



Submission by Mallard Pass Action Group (MPAG)

– unique ID ref. 20036230

**Deadline 4:**

**ISH2 Environmental Matters**

**Written Summary of Oral case**

MPAG representatives: Mrs Sue Holloway; Ms Carly Tinkler (expert); Dr James Williams (expert); Mr Tony Orvis; Mrs Helen Woolley.

### **3. Statements of Common ground**

MPAG set out the sequence of events relating to the development of the SoCG between MPAG and the Applicant as outlined in REP3-040. Given the timelines of D3 and D4 the action group judged it would be more beneficial to take account of this week's hearings before discussing the SoCG in more detail with the Applicant and proposed a draft should be submitted at D4. The ExA accepted this proposal and asked the parties to focus on the principle areas of disagreement. He suggested a traffic light system and tables were helpful to highlights areas of disagreement.

### **4. Landscape & Visual**

The following is an extract of Carly Tinkler's report of the overarching points made during the hearing, as well as responding to responses from the Applicant regarding her Landscape & Visual Report (REP3-075) previously included with MPAG's Written Representation (REP3-090). The **full report** is included at the end of this ISH2 document.

#### **Introduction**

1. This note has been prepared by Carly Tinkler CMLI, the independent chartered landscape architect who is representing Mallard Pass Action Group (MPAG) and CPRE (the countryside charity) in landscape and visual matters of relevance to the Examination.
2. *Issue Specific Hearing 2 (ISH2): Environmental matters* were heard and discussed on Wednesday 12<sup>th</sup> July 2023. Landscape and visual issues (*effects*) were the fourth item on the agenda. The specific items comprised (note there was no Item a)):
  - b) Methodology
  - c) Study area
  - d) Definition of 'significant effects'
  - e) Representative and illustrative viewpoints and photomontages
  - f) Proposed mitigation / enhancement measures (including growth rates and management / monitoring of new planting)
  - g) Assessment of landscape and visual effects during construction
  - h) Assessment of landscape and visual effects during operation
  - i) Residential Visual Amenity Assessment
  - j) Other landscaping and visual matters
3. All the above issues were discussed apart from Item g) (construction effects), which was not dealt with due to time constraints. The Inspector advised that the parties' previously-submitted representations about this issue had been noted, but if necessary, residual matters would be dealt with later. See also below.
4. The Inspector also advised that the most helpful responses made during and after the Hearing would focus on the main matters of disagreement between the parties, and the reasons for the disagreements. Ideally, the responses would provide a summary overview of the main matters, perhaps set out in a table

and in order of priority, with reference to the relevant paragraphs / documents / other sources of information.

5. Below, I summarise in note form what appear to me to be the main landscape and visual matters of agreement and disagreement between the parties (namely the Applicant, and MPAG / CPRE), as outlined during the hearing. (NOTE: **Table CT-1: Residual Landscape and Visual Issues**, which summarises the other main landscape and visual matters of disagreement between the parties is included in the full report at the back of this document. )
6. My summary is based on a combination of the notes I took during the hearing, and my recollection of what was said. I have included key issues raised in the Applicant's response to my May 2023 *Landscape and Visual Review* (in the June 2023 *Applicant's Response to Interested Parties' Deadline 2 Submissions on Landscape and Visual* report) which were either discussed during the hearing but require clarification, or were not discussed due to lack of time.

### **Summary of main landscape and visual matters of agreement and disagreement**

#### *Effects on landscape character:*

7. Levels of landscape effects are summarised in LVIA Table 6-4: *Summary of Landscape and Visual Effects* (doc. ref. EN010127/APP/6.1 Revision P0).
8. **The parties agree** that between Year 1 and Year 15, the level of effect on the character of the site and its 'immediate surrounds' (during the hearing, the Applicant's landscape architect defined 'immediate surrounds' as being up to 500m from the site boundary), would be **Major Adverse**, and **Significant**.
9. **We also agree** that after Year 15, the residual level of effect on the landscape character of the site and its immediate surrounds would be **Significant Adverse**.
10. However, **we disagree** that after Year 15, the level of effect would reduce to **Major-Moderate Adverse** (albeit still 'significant').
11. The disagreement is based on the LVIA's assumption that levels of adverse effects on character are reduced by planting which is proposed to screen views, and thus reduce levels of effects upon, views (see for example LVIA para. 6.5.36). However, paras. 5.1.45 – 52 of my May 2023 *Landscape and Visual Review* report explain that this is not in accordance with published guidance. My para. 5.1.50 states, '*As GLVIA3 makes perfectly clear throughout, landscape and visual effects must be assessed separately, because effects on landscape character can arise from change / new development regardless of whether or not anyone can see it*'.
12. **We also disagree** about levels of effects on landscape character arising **beyond** 500m from the main site boundary.
13. The LVIA concludes that at this point, at Year 1, levels of effects on landscape character areas (LCAs) to the north, east, south and west of the main site would **reduce from Major to Slight**, and would **remain Slight** between Year 15 and decommissioning.
14. I agree that the level of effect on character would remain the same from Year 1 to decommissioning (see point above about planting intended to reduce levels of visual effects not reducing levels of effects on character). However, my own assessment concluded that beyond the 500m point, levels of effects on landscape character in all directions would decrease gradually with distance, ie (using the LVIA's point-

scale in ES Volume 2 Appendix 6.2: *Landscape and Visual - Assessment Methodology* November 2022 (doc. ref. EN010127/APP/6.2 Revision P0)) from Major, to Major - Moderate, to Moderate, to Slight, to Minimal. Also, presumably, to No Change, ie in areas where there is no interinfluence / association between the site and the wider landscapes, due to significant topography, for example.

15. As it is based on topography, the Applicant's Zone of Theoretical Visibility (ZTV) plan (Figure 6.6: Zone of Theoretical Visibility (ZTV) Study Representative Viewpoints and Illustrative Viewpoints, doc. ref. EN010127-000216-Figure 06.6) is useful when assessing the extent of interinfluence, and judging how quickly / over what distance levels of landscape effects are likely to reduce from Major to Slight / No Change; however, the ZTV only shows intervisibility, and as explained above, effects on landscape character are not determined by visibility.

*Effects on views and visual amenity:*

16. **The parties agree** that during construction and operation, the highest sensitivity visual receptors travelling across / at VPs '*immediately bordering the Solar PV Site*' (LVIA Table 6-4) would experience **Significant Adverse** visual effects.
17. **We also agree** that between Year 0 and Year 15 of operation, the level of effect would be **Major**.
18. **We disagree** about levels of visual effects on receptors travelling across / at VPs '*immediately bordering the Solar PV Site*' during construction; after Year 15; and during decommissioning.
19. **We also disagree** about levels of visual effects on receptors at VPs beyond the site boundaries.
20. As set out in my May 2023 review, my opinion is that the LVIA has under-reported levels of visual effects on receptors for a number of reasons, including:
  - i) Lack of baseline landscape and visual information / analysis (for example, historic landscape character, and especially in terms of local public consultation to inform the studies – see table below).
  - ii) Underestimating levels of visual value and susceptibility to change.
  - iii) Over-reliance on vegetation to screen views.
  - iv) Failure to acknowledge that where proposed screen planting would result in the total loss of a good quality open view, the effect would not be neutral or beneficial, but **Major Adverse / Significant** (in accordance with the LVIA's criteria) – see also table below.
21. In addition, **we disagree** about the extent and degree of the developed site's visibility. As set out in my May 2023 review, my opinion is that the LVIA does not provide an accurate indication of either, and that both would be far greater than reported.

**Other key landscape and visual matters of disagreement**

22. The June 2023 *Applicant's Response to Interested Parties' Deadline 2 Submissions on Landscape and Visual* deals with interested parties' responses under sub-theme headings.
23. The majority of the sub-themes relate to the assessment of effects on landscape character and views, during both operation and construction, with concerns expressed by respondents about the LVIA's method, process and findings; the under-reporting of the extent and levels of adverse landscape and visual effects; and the effectiveness / appropriateness of the screen planting proposed to mitigate adverse effects on views.

24. Other sub-themes / concerns include the oLEMP specifically / maintenance and management generally; the quality of the LVIA photomontages; and definitions. However, the Applicant's response does not, in my opinion, adequately address any of the issues raised: much of the response text repeats the LVIA text, some of which was itself the subject of the concern. Key residual matters of disagreement are summarised in the table below.
25. The Applicant's response to my May 2023 review (REP2-090) is in sub-theme *Landscape Written Representation Appendix*. The Applicant's response correctly states that there are matters of agreement (including those set out above), but that *'disagreements do remain'*. It also says that *'The Applicant does not intend to address each point specifically but instead provides a consolidated response under the below themes, where considered relevant'*.
26. The themes are set out in the table below, along with a brief note summarising my current position on the themes / associated issues.
27. Finally, at the start of the Applicant's response to my review, they say that it *'covers a wide range of issues, some beyond landscape including health and wellbeing, quality of life, 'social amenity' and economics'* (my emphasis).
28. My review does indeed consider the effects of the proposals on these issues. In fact, as I explained at the hearing, all are integral both to 'landscape', and to assessments of landscape and visual effects.
29. GLVIA3 Figure 1 shows examples of LVIA 'discussion areas', which under the heading 'human beings', includes **social impacts**.
30. Furthermore, the importance of the above issues is made abundantly clear in the Landscape Institute (LI)'s policy on public health<sup>1</sup>, and associated position statement *Public Health and Landscape: creating healthy places*.
31. The policy states, *'We want public health professionals, planners and landscape architects to promote and act upon the idea that high quality landscape increases wellbeing'*.
32. Both the policy and the position statement are derived from the European Landscape Convention (ELC), which states (my emphases):
- 'Signatories acknowledge that 'the landscape is an important part of the quality of life for people everywhere: in urban areas and in the countryside, in degraded areas as well as in areas of high quality, in areas recognised as being of outstanding beauty as well as everyday areas' and that 'the landscape is a key element of individual and social well-being.'*
- 'The landscape also bears within it a system of social values, which sometimes have to be highlighted through awareness-raising activities. The landscape's social values are tied to its importance for quality of life, health, and to its contribution to the creation of local cultures. Landscape identification, characterisation and assessment underlie landscape quality objectives. This is why such assessment should be done with the interested parties and population concerned, and not just with specialists in landscape appraisal and operations'.*
33. **NPPF para. 185** requires decisions to *'avoid noise giving rise to significant adverse impacts on health and the quality of life; [and] b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason'* (my emphases).

---

<sup>1</sup> <https://www.landscapeinstitute.org/policy/health/> (there is no hyperlink)

## Recommendations

- i) Detailed designs should be informed by a) more granular baseline studies, focussing on the gaps identified, and the additional information / evidence submitted (by others), during consultation, and b) a more in-depth understanding of the nature of the effects to which the proposed development would give rise.
- ii) Detailed designs should also be informed by discussions and engagement with the local community, especially those who would be most affected by adverse changes in their views (private and public) and visual / other amenity.
- iii) In some cases, point- / area-specific mitigation measures / management regimes / enhancements could be designed and implemented, which could help to alleviate some of the concerns.
- iv) At a very early stage in the detailed design process, the Applicant should commission an Environmental Colour Assessment (ECA) (ideally, ECAs are carried out alongside LVIAs). The purpose of ECA is to provide direction and guidance on the selection and use of colour in development<sup>2</sup>, especially informing what are almost always subjective / proscribed choices about hard and soft materials, finishes and colours.
- v) In cases such as these, the main aim of the ECA would be to try to reduce levels of certain adverse visual effects through camouflage if feasible, and either full, or an 'acceptable' level of visual integration if not.
- vi) An example of such effects is contrast: for example, when a light-coloured building / structure / finish is seen against a much darker background, or the building / structure is seen against the sky. Another example is the unnatural appearance of the solid / hard 'texture' of solar arrays within the context of a more natural, softer landscape mosaic.
- vii) Experienced ECA practitioners understand how colour behaves, both inherently in terms of materials, and when applied as a finish to materials / surfaces. They can also use colour and materials to help reduce the perception of scale of a large / extensive development.
- viii) It is often argued that solar scheme structures / elements are only available in certain finishes / colours / forms; however, especially on large-scale and high-profile schemes such as this, manufacturers and suppliers are usually happy to discuss project-specific requirements. Even the ugly industry-standard substation elements can be treated so that they are less visually-intrusive.
- ix) It is counter-intuitive, but especially important to know that green is one of the most difficult colours to integrate successfully into a 'green' landscape context. If high-security fencing did prove to be a requirement here, then it should be black, not green. Similarly, any buildings / structures which are proposed to be green would almost certainly be better as dark grey, so long as the tonality matched that of the backdrop.

---

<sup>2</sup> See the LI's Environmental Colour Assessment Technical Information Note 04/2018 (19 November 2018) <https://landscapewpstorage01.blob.core.windows.net/www-landscapeinstitute-org/2018/11/18-4-Environmental-Colour-Assessment.pdf>. Further information, including examples of ECA included in planning conditions, can be provided if required. (There are no hyperlinks).

## **5. Ecology & Biodiversity**

### **a) Biodiversity Net Gain**

The calculation process is complex, it is not possible to check / QA results without the data to input; the assessment is therefore not transparent and may be subject to errors.

1. Baseline prior to construction
  - a. Game crop cover or margins in environmental schemes being changed to tussocky grassland = loss
  - b. Hedges/trees/verges damaged or removed off-site for construction purposes = loss, but is off-site counted
  - c. Is tree baseline fair/ If all woodland areas are encapsulated within the order limits, but not part of the order limits, then the baseline will be extremely low.
2. Decommissioning effect
  - a. BNG from grassland will be lost and huge instant release of carbon back into the atmosphere.
  - b. Will all the hedgerow planted be retained? The assessment has to include worst case scenario – landowners may remove some if they get in the way of future farming practices UNLESS there are stipulations in the DCO.
3. BNG commitment
  - a. Will they abide by BNG 4.0 and commit to 30 year programme for BNG. After all it will be law as of November '23 ref Environment Act 2021 (Noting the Applicant's desire to follow the most up-to-date policy even if not designated e.g. NPSs for energy, surely the same should apply for BNG too)
  - b. How do they plan to monitor their compliance to it over the operation of the scheme?

Habitat changes are not a gain – given the expectation is that the land will revert to agriculture, the “gain” will then become a “loss”. That does not help with the issues of biodiversity loss that the UK is facing. This is **biodiversity churn**, not net gain.

Hedgerow change does not require a solar farm to be installed to achieve it.

Cross reference into the mitigation section – establishment and management of the grassland areas is key to achieving any gain – the nitrogen status of agricultural land, the seed bank in the soil, and what is planted will all have an effect on what is established, and therefore quantity and quality of any gain that might be achieved.

Again looking at the mitigation work, there is a question whether the water area will be no change – if there are issues of nutrient run-off then the watercourse will be affected in a negative manner. If the Anglian Water works are delayed, what will the applicants do?

### **b) Shadow Habitat Regulation Assessment (Baston Fen SAC & in combination effects)**

Impact on SAC - key point of connectivity – whether there is a need to open both floodgates is open to debate with respect to cross reference to flooding and the likelihood of run-off.

But it isn't just about the movement of quantities of water, but also about the nutrient status of that water and therefore the impact on the habitats of the site, and spined loach as the feature for which the site is designated.

Cutting meadows every two years and storing the arisings on site is likely to lead to large quantities of rotting vegetation - just think how slowly your grass cuttings compost – compare then the amount from the area involved here. This raises a big risk of nutrients into groundwater and into the river, and potential for waterweed growth, eutrophication, and decreased oxygen in the water.

### **c) Ecological mitigation**

Mitigation will require establishment and annual management. And therefore crosses over to the soils issues later, for example in terms of compaction. Need to consider water and flooding, soils and biodiversity in combination.

The nutrient status of agricultural land is likely to be high, and establishing wildflower meadows, especially calcareous grassland, is likely to be difficult. MPAG are concerned therefore about the reality on the ground rather than the proposal made. The seeds currently in the soil which are controlled by agricultural operations will grow, and high nutrient tolerant e.g. pernicious weed species are likely to thrive. Establishing good wildflower meadows is therefore not straightforward and will require considerable work.

The seed mixtures to be used will be important in terms of what may be established – the amount needed for the area proposed is high, and feels like a risk in terms of what may be available, and therefore what is actually planted.

In addition, the genetic provenance of the seeds is important in terms of unintended consequences of establishment of UK species and varieties rather than those from beyond the UK. I'd note the work of Flora Locale to consider.

Cutting grass every two years is asking for the sward to become rank. It is essential that the arisings / aftermath are removed – as noted above, large piles of rotting vegetation are likely to lead to nutrient run-off.

Leaving grass in place and not collecting it would lead to a thatch building up and potentially increasing run-off, and would not solve the nutrient issues already mentioned.

Case recently of a solar farm in Dorchester & Weymouth that had provided inadequate forage for the bees and other pollinating insects with a basic grassland that had been regularly mowed and removed, they did not survive. The grassland was not botanically diverse, there was no wildflower planting. The oLEMP had expired and not been monitored, but the Environment Act will make it mandatory for LPAs to report on bio-diversity.

A key issue is that of ongoing monitoring

### **SSSI / LWS impact by vehicles**

Points made about the wildlife site and ease of reinstatement of passing places created – possible double dis-benefit if repeated again at decommissioning.

Reinstatement of good calcareous grassland is more difficult than the Applicant makes out.

Concerns about passing and more traffic.



## **6. Land Use & Soils**

### **(c) Sheep Grazing**

There is no doubt that that sheep can be grazed successfully within solar arrays. But the question is whether this is truly a commercial enterprise for sheep and lamb production, or is it actually a perfectly reasonable management tool to actually help manage the ground underneath the solar panels. It is not clear from the application or what has been said in this hearing.

The inference is that it is an agricultural enterprise, my reading of what they've said and what they seem to be proposing is much closer to a management of the sward underneath the panels.

They also, in their written submissions, suggest that the sheep will only have access in the winter months. So MPAG think we need to understand how they were proposing to graze it. We would suggest that some of that land is very heavy and if there is poor grazing management there is a risk of poaching and potential damage to the grassland.

As an appendix to their application there is a leaflet relating to sheep grazing on solar farms. This leaflet is now 9 years old and whilst the guidance given is relevant to an extent, the case studies given refer to and are more relevant to small scale solar farms. Most of the examples given, if not all, are on farms who were livestock farms which built a solar farm alongside their existing farm business, effectively as a true diversification project. The sheep were already there and they could very easily use the solar farm for grazing with the land immediately adjacent to the farm and other sheep grazing to run the sheep through. This is very different. We are starting with a scheme which is very large, extends over a large area with none of the landowners currently running a sheep enterprise. There are some quite significant implications if they are truly thinking about putting sheep on there that they would need to address, these can be summarised as:

- easy access 24/7 while sheep are grazing
- mobile handling facilities and holding pens, to corral and hold the sheep.
- well-trained and steady sheepdogs and you need to be able to see the dog and the sheep if you are going to work them effectively
- water supplies
- feeding troughs, depending on when the animals are going to be grazing

And there is an increased risk of sheep rustling, which effectively then starts to bring in a potential risk of wildlife crime. So it is not straightforward and MPAG think it would be helpful to have some clarity over exactly what is intended.

The Applicant has put forward sheep grazing as an alternative agricultural use. From this discussion it seems they are now being described as optional. If the sheep are to be used as a way of continued agricultural use within the solar area then surely it should be as a commercial enterprise and I would propose that the Applicant should prove that a commercial enterprise of sheep under 530,000 solar panels is both practical and economical.

## **7. Water and Flood Risk**

### **a) Surface Water run-off, soil compaction and flood risk**

There was discussion regarding flood risk due to concentration of run-off from the panels which was raised as a concern in Greatford Parish Council Written Representations (no one was available from GPC to speak). MPAG offered some clarification on this matter. GPC's calculations were based on run-off from individual panels. Every panel has its own drip line. It did not assume it was a series of panels and it would just run off the bottom panel. The applicant themselves admit water will run off 256% faster onto the ground than normal rainfall. Therefore when you reach FCD of around 110 days per year, the run-off will create channels on the saturated ground and run off quicker downhill into the river, other watercourses and across the land. We know from prior experience that we have had on-site and off-site, particularly in Greatford, with visual evidence provided in GPC's and MPAG's WR (REP2-090), that both fluvial and pluvial flooding is an issue. We therefore request that this is taken seriously in the assessment as to whether the proposed development would be located in a suitable place.

## **8. Noise**

### **Construction Noise**

A discussion took place on the level and impact of construction noise towards the end of the discussion the MPAG was asked if it would like to raise any concerns. The biggest noise MPAG are concerned about is the piling. Even with 12 hour days and the 8 hours of piling/day split into 2 x 4hr sessions, the impact will be enormous. Parts, if not most, of the site regularly have a strong prevailing SW wind which will carry noise across the site. We are not aware of any situations or circumstances that mirror putting in 530,000 solar panels and the corresponding piling activity for other construction projects. If there are examples this would provide a benchmark and evidence of impact. We haven't found the answer to the question, but we have had feedback from some other groups of the impacts on residents from the piling activity. The piling can be heard over two miles away and has gone on far longer than originally specified. Depending on how much piling is going on across the site (and this is not known at this stage) at any one time, there could be a cumulative impact as well. We do not know the detail of rules and regulations, but we wonder if there is a particular guidance for utility scale solar farms given the piling activity is fairly unique in scale and monotony.

The discussion on noise and construction hours continued. MPAG added further that even though this is our personal opinion, we think the monotonous and continuous nature of piling, were it to be six days a week, would just be too much for some people given the weekend is a time for the majority of people to take time out and relax from their heavy working week. It takes no account of the impact on those who work from home or are retired. I think if they are indicating the piling work will only take a month, then to lose half a day by not working on Saturday, within the scheme of things, it's not actually going to extend the construction period by very much. Is there any data from other schemes about what was proposed and what actually happened, maybe the LPAs have some experience of smaller solar farms

An example of how recent work on the main power lines running impacted the local community was given by Mrs Woolley. She said:

I refer you to my Written representations where described the impact of upgrading of the power lines during summer 2022 which lasted many months. It was very evident and really alerted me to the potential impact of

the noise of a scheme of this size. For the upgrade to the power lines the noise levels were way higher than I would have expected. It made me appreciate how quiet it is normally, when suddenly we heard a constant whipping which went on for several weeks when the lines were slackened. It was pervasive and very impactful during the summer months when doors and windows were open and we were spending time outside. The prevailing wind is from the south west. It is suggested that if you are more than 100m from residential property you will not hear the piling noise. I dispute this, we are 185m from the closest field of solar arrays (field 4) and we can see solar arrays, two aspects of the house. I am absolutely certain that we and other residents will hear piling noise from way beyond 100m from where we are located given we can hear (and see) fireworks and hear music from Burghley Park a few miles away when events are taking place.

### Operational Noise

The discussion moved on to consider operational noise and in particular the impact on PRoW.

To limit the amount of noise it would be preferable to site the solar stations as far away as possible from the public rights of way. If you look at the indicative layouts of where the solar stations/containers are positioned, a whole series of them are planned parallel to bridleway BrAW1/1. Whilst they may be 50m away, there could be an opportunity for them to be far further east on field 36 and that would reduce the noise significantly. MPAG appreciate that the applicant might not want to do that because they would have to run the cable a bit further, however in the effort to mitigate the impacts further for both safety and pleasure derived for PRoW users, this would help.

## **9. Highways and Access**

There was a discussion which focused on the arrival times to the site of HGV vehicles. The indication was that HGV would arrive on site at 9am. Concern was expressed by RCC & SKDC that this arrival time would mean vehicles would pass through Great Casterton before 9 am just at the time when pupils of the 2 schools would be arriving.

MPAG commented that their understanding was that the HGV vehicles would not pass through Great Casterton until after 9am to avoid any overlap with children arriving for the school day which starts at 0845 hrs. It was agreed that the oCTMP would need to be updated to reflect this.

The final question on traffic management concerned parking for the workforce at the primary site and the secondary compounds. MPAG asked for clarification on whether the plans for parking in the secondary compounds was taken into consideration when the traffic surveys were done to look at the impact on local traffic.

The use of shuttle buses was raised. MPAG were keen to clarify the point about the use of the shuttle bus to mitigate the effects of the traffic and parking. In the socio economic chapter, it talks about 50% of the people employed coming from the local area. There is a disconnect because obviously the local people are not going to use a shuttle bus. If there are 50% people employed from the local area we need to understand the likely mix of where labour employed will arrive from, so the worst case scenario for parking issues can be considered in advance in the oCTMP.

## **10. Socio-economic**

### Permissive paths

The ExA raised a question regarding concerns raised in WR regarding the whether proposed permissive paths would be secured for the lifetime of the project and may be withdrawn at anytime by the landowners, though he did note the Applicant's response that they would be secured.

The spokesman for the Applicant was asked to confirm the position commenting the Permissive Paths would be secured for the life of the project. Beyond that the decision on the future of the permissive paths would revert to the landowners who would then decide if they would be retained or removed.

MPAG raised a question relating to the lifetime of the project and that if it exceeded 20 years what the implications would be for the Permissive Paths created. MPAG asked if public rights of way officers in the County Councils could clarify if the paths were in place for more than 20years they could be deemed to have become an adopted right of way and be required to continue in perpetuity. She asked how the applicant could make provision for that as it may sit outside the DCO with legislation determining their future. The ExA invited comment from the LPAs but the public rights officer was not in attendance.

The applicant therefore responded explaining the rules governing permissive rights of way and how through notices users would be advised of the nature of the paths. This would allow for the paths to be withdrawn when the Solar Farm is decommissioned. He stressed this is a benefit of the scheme and they are not seeking to create new PRow. MPAG would still like clarification of this matter from Public Rights of Way Officers of the legal mechanisms with respect to permissive paths and also for the Applicant to give a guarantee that the permissive rights would be maintained whatever the life of the scheme.

When asked if there were any other points on the Permissive Paths anyone wished to raise MPAG raised the following:

- The action group have talked to a lot of people throughout this process and continue to do so, trying to understand what their feelings and opinions are on issues which are important to them regarding the scheme. MPAG can conclusively say that the permissive paths do not mitigate the effects of the development. As far as walkers, and in particular local residents, are concerned they will not provide a pleasurable experience for people.
- In REP1-016 MPAG outlined the likely field parcels that you would see from the permissive paths, in most cases you are either adjacent too or surrounded by the solar panels on either side, which could create quite a claustrophobic feel in some situations.
- There are a number of concerns with respect to the West Glen River. If, as the Applicant implies, they intend to create an area with a quasi 'country park' feel with interpretation boards along the permissive paths and a few picnic tables encouraging people to stay in the area, it rather misses the point of providing permissive rights of way which join to existing PRow creating circular routes. There is very little parking in the area and a risk of fires in dry conditions if people chose to BBQ down by the river.
- At the point the proposed permissive paths join the bridleway BrAW/1/1 there is already a problem with some anti-social activity e.g. fly-tipping which could be exacerbated.
- The river Glen is seen as an area where biodiversity is to be enhanced, this objective could be compromised if the permissive PRow attract significant numbers of people and some antisocial behaviour.

We would ask that these points are considered and that if these permissive paths are to be seen as a genuine community benefit, particularly to those impacted by the scheme that they are not 'commercialised'. Nature is nature and it should be enjoyed and experienced as you walk/ride. You don't need information boards all over the place to tell you what you're looking at and listening too. If it is commercialised in any way there may be some undesirable outcomes.

There was a discussion of the Rutland Round and if the permissive paths would contribute to this initiative. MPAG confirmed it would have no link with the proposed development as it is not in close enough proximity. This is understood from Mrs Holloway's partner who previously worked on a Rutland Round project.

A further conversation then took place regarding the setback of the panels from the permissive rights of way, and by inference the existing PRoWs. MPAG signposted the ExA to photomontage F (recently taken) which showed the setback. Additionally the point was made that the photomontage was not representative of the most likely view in the area. Had the photo been taken out of the dip at 52.69065 N and 0.43234 W; what3words "cuddled.ally.lifeboats", the view is expansive north across the site to Carlby across fields 27,29,30,31,32,34,35 and also west across to Essendine. Also field parcels south of the railway line can also be seen. This can be reassessed at the site inspection in August to understand the limited use of the existing photomontage, and viewpoints 6a and 6b from which it was derived, and to understand the full extent of the landscape and visual impact.

## **12. In combination and Cumulative Effects**

### **b) Effects on users of PRoW**

When invited to make comment with regard to the concerns on walking routes and in particular Will's Walks MPAG commented:

It's not quite clear to me what the applicant is trying to demonstrate. What we have tried to show through our representations is that there are a number of things that will have attracted both the local people and visitors to the area, e.g. Will's walks. The applicant has put some of these onto this map. But they are not definitive, people don't just stick religiously to a walk, they come to an area, they enjoy the walk that brought them to the area, they may then explore and go further.

The applicant seems to be arguing that they are not within the site, so they're not relevant and the solar farm will have no impact. We don't believe that is the case, people visit the area, they explore and they see what else there is on offer so it expands that recreational amenity. There has been a noticeable and significant uplift in recreational activity since Covid in particular. This is recognised across the country, in government, with a recognition that recreational amenity is important and valued.

A discussion developed that raised the issue of tree and hedge planning and how that would affect the experience of PRoW users. What will be different is the height of the hedges. At the moment we have hedges which are appropriate to arable farming and the character area for this landscape. And even accepting over the time that we've lived in the area, those hedges have gradually grown higher as people have recognised the environmental benefits of hedgerows. But we're now talking about planting, which if I understand the proposals the Applicant is bringing forward, are going to be significantly higher if there are to have any meaningful screening effect on the fields of solar arrays, whether that be on a PRoW or on the road network. That will materially change the visual character and landscape of the area. The question is whether that is in

keeping with the area or is it at more in keeping with the Southwest, well known for its high hedges and narrow lanes rather than the open landscape that is typical in Lincolnshire, Leicestershire and Rutland.

The discussion developed to consider the PRow management plan and the Applicant proposed that this would be included as part of the oCEMP. Mrs Holloway made the following comment:

If it were to be in one document and it will be in the oCEMP then please can particular attention be paid to how it is linked with the traffic management plan as well. This point is made because there are quite a lot of impacts on the public rights of way in terms of temporary closings. But also if you think about the users and thinking particularly of horse riders, there are significant implications of the construction programme on horse riders for their safety because wherever they go in the area, they're going to be confronted by construction work, whether it's on the roads or via the public rights of way.

Speaking on the impact of in-combination effects on Health and Well-being, Mrs Holloway speaking for MPAG commented:

"I think you probably know what I'm going to say and that is that we completely disagree as a community. As I say, I've spent nearly the last two years working amongst hundreds of people, talking them through the issues, and from what I hear this proposal has had a significant negative impact on them even before we have a judgement on whether it's going to proceed or not.

The in-combination effects must not be underestimated. How you assess what the impacts are in a national context is a task for those determining the outcome of the application. But one consideration we hope will be to protect the NHS from unnecessary costs. It could be argued that the side effects and implications of this could have knock on costs for the NHS either through mental or physical health. I'm sure we already have examples where residents' mental and physical health is being impacted but these are not a discussion for this hearing.

The Applicant does not appear to be appreciating the in-combination effects on those who are impacted by all/most of the issues all/most of the time. There is no escape!"

Planning Inspectorate Project Ref: EN010127

Planning Inspectorate ID No: 20036230

Issue Specific Hearing 2 (ISH2): Environmental matters (July 2023)

# Landscape & Visual Response

prepared by

Carly Tinkler BA CMLI FRSA MIALE

for

Mallard Pass Action Group

# FULL REPORT

July 2023

## Introduction

34. This note has been prepared by Carly Tinkler CMLI, the independent chartered landscape architect who is representing Mallard Pass Action Group (MPAG) in landscape and visual matters of relevance to the Examination.
35. *Issue Specific Hearing 2 (ISH2): Environmental matters* were heard and discussed on Wednesday 12<sup>th</sup> July 2023. Landscape and visual issues (*effects*) were the fourth item on the agenda. The specific items comprised (note there was no Item a)):
- k) Methodology
  - l) Study area
  - m) Definition of 'significant effects'
  - n) Representative and illustrative viewpoints and photomontages
  - o) Proposed mitigation / enhancement measures (including growth rates and management / monitoring of new planting)
  - p) Assessment of landscape and visual effects during construction
  - q) Assessment of landscape and visual effects during operation
  - r) Residential Visual Amenity Assessment
  - s) Other landscaping and visual matters
36. All the above issues were discussed apart from Item g) (construction effects), which was not dealt with due to time constraints. The Inspector advised that the parties' previously-submitted representations about this issue had been noted, but if necessary, residual matters would be dealt with later. See also below.
37. The Inspector also advised that the most helpful responses made during and after the Hearing would focus on the main matters of disagreement between the parties, and the reasons for the disagreements. Ideally, the responses would provide a summary overview of the main matters, perhaps set out in a table and in order of priority, with reference to the relevant paragraphs / documents / other sources of information.
38. Below, I summarise in note form what appear to me to be the main landscape and visual matters of agreement and disagreement between the parties (namely the Applicant, and MPAG / CPRE), as outlined during the hearing. **This is followed by a table (*Table CT-1: Residual Landscape and Visual Issues*) which summarises the other main landscape and visual matters of disagreement between the parties.**



39. My summary is based on a combination of the notes I took during the hearing, and my recollection of what was said. I have included key issues raised in the Applicant's response to my May 2023 *Landscape and Visual Review* (in the June 2023 *Applicant's Response to Interested Parties' Deadline 2 Submissions on Landscape and Visual* report) which were either discussed during the hearing but require clarification, or were not discussed due to lack of time.

### **Summary of main landscape and visual matters of agreement and disagreement**

#### Effects on landscape character

40. Levels of landscape effects are summarised in LVIA Table 6-4: *Summary of Landscape and Visual Effects* (doc. ref. EN010127/APP/6.1 Revision P0).
41. **The parties agree** that between Year 1 and Year 15, the level of effect on the character of the site and its 'immediate surrounds' (during the hearing, the Applicant's landscape architect defined 'immediate surrounds' as being up to 500m from the site boundary), would be **Major Adverse**, and **Significant**.
42. **We also agree** that after Year 15, the residual level of effect on the landscape character of the site and its immediate surrounds would be **Significant Adverse**.
43. However, **we disagree** that after Year 15, the level of effect would reduce to **Major-Moderate Adverse** (albeit still 'significant').
44. The disagreement is based on the LVIA's assumption that levels of adverse effects on character are reduced by planting which is proposed to screen views, and thus reduce levels of effects upon, views (see for example LVIA para. 6.5.36). However, paras. 5.1.45 – 52 of my May 2023 *Landscape and Visual Review* report explain that this is not in accordance with published guidance. My para. 5.1.50 states, 'As *GLVIA3* makes perfectly clear throughout, landscape and visual effects must be assessed separately, because **effects on landscape character can arise from change / new development regardless of whether or not anyone can see it**'.
45. **We also disagree** about levels of effects on landscape character arising **beyond** 500m from the main site boundary.
46. The LVIA concludes that at this point, at Year 1, levels of effects on landscape character areas (LCAs) to the north, east, south and west of the main site would **reduce from Major to Slight**, and would **remain Slight** between Year 15 and decommissioning.
47. I agree that the level of effect on character would remain the same from Year 1 to decommissioning (see point above about planting intended to reduce levels of visual effects not reducing levels of effects on character). However, my own assessment concluded that beyond the

500m point, levels of effects on landscape character in all directions would decrease gradually with distance, ie (using the LVIA's point-scale in ES Volume 2 Appendix 6.2: *Landscape and Visual - Assessment Methodology* November 2022 (doc. ref. EN010127/APP/6.2 Revision P0)) from Major, to Major - Moderate, to Moderate, to Slight, to Minimal. Also, presumably, to No Change, ie in areas where there is no interinfluence / association between the site and the wider landscapes, due to significant topography, for example.

48. As it is based on topography, the Applicant's Zone of Theoretical Visibility (ZTV) plan (Figure 6.6: Zone of Theoretical Visibility (ZTV) Study Representative Viewpoints and Illustrative Viewpoints, doc. ref. EN010127-000216-Figure 06.6) is useful when assessing the extent of interinfluence, and judging how quickly / over what distance levels of landscape effects are likely to reduce from Major to Slight / No Change; however, the ZTV only shows intervisibility, and as explained above, effects on landscape character are not determined by visibility.

Effects on views and visual amenity

49. **The parties agree** that during construction and operation, the highest sensitivity visual receptors travelling across / at VPs '*immediately bordering the Solar PV Site*' (LVIA Table 6-4) would experience **Significant Adverse** visual effects.
50. **We also agree** that between Year 0 and Year 15 of operation, the level of effect would be **Major**.
51. **We disagree** about levels of visual effects on receptors travelling across / at VPs '*immediately bordering the Solar PV Site*' during construction; after Year 15; and during decommissioning.
52. **We also disagree** about levels of visual effects on receptors at VPs beyond the site boundaries.
53. As set out in my May 2023 review, my opinion is that the LVIA has under-reported levels of visual effects on receptors for a number of reasons, including:
- v) Lack of baseline landscape and visual information / analysis (for example, historic landscape character, and especially in terms of local public consultation to inform the studies – see table below).
  - vi) Underestimating levels of visual value and susceptibility to change.
  - vii) Over-reliance on vegetation to screen views.
  - viii) Failure to acknowledge that where proposed screen planting would result in the total loss of a good quality open view, the effect would not be neutral or beneficial, but **Major Adverse / Significant** (in accordance with the LVIA's criteria) – see also table below.

54. In addition, **we disagree** about the extent and degree of the developed site's visibility. As set out in my May 2023 review, my opinion is that the LVIA does not provide an accurate indication of either, and that both would be far greater than reported.

#### **Other key landscape and visual matters of disagreement**

55. The June 2023 *Applicant's Response to Interested Parties' Deadline 2 Submissions on Landscape and Visual* deals with interested parties' responses under sub-theme headings.

56. The majority of the sub-themes relate to the assessment of effects on landscape character and views, during both operation and construction, with concerns expressed by respondents about the LVIA's method, process and findings; the under-reporting of the extent and levels of adverse landscape and visual effects; and the effectiveness / appropriateness of the screen planting proposed to mitigate adverse effects on views.

57. Other sub-themes / concerns include the oLEMP specifically / maintenance and management generally; the quality of the LVIA photomontages; and definitions. However, the Applicant's response does not, in my opinion, adequately address any of the issues raised: much of the response text repeats the LVIA text, some of which was itself the subject of the concern. Key residual matters of disagreement are summarised in the table below.

58. The Applicant's response to my May 2023 review (REP2-090) is in sub-theme *Landscape Written Representation Appendix*. The Applicant's response correctly states that there are matters of agreement (including those set out above), but that '*disagreements do remain*'. It also says that '*The Applicant does not intend to address each point specifically but instead provides a consolidated response under the below themes, where considered relevant*'.

59. The themes are set out in the table below, along with a brief note summarising my current position on the themes / associated issues.

60. Finally, at the start of the Applicant's response to my review, they say that it '*covers a wide range of issues, **some beyond landscape** including health and wellbeing, quality of life, 'social amenity' and economics*' (my emphasis).

61. My review does indeed consider the effects of the proposals on these issues. In fact, as I explained at the hearing, all are integral both to 'landscape', and to assessments of landscape and visual effects.

62. GLVIA3 Figure 1 shows examples of LVIA 'discussion areas', which under the heading 'human beings', includes **social impacts**.

63. Furthermore, the importance of the above issues is made abundantly clear in the Landscape Institute (LI)'s policy on public health<sup>3</sup>, and associated position statement *Public Health and Landscape: creating healthy places*.
64. The policy states, '**We want public health professionals, planners and landscape architects to promote and act upon the idea that high quality landscape increases wellbeing**'.
65. Both the policy and the position statement are derived from the European Landscape Convention (ELC), which states (my emphases):
- 'Signatories acknowledge that **the landscape is an important part of the quality of life for people everywhere**: in urban areas and in the countryside, in degraded areas as well as in areas of high quality, in areas recognised as being of outstanding beauty as well as everyday areas' and that **the landscape is a key element of individual and social well-being**.'*
- 'The landscape also bears within it a system of **social values**, which sometimes have to be highlighted through awareness-raising activities. **The landscape's social values are tied to its importance for quality of life, health, and to its contribution to the creation of local cultures. Landscape identification, characterisation and assessment underlie landscape quality objectives. This is why such assessment should be done with the interested parties and population concerned, and not just with specialists in landscape appraisal and operations**.'*
66. **NPPF para. 185** requires decisions to '*avoid noise giving rise to significant adverse impacts on **health and the quality of life**; [and] b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and **amenity** value for this reason'* (my emphases).
67. Table CT-1: Residual Landscape and Visual Issues is overleaf.

---

<sup>3</sup> <https://www.landscapeinstitute.org/policy/health/> (There is no hyperlink)

Table CT-1: Residual Landscape and Visual Issues

Sub-theme / Theme	Key Issue / Comment
<p><b>Impact on local landscape</b></p>	<p>Applicant's response:</p> <p><i>There would be a number of <b>positive and negative landscape and visual effects</b> that would be concentrated within the immediate locality of the Order Limits that would need to [be] considered within overall planning balance.</i></p> <p>CT response:</p> <ul style="list-style-type: none"> <li>i) <b>I disagree</b> that there is certainty that the proposed development would give rise to <b>positive landscape or visual effects</b>. It is not clear in the LVIA exactly what, if any, positive landscape and visual effects would arise from the proposed development.</li> <li>ii) Nor is it clear what is proposed as mitigation, and what is enhancement.</li> <li>iii) My May 2023 review concluded that the LVIA had double-counted mitigation measures as enhancements / scheme benefits, also leading to the erroneous assumption that levels of adverse effects would therefore be lower as a result.</li> <li>iv) My review also concluded it was unlikely that many of the proposed mitigation / enhancement measures would be successful.</li> <li>v) For example, the Applicant proposes to establish 'grassland with wildflower' meadows throughout the main site, which the LVIA appears to include as a landscape / visual enhancement.</li> <li>vi) However, the soils on the main site are predominantly heavy or medium clay - see Plan KCC3051/05 <i>Distribution of Soil Types</i> in the Applicant's outline <i>Soil Management Plan</i> (oSMP) [Clean] Deadline 3 (June 2023) (doc. ref. EN010127/APP/7.12.2 (Clean)).</li> <li>vii) Clay is known to be problematic for construction activities which entail heavy machinery / plant, as it is easily churned up and can become very compacted. According to ES Volume 1 Chapter 12: <i>Landuse and Soils</i> (November 2022) (doc. ref. EN010127/APP/6.1 Rev P0), the soils across the main site also tend to be slowly-permeable and seasonally-wet, usually or often '<i>waterlogged for long periods in winter</i>' (although this varies across the site depending on topography / elevation).</li> <li>viii) The acts of churning up, moving soil, mixing soil profiles, compaction, digging trenches and foundations, cutting-and-filling to create platforms and so on would <b>destroy the existing soil structure and organisms</b>. This is alluded to in the oSMP, for example at paras. 4.5 – 4.12. For the soil to even recover from this damage would take many years, let alone achieve full health. Trees, hedgerow and other plants could struggle to establish.</li> <li>ix) The land is currently under arable production, and the soil is</li> </ul>

	<p>fertile (slightly acid but base-rich loamy and clayey). <b>Meadow and pasture only establish successfully on low-fertility soils.</b></p> <p>x) The Applicant's submission does not appear to explain how this obstacle to achieving the proposed mitigation and enhancement measures could, or would, be overcome. However, para. 7.6.3 of ES Volume 1 Chapter 7: Ecology and Biodiversity (November 2022) Rev P0, (doc. ref. EN010127/APP/6.1 Revision P0) does confirm that low-fertility soils are necessary to establish species-rich swards, explaining that when the passing-bays which would have to be created in existing grass verges were reinstated, '<i>appropriate <b>nutrient poor soil</b> [would be] replaced on their footprint and a species rich grassland will be seeded on these</i>' (my emphasis).</p>
<p><b>Impacts on landscape character (construction effects)</b></p>	<p>Applicant's response:</p> <p><i>The Applicant does not agree that the limited construction period for the Proposed Development will lead to a greater impact to landscape character than which has been previously assessed within the LVIA [APP-036].</i></p> <p>CT response:</p> <p>i) <b>I disagree</b> that effects on character during construction would be lower than during operation.</p> <p>ii) LVIA Table 6-4 sets out the conclusion that during operation, effects on the landscape character of the site would be <b>Major Adverse</b>, but during construction they would only be <b>Moderate Adverse</b>, mainly due to the fact that whilst they would be '<b>Large</b>', they would be '<b>short-term / temporary</b>'.</p> <p>iii) My May 2023 review concluded (see Section 5.3) that some construction activities would give rise to <b>significant adverse landscape effects</b>, some of which are likely to be <b>permanent</b>, ie enduring post-decommissioning.</p> <p>iv) Also, in my opinion, not only is the two-year construction period a long time over which effects would be experienced, it may also be over-optimistic.</p> <p>v) To date, very few large-scale solar developments have been built in the UK, and it is now becoming clear that construction is not always as straightforward as first assumed. At a relatively small scheme at Bishampton in Pershore, Worcestershire, the construction period was stated as being three months. It is now <b>nine months</b> since construction commenced, and not only are the works not complete, they are also now the subject of <b>enforcement</b>. Piling noise is one of the main problems – it can be heard over two miles away.</p>

<p><b>Size and Scale</b></p>	<p>Applicant's response:</p> <p><i>The Applicant provides responses to the size and scale of the Proposed Development under Section 2.0 of the Deadline 3 response. The proposals do comprise a utility scale solar photovoltaic development although the size and scale would be appear compartmentalised and divided by the prevailing landform, woodland and hedgerows such that the overall size and scale of the proposals would not be perceived from any given viewpoint.</i></p> <p>CT response:</p> <p>i) <b>The Applicant's response does not address the concerns about scale.</b></p> <p>ii) Importantly, it assumes that the effects of scale are only related to what one can see, which of course, is not the case.</p> <p>iii) Para. 1.4 of my May 2023 review explains that <i>'From plans and documents, it is very difficult to comprehend the sheer size and scale of the proposed development. The main site measures almost 8km from west to east, and at its widest point is c. 5.5km from north to south, with solar arrays / ancillary infrastructure occupying the majority of those extents. The area of the Order limits is c. 852ha, and the Solar PV area is c. 420ha. To put that into the context of the wider landscape, it is worth noting that the whole of the settlement of Stamford, including its green spaces, covers c. 515ha'</i>.</p>
<p><b>LVIA / RVAA Study Area</b></p>	<p>i) <b>The parties disagree</b> about whether the study area boundaries set for the LVIA and the RVAA (Residential Visual Amenity Assessment<sup>4</sup>) - 2km and 100m respectively - are sufficient.</p> <p>ii) My opinion is that they are not sufficient for a project of this size and scale, and that <b>there is the potential for the development to give rise to significant adverse landscape and visual effects beyond these distances.</b></p>
<p><b>Threshold of Significance</b></p>	<p>i) <b>The parties disagree</b> about whether or not a Moderate level of effect should be categorised as 'significant'.</p> <p>ii) The matter was discussed during the July 2023 hearing.</p> <p>iii) The LVIA sets the threshold for a 'significant' effect as <b>'Major to Moderate'</b>, on a five-point scale (Major; Major - Moderate; Moderate; Slight; and Minimal).</p> <p>iv) My opinion (and that of some other professionals) is that <b>'Moderate'</b> effects should be categorised as 'significant', as experience indicates this being the 'norm' for most EIAs; indeed, in para. 2.4.7, the Applicant's ES Volume 1 (November 2022) Chapter 2: <i>Overview of EIA Process</i> of (doc. ref. EN010127/APP/6.1 Revision P0) states that <i>'As a rule, Moderate or Major effects are considered to be significant'</i>, although it qualifies this by saying</p>

<sup>4</sup> Environmental Statement Volume 2 Appendix 6.4: Landscape and Visual - Residential Visual Amenity Assessment (November 2022) (doc. ref. EN010127/APP/6.2 Rev P0)

	<p>that <i>'professional judgement will be applied for each topic'</i> (my emphasis).</p> <p>v) At the hearing, the Applicant's landscape expert said that the 'Major to Moderate' significance threshold was usually applied in LVIA's carried out by their practice.</p> <p>vi) Of course, ultimately, the Inspectors will come to their own conclusions about 'significance'.</p> <p>vii) The main residual point here is that in many cases, and as noted in my May 2023 review, <b>the LVIA has underestimated levels of adverse effects</b>. Thus, where 'Moderate' / not significant effects are reported, they are more likely to be Moderate to Major, or even Major, and therefore, in accordance the LVIA's threshold, <b>would be 'significant' anyway</b>.</p>
<p><b><i>Conflation of Landscape and Visual Effects</i></b></p>	<p>Applicant's response:</p> <p><i>... <b>The Applicant disagrees</b> that visual effects do not influence landscape character effects – the ability to see or not see a development within a particular Landscape Character Area (LCA), and the ability to screen and filter potential views through additional planting will have an influence on the level of impact that character area may experience...</i></p> <p>CT's response:</p> <p>i) My opinion, as set out in my May 2023 review, that the LVIA has conflated landscape and visual effects, remains <b>unchanged</b>.</p> <p>ii) See my report Section 5.1 paras. 5.1.45 – 52 (but please note error in para. 5.1.48 – the relevant LVIA para. is 6.5.20, not 6.4.20).</p> <p>iii) For example, LVIA para. 6.4.3 bullet c) notes the <i>'Substantial new native planting across the Solar PV Site providing <b>visual screening and other benefits to landscape character</b>'</i> (my emphases).</p> <p>iv) However, GLVIA3 para. 3.39 explains that <i>'<b>Enhancement... is often referred to incorrectly as an outcome of proposed mitigation measures</b> – for example where planting is proposed to mitigate landscape and/or visual effects but will also achieve an enhancement of the baseline condition of the landscape. In practice enhancement is not specifically related to mitigation of adverse landscape and visual effects but means any proposals that seek to improve the landscape and/or visual amenity of the proposed development site and its wider setting beyond its baseline condition'</i> (my emphasis).</p>
<p><b><i>Mitigation as Harmful</i></b></p>	<p>Applicant's response:</p> <p><i>... The LVIA and ARA considers the loss of views across the countryside from these PRoW although <b>does not consider the mitigation planting to be harmful in itself or a 'high level adverse effect'</b> (MPAG para 5.4.51). <b>Enclosure by hedgerows and hedgerow trees is characteristic</b> of the Kesteven Uplands and Rutland Plateau – Clay Woodlands landscape character areas as set out in the Rutland Character Assessment (2003) and South Kesteven Character</i></p>



	<p><i>Assessment (2007)... (my emphases)</i></p> <p>CT's response:</p> <ul style="list-style-type: none"> <li>i) <b>I disagree</b> that the total loss of a good quality, open view would not result in a significant adverse effect. The LVIA's criteria for a Large (the highest level of) magnitude of effect are '<i>Total or major alteration to key elements, features, qualities or characteristics, such that post development the baseline will be fundamentally changed</i>'. Here, the fundamental visual baseline change would be from an open, rural view to either a) the interior of the developed site, or b) a tall hedge.</li> <li>ii) GLVIA3 makes it clear (see for example paras. 5.15 – 18) that LVIAs should not just rely on published countywide LCAs, especially when most are high-level, and cover large geographical areas within which there may be localised and locally-distinctive variations. It is necessary to carry out more granular assessments, in order to decide what is most appropriate for the site / the landscapes with which it has interinfluence / intervisibility.</li> <li>iii) The published LCA does not say '<i>enclosure by hedgerows and hedgerow trees</i>': it says '<i>Enclosed mostly by hedgerows, with hedgerow trees</i>'. In this context, <b>the term 'enclosed' relates to field enclosures, not visual enclosure.</b></li> <li>iv) In fact, the LCA notes that the '<b><i>close trimmed hedges alongside large arable fields give a more open feeling to the landscape.</i></b> <i>This is particularly so in the extreme eastern corner of the County, between Ryhall and Essendine</i>' (my emphasis). It is mainly woodland blocks which act as visual screens.</li> <li>v) As well as tall hedges being uncharacteristic in these landscapes (although they do occur along some local ancient boundaries / trackways, where trees have escaped and been allowed to mature), letting new / existing hedges grow as tall and dense as they would need to be in order to successfully screen views (especially given that many views would be of the developed site on rising ground beyond) is <b>in conflict with hedge health / biodiversity.</b> Best practice is to cut back regularly. Indeed, the proposed '<i>rotational cutting regime</i>' is mentioned in the oLEMP, at para. 3.3.10.</li> </ul>
<p><b>Security Fencing</b></p>	<p>Applicant's response:</p> <p><i>The use of timber post and wire mesh (deer type) fencing is a widely accepted and a commonly used approach for securing solar farm developments across the UK. The Applicant is not aware of any issues of insuring such proposed security measures</i> (my emphasis).</p> <p>CT's response:</p> <ul style="list-style-type: none"> <li>i) As mentioned during the hearing, I have more up-to-date information about the security fencing issue (which is dealt with in paras. 5.1.53 – 73 of my May 2023 review report).</li> <li>ii) As this issue is relevant to many of my current projects, in June, I</li> </ul>

	<p>spoke to a few commercial solar insurance companies, and finally, to the British Insurance Brokers Association (BIBA).</p> <p>iii) I was advised by BIBA that the current situation is that they, and many of their members, are aware of the solar crime and security fencing problems (and the <i>Theft From Solar Farms</i> report mentioned in my May 2023 review, at para. 5.1.56), and that there are moves in the industry to address them. However, they said that progress is likely to be fairly slow. In the meantime, some insurance companies would almost certainly continue to insure solar developments with deer-proof security fencing, although for how long is uncertain.</p> <p>iv) My other inquiries suggest that the smaller companies currently would, but the larger ones either would not, or may not.</p> <p>v) One of the larger commercial insurers, Marsh Commercial<sup>5</sup>, now has the following on its forms for solar development insurance applications (with my emphasis):</p> <p><u>Security</u></p> <ul style="list-style-type: none"> <li>• <i>Ground Mount - Fencing in place of at least 1.8 m to 2m in height: Yes / No</i></li> </ul> <p><i>Type of fence installed? (<b>Note stock fence is not adequate</b>).</i></p> <p><i>Security Standard BS EN 1722?</i></p> <p>vi) The concern is that the proposed development may be approved on the basis of deer-proof fencing, which is visually relatively benign, but in future, the specification could be changed to high-security, which would be highly industrialising (and would not allow the passage of mammals such as badgers and hares, so would have adverse implications for wildlife).</p> <p>vii) This has already happened at at least one solar development (apparently, the change was dealt with as a non-material amendment. As they were not considered in the LVIA, the planning officers were unaware of the adverse effects that would arise until it was too late).</p>
<p><b>Update of Photomontages</b></p>	<p>Applicant's response:</p> <p><i>... Without specific details, it is not clear what alleged error/update MPAG is referring to in para 3.6.6.</i></p> <p>CT's response:</p> <p>i) Para. 3.6.6 of my May 2023 review report says, '<i>Incidentally, it appears that some or all of the photomontages in the Applicant's LVIA <b>have not been updated to reflect the recent scheme changes</b>. It is important that the ExA / others are provided with the correct information</i>'.</p> <p>ii) For specific information about the problems with the Applicant's original and recently-submitted photomontages, please see</p>

<sup>5</sup> <https://www.marshcommercial.co.uk/for-business/renewable-energy-insurance/solar-panel-and-projects>

	<p>MPAG's separate submission in response to the July 2023 hearing.</p> <p>iii) In summary, as explained during the July 2023 hearing (and as can be noted when carrying out site visits), <b>some of the Applicant's selected VPs are at points from which views of the site / developed site are not as clear or open as they would be at a point a few metres along the same route.</b></p> <p>iv) Also, <b>neither the LVIA nor the ARA include an assessment of sequential visual / other effects along routes.</b></p> <p>v) In addition, from the Applicant's photomontages, it is difficult to gain a clear or realistic impression of what the developed site would look like. In my experience, much depends on the quality of the photograph on which the montage is based, and very importantly, the light conditions.</p> <p>vi) Experienced CGI specialists will ensure that the images accurately reflect the given light conditions. I often take photos from the same spot during different weather conditions (ideally at least i) in full sun and ii) when fully overcast with cloud), and get CGIs produced for each.</p> <p>vii) This is especially helpful when assessing the <b>effects of glint and glare</b>, which, in my opinion, were <b>not adequately assessed in the LVIA.</b></p>
<p><b><i>Difference between LVIA and ARA</i></b></p>	<p>Applicant's response:</p> <p><i>Whilst interrelated, the LVIA [APP-036] and ARA [APP-058] are separate assessments. The ARA is informed by the LVIA but also considers other factors in the appreciation of recreational amenity including potential noise and dust effects. The ARA provides a sequential assessment of the potential impacts to the PRoW resource taking into consideration the amenity recreational experience as a whole. It is therefore a more 'holistic' and hence why findings differ in some instances from those within the LVIA.</i></p> <p>CT's response:</p> <p>i) I note that the ARA's <i>sequential assessment is not referring to an assessment of <b>sequential</b> visual / other effects along routes.</i></p> <p>ii) Regarding '<i>why [the ARA's] findings differ in some instances from those within the LVIA</i>, the contradictions which I identified in my May 2023 review remain unresolved (see my report Section 5 esp. paras. 5.5.4 = 11).</p>

<p><b>MPAG Assessment</b></p>	<p>Applicant's response:</p> <p><i>The Applicant notes that whilst MPAG's LVIA assessment is 'high level' (para 2.2.12) it disagrees it is undertaken in accordance with GLVIA3. MPAG's assessment does not provide a detailed assessment using the framework advocated by GLVIA3, this is perhaps a result of 'budgetary constraints' (para 2.2.15) and it is acknowledged by MPAG at paragraph 5.4.24 in that it was "not possible to test conclusions due to limited scope". Any conclusions drawn from the MPAG assessment should recognise these significant limitations.</i></p> <p>CT's response:</p> <p>i) The inevitable 'budgetary constraints' did not affect the rigorousness of my assessment, which was <b>carried out entirely in accordance with GLVIA3</b>. It was simply not feasible (nor necessary, in my opinion) to firstly write up the findings in the standard LVIA format, and then write a full review based on that information; where necessary, I wrote up the assessment's findings in the relevant part of the review.</p> <p>ii) The relevant para. in my review report is 5.4.26, not 24. What it explains is that due to the 'budgetary constraints', it was not possible to test the LVIA's judgements about the levels of visual effects arising from the <b>developed</b> site, as this would have entailed commissioning accurate computer-generated images (CGIs), which are incredibly expensive.</p> <p>iii) In my opinion, the Applicant should provide the information necessary for such judgements to be made (I believe the Inspector did ask for additional CGIs).</p>
<p><b>Evidence Base</b></p>	<p>Applicant's response:</p> <p><i>The Applicant notes that whilst the MPAG representation has been submitted by a professional Chartered Member of the Landscape Institute (CMLI), <b>much of the evidence base for the conclusions are anecdotal, involving conversations or assumptions of what 'may' be visible (para 5.4.16).</b></i></p> <p><b><i>Whilst the Applicant recognises the importance and value of local knowledge, the limitations of any source information that relies upon third party observations or interpretations should be recognised and understood when drawing conclusions from this representation.</i></b></p> <p><b><i>As advised by GLVIA3, the LVIA has utilised existing official published and verified baseline studies, including those not directly related to solar development where appropriate, and an agreed scope of field study, to inform judgements in relation to landscape and visual sensitivity and value</i></b> (my emphases).</p> <p>CT's response:</p> <p>i) Re 'assumptions of what <b>'may'</b> be visible (para 5.4.16)', my para. 5.4.16 says, 'I also concluded that the <b>developed</b> site would almost certainly be visible from other VPs not identified (even as</p>

	<p><i>'representative') in the LVIA':</i></p> <p>a) I used the LVIA's ZTV to help me draw conclusions about the extent of the developed site's likely visibility.</p> <p>b) The reason I used the word 'may' is because without CGIs, it is very difficult, and in some cases, impossible, to state with certainty whether or not the developed site, or parts of it, would be visible, and to what degree. As mentioned above, understandably, the scope of the commission did not include the production of CGIs.</p> <p>ii) The Applicant states that they recognise <i>'the importance and value of local knowledge'</i>.</p> <p>iii) However, <b>there is very little evidence of 'local knowledge' having informed the LVIA's evidence-base.</b></p> <p>iv) GLVIA3 emphasises the importance of consultation in the LVIA process. Para. 3.42 says that consultation <i>'has a role in gathering specific information about the site, and in canvassing the views of the public on the proposed development. It can be a valuable tool in seeking understanding and agreement about the key issues, and can highlight local interests and value which may otherwise be overlooked. With commitment and engagement in a genuinely open and responsive process, consultation can also make a real difference to scheme design'</i>. (my emphases). GLVIA3 para. 5.32 says much the same thing, in relation to establishing levels of landscape value, as does the LI's 2021 Technical Guidance Note (TGN) 02/21 <i>Assessing landscape value outside national designations</i>.</p> <p>v) It is not clear whether the LVIA assessor/s had any conversations with people in the local communities. The RVAA assessor/s (who may have been the same as the LVIA assessor/s) only visited <b>three</b> residential properties, and according to para. 1.2.10 of the RVAA, that was only <i>'at the behest of their residents'</i>.</p> <p>vi) But if one doesn't engage with the local community during the surveys / assessments / design processes, how can one possibly know what the relevant issues are, and address them in a meaningful way?</p> <p>vii) As part of my own assessment, I asked local residents to help me establish how and why people travel around the study area. The maps they produced are part of MPAG's submitted evidence (June 2023 deadline). I used this information to help me make judgements about landscape and visual value, and susceptibility to change.</p> <p>viii) I also asked local residents to mark up maps showing places from which the site is currently visible, and the developed site might be visible. I visited most of the VPs and view routes that were suggested by the residents, along with other VPs identified during my desktop and on-the-ground assessments.</p>
--	--

	<p>ix) Along the way, I spoke to many people – locals and visitors - and asked questions about the reasons for, and nature of, their trips. We discussed their experiences, and their opinions about changes to those experiences, and the resource, that could result from developments of the type proposed. I factored the responses into my landscape and visual assessments.</p> <p>x) The Applicant also states that '<i>as advised by GLVIA3, the LVIA has utilised existing official published and verified baseline studies</i>'.</p> <p>xi) It is true that GLVIA3 advises the use of published material, and that the LVIA has used these. However, what the LVIA does not say is that GLVIA3 goes on to advise (see for example GLVIA3 paras. 5.15 – 18) that <b>LVIAs should not just rely on published sources of information</b>, especially when most LCAs are high-level, and cover a large geographical area within which there may be distinctive localised variations. It is necessary to dig deeper.</p> <p>xii) As it does not factor in the relevant local knowledge and information, the LVIA is essentially just a high-level study, and does not 'go beneath the blanket' of the published sources of information. Much more granular assessments are necessary to assess the effects of very large-scale industrial developments with a wide variety of potentially very far-reaching adverse effects, as is the case here.</p> <p>xiii) My assessment concluded that the information provided in the LVIA (and elsewhere in the Applicant's submission) is insufficient for a full understanding of the likely significant effects of a development of this scale and nature to be gained.</p> <p>xiv) Also, as I explained during the July 2023 hearing, an individual effect may not be judged as 'significant'; however, when combined with other non-'significant' effects arising from the project, <b>they often combine to result in 'significant' intra-project cumulative effects</b> – another key issue which in my opinion has not been satisfactorily addressed in the Applicant's submissions.</p> <p>xv) <b>Sequential visual effects</b> is an example of this.</p>
--	---

### Summary

68. In summary, neither the Applicant's June 2023 *Response to Interested Parties' Deadline 2 Submissions on Landscape and Visual*, nor the responses given during the July 2023 hearing, have satisfactorily addressed, nor have they resolved, any of the issues raised in my May 2023 *Landscape and Visual Review*.
69. My opinions, and my concerns, remain unchanged.
70. However, should permission be granted for the scheme to proceed, I would like to make a few suggested recommendations, which are set out below.

## **Recommendations**

- x) Detailed designs should be informed by a) more granular baseline studies, focussing on the gaps identified, and the additional information / evidence submitted (by others), during consultation, and b) a more in-depth understanding of the nature of the effects to which the proposed development would give rise.
- xi) Detailed designs should also be informed by discussions and engagement with the local community, especially those who would be most affected by adverse changes in their views (private and public) and visual / other amenity.
- xii) In some cases, point- / area-specific mitigation measures / management regimes / enhancements could be designed and implemented, which could help to alleviate some of the concerns.
- xiii) At a very early stage in the detailed design process, the Applicant should commission an Environmental Colour Assessment (ECA) (ideally, ECAs are carried out alongside LVIAs). The purpose of ECA is to provide direction and guidance on the selection and use of colour in development<sup>6</sup>, especially informing what are almost always subjective / proscribed choices about hard and soft materials, finishes and colours.
- xiv) In cases such as these, the main aim of the ECA would be to try to reduce levels of certain adverse visual effects through camouflage if feasible, and either full, or an 'acceptable' level of visual integration if not.
- xv) An example of such effects is contrast: for example, when a light-coloured building / structure / finish is seen against a much darker background, or the building / structure is seen against the sky. Another example is the unnatural appearance of the solid / hard 'texture' of solar arrays within the context of a more natural, softer landscape mosaic.
- xvi) Experienced ECA practitioners understand how colour behaves, both inherently in terms of materials, and when applied as a finish to materials / surfaces. They can also use colour and materials to help reduce the perception of scale of a large / extensive development.
- xvii) It is often argued that solar scheme structures / elements are only available in certain finishes / colours / forms; however, especially on large-scale and high-profile schemes such as this, manufacturers and suppliers are usually happy to discuss project-specific requirements. Even the ugly industry-standard substation elements can be treated so that they are less visually-intrusive.

---

<sup>6</sup> See the LI's Environmental Colour Assessment Technical Information Note 04/2018 (19 November 2018) <https://landscapewpstorage01.blob.core.windows.net/www-landscapeinstitute-org/2018/11/18-4-Environmental-Colour-Assessment.pdf>. Further information, including examples of ECA included in planning conditions, can be provided if required. (There is no hyperlink).

xviii) It is counter-intuitive, but especially important to know that green is one of the most difficult colours to integrate successfully into a 'green' landscape context. If high-security fencing did prove to be a requirement here, then it should be black, not green. Similarly, any buildings / structures which are proposed to be green would almost certainly be better as dark grey, so long as the tonality matched that of the backdrop.

Carly Tinkler BA CMLI FRSA MIALE 19<sup>th</sup> July 2023