



# SUNNICA ENERGY FARM

EN010106

Volume 6

6.2 Appendix 10A Relevant Legislation and Policy for Landscape  
and Visual

APFP Regulation 5(2)(a)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and  
Procedure) Regulations 2009



Planning Act 2008

**The Infrastructure Planning  
(Applications: Prescribed Forms and  
Procedure) Regulations 2009**

**Sunnica Energy Farm**

**Environmental Statement  
Appendix 10A Relevant Legislation and Policy for Landscape and Visual**

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## Table of contents

<b>Chapter</b>	<b>Pages</b>
<b>1 Introduction</b>	<b>1</b>
1.1 Purpose of this appendix	1
<b>2 National Legislation, Policy and Guidance</b>	<b>1</b>
2.1 Policy	1
<b>3 Local Legislation, Policy and Guidance</b>	<b>20</b>
3.1 Policy	20
3.2 Guidance	21
<b>4 References</b>	<b>23</b>

### Table of Tables

Table 2-1 Relevant NPS requirements for the landscape and visual assessment.....	2
Table 2-2 Relevant Draft NPS requirements for the landscape and visual assessment ....	11
Table 2-3 Relevant NPPF requirements for the landscape and visual assessment.....	13
Table 2-4 National Planning Practice Guidance .....	19
Table 3-1 Local policy relevant to the landscape and visual assessment.....	20

# 1 Introduction

## 1.1 Purpose of this appendix

- 1.1.1 This Environmental Statement (ES) appendix identifies and describes the legislation, policy and supporting guidance considered relevant to the assessment of the likely significant landscape and visual amenity effects of the Scheme.
- 1.1.2 Legislation and policy are considered at national and local levels.
- 1.1.3 This ES appendix does not assess the Scheme against legislation and policy instead the purpose of considering legislation and policy in the Environmental Impact Assessment (EIA) is twofold:
- To identify legislation and policy that could influence the sensitivity of receptors (and therefore the significance of effects) and any requirements for mitigation; and
  - To identify legislation and policy that could influence the methodology of the EIA. For example, a policy may require the assessment of an impact or the use of a specific methodology.
- 1.1.4 The following sections identify and describe the legislation, policy and supporting guidance considered specifically relevant to the biodiversity assessment.

# 2 National Legislation, Policy and Guidance

## 2.1 Policy

### National Policy Statements

- 2.1.1 The Scheme's proposed energy generating technology is not currently specifically referenced by a National Policy Statement (NPS) however in lieu of a technology specific NPS, the EIA takes account of the following NPSs, which are considered to be matters that will be important and relevant to the Secretary of State's decision as to whether to grant a DCO for the Scheme:
- Overarching National Policy Statement for Energy (EN1) (Ref. 1),
  - National Policy Statement for Renewable Energy Infrastructure (EN-3) (Ref. 2), and
  - National Policy Statement for Electricity Networks Infrastructure (EN-5) (Ref. 3).
- 2.1.2 The NPSs set out the Government's energy policy, the need for new infrastructure and guidance for determining an application for a DCO. The NPSs include specific criteria and issues which should be covered by applicants' assessments of the effects of their scheme, and how the decision maker should consider these impacts.
- 2.1.3 The relevant NPS requirements, together with an indication of where in the ES chapter the information provided to address these requirements, are provided in **Table 2-1**.

**Table 2-1 Relevant NPS requirements for the landscape and visual assessment**

Relevant NPS paragraph reference	Requirement of the NPS	Where in the ES chapter is information provided to address this
<b>NPS EN-1</b>		
Paragraph 1.7.2	The development of new energy infrastructure, at the scale and speed required to meet the current and future need, is likely to have some negative effects on biodiversity, landscape/visual amenity and cultural heritage. However the significance of these effects and the effectiveness of mitigation possibilities is uncertain at the strategic and non-locationally specific level at which EN-1 to EN-5 are pitched. Short-term construction impacts are also likely through an increased use of raw materials and resources and negative effects on the economy due to impacts on existing land and sea uses. In general, it should be possible to mitigate satisfactorily the most significant potential negative effects of new energy infrastructure consented in accordance with the energy NPSs, and they explain ways in which this can be done; however, the impacts on landscape/visual amenity in particular will sometimes be hard to mitigate	The landscape effects are set out in <b>Appendix 10G: Landscape Effects</b> of the ES [EN010106/APP/6.2]. The visual effects are set out in <b>Appendix 10H: Visual Effects</b> of the ES [EN010106/APP/6.2]. The mitigation is set out in <b>Chapter 10: Landscape and Visual Amenity</b> , section 10.7 of the ES [EN010106/APP/6.1].
Paragraph 1.7.11	As noted above, the principal area in which consenting new energy infrastructure in accordance with the energy NPSs is likely to lead to adverse effects which cannot always be satisfactorily mitigated is in respect of landscape and visual effects. EN-1 already contains policies which severely limit the prospects for development of large-scale energy infrastructure in the most attractive landscapes and townscapes. Tightening the development consent policies in EN-1 to make it harder for energy infrastructure to be consented which would have adverse landscape or townscape effects would be likely to make it significantly more difficult to gain consent for a range of large-scale energy infrastructure projects...	The landscape effects are set out in <b>Appendix 10G: Landscape Effects</b> of the ES [EN010106/APP/6.2]. The visual effects are set out in <b>Appendix 10H: Visual Effects</b> of the ES [EN010106/APP/6.2]. The mitigation is set out in <b>Chapter 10: Landscape and Visual Amenity</b> , section 10.7 of the ES [EN010106/APP/6.1].
Paragraph 4.1.3	<p>In considering any proposed development, and in particular when weighing its adverse impacts against its benefits, the IPC should take into account:</p> <ul style="list-style-type: none"> <li>its potential benefits including its contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits; and</li> </ul>	The landscape effects are set out in <b>Appendix 10G: Landscape Effects</b> of the ES [EN010106/APP/6.2]. The visual effects are set out in <b>Appendix 10H: Visual Effects</b> of the ES [EN010106/APP/6.2]. The mitigation is set out in <b>Chapter 10: Landscape and Visual Amenity</b> , section 10.7 of the ES [EN010106/APP/6.1].

Relevant NPS paragraph reference	Requirement of the NPS	Where in the ES chapter is information provided to address this
	<ul style="list-style-type: none"> <li>its potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.</li> </ul>	
Paragraph 4.2.1	<p>All proposals for projects that are subject to the European Environmental Impact Assessment Directive must be accompanied by an Environmental Statement (ES) describing the aspects of the environment likely to be significantly affected by the project. The Directive specifically refers to effects on human beings, fauna and flora, soil, water, air, climate, the landscape, material assets and cultural heritage, and the interaction between them. The Directive requires an assessment of the likely significant effects of the proposed project on the environment, covering the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects at all stages of the project, and also of the measures envisaged for avoiding or mitigating significant adverse effects.</p>	<p>The landscape effects are set out in <b>Appendix 10G: Landscape Effects</b> of the ES [EN010106/APP/6.2]. The visual effects are set out in <b>Appendix 10H: Visual Effects</b> of the ES [EN010106/APP/6.2]. The mitigation is set out in <b>Chapter 10: Landscape and Visual Amenity</b>, section 10.7 of the ES [EN010106/APP/6.1].</p>
Paragraph 4.5.1	<p>The visual appearance of a building is sometimes considered to be the most important factor in good design. But high quality and inclusive design goes far beyond aesthetic considerations. The functionality of an object — be it a building or other type of infrastructure — including fitness for purpose and sustainability, is equally important. Applying “good design” to energy projects should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible. It is acknowledged, however that the nature of much energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area.</p>	<p>The mitigation is set out in <b>Chapter 10: Landscape and Visual Amenity</b>, section 10.7 of the ES [EN010106/APP/6.1] with further details set out in the Outline Landscape and Ecological Management Plan, Appendix 10I of the ES [EN010106/APP/6.2]. This mitigation has been put in place to ensure that the infrastructure is sensitive to place.</p>
Paragraph 4.5.2	<p>Good design is also a means by which many policy objectives in the NPS can be met, for example the impact sections show how good design, in terms of siting and use of appropriate technologies can help mitigate adverse impacts such as noise.</p>	<p>The mitigation is set out in <b>Chapter 10: Landscape and Visual Amenity</b>, section 10.7 of the ES [EN010106/APP/6.1] with further details set out in the Outline Landscape and Ecological Management Plan, Appendix 10I of the ES [EN010106/APP/6.2]. In particular,</p>

Relevant NPS paragraph reference	Requirement of the NPS	Where in the ES chapter is information provided to address this
		the Applicant has carefully considered siting within each of the sites proposed for solar development.
Paragraph 4.5.3	Whilst the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation. Furthermore, the design and sensitive use of materials in any associated development such as electricity substations will assist in ensuring that such development contributes to the quality of the area.	The mitigation is set out in <b>Chapter 10: Landscape and Visual Amenity</b> , section 10.7 of the ES [EN010106/APP/6.1] with further details set out in the Outline Landscape and Ecological Management Plan, Appendix 10I of the ES [EN010106/APP/6.2]. As those sections explain, the Applicant has considered the surrounding landscape character, landform and vegetation when proposing mitigation.
Paragraph 5.9.5	The applicant should carry out a landscape and visual assessment and report it in the ES...the landscape and visual assessment should include reference to any landscape character assessment and associated studies as a means of assessing landscape impacts relevant to the proposed project. The applicant's assessment should also take account of any relevant policies based on these assessments in local development documents in England and local development plans in Wales.	A landscape and visual assessment has been undertaken as part of the ES and is included in <b>Chapter 10: Landscape and Visual Amenity</b> of the ES [EN010106/APP/6.1], with supporting appendices.
Paragraph 5.9.6	The applicant's assessment should include the effects during construction of the project and the effects of the completed development and its operation on landscape components and landscape character.	The landscape and visual assessment ( <b>Chapter 10: Landscape and Visual Amenity</b> of the ES [EN010106/APP/6.1]) has included the effects during construction and the completed development on the landscape components and landscape character.
Paragraph 5.9.7	The assessment should include the visibility and conspicuousness of the project during construction and of the presence and operation of the project and potential impacts on views and visual amenity. This should include light pollution effects, including on local amenity, and nature conservation.	The landscape and visual assessment ( <b>Chapter 10: Landscape and Visual Amenity</b> of the ES [EN010106/APP/6.1]) has included the effects during construction and the completed development on people's views; and consideration of lighting.

Relevant NPS paragraph reference	Requirement of the NPS	Where in the ES chapter is information provided to address this
Paragraph 5.9.8	Landscape effects depend on the existing character of the local landscape, its current quality, how highly it is valued and its capacity to accommodate change. All of these factors need to be considered in judging the impact of a project on landscape. Virtually all nationally significant energy infrastructure projects will have effects on the landscape. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.	The landscape effects are set out in <b>Appendix 10G: Landscape Effects</b> of the ES [EN010106/APP/6.2]. The visual effects are set out in <b>Appendix 10H: Visual Effects</b> of the ES [EN010106/APP/6.2]. The mitigation is set out in <b>Chapter 10: Landscape and Visual Amenity</b> , section 10.7 of the ES [EN010106/APP/6.1] and demonstrates that the Applicant has minimised harm to the landscape.
Paragraph 5.9.9	National Parks, the Broads and AONBs have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes which help ensure their continued protection and which the IPC should have regard to in its decisions. The conservation of the natural beauty of the landscape and countryside should be given substantial weight by the IPC in deciding on applications for development consent in these areas.	The Scheme is not located in any of these designated landscapes. Refer to <b>Chapter 10: Landscape and Visual Amenity</b> of the ES [EN010106/APP/6.1], section Designations and Figure 10-3 which reviews the relevant designations across the study area.
Paragraph 5.9.10	Nevertheless, the IPC may grant development consent in these areas in exceptional circumstances. The development should be demonstrated to be in the public interest and consideration of such applications should include an assessment of: <ul style="list-style-type: none"> <li>• the need for the development, including in terms of national considerations<sup>1</sup>, and the impact of consenting or not consenting it upon the local economy;</li> <li>• the cost of, and scope for, developing elsewhere outside the designated area or meeting the need for it in some other way, taking account of the policy on alternatives set out in Section 4.4; and</li> <li>• any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.</li> </ul>	The landscape effects are set out in <b>Appendix 10G: Landscape Effects</b> of the ES [EN010106/APP/6.2]. The visual effects are set out in <b>Appendix 10H: Visual Effects</b> of the ES [EN010106/APP/6.2]. The mitigation is set out in <b>Chapter 10: Landscape and Visual Amenity</b> , section 10.7 of the ES [EN010106/APP/6.1].
Paragraph 5.9.12	The duty to have regard to the purposes of nationally designated areas also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. The aim should be to avoid compromising the purposes of designation and such projects should be designed sensitively given the various siting, operational, and other relevant	The Scheme is not located in the boundaries of nationally designated areas and therefore does not result in any impacts to either designated areas or their setting.

Relevant NPS paragraph reference	Requirement of the NPS	Where in the ES chapter is information provided to address this
	constraints. This should include projects in England which may have impacts on National Scenic Areas in Scotland.	
Paragraph 5.9.14	Outside nationally designated areas, there are local landscapes that may be highly valued locally and protected by local designation. Where a local development document in England or a local development plan in Wales has policies based on landscape character assessment, these should be paid particular attention. However, local landscape designations should not be used in themselves to refuse consent, as this may unduly restrict acceptable development	The Scheme is not located across any local landscape designations. Local landscape character areas are set out in <b>Appendix 10E: Local Landscape Character Assessment</b> of the ES [EN010106/APP/6.2 and effects upon them are assessed in section 10.8 of the chapter.
Paragraph 5.9.15	The scale of such projects means that they will often be visible within many miles of the site of the proposed infrastructure. The IPC should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project.	The landscape effects are set out in <b>Appendix 10G: Landscape Effects</b> of the ES [EN010106/APP/6.2]. The visual effects are set out in <b>Appendix 10H: Visual Effects</b> of the ES [EN010106/APP/6.2]. The Applicant does not consider that the impacts of the Scheme are so damaging so as to outweigh the large benefits of the project.
Paragraph 5.9.16	In reaching a judgment, the IPC should consider whether any adverse impact is temporary, such as during construction, and/or whether any adverse impact on the landscape will be capable of being reversed in a timescale that the IPC considers reasonable.	The Scheme is reversible within the 40 year time period of the project which will be secured through the DCO. The landscape effects are set out in <b>Appendix 10G: Landscape Effects</b> of the ES [EN010106/APP/6.2]. The visual effects are set out in <b>Appendix 10H: Visual Effects</b> of the ES [EN010106/APP/6.2].
Paragraph 5.9.17	The IPC should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation.	The project has been designed carefully, as set out in <b>Chapter 10: Landscape and Visual Amenity</b> , section 10.7 of the ES [EN010106/APP/6.1] with further details set out in the Outline Landscape and Ecological Management Plan, Appendix 10I of the ES [EN010106/APP/6.2]. As those sections explain, the Applicant has considered LVIA matters carefully in developing the scheme design for application.

Relevant NPS paragraph reference	Requirement of the NPS	Where in the ES chapter is information provided to address this
Paragraph 5.9.18	All proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites. The IPC will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project. Coastal areas are particularly vulnerable to visual intrusion because of the potential high visibility of development on the foreshore, on the skyline and affecting views along stretches of undeveloped coast.	The visual effects are set out in <b>Appendix 10H: Visual Effects</b> of the ES [EN010106/APP/6.2] and do not affect coastal areas.
Paragraph 5.9.21	Reducing the scale of a project can help to mitigate the visual and landscape effects of a proposed project. However, reducing the scale or otherwise amending the design of a proposed energy infrastructure project may result in a significant operational constraint and reduction in function – for example, the electricity generation output. There may, however, be exceptional circumstances, where mitigation could have a very significant benefit and warrant a small reduction in function. In these circumstances, the IPC may decide that the benefits of the mitigation to reduce the landscape and/or visual effects outweigh the marginal loss of function.	The mitigation is set out in <b>Chapter 10: Landscape and Visual Amenity</b> , section 10.7 of the ES [EN010106/APP/6.1] with further details set out in the Outline Landscape and Ecological Management Plan, Appendix 10I of the ES [EN010106/APP/6.2]. The Scheme has reduced in size since statutory consultation to account for this mitigation.
Paragraph 5.9.22	Within a defined site, adverse landscape and visual effects may be minimised through appropriate siting of infrastructure within that site, design including colours and materials, and landscaping schemes, depending on the size and type of the proposed project. Materials and designs of buildings should always be given careful consideration.	The mitigation is set out in <b>Chapter 10: Landscape and Visual Amenity</b> , section 10.7 of the ES [EN010106/APP/6.1] with further details set out in the Outline Landscape and Ecological Management Plan, <b>Appendix 10I</b> of the ES [EN010106/APP/6.2]. The mitigation proposed has allowed for the appropriate siting of infrastructure and extensive landscaping schemes. The detailed design of buildings will be approved by the relevant planning authority pursuant to a DCO requirement.
Paragraph 5.9.23	Depending on the topography of the surrounding terrain and areas of population it may be appropriate to undertake landscaping off site. For example, filling in gaps in existing tree and hedge lines would mitigate the impact when viewed from a more distant vista.	The mitigation is set out in <b>Chapter 10: Landscape and Visual Amenity</b> , section 10.7 of the ES [EN010106/APP/6.1]. No offsite landscaping is proposed. Details on materials and designs of buildings have been given careful consideration, including their facades being rendered to integrate with the tonal colours of the

Relevant NPS paragraph reference	Requirement of the NPS	Where in the ES chapter is information provided to address this
		landscape. The details of materials and designs of building are set out in the OLEMP.
<b>NPS EN-5</b>		
Paragraph 2.2.5	There will usually be some flexibility around the location of the associated substations and applicants will give consideration to how they are placed in the local landscape taking account of such things as local topography and the possibility of screening.	The Applicant's approach to this in developing the embedded mitigation within the scheme design, including the location of built development, is set out in <b>Chapter 10: Landscape and Visual Amenity</b> , section 10.7 of the ES [EN010106/APP/6.1] and the DAS [EN010106/APP/7.3].
Paragraph 2.8.9	<p>The impacts and costs of both overhead and underground options vary considerably between individual projects (both in absolute and relative terms). Therefore, each project should be assessed individually on the basis of its specific circumstances and taking account of the fact that Government has not laid down any general rule about when an overhead line should be considered unacceptable. The IPC should, however only refuse consent for overhead line proposals in favour of an underground or sub-sea line if it is satisfied that the benefits from the non-overhead line alternative will clearly outweigh any extra economic, social and environmental impacts and the technical difficulties are surmountable. In this context it should consider:</p> <ul style="list-style-type: none"> <li>• the landscape in which the proposed line will be set, (in particular, the impact on residential areas, and those of natural beauty or historic importance such as National Parks, AONBs and the Broads);</li> <li>• the additional cost of any undergrounding or sub-sea cabling (which experience shows is generally significantly more expensive than overhead lines, but varies considerably from project to project depending on a range of factors, including whether the line is buried directly in open agricultural land or whether more complex tunnelling and civil engineering through conurbations and major cities is required. Repair impacts are also significantly higher than for overhead lines as are the costs associated with any later uprating.); and</li> </ul>	The ES includes an assessment of the below ground grid connections, in respect of landscape and visual matters in <b>Chapter 10: Landscape and Visual Amenity</b> , section 10.7 of the ES [EN010106/APP/6.1].

Relevant NPS paragraph reference	Requirement of the NPS	Where in the ES chapter is information provided to address this
	<ul style="list-style-type: none"> <li>the environmental and archaeological consequences (undergrounding a 400kV line may mean disturbing a swathe of ground up to 40 metres across, which can disturb sensitive habitats, have an impact on soils and geology, and damage heritage assets, in many cases more than an overhead line would).</li> </ul>	
Paragraph 2.8.11	<p>Landscape schemes, comprising off-site tree and hedgerow planting are sometimes used for larger new overhead line projects to mitigate potential landscape and visual impacts, softening the effect of a new above ground line whilst providing some screening from important visual receptors. These can only be implemented with the agreement of the relevant landowner(s) and advice from the relevant statutory advisor may also be needed. Screening, comprising localised planting in the immediate vicinity of residential properties and principal viewpoints can also help to screen or soften the effect of the line, reducing the visual impact from a particular receptor.</p>	<p>The mitigation is set out in <b>Chapter 10: Landscape and Visual Amenity</b>, section 10.7 of the ES [EN010106/APP/6.1]. No offsite planting is proposed; but localised onsite planting has been suggested where this will help to mitigate effects to receptors.</p>

## Draft National Policy Statements

- 2.1.4 The Government is currently reviewing and updating the Energy NPSs. It is doing this in order to reflect its policies and strategic approach for the energy system that is set out in the Energy White Paper (December 2020), and to ensure that the planning policy framework enables the delivery of the infrastructure required for the country's transition to net zero carbon emissions. As part of the Energy NPS review process, the Government published a suite of Draft Energy NPSs for consultation on 6 September 2021. These include the following Draft NPSs, which are expected to be important and relevant to the Secretary of State's decision, and have therefore been taken into account by the EIA:
- a. Draft Overarching National Policy Statement for Energy (EN-1) (Draft NPS EN-1),
  - b. Draft National Policy Statement for Renewable Energy (EN-3) (Draft NPS EN-3), and
  - c. Draft National Policy Statement for Electricity Networks Infrastructure (EN-5).
- 2.1.5 Where the relevant Draft NPS contain requirements that differ from the requirements of the NPSs, **Table 2-2** indicates where the information to address these requirements is provided within the ES Chapter.

**Table 2-2 Relevant Draft NPS requirements for the landscape and visual assessment**

Relevant NPS paragraph reference	Requirement of the NPS	Where in the ES chapter is information provided to address this
<b>Draft NPS EN-1</b>		
Paragraph 5.10.8	The assessment should also demonstrate how noise and light pollution from construction and operational activities on residential amenity and on sensitive locations, receptors and views, will be minimised.	The mitigation is set out in <b>Chapter 10: Landscape and Visual Amenity</b> , section 10.7 of the ES [EN010106/APP/6.1]. No offsite planting is proposed; but localised onsite planting has been suggested where this will help to mitigate effects to receptors.
Paragraph 5.10.10	Applicants should consider how landscapes can be enhanced using landscape management plans, as this will help to enhance environmental assets where they contribute to landscape and townscape quality.	The Applicant's approach to this in developing the embedded mitigation and enhancement within the scheme design is set out in <b>Chapter 10: Landscape and Visual Amenity</b> , section 10.7 of the ES [EN010106/APP/6.1] and in the OLEMP [EN010106/APP/6.2].

## **National Planning Policy Framework (NPPF)**

- 2.1.6 The relevant NPPF paragraphs, together with an indication of where in the ES chapter the information is provided to address these requirements, are provided in **Table 2-3**.

**Table 2-3 Relevant NPPF requirements for the landscape and visual assessment**

Relevant NPPF paragraph reference	Requirement of the NPPF	Where in the ES chapter is information provided to address this
Paragraph 8(c)	To contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.	The mitigation as relevant to landscape and visual matters is set out in <b>Chapter 10: Landscape and Visual Amenity</b> , section 10.7 of the ES [EN010106/APP/6.1]. This includes siting of the Scheme to protect the natural features ‘pine lines’ and new on-site planting, to provide a vegetation framework for improving biodiversity.
Paragraph 100	Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.	The mitigation as relevant to landscape and visual matters is set out in <b>Chapter 10: Landscape and Visual Amenity</b> , section 10.7 of the ES [EN010106/APP/6.1]. This includes retention of existing public rights of way and provision of new permissive paths across Sunnica East Site A and Site B, adding links to the existing rights of way and to provide better facilities for users.
Paragraph 120	Encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside...	The mitigation as relevant to landscape and visual matters is set out in <b>Chapter 10: Landscape and Visual Amenity</b> , section 10.7 of the ES [EN010106/APP/6.1]. This includes siting of the Scheme to protect the natural features ‘pine lines’ and new on-site planting, to provide a vegetation framework for improving biodiversity. This includes retention of existing public rights of way and provision of new permissive paths across Sunnica East Site A and Site B, adding links to the existing rights of way and to provide better facilities for users.
Paragraph 130	Planning policies and decisions should ensure that developments: <ul style="list-style-type: none"> <li>a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;</li> <li>b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;</li> </ul>	The mitigation as relevant to landscape and visual matters is set out in <b>Chapter 10: Landscape and Visual Amenity</b> , section 10.7 of the ES [EN010106/APP/6.1]. This includes effective landscaping to reduce the visibility of the Scheme.

Relevant NPPF paragraph reference	Requirement of the NPPF	Where in the ES chapter is information provided to address this
	<p>c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);</p> <p>d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;</p> <p>e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and</p> <p>f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.</p>	
Paragraph 132	<p>Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.</p>	<p>The mitigation as relevant to landscape and visual matters is set out in <b>Chapter 10: Landscape and Visual Amenity</b>, section 10.7 of the ES [EN010106/APP/6.1].</p>
Paragraph 134	<p>Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and</p>	<p>The mitigation as relevant to landscape and visual matters is set out in <b>Chapter 10: Landscape and Visual Amenity</b>, section 10.7 of the ES [EN010106/APP/6.1]. This includes siting of the Scheme</p>

Relevant NPPF paragraph reference	Requirement of the NPPF	Where in the ES chapter is information provided to address this
	<p>supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:</p> <p>a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or</p> <p>b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.</p>	<p>to fit with the overall form and layout of its surrounding field and vegetation patterns.</p>
Paragraph 155	<p>To help increase the use and supply of renewable and low carbon energy and heat, plans should:</p> <p>a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);</p> <p>b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and</p> <p>c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.</p>	<p>The landscape and visual matters are set out in <b>Chapter 10: Landscape and Visual Amenity</b>, of the ES [EN010106/APP/6.1]. This includes an assessment of the likely landscape and visual effects and the mitigation in section 10.7 which sets out the strategy for satisfactorily addressing landscape and visual impacts.</p>
Paragraph 157	<p>In determining planning applications, local planning authorities should expect new development to:</p>	<p><b>Chapter 10: Landscape and Visual Amenity</b>, section 10.7 of the ES [EN010106/APP/6.1] sets out how in relation to landscape and visual matters the Scheme has taken account of landform, layout and landscaping.</p>

Relevant NPPF paragraph reference	Requirement of the NPPF	Where in the ES chapter is information provided to address this
	<p>a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and</p> <p>b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.</p>	
Paragraph 171	Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.	<b>Chapter 10: Landscape and Visual Amenity</b> , of the ES [EN010106/APP/6.1] sets that the Scheme is not covered by any landscape designation. The mitigation section sets out that the Scheme design includes a strategic approach to green infrastructure within the Site, including new permissive access routes.
Paragraph 174	<p>Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <p>a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);</p> <p>b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;</p> <p>c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;</p>	<b>Chapter 10: Landscape and Visual Amenity</b> , of the ES [EN010106/APP/6.1] sets that out the assessed landscape value of the Site, notwithstanding the Site is not covered by any landscape designations. Chapter 10 includes a local landscape character assessment which has assessed the intrinsic character of the countryside. Chapter 10 also includes the relevant landscape and visual mitigation which includes improving public access via new permissive paths across Sunnica East Site A and Sunnica East Site B.

Relevant NPPF paragraph reference	Requirement of the NPPF	Where in the ES chapter is information provided to address this
	<p>d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</p> <p>e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and</p> <p>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.</p>	

## **National Planning Practice Guidance**

- 2.1.7 The relevant National Planning Practice Guidance paragraphs, together with an indication of where in the ES chapter the information is provided to address these requirements, are provided in **Table 2-4**.

**Table 2-4 National Planning Practice Guidance**

Relevant NPPG paragraph reference	Requirement of the NPPG	Where in the ES chapter is information provided to address this
<p>Natural Environment</p>	<p>The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.</p> <p>Particular factors a local planning authority will need to consider include:</p> <p>That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;</p> <p>The proposal’s visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;</p> <p>The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;</p> <p>The need for, and impact of, security measures such as lights and fencing;</p> <p>The potential to mitigate landscape and visual impacts through, for example, screening with native hedges; and</p> <p>The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.</p>	<p><b>Chapter 10: Landscape and Visual Amenity</b>, of the ES [EN010106/APP/6.1] sets that out the assessed landscape and visual matters.</p> <p>The Scheme is temporary and reversible within the 40 year time period of the project which will be secured through the DCO</p> <p>The Application includes a glint and glare assessment.</p> <p>The solar arrays are static, they do not follow the movement of the sun.</p> <p>The Scheme design includes fencing, which is provided as deer fencing, as set out in the OLEMP.</p> <p>Chapter 10 also includes the landscape and visual mitigation measures, which include screening with native hedges to mitigate landscape and visual impacts.</p>

## 3 Local Legislation, Policy and Guidance

### 3.1 Policy

3.1.1 The following local policy is relevant to the assessment of the landscape and visual effects of the Scheme.

**Table 3-1 Local policy relevant to the landscape and visual assessment**

Relevant Document	Relevant policies
<p>East Cambridgeshire District Council Local Plan Adopted April 2015.</p>	<p>Policy ENV1: Landscape and Settlement Character, which requires development to demonstrate how they will create positive and complementary relationships with existing development and protect, conserve and where possible enhance landscape features, visually sensitive skylines, key views from settlements and public amenity and access;</p> <p>Policy ENV2: Design, Design, which requires development to be designed to a high quality, relating well to existing features, making efficient use of land, retaining important features and views and protect public rights of way;</p> <p>Policy ENV6: Renewable Energy Development, which supports renewable energy unless their wider environmental, social and economic benefits would be outweighed by significant adverse effects in relation to visual landscape impact and key views;</p> <p>Policy ENV11: Conservation Areas, which sets out requirements for high quality design and the use of Conservation Area Appraisals to inform design proposals;</p> <p>Policy ENV15: Historic Parks and Gardens, which states that development proposals which would have a detrimental impact on the character, setting and amenity of a Historic Park or Garden will not be permitted; and</p> <p>Policy COM5: Strategic Green Infrastructure, which does not permit proposals which would cause loss or harm to existing Green Infrastructure.</p>
<p>Forest Heath District Council Core Strategy Adopted 2010</p>	<p>Spatial Objective ENV3</p> <p>Policy CS2: Natural Environment, which outlines that landscapes and areas of local distinctiveness will be protected and enhancement and expansion will be encouraged via promoting Green Infrastructure and using landscape character assessments to inform development decisions;</p> <p>Policy CS3: Landscape Character and the Historic Environment, which requires developments to take into account landscape character assessments, and that all schemes should protect and seek to enhance overall landscape character; and</p> <p>Policy CS5: Design Quality and Local Distinctiveness which requires all new development to be designed to a high quality and reinforce local distinctiveness.</p>
<p>Forest Heath and St Edmundsbury Local Plan: Joint Development Management Policies Document (last updated February 2015)</p>	<p>Policy DM2: Creating Places</p> <p>Policy DM5: Development in the Countryside</p> <p>Policy DM8: Low and Zero Carbon Energy Generation</p> <p>Policy DM13: Landscape Features including the character and amenity value of areas of landscape sensitivity and other valued landscapes such as The Brecks requiring development to be informed by the Suffolk landscape character assessment that harm to the locally distinctive character is minimised and there is no net loss of characteristic features</p> <p>Policy DM15: Listed Buildings</p> <p>Policy DM19: Development Affecting Parks and Gardens of Special Historic Interest</p> <p>Policy DM31: Farm Diversification</p>

Relevant Document	Relevant policies
	Policy DM44: Rights of Way, which outlines the importance of gaps between settlements.
Fordham Neighbourhood Plan 2016/2036, Adopted 2018	Policy 2: Character and Design, requiring development to deliver high quality design; Policy 4: Maintaining Separation such that proposals located in areas between Fordham and any neighbouring settlement that would either visually or physically reduce the separation, or sense of separation, will not be supported; and Policy 6: Locally Important Views defined in the Plan, Locally Important Views defined in the Plan, whereby development should not obstruct or detract from a Locally Important View; however as demonstrated by the visual appraisal there are none towards the Site, or between the Site and Fordham.
Newmarket Neighbourhood Plan 2018-2031, adopted 2019	Policy NKT2: Key Views, setting out a number of key views across Newmarket; but none of the identified 'key views' are towards the Order limits.

### 3.2 Guidance

3.2.1 The following local policy related guidance has been considered as part of the assessment:

- a. East Cambridgeshire District Council SPD, Renewable Energy Development Adopted 2014 Paragraph 3.1 which states *“The visual impacts on the landscape as a result of renewable energy development will come about as a result of changes in the available views through intrusion or obstruction and whether these views may be improved or reduced. Applicants will need to consider the impacts of renewable energy development on these landscapes and existing views within the district...”* and Paragraph 3.2 which states *“Solar farms can change the character of an area particularly where sites are likely to be more visible e.g. located in a hilly area.”* The states matters applicants must consider within an application are *“impact on views, Ely Cathedral, associated buildings and infrastructure, cumulative landscape and visual impacts, mitigation measures, landscape and visual impact assessment, including associated study area which are covered in the view of published landscape character assessments.”*
- b. East Cambridgeshire District Council SPD, Design Guide Adopted 2012 references to the Cambridgeshire Landscape Guidelines and sets out prescribed rules that should be adhered to, unless material considerations indicate otherwise and focuses attention on the design issues that will be assessed when determining applications.

3.2.2 In terms of landscape matters, the East Cambridgeshire District Council Design Guide adapts the Cambridgeshire Landscape Guidelines, which are reviewed within this LVIA. Achieving landscape goals for development include:

- a. *“Consider existing important views from roads, paths and public areas;*
- b. *Paying particular attention to the edges of new development;*
- c. *Consider using hedges and woodlands as screening;*

- d. *Reflect the local landscape character through the choice of appropriate native species;*
- e. *Seek opportunities for creative habitat enrichment; and*
- f. *Major development schemes should offer environmentally based opportunities as an integral part of the proposal.”*

3.2.3 Forest Heath District Council, Accessible Natural Greenspace Study, 2017 which is used in day-to-day planning decisions across the West Suffolk area. Relevant policies are:

- a. Policy DM2: Creating Places;
- b. Policy DM5: Development in the Countryside;
- c. Policy DM8: Low and Zero Carbon Energy Generation;
- d. Policy DM13: Landscape Features, requiring development to be informed by the Suffolk landscape character assessment that harm to the locally distinctive character is minimised and there is no net loss of characteristic features;
- e. Policy DM15: Listed Buildings;
- f. Policy DM19: Development Affecting Parks and Gardens of Special Historic Interest;
- g. Policy DM31: Farm Diversification; and
- h. Policy DM44: Rights of Way, which outlines the importance of gaps between settlements.

3.2.4 The Forest Heath District Council, Accessible Natural Greenspace Study 2017 provides evidence on appropriate accessible green space and provision of additional sustainable routes.

## 4 References

- Ref. 1 Department of Energy and Climate Change (2011) Overarching National Policy Statement for Energy (EN-1)
- Ref. 2 Department of Energy and Climate Change (2011) National Policy Statement for Renewable Energy Infrastructure (EN-3)
- Ref. 3 DECC (2011) National Policy Statement for Electricity Networks Infrastructure (EN-5)
- Ref. 4 Ministry of Housing, Communities & Local Government, (2021), National Planning Policy Framework
- Ref. 5 Ministry of Housing, Communities & Local Government, (2019), National Planning Policy Guidance