals, how these relate to local policy, the design process followed, including consultations with affected residents, and how they would be secured through any DCO;**
- 6.2 In response to a question from the ExA relating to mitigation proposals being sympathetic to the landscape character of locality, Mr Topping explained that the masterplan is trying to address those issues so that the scheme works with and enhances the local character and it is not a blanket approach. For example, consideration has been given to species mixes around the edge of the site, proposals to introduce areas of scrubland around the peripheries and footpath areas, the fruit belt landscape and limiting vertical planting in the northern area.
- 6.3 In response to a question regarding consultation with local residents, Mr Topping explained that there had been various stages of consultation both informal and formal as part of LVIA. Mr Topping confirmed that the Applicant had taken on board comments and set the panels back further around properties to create open views for

properties to the north and to create swathes of grassland along the drainage ditches. The Applicant had also taken into account comments relating to mitigation planting to the lower parts of development and the desire to see the Swale. The proposed landscaping allows filtered views, to preserve large open aspect. In respect of Warm House, the residents preferred a woodland view so the Applicant amended the mitigation planting so as to provide dense woodland with offset from the property. Mr Topping concluded that the Applicant had responded to concerns as part of iterative design process.

- 6.4 In response to a question from the ExA regarding the obligation to maintain mitigation planting beyond 5 years, Mr Topping explained that the process in the Landscape and Biodiversity Management Plan was to ensure the establishment of planting. After year five the intention is to revisit the site and determine whether any future management is necessary.
- 6.5 Mr Bird confirmed that the Landscape and Biodiversity Management Plan would be updated at Deadline 3 to clarify the obligations post year 5 (see document reference 6.4.5.2, revision B).
- 6.6 Mr Topping confirmed that the shelterbelt and woodland planting was secured in the Landscape and Biodiversity Management Plan but the Applicant would check if it needed to be clarified in the updated version.
- 6.7 In response to a question from the ExA regarding mitigation planting for glint and glare, Mr Bird confirmed that Chapter 17 of the ES had concluded that the effects were moderate which is not significant in EIA terms. Mr Bird referred to ES Appendix 17.1 technical report which states that only major effects require mitigation. Moderate effects can be considered for mitigation. Mr Bird added that the glint and glare was based on a worst case. However, mitigation had been determined in the round when considering landscape mitigation and the desire to retain longer distance views. Where the proposal is to plant woodland to screen views, this will also eliminate glint and glare over time.
- 6.8 Mr Bird confirmed that there had been an integrated approach to glint and glare and landscape and visual and that the issues had been discussed with local residents. By the end of the assessment the Applicant had concluded that no mitigation was required.
- 6.9 In response to comments from CPRE Kent, Mr Topping explained that the Applicant had taken into account the effects of the locality on planting, for example the closer to sea wall the more difficult it is to establish planting. Similarly, the bund will be more exposed. In considering the effectiveness of the mitigation, the Applicant has considered the effects due to exposure and salt. However, towards the south and fruit belt the Applicant would expect normal growing conditions. Mr Topping noted that the final Landscape and Biodiversity Management Plan would need to be approved by SBC and any planting that dies in the first five years will be replaced.
- 6.10 In response to comments made by Interested Parties relating to the extent of consultation with local residents, Mr Bird confirmed that the Applicant had undertaken thorough consultation, including local events, leaflets and info drops. The Applicant had acted reactively and proactively and offered meetings. The Applicant had been to see residents at least 2-3 times and encouraged those residents to discuss the issues with their neighbours.
- 6.11 Mr Phillips added that the extent of consultation had already been discussed in the Issue Specific Hearing on Need. The Applicant's approach was set out in the Consultation Report (APP-022). If anyone considers that they were not consulted, then they can come forward and make representations at the open floor hearing or submit written representations.

6.12 **Establishment, maintenance and monitoring proposals and how these would be secured in any DCO.**

6.13 In response to a question from the ExA regarding Statements of Common Ground (SoCG), Mr Bird confirmed that the Applicant is in the process of finalising draft of SoCGs with the local authorities; however, it was unlikely that an agreed version would be submitted by Deadline 3. Mr Bird added that a meeting was scheduled with the local authorities on 13 August 2019 to discuss the SoCGs and historic landscape would be included. The Applicant hoped that agreed SoCGs could be submitted for Deadline 4.

6.14 The Applicant notes that Canterbury City Council confirmed that it was satisfied that there would be no solar panels adjacent to its boundary and it had no further comments on the planting types.

6.15 Mr Bird added that the administrative boundary was clearly shown on the plans and referred to figure 5.2 in the ES (APP-053).

7. **AGENDA ITEM 7 – FINDINGS OF THE LANDSCAPE AND VISUAL ASSESSMENTS**

7.1 **Effects on landscape value and character, including a summary of impacts on LCAs and AHLVs;**

7.2 In response to a question from the ExA, Mr Topping summarised that there are likely to be significant effects on the Kent Level (Area of High Landscape Value) and the Graveney Marshes landscape character area but not on the regional or national character. The enclosed nature of the site, due to sea wall and vegetation, the open nature and large expanse of the wider landscape and the low level nature of the development, meant that effects were limited to the site and immediate locality.

7.3 Mr Topping confirmed that the assessment had taken into account detracting factors such as the pylon corridor and noted that the substation had been removed from the character area in the recent update to the AHLV. The mitigation proposed provides over 3km of native hedge planting, large areas of shelterbelt, woodland and scrubland which is a significant quantum of green infrastructure. Mr Topping added that the Applicant had proposed a very simple landscape treatment to respond to the landscape character of both the site and surrounding landscape, and that the Applicant maintains its position that this approach is in keeping with local landscape character.

7.4 In response to comments made by Interested Parties, Mr Topping confirmed that the Applicant had assessed the impact on visual receptors and acknowledged the significance of those effects.

7.5 **Summary of the assessment of impacts on important visual receptors and views;**

7.6 Mr Topping summarised the conclusions of the assessment. Mr Topping explained that there were residential receptors and visual receptors along the Saxon Shore Way that would experience significant effects. The Applicant had considered the landscape character, in particular the large and simple landscape, and concluded that in line with the recent review of landscape character undertaken by LUC on behalf of Swale Borough Council the designation as an Area of High Landscape Value is relevant, however, Mr Topping explained that the landscape is of such a scale and size that it can accommodate the Project. The Applicant had assessed the effects from a landscape and visual perspective, taking into account the dynamic route of the Saxon Shore Way. Significant effects were identified for residential receptors and taken forward for a RVAA. The Applicant had offered mitigation to reduce effects to

receptors across the site as part of embedded mitigation in line with an iterative design process.

7.7 Effects of lighting.

7.8 Mr Topping confirmed that he had considered lighting as part of the overall assessment. The lighting within the substation would be screened by the bund. Mr Topping explained that the lighting within the solar arrays will be PIR which is activated by motion sensors. Mr Topping confirmed that he was confident that the conclusions of the assessment remained the same even with the update to the AHLV associated with the North Kent Marshes: South Swale Marshes.

7.9 In response to questions from Interested Parties, Mr Topping explained that the filters on the lighting are designed to point down so as to limit light pollution. The sensors have specialist filters so small mammals do not set them off.

7.10 Mr Bird referred to the Applicant's response to written question 1.1.36 (REP2-006) which explains that the PIR can be configured to only respond to humans. Mr Bird confirmed that the lighting would be located on the transformers and not along the fence line.

7.11 Mr Phillips confirmed that walking along the footpaths would not trigger the lighting.

7.12 AGENDA ITEM 8 – ANY OTHER ISSUES RELATING TO LANDSCAPE AND VISUAL AMENITY MATTERS

7.13 In response to comments from the Ramblers and Faversham Footpath Group relating to the England Coast Path, Mr Phillips explained that the landscape around the site should be expected to change significantly over time with, or without, the proposed development.

7.14 Mr Phillips said that managed realignment would mean that the Saxon Shore Way would no longer be in its current location. If the flood defence is relocated to the south, there can be no guarantee that its structure would support public access above it or along the revised shoreline. No proposals currently exist for the design of the relocated flood defence. It can be reasonably expected that the revised flood defence would be subject to cost/benefit analysis by the Environment Agency (EA) and the preferred option selected on the basis of best value for money in terms of implementing a flood defence, not necessarily a flood defence plus public access.

7.15 Mr Phillips confirmed that the EA has not yet confirmed when it will be proceeding with managed realignment; however, discussions with the EA are that it would be no earlier than 40 years.

7.16 Mr Phillips encouraged the ExA to write to Defra seeking confirmation of when the MEASS will be adopted and urging it to do so before the close of this examination. The MEASS in adopted form may provide some clarity to the points to be addressed in the ExA's recommendation to the Secretary of State.

Appendix 1: Photomontages: Scale, Cropping and Viewing Distances

1. The existing viewpoint photography and photomontages of the proposed solar panels and other changes associated with the Development are shown at a scale for viewing flat at a comfortable arm's length (approx. 500mm) based on current SNH guidance. Whilst the viewpoint photography is shown at a smaller scale the same parameters apply and a note stating 'This image provides landscape and visual context only' can be added to the viewpoint photography. The guidance stipulates that reference to principal distance based on the 2006 guidance can be applied and this is provided below for reference.

Table 1 - Viewing Distance Guidance

Description of material	2006 Guidance	2017 Guidance
ENVIRONMENTAL STATEMENT VOLUME 3 - LVIA VISUALS - VIEWPOINTS WINTER Viewpoints 1-21 (Document Reference: 6.3.1)	261mm viewing distance	View flat at a comfortable arm's length (Approx. 500mm)
ENVIRONMENTAL STATEMENT VOLUME 3 - LVIA VISUALS - VIEWPOINTS SUMMER Viewpoints 1-21 (Document Reference: 6.3.2)	261mm viewing distance	View flat at a comfortable arm's length (Approx. 500mm)
ENVIRONMENTAL STATEMENT VOLUME 3 - LVIA VISUALS - PHOTOMONTAGE Viewpoints 1-12 (Document Reference: 6.3.3-6.3.10)	522mm viewing distance	View flat at a comfortable arm's length (Approx. 500mm)

2. Given the scale of the view it is not possible to capture the viewing extents in a planar projection given the distortions which would occur at the edge of the photography and therefore cylindrical projections have been used. This adopts a process beyond the SNH 2017 guidance in order to capture such a wide field of view. The 2006 SNH guidance does however explain the process of viewing such a cylindrical projection in paragraph 265 as follows:
 - 2.1 'Cylindrical panoramas should either be presented on a curved surface, or presented in a way that allows sideways movement from one side of the image to the other at a constant viewing distance (see Appendix B)'.
 - 2.2 Appendix B text from the 2006 SNH Guidance states that:
 - 2.3 B19
 - 2.4 'The ideal method of viewing a panorama would be with the image presented as part of a cylinder of the correct radius and then viewed from the centre of that cylinder. Also, ideally, the image should be large enough that viewing comfortably with both eyes is a possibility. This is practical in an exhibition situation, where it would be possible to erect a curved display board several metres wide and to mark a point on the floor for a viewer to stand. Straight lines in the scene, which become curves if the image is laid out flat, look correctly straight when viewed in this way.'
 - 2.5 B20

- 2.6 Clearly there are many situations where it will be impractical to present a panorama on a curved surface, particularly when a number of panoramas are bound into a document. With care, it is possible to obtain a near-correct view of a cylindrical panorama laid out flat. In the case of a panorama laid flat, the eye point (which would be a single point if the panorama was presented as part of a cylinder), becomes spread out along an imaginary line parallel to the surface of the image and separated from it by the correct viewing distance for the panorama. So long as the gaze is kept perpendicular to the surface of the image, a view from any point along that line will be a good approximation to a correct view. Moving from one end of this line to the other is geometrically equivalent to standing at the middle of the cylinder and turning one's head to left or right. The reason that this approach works is that the eye is capable of seeing only a small part of a scene in detail (generally taken to be about 6-10° - see Appendix C) and there is not a great deal of difference between a flat and a curved image over that angle'.
- 2.7 All existing viewpoints for the suite of photomontages are produced at the same scale to ensure accurate comparison of baseline view and proposed views as set out above.

APPENDIX 2: THE USE OF THE TERM “SETTING” IN THE LANDSCAPE ASSESSMENT AND THE HERITAGE ASSESSMENT

1. In the Heritage Assessment (Chapter 11 of the Environmental Statement [APP-041]), “setting” is explained as follows:
 - 1.1 Paragraph 189 of the NPPF⁷ notes that in determining applications local planning authorities should require an applicant to provide a description of the significance of any heritage assets affected and the contribution of their setting to that significance. In relation to this, the setting consists of the surroundings in which a heritage asset is experienced.
 - 1.2 Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
 - 1.3 Therefore, the importance of ‘setting’ is in what it contributes to the significance of an asset; simple intervisibility is not in and of itself considered to be harmful, and “setting” itself is not a designation (see paragraph 9 of the ‘The Setting of Heritage Assets’; Historic England 2017).
2. In a LVIA “setting” is the contribution historic elements make to the landscape character of an area, which in turn may influence the quality of a view and the appreciation of such a view. Further details are set out below:
 - 2.1 The heritage assessment in the LVIA is set out in the methodology section in Table 7.11, and paragraph 70 of section 7.2.9.2 of the ES (Chapter 7 of the Environmental Statement [APP-037]) describes how heritage assets are assessed when forming a judgement on the value of views as follows: ‘Recognition of the value attached to particular views, for example in relation to heritage assets, or through planning designations’.
 - 2.2 As part of the LVIA existing local and regional landscape character assessments are reviewed to help inform the assessment. At a local and regional level Graveney Arable Farmlands does not specifically refer to heritage designations in defining landscape character. In the absence of such an inclusion in published landscape character assessments, professional judgement and review as part of the baseline assessment is also undertaken to assess components of the landscape which may influence landscape character.
 - 2.3 Historic features such as Graveney Church and St Mary of Charity Church, Faversham were considered during site visits to understand their contribution to the landscape and the view compositions available within the surrounding landscape. This informs an assessment of the value of a view or a landscape as part of the process of identifying the nature of a receptor and the nature of effect.

⁷ HCLG (2018). National Planning Policy Framework (NPPF). Available at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2> [accessed on 22/10/2018]