

Green Hill Solar Farm EIA Scoping Report Appendices Part 1 of 8 (Appendices 3-7.1) Revision A

Date: July 2024

PINS reference: EN010170



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Green Hill Solar Farm EIA Scoping Report Appendix 3: Site and Wider Context Revision A

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Green Hill Solar Farm ElA Scoping Report Appendix 5: Legislative Context and Energy Policy Revision A

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5.1 Introduction

5.1.1 The ES will contain a chapter on Legislative Context and Energy Policy with regard to primary legislation and energy policy, national planning policies and guidance, and local planning policies in establishing receptors, likely effects and potential mitigation.

5.2 **Primary Legislation**

- 5.2.1 The Planning Act 2008 provides the legislative basis and defines the application process under which consent for a Nationally Significant Infrastructure Project (NSIP) is sought. The Planning Act 2008 sets out that projects meeting certain defined criteria are classified as NSIPs. It requires developers of NSIPs to obtain a Development Consent Order (DCO) to permit the construction, operation and maintenance of their project.
- 5.2.2 The Scheme is defined as an NSIP under Sections 14(1)(a), 15(1) and 15(2) of the Planning Act 2008 by virtue of the facts listed below:
 - The Scheme comprises the "construction of a generating station" (Section 14(1)(a) of the Planning Act 2008);
 - It would be "located in England" (Section 15(2)(a) of the Planning Act 2008);
 - It would not "generate electricity from wind" (Section 15(2) (aa) of the Planning Act 2008);
 - It would not be "an offshore generating station" (Section 15(2)(b) of the Planning Act 2008); and
 - "Its capacity would be more than 50MW" (Section 15(2)(c) of the Planning Act 2008).
- 5.2.3 If a National Policy Statement (NPS) has effect in relation to the type of development to which the DCO relates then the Secretary of State must decide the DCO application in accordance with the relevant NPS (unless an exception applies) (Section 104 of the Planning Act). If the DCO application relates to a type of development where no NPS has effect, then the Secretary of State must have regard to the local impact report and any other important and relevant matters (Section 105 of the Planning Act).

5.3 Energy Policy

- 5.3.1 NPSs set out the policy basis for NSIPs. These are sector specific, covering: energy; transport; and water, wastewater and waste. There are six energy NPSs, each covering the following matters:
 - EN-1: Overarching energy policy;
 - EN-2: Natural gas electricity generating infrastructure;
 - EN-3: Renewable energy infrastructure;
 - EN-4: Natural gas supply infrastructure and gas and oil pipelines;
 - EN-5: Electricity networks infrastructure; and
 - EN-6: Nuclear power generation.
- 5.3.2 They set out the government policy on the need for NSIPs, how applications for energy infrastructure will be assessed and the way in which impacts and mitigations will be judged.
- 5.3.3 Updated versions of the Energy NPSs were published on 22 November 2023 following the Government's response to the March 2023 consultation on the draft statements. The November 2023 NPSs were designated on 17 January 2024. These include National Policy Statement for Renewable Energy (EN-3) (NPS EN-3 November 2023), which includes specific policies for solar photovoltaic generation NSIPs. The designation of NPS EN-3 (November 2023) has brought solar NSIP developments into coverage of the Energy NPSs.



- 5.3.4 In accordance with Section 104 of the Planning Act 2008, where an NPS has effect in relation to development of the description to which the application relates, a DCO application must be decided in accordance with that relevant NPS (except in limited circumstances). National and local planning policies are material considerations but do not override the policies set out in NPSs.
- 5.3.5 NPSs EN-1, EN-3 and EN-5 are considered relevant to the Scheme, the relevant provisions of NPSs are set out below for information.

EN-1 - Overarching National Policy Statement for Energy

5.3.6 The key points from each of the five parts for these applications are set out below.

Part 1 - Introduction

5.3.7 Part 1 introduces the role of the NPS in the planning system in providing national policy for energy infrastructure development, setting out the scope and geographic extent of the policies' application. This section describes the relationship between the overarching policy set out in the rest of NPS EN-1 with the other five associated energy NPSs, and the way in which the Planning Inspectorate (PINS) will use the NPSs for decision making is set out.

Part 2 - Government policy on energy and energy infrastructure development

5.3.8 Part 2 confirms the Government's commitments to meeting legally binding targets to reduce greenhouse gas emissions; acknowledges the need to transition to a low carbon economy in this; and emphasises the importance of maintaining a secure and reliable energy supply in the transition to a low carbon economy.

Part 3 - The need for new nationally significant infrastructure projects

- 5.3.9 Part 3 sets out the need for new nationally significant energy infrastructure is set out, confirming that the UK needs all the types of energy infrastructure covered in this NPS to achieve energy security at the same time as dramatically reducing greenhouse gas emissions. The need for such infrastructure is described as 'urgent'.
- 5.3.10 The NPS is clear that NSIP applications should therefore be assessed on the basis that the Government has already demonstrated that there is a need for those types of infrastructure and that the scale and urgency of that need is as described in the EN-1.
- 5.3.11 In considering the importance of the need for these projects the NPS is clear that the determining authority should give substantial weight to the contribution which projects would make towards satisfying this need when considering applications for development consent under the Planning Act 2008. The NPS confirms that the Secretary of State is not required to consider separately the specific contribution of any individual project to satisfying the need established in this NPS.
- 5.3.12 Part 3.3 of EN-1 covers the need for new nationally significant electricity infrastructure and includes sections on the role of solar and electricity storage.

Part 4 - Assessment Principles

Part 4.1 General Policies and Considerations

- 5.3.13 Part 4 outlines the provisions to be covered in assessing energy applications. Importantly, this includes:
 - The determining authority should start with the presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused and is subject to the provisions of the Planning Act 2008 referred to at paragraph 1.1.4 of the NPS.



- 5.3.14 In considering the general policies and considerations, part 4 identifies the following under the following headings:
 - Weighting impacts and benefits In making a judgement, the determining authority should consider the development's potential benefits including its contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits; and 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 following the mitigation hierarchy.
 - Where the NPSs require an applicant to mitigate a particular impact as far as possible, but the Secretary of State considers that there would still be residual adverse effects after the implementation of such mitigation measures, the Secretary of State should weigh those residual effects against the benefits of the proposed development.
 - Land rights The NPS confirms that where the use of land at a specific location is required to facilitate the development by providing for mitigation and landscape enhancement, an applicant may, as part of its application to the Secretary of State, seek the compulsory acquisition of that land, or rights over that land. The Secretary of State will consider any such application under the usual compulsory acquisition principles, taking into account the content of the NPSs.
 - Other documents States that the NPSs are the "benchmark" for what is, or is not, an acceptable nationally significant energy development. The NPSs have taken account of the NPPF and PPG and the Secretary of State may consider both important and relevant to their decision making may include Development Plan documents or other documents in the Local Development Framework. The NPS discusses the weight that can be given to emerging Development Plan documents and that the NPS prevails in the event of a conflict between these documents and an NPS.
 - Development Consent The NPS states that The Secretary of State should only impose requirements in relation to a development consent that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects. Reference is made to the guidance in the NPPF, the Planning Practice Guidance: Use of Planning Conditions, and TANs, or any successor documents, where appropriate.
 - Early Engagement Early engagement is strongly encouraged in line with the Government's pre-application guidance and is particularly so in the case of HRA matters where the NPS states that the onus is on the applicant to submit sufficient information to enable the Secretary of State to conduct an Appropriate Assessment.
 - Financial and technical viability confirms that there the Secretary of State considers that the financial viability and technical feasibility of the proposal has been properly assessed by the applicant, it is unlikely to be of relevance in decision making.

Part 4.2 The critical national priority for low carbon infrastructure

- 5.3.15 Part 4.2 emphasises the Government's commitment to fully decarbonising the power system by 2035 and identifies that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure, which includes solar, and describes how this should be applied in decision making.
- 5.3.16 The NPS describes how the Applicant should undertake their assessment and the application of the mitigation hierarchy as well as any other legal and regulatory requirements and confirms that the Secretary of State will continue to consider the impacts and benefits of all CNP Infrastructure applications on a case-by-case basis. The NPS sets out the process for how non-HRA issues are considered in the planning balance



and the approach to HRA derogations. Where residual non-HRA impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure.

Part 4.3 Environmental Effects/Considerations

- 5.3.17 The NPS confirms at paragraph 4.3.1 that all proposals for projects that are subject to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) must be accompanied by an Environmental Statement (ES) describing the aspects of the environment likely to be significantly affected by the project. The NPS then sets out the requirements that an ES must meet with reference to the Regulations.
- 5.3.18 Paragraph 4.3.9 identifies that as in any planning case, the relevance or otherwise to the decision-making process of the existing (or alleged existence) of alternatives to the proposed development is, in the first instance a matter of law and that the NPS does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option from a policy perspective. However, paragraph 4.3.12 requires that Applicants are obliged to include in their ES, information about the reasonable alternatives they have studied which should include an indication of the main reasons for the Applicant's choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility.

<u>Part 4.4 Health</u>

5.3.19 Paragraph 4.4.1 states that energy infrastructure has the potential to impact on the health and wellbeing of the population. Direct impacts on health are identified as potentially including increased traffic, air or water pollution, dust and odour, hazardous waste and substances, noise, exposure to radiation and increases in pests. The NPS also identifies that new energy infrastructure may also affect the composition and size of the local population resulting in indirect impacts such as access to public services, transport, or the use of open space for recreation and physical activity.

Part 4.6 Environmental and biodiversity net gain

- 5.3.20 Paragraph 4.6.1 states that projects should not only avoid, mitigate and compensate harms, following the mitigation hierarchy, but also consider whether there are opportunities for enhancements.
- 5.3.21 Biodiversity net gain is described as an essential component of environmental net gain and the NPS states that developments are encouraged to use the latest version of the biodiversity metric to calculate the baseline and present net gain outcomes.
- 5.3.22 The following wider environmental gains that developments may also deliver are also identified:
 - Reduction in greenhouse gas emissions
 - Reduced flood risk
 - Improvements to air or water quality
 - Climate adaptation
 - Landscape enhancement
 - Increased access to natural greenspace
 - The enhancement, expansion or provision of trees and woodlands

Part 4.7 Criteria for good design for energy infrastructure

5.3.23 The NPS identifies that high quality and inclusive design goes far beyond aesthetic considerations and that the functionality of an object including fitness for purpose and sustainability is equally important. The NPS acknowledges that the nature of energy infrastructure development will often limit the extent to which it can contribute to the



enhancement of the quality of the area. Given the benefits of good design in mitigating the adverse impacts of a project, Applicants should consider how good design can be applied to a project during the early stages of the project lifecycle.

Part 4.10 Climate change adaptation and resilience

5.3.24 The NPS identifies that new energy infrastructure must be sufficiently resilient against the possible impacts of climate change. In preparing measures to support climate change adaptation Applicants should take reasonable steps to maximise the use of nature-based solutions alongside other conventional techniques. Applicants must consider the direct and indirect impacts of climate change when planning the location, design, build, operation and decommissioning of new energy infrastructure.

Part 4.11 Network Connection

5.3.25 The connection of electricity generation plant to the electricity network is identified as an important consideration for Applicants wanting to construct or extend a generation plant. The Applicant must liaise with National Grid who own and manage the transmission network in England to secure a grid connection. Applications for new generating stations and related infrastructure should be contained in a single application to the Secretary of State or in separate applications submitted in tandem which have been prepared in an integrated way, as outlined in EN-5.

Part 4.12 Pollution Control and Other Environmental Regulatory Regimes

- 5.3.26 The NPS identifies that issues relating to discharges or emissions may be subject to separate regulation under the pollution control framework or other consenting and licensing regimes and that the planning and pollution control systems are separate but complementary. It emphasises that the role of the planning system is to control the development and use of land in the public interest. Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the releases of substances to the environment from different sources to the lowest practicable level. It also ensures that ambient air, water, and land quality meet standards that guard against impacts to the environment or human health.
- 5.3.27 Applicants should make early contact with relevant regulators, including EA or NRW and the MMO, to discuss their requirements for Environmental Permits and other consents, such as marine licenses. Wherever possible, Applicants should submit applications for Environmental Permits and other necessary consents at the same time as applying to the Secretary of State for development consent.
- 5.3.28 The NPS states that in considering an application, the secretary of State should focus on whether the development itself an acceptable use of the land and the impact of that use, rather than the control of processes emissions or discharges themselves. An assumption should be made that the relevant pollution control regime will be properly applied and enforced by the relevant regulator.

<u>Part 4.13 Safety</u>

5.3.29 The Health and Safety Executive (HSE) is the independent regulator for workplace health and safety and enforces a range of legislation, some of which is relevant to the construction, operation and decommissioning of energy infrastructure. The NPS confirms that the same principles to health and safety apply as set out in part 4.12 regarding pollution control and other environmental permitting regimes.

Part 4.14 Hazardous Substances

5.3.30 All establishments wishing to hold stocks of certain hazardous substances above a threshold need 'Hazardous Substances Consent'. The Hazardous Substances Authority (HSA) has responsibility for deciding whether the risk of storing hazardous substances is tolerable for the community. The HSA will usually be the local planning authority. HSE is a statutory consultee on applications for hazardous substances consent.



5.3.31 Applicants must consult the HSA and HSE at pre-application stage if the project is likely to need hazardous substances consent. The Applicant should consult the local planning authority at pre-application stage to identify whether its proposed site is within the consultation distance of any site with hazardous substances consent and, if so, should consult the HSE for its advice on locating the particular development on that site.

Part 4.15 Common Law Nuisance and Statutory Nuisance

5.3.32 At the application stage of an energy NSIP, possible sources of nuisance under section 79(1) of the Environmental Protection Act 1990 and how they may be mitigated or limited should be identified by the Applicant so that appropriate requirements can be included in any subsequent order granting development consent.

Part 4.16 Security Considerations

5.3.33 The NPS states that national security considerations apply across all national infrastructure sectors. Government policy is to ensure that, where possible, proportionate protective security measures are designed into new infrastructure projects at an early stage in the project development. Where applications for development consent for infrastructure covered by this NPS relate to potentially 'critical' infrastructure, there may be national security considerations.

Part 5 - Generic Impacts

- 5.3.34 Part 5 covers 'generic impacts' that arise from the development of energy infrastructure and are summarised below. In some cases, the technology specific NPSs provide detail on the way these impacts arise, or are to be considered, in the context of applications specific to the technology in question. The list of impacts is not exhaustive. Under each topic, guidance is provided on the Applicant assessment and Secretary of State decision making.
- 5.3.35 Air Quality and Emissions Where the project is likely to have adverse effects on air quality the Applicant should undertake an assessment of the impacts of the proposed project as part of the ES.
- 5.3.36 Greenhouse Gas Emissions (GHG) The construction, operation and decommissioning of that energy infrastructure will in itself, lead to GHG emissions. All proposals for energy infrastructure projects should include a GHG assessment as part of their ES (See Section 4.3 of the NPS).
- 5.3.37 Biodiversity and Geological Conservation Where the development is subject to EIA the Applicant should ensure that the ES clearly sets out any effects on internationally, nationally, and locally designated sites of ecological or geological conservation importance (including those outside England), on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats. The Applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests. As set out in Section 4.7, the design process should embed opportunities for nature inclusive design. Energy infrastructure projects have the potential to deliver significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains (see Section 4.6 on Environmental and Biodiversity Net Gain). The scope of potential gains will be dependent on the type, scale, and location of each project.
- 5.3.38 Civil and Military Aviation and Defence Interests UK airspace is important for both civilian and military aviation interests. It is essential that new energy infrastructure is developed collaboratively alongside aerodromes, aircraft, air systems and airspace so that safety, operations and capabilities are not adversely affected by new energy infrastructure. Likewise, it is essential that aerodromes, aircraft, air systems and airspace operators work collaboratively with energy infrastructure developers essential for net zero.



- 5.3.39 Dust, Odour, Artificial Light, Smoke, Steam, and Insect Infestation During the construction, operation and decommissioning of energy infrastructure there is potential for the release of a range of emissions such as odour, dust, steam, smoke, artificial light and infestation of insects which have the potential to have a detrimental impact on amenity or causes common law or statutory nuisance. Where not regulated by the environmental permitting regime, mitigation will need to be included as part of the DCO and the ES should assess the potential for such impacts on amenity.
- 5.3.40 Flood Risk Identifies the thresholds for where a site-specific flood risk assessment should be provided for energy projects and the requirements for such assessments and information on mitigation.
- 5.3.41 Historic Environment The construction, operation and decommissioning of energy infrastructure has the potential to result in adverse impacts on the historic environment above, at and below the surface of the ground. Those elements of the historic environment that hold value to this and future generations because of their historic, archaeological, architectural or artistic interest are called 'heritage assets'. The Applicant should undertake an assessment of any likely significant heritage impacts of the proposed development as part of the EIA, and describe these along with how the mitigation hierarchy has been applied in the ES. The NPS provides guidance on how the assessment of likely impacts should be undertaken and the extent of information which should be provided.
- 5.3.42 Landscape and Visual The NPS identifies that virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts arising from mitigation. 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 Applicant should carry out a landscape and visual impact assessment and report it in the ES, including cumulative effects.
- 5.3.43 Land Use, Including Open Space, Green Infrastructure and Green Belt - An energy infrastructure project will have a direct effect on the existing use of the proposed site and may have indirect effects on the use, or planned use, of land in the vicinity for other types of development. Given the likely locations of energy infrastructure projects there may be particular effects on open space including green and blue infrastructure. Although the re-use of previously developed land for new development can make a major contribution to sustainable development by reducing the amount of countryside and undeveloped greenfield land that needs to be used, it may not be possible for many forms of energy infrastructure. The ES should identify existing and proposed land uses near the project, any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing. Applicants should also assess any effects of precluding a new development or use proposed in the development plan. In respect of agricultural land, the NPS states that Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5).
- 5.3.44 Noise and Vibration The Government's policy on noise is set out in the Noise Policy Statement for England. The NPS identifies the requirements of a noise assessment where noise impacts are likely to arise and that the nature and extent of noise assessments should be proportionate to the likely noise impact.
- 5.3.45 Socio-Economic Impacts The construction, operation and decommissioning of energy infrastructure may have socio-economic impacts at local and regional levels. Where the project is likely to have socio-economic impacts at local or regional levels, the Applicant should undertake and include in their application an assessment of these impacts as part of the ES.



- 5.3.46 Traffic and Transport If a project is likely to have significant transport implications, the Applicant's ES should include a transport appraisal. National Highways and Highways Authorities are statutory consultees on NSIP applications including energy infrastructure where it is expected to affect the strategic road network and / or have an impact on the local road network. Applicants should consult with National Highways and Highways Authorities as appropriate on the assessment and mitigation to inform the application to be submitted.
- 5.3.47 Resource and Waste Management Applicants must demonstrate that development proposals are in line with Defra's policy position on the role of energy from waste in treating residual waste.
- 5.3.48 Water Quality and Resources Where the project is likely to have effects on the water environment, the Applicant should undertake an assessment of the existing status of, and impacts of the proposed project on, water quality, water resources and physical characteristics of the water environment, and how this might change due to the impact of climate change on rainfall patterns and consequently water availability across the water environment, as part of the ES or equivalent.

EN-3 - National Policy Statement for renewable energy infrastructure

Part 1 - Introduction

5.3.49 NPS EN-3 confirms that, together with EN-1, it is the primary decision-making policy document for the Secretary of State on nationally significant onshore renewable electricity generating stations in England and Wales. The NPS covers solar photovoltaic generating stations which exceed 50MW in England.

Part 2 - General Assessment and Technology Specific Information

5.3.50 Part 2 of NPS EN-3 identifies that the NPS is specific to biomass and energy from waste (EfW), offshore wind energy, pumped hydro storage, solar PV and tidal stream energy and that the policies in EN-3 are additional to those on generic impacts in EN-1. The NPS identifies the relationship between EN-1 and EN-3 and confirms that they should be read and considered together.

Part 2.3 Factors influencing site selection and design

5.3.51 The NPS confirms that it is for Applicants to decide what applications to bring forward. In general, the government does not seek to direct Applicants to particular sites for renewable energy infrastructure. The following factors are set out below and the specific criteria and weight given will vary from project to project.

National designations

- 5.3.52 When considering applications for CNP Infrastructure in sites with nationally recognised designations (such as SSSIs, National Nature Reserves, National Parks, the Broads, Areas of Outstanding Natural Beauty, Registered Parks and Gardens, and World Heritage Sites the Secretary of State will take the starting point that the relevant tests in sections 5.4 and 5.10 of EN-1 have been met and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the urgent need for this type of infrastructure.
- 5.3.53 In considering the impact on the historic environment as set out in Section 5.9 of EN-1 and whether the Secretary of State is satisfied that the substantial public benefits would outweigh any loss or harm to the significance of a designated heritage asset, the Secretary of State should take into account the positive role that large-scale renewable projects play in the mitigation of climate change, the delivery of energy security and the urgency of meeting the net zero target.



Other locational considerations

5.3.54 The NPS identifies that the Secretary of State should not use a consecutive approach in the consideration of renewable energy projects (for example, by giving priority to the reuse of previously developed land for renewable technology developments).

Part 2.4 Climate change adaptation and resilience

- 5.3.55 This section of NPS EN-3 signposts readers to the relevant parts of EN-1 regarding the government's energy and climate change strategy and policies for mitigation climate change.
- 5.3.56 The NPS identifies that for solar PV proposals which are in low lying exposed sites consideration should be given to the increased risk of flooding and the impact of higher temperatures.

Part 2.5 Consideration of good design for energy infrastructure

5.3.57 The criteria for good design are set out in section 4.7 of EN-1. EN-3 highlights that proposals for renewable energy infrastructure should demonstrate good design, particularly in respect of landscape and visual amenity, opportunities for co-existence/co-location with other marine and terrestrial uses, and in the design of the project to mitigate impacts such as noise and effects on ecology and heritage.

Part 2.6 Flexibility in the project details

- 5.3.58 Where details are still to be finalised, Applicants should explain in the application which elements of the proposal have yet to be finalised, and the reason why this is the case.
- 5.3.59 Regarding flexibility, Applicants should explain which elements of the proposal have yet to be finalised and where flexibility is sought, they should assess the likely worst case environmental, social and economic effects. The NPS directs readers to section 4.3 of EN-1 for full guidance on how to manage flexibility.

Part 2.10 Solar Photovoltaic Generation

- 5.3.60 Part 2.10 of EN-3 deals specifically with Solar Photovoltaic Generation. It states that the government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions by 2050. As such, solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector.
- 5.3.61 The following factors are identified as affecting site selection and design:
 - Irradiance and site topography The NPS states that irradiance will be a key consideration for the Applicant in identifying a potential site as the amount of electricity generated on site is directly affected by irradiance levels. Irradiance of a site will in turn be affected by surrounding topography, with an uncovered or exposed site of good elevation and favourable south-facing aspect more likely to increase year-round irradiance levels. This in turn affects the carbon emission savings and the commercial viability of the site.
 - To maximise irradiance, Applicants may choose a site and design its layout with variable and diverse panel types and aspects, and panel arrays may also follow the movement of the sun in order further to maximise the solar resource.
 - Network connection Applicants should consider important issues relating to network connection at Section 4.11 of EN-1 and in EN-5. The capacity of the local grid network to accept the likely output from a proposed solar farm is critical to the technical and commercial feasibility of a development proposal. The connection voltage, availability of network capacity, and the distance from the solar farm to the existing network can have a significant effect on the commercial feasibility of a development proposal. To maximise existing grid infrastructure, minimise disruption to existing local community infrastructure or biodiversity and reduce overall costs, Applicants may choose a site based on nearby available grid export capacity. Where this is the case, Applicants should consider the cumulative



impacts of situating a solar farm in proximity to other energy generating stations and infrastructure.

- Proximity of a site to dwellings Utility-scale solar farms are large sites that may have a significant zone of visual influence. The two main impact issues that determine distances to sensitive receptors are therefore likely to be visual amenity and glint and glare. The NPS directs readers to Landscape, Visual and Residential Amenity (paragraphs 2.10.93-2.10.101) and Glint and Glare (paragraphs 2.10.102 2.10.106) impact sections in EN-3.
- Agricultural land classification and type The NPS states that while land type should not be a predominating factor in determining the suitability of the site location Applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" (BMV) agricultural land where possible. BMV agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification.
- The NPS identifies that the development of ground mounted solar arrays is not prohibited on BMV land or sites designated for their natural beauty or recognised for ecological or archaeological importance. The impacts of such are expected to be considered.
- The NPS states that due to scale, it is likely that some agricultural land will be used. Applicants should explain their choice of site noting the preference for development to be on suitable brownfield, industrial and low and medium grade agricultural land.
- Applicants are encouraged to develop and implement a Soil Resources and Management Plan which could help to use and manage soil sustainably and minimise adverse impacts on soil health and potential land contamination.
- Accessibility Applicants will need to consider the suitability of the access routes to the proposed site for both the construction and operation of the solar farm with the former likely to raise more issues. Given that potential solar farm sites are largely in rural areas, access for the delivery of solar arrays and associated infrastructure during construction can be a significant consideration for solar farm siting. Developers will usually need to construct on-site access routes for operation and maintenance activities, such as footpaths, earthworks, or landscaping. In addition, sometimes access routes will need to be constructed to connect solar farms to the public road network. Applications should include the full extent of the access routes necessary for operation and maintenance and an assessment of their effects.
- Public rights of way The NPS recognises that public rights of way may need to be temporarily closed or diverted to enable construction, however, Applicants should keep, as far as is practicable and safe, all public rights of way that cross the proposed development site open during construction and protect users where a public right of way borders or crosses the site. The continued recreational use of public rights of way (an in particular during operation) is encouraged through the layout and appearance of the site. Visual impact for those using existing public rights of way should be minimised and opportunities to facilitate enhancements to public rights of way should be maximised.
- Security and lighting Security of the site is a key consideration for developers. Applicants may wish to consider not only the availability of natural defences such as steep gradients, hedging and rivers but also perimeter security measures such as fencing, electronic security, CCTV and lighting, with the measures proposed on a site-specific basis. Applicants should assess the visual impact of these security measures, as well as the impacts on local residents, including for example issues


relating to intrusion from CCTV and light pollution in the vicinity of the site. Impacts on the landscape and visual impact should be minimised.

- 5.3.62 The following factors are identified as technical considerations affecting a proposed solar PV development:
 - Capacity of a site For the purposes of Section 15 of the Planning Act 2008, the maximum combined capacity of the installed inverters (measured in alternating current (AC)) should be used for the purposes of determining solar site capacity. Overplanting of solar arrays can be used to account for a decline in generating capacity due to degradation.
 - Site layout design, and appearance Applicants should consider the criteria for good design set out in EN-1 Section 4.7 at an early stage when developing projects. To maximise efficiency, the type, spacing and aspect of panel arrays will depend on the physical characteristics of the site such as site elevation. The NPS recognises that cabling will be required to connect the electrical assets of the site and in the case of underground cabling, Applicants are expected to provide a methos statement describing cable trench design, installation methodology, as well as details of the operation and maintenance regime.
 - Project lifetime Applicants should consider the design life of solar panel efficiency over time when determining the period for which consent is required. An upper limit of 40 years is typical, although Applicants may seek consent without a time-period or for differing time-periods of operation. Time limited consents are described as temporary. Solar panel efficiency deteriorates over time and Applicants may need to replace panels during the lifetime of the Scheme.
 - Decommissioning Generally it is expected that the panel arrays and mounting structures will be decommissioned and underground cabling dug out to ensure prior use of the site can continue. Applicants should set out what would be decommissioned considering where it may be less harmful for the ecology of the site to keep, for example, underground cabling or where there may be socio-economic benefits to retaining pathways.
 - Flexibility in the project details It is recognised that not all aspects of the proposal may have been settled in precise detail at the point of application. The reader is signposted to section 2.6 of NPS for how Applicants should manage flexibility.
- 5.3.63 EN-3 identifies the following impacts, but these are not exhaustive:
 - Biodiversity, ecological, geological conservation and water management
 - Landscape, visual and residential amenity
 - Glint and glare
 - Cultural heritage
 - Construction including traffic and transport noise and vibration.
- 5.3.64 Mitigation measures are identified for the following:
 - Agricultural land classification and land type
 - Biodiversity and ecological conservation
 - Landscape, visual and residential amenity
 - Glint and glare
 - Cultural heritage
 - Construction including traffic and transport noise and vibration.



- 5.3.65 Paragraphs 2.10.145 to 2.10.162 set out that Secretary of State Decision making should take into account factors influencing site selection and design, technical considerations and any impacts that it considers are important and relevant to its decision.
- 5.3.66 With regard to glint and glare, there is no evidence that glint and glare from solar farms results in significant impairment on aircraft safety. Therefore, unless a significant impairment can be demonstrated, the Secretary of State is unlikely to give any more than limited weight to claims of aviation interference because of glint and glare from solar farms.
- 5.3.67 With regard to cultural heritage, solar farms are generally consented on the basis that they will be time-limited in operation. The Secretary of State should therefore consider the length of time for which consent is sought when considering the impacts of any indirect effect on the historic environment, such as effects on the setting of designated heritage assets.
- 5.3.68 The Secretary of State is unlikely to give any more than limited weight to traffic and transport noise and vibration impacts from the operational phase of a project.

EN-5 - National Policy Statement for Electricity Networks Infrastructure

Part 1 - Introduction

5.3.69 EN-5 taken together with the Overarching NPS for Energy (EN-1), provides the primary policy for decisions taken by the Secretary of State on applications it receives for electricity networks infrastructure. It covers transmission systems (the long-distance transfer of electricity through 400kV and 275kV lines), and distribution systems (lower voltage lines from 132kV to 230V from transmission substations to the end-user) which can either be carried on towers/monopoles, or undergrounded; and associated infrastructure, e.g. substations. It also covers distribution systems and converter stations to convert DC power to AC power and vice versa.

Part 2 - Assessment and Technology-Specific Information

- 5.3.70 Part 2 of the Statement outlines technical and assessment criteria, as well as outlining the technical relationship between existing electrical infrastructure and the location of new generating developments. It makes clear that when evaluating the impacts of electricity networks infrastructure all of the generic impacts detailed in EN-1 should be considered and EN-5 has additional policy on:
 - Factors influencing site selection and design;
 - biodiversity and geological conservation;
 - landscape and visual;
 - noise and vibration;
 - Electric and Magnetic Fields; and
 - Sulphur Hexafluoride.

Part 2.2 factors influencing site selection and design

- 5.3.71 EN-5 makes clear at paragraph 2.2.1 that the SoS should bear in mind that the initiating and terminating points or development zone- of new electricity networks infrastructure is not substantially within the control of the Applicant. These constraints coupled with the Government's legislative commitment to net zero by 2050 mean that very significant amounts of new electricity networks infrastructure are needed including in areas with little build out to date.
- 5.3.72 Paragraph 2.2.6 emphasises that the locational constraints identified do not exempt Applicants from their duty to consider and balance site-selection considerations, or the policies on good design and impact mitigation detailed in sections 2.4-2.9 of EN-5. Site selection considerations should include consideration of engineering, environmental and



community considerations to determine a feasible route, the location and design of sub stations; local topography; screening and other options to mitigate impacts.

5.3.73 Applicants must take into account Schedule 9 to the Electricity Act 1989, which places a duty on all transmission and distribution license holders, in formulating proposals for new electricity networks infrastructure, to "have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and ...do what (they) reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects." (NPS EN-5 paragraph 2.2.11).

Part 2.3 Climate Change Adaptation and Resilience

5.3.74 This section signposts that reader to section 4.10 of EN-1 which sets out generic considerations that should be taken into account in order to ensure that electricity networks infrastructure is resilient to the effects of climate change. The resilience of the project to climate change e.g. from flooding, effects of wind and storms, higher average temperatures, earth movement or subsidence caused by flooding must be assessed in the Environmental Statement accompanying the application.

Part 2.4 Consideration of Good Design for Energy Infrastructure

5.3.75 The Planning Act 2008 requires the Secretary of State to have regard in determining applications for development consent to the desirability of good design. This section of EN-5 signposts the reader to the criteria for good design set out in EN-1 which should be considered at an early stage of the project. It also emphasises that the functional design constraints of safety and security may limit an Applicant's ability to influence the aesthetic appearance of that Infrastructure. The functional performance of the infrastructure in respect of security of supply and public and occupational safety must not thereby be threatened.

Part 2.5 Environmental and Biodiversity Net Gain

5.3.76 This section requires the Applicant and Secretary of State to recognise that the linear nature of electricity networks infrastructure can allow for excellent opportunities through reconnecting important habitats via green corridors and connecting people to the environment via footpaths and cycleways constructed in tandem with environmental enhancements.

Part 2.6 Land Rights and Land Interests

5.3.77 This section sets out the control or rights the Applicant must have over the land to be able to lawfully undertake works and ongoing maintenance in respect of electricity lines and related equipment. It sets out the steps the Applicant should take to reach voluntary agreements and if this is not possible, the compulsory acquisition of land.

Part 2.7 Holistic Planning

5.3.78 This section refers to Section 4.10 of EN-1 which aims to create a holistic planning regime, such that the cumulative effects of the same project can be considered together. It recognises that coordinated applications can typically bring economic efficiencies and reduced environmental impact. However, it also recognises, and sets out the circumstances in which, a consolidated approach may not always be possible, nor represent the most efficient strategy for the delivery of new infrastructure.

Part 2.8 Strategic Network Planning

5.3.79 This section sets out the approach to be taken in relation to strategic network planning in order to ensure that network development keeps pace with renewable generation and anticipates future system needs.



Part 2.9 Applicant Assessment

- 5.3.80 This section signposts the reader to Part 5 (Generic Impacts) of EN-1 and states that the impacts identified therein and within section 2.9 are not intended to be exhaustive. The Applicant should provide information on relevant impacts as directed by NPS EN-5 and the Secretary of State. The impacts set out include:
 - Biodiversity and Geological Conservation particular reference is made to the potential risk to birdlife, including large birds, of overhead lines. The Scheme does not propose overhead lines; cabling will be underground.
 - Landscape and Visual Impact the potential landscape and visual impacts of overhead lines are highlighted. New substations and other above ground installations may also give rise to landscape and visual impacts, but it is also recognised that landscape and visual benefits may arise through the reconfiguration, rationalisation or undergrounding of infrastructure. The Scheme does not propose overhead lines; cabling will be underground.
 - Noise and Vibration the potential for noise from overhead lines is highlighted. Noise may also arise from substation equipment. For the assessment of noise from substations, standard methods of assessment and interpretation using the principles of the relevant British Standards are satisfactory. The Scheme does not propose overhead lines; cabling will be underground.
 - Electric and Magnetic Fields EN-5 recognises that EMFs will occur around power lines and electric cables and around domestic, office or industrial equipment that uses electricity. It states that all overhead power lines will produce EMFs. Exposure of the public should comply with the ICNIRP 1998 guidelines. Applications should show evidence of this compliance. No reference is made to EMFs arising from underground cabling although paragraph 2.11.13 notes: "Undergrounding of a line would reduce the level of EMFs experienced, but high magnetic field levels may still occur immediately above the cable. It is the government's policy that power lines should not be undergrounded solely for the purpose of reducing exposure to EMFs."
 - Sulphur Hexafluoride is a potent greenhouse gas sometimes used for insulation in high voltage switch gear and its use should be avoided where possible.

Part 2.10 Mitigation

5.3.81 This section sets out how the Applicant should consider and address routing and avoidance/minimisation of environmental impacts at an early stage in the development process for the potential impacts identified in part 2.9.

Part 2.11 Secretary of State decision making

5.3.82 This section sets out how the Secretary of State should decide upon the impacts and mitigation measures identified in parts 2.9 and 2.10 above. In relation to EMFs and aviation, the Secretary of State will take account of statutory technical safeguarding zones defined in accordance with Planning Circular 01/03, or any successor, when considering recommendations for DCO applications. In relation to sulphur hexafluoride, the Secretary of State should grant consent only if the Applicant has demonstrated either that the scheme will not use SF6 or that there is no proven commercially viable alternative, and the cost of the alternative would be grossly disproportionate and that appropriate emissions monitoring and control measures are in place.

Part 2.12 Offshore-onshore transmission: Applicant Assessment

5.3.83 This section is not relevant to the Scheme as no offshore-onshore transmission is proposed.



Part 2.13 Offshore-onshore transmission: mitigation

- 5.3.84 This section is not relevant to the Scheme as no offshore-onshore transmission is proposed. Part 2.14 Offshore-onshore transmission: Secretary of State decision making
- 5.3.85 This section is not relevant to the Scheme as no offshore-onshore transmission is proposed.

5.4 Other Planning Policies

5.4.1 Other planning policies considered relevant to the Scheme, and which will be used in the assessment comprise the following:

National Planning Policy

- 5.4.2 Whilst the National Planning Policy Framework (NPPF) (as amended December 2023) should be read as a whole, the following paragraphs are considered to be of particular relevance to the proposals:
 - Paragraph 11 Presumption in favour of sustainable development
 - Paragraph 115 Impacts on highway safety
 - Paragraph 135 Determination of planning applications and good design
 - Paragraph 157 Transition to a low carbon future in a changing climate
 - Paragraph 158 Planning for climate change
 - Paragraph 160 Increase the use and supply of renewable and low carbon energy
 - Paragraph 163 Determining planning applications for renewable and low carbon development
 - Paragraph 165 Development in areas at risk of flooding
 - Paragraph 173 Determining planning applications and flood risk
 - Paragraph 175 Incorporation of sustainable drainage systems in major development
 - Paragraph 180 Conserving and enhancing the natural environment
 - Paragraph 186 Determination of planning applications and biodiversity principles
 - Paragraph 187 Sites to be afforded the same protection as habitats sites
 - Paragraph 188 Presumption in favour of sustainable development where likely significant effect on habitat sites.
 - Paragraph 189-192 Ground conditions and pollution
 - Paragraph 194 Separate pollution control regimes
 - Paragraphs 195-214 Conserving and enhancing the historic environment
 - Paragraph 215 Best use of minerals
 - Paragraph 217 Weight given to the benefits of mineral extraction, including to the economy.
 - Paragraph 218 Development in Mineral Safeguarding Areas
- 5.4.3 The chapters of the Planning Practice Guidance (PPG) which are considered most relevant to the proposal are:
 - Appropriate Assessment
 - Climate Change;
 - Environmental Impact Assessment;



- Flood Risk and Coastal Change
- Historic Environment
- Minerals
- Natural Environment
- Noise
- Renewable and low carbon energy.
- Waste
- Water supply, wastewater and water quality
- 5.4.4 The Written Ministerial Statement of 15th May 2024 'Solar and protecting our Food Security and Best and Most Versatile (BMV) Land' which reiterates the approach to the consideration of solar farms and food security as set out in EN-3 is also considered to be of relevance.

Local Planning Policy

- 5.4.5 Host authority planning policies contained within the following documents are relevant to the Scheme:
 - North Northamptonshire Joint Core Strategy 2011-2031 (Adopted 2016)
 - Wellingborough Local Plan Part 2 (Adopted 2019)
 - West Northamptonshire Joint Core Strategy Local Plan Part 1 (Adopted 2014)
 - Daventry Local Plan 2011-2029 Part 2 (Adopted 2020)
 - Northamptonshire Minerals and Waste Local Plan (Adopted 2017)
 - Milton Keynes Council Core Strategy (Adopted 2013)
 - Milton Keynes Council Minerals Local Plan (Adopted 2017)
 - Lavendon Neighbourhood Plan (Made 2020)
 - Earls Barton Neighbourhood Plan 2011-2031 (Made 2016)
- 5.4.6 Emerging policies will be kept under review and the following are currently considered relevant to the Scheme:
 - West Northamptonshire Local Plan 2041 (Regulation 18) Consultation Draft April 2024



Green Hill Solar Farm ElA Scoping Report Appendix 7: Landscape and Visual Impact Revision A

Prepared by: Lanpro Services Date: July 2024

PINS reference: EN010170



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- 7.4 Landscape Receptor Scoping Sheets
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- 7.6 LVIA Visual Receptor Figures



Green Hill Solar Farm EIA Scoping Report Appendix 7.1: Figures to Chapter 7 Landscape and Visual Impact Revision A

Prepared by: Lanpro Services

PINS reference: EN010170

Date: July 2024



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Figure 7.1.1 Study Area Green Hill A & A.2

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Landscape and Visual Environmental Impact Assessment Scoping Report

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- Area for Solar Panels and Associated Development
- Cable Route Search Area
- 1km Study Area
- [_] 2km Study Area
 - 5km Study Area

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Figure 7.1.4 Study Area Green Hill F & BESS

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Figure 7.2 Aerial Photography

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- 1km Study Area
- [] 2km Study Area
 - 5km Study Area

































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Area for Solar Panels and Associated Development
Cable Route Search Area

- 1km Study Area
- [] 2km Study Area
- 5km Study Area

Bare Earth ZTV

Views of proposed development theoretically visible

Note:

1. The Environment Agency's Composite 2m DTM (2020) LiDAR Data was used to produce this Zone of Theoretical Visibility (ZTV) which demonstrates where the development may be visible from, without consideration of any existing screening elements such as trees, hedgerows or built form.

This ZTV was produced to indicate theoretical visibility as a worst case, with an assumption that proposed solar panels would fill the full extent of the development area at a maximum panel height of 4.5m and a development height of 3.5m at Green Hill BESS.

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Figure 7.8.1 Bare Earth Zone of Theoretical Visibility (ZTV) Green Hill A & A2 Title:

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Area for Solar Panels and Associated Development
Cable Route Search Area

- 1km Study Area
- [] 2km Study Area
 - 5km Study Area

Bare Earth ZTV (Green Hill A & A2 only)



Views of proposed development theoretically visible

Note:

Note: 1. The Environment Agency's Composite 2m DTM (2022) LiDAR Data was used to produce this Zone of Theoretical Visibility (ZTV) which demonstrates where the development may be visible from, without consideration of any existing screening elements such as trees, hedgerows or built form.

2. This ZTV was produced to indicate theoretical visibility as a worst case, with an assumption that proposed solar panels would fill the full extent of the development area at a maximum panel height of 4.5m and a development height of 3.5m at Green Hill BESS.

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Figure 7.8.4 Bare Earth Zone of Theoretical Visibility (ZTV) Green Hill C

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- Area for Solar Panels and Associated Development Cable Route Search Area
- 1km Study Area
- [] 2km Study Area
- 5km Study Area

Bare Earth ZTV (Green Hill C only)

- - Views of proposed development theoretically visible

Note:

1. The Environment Agency's Composite 2m DTM (2022) LiDAR Data was used to produce this Zone of Theoretical Visibility (ZTV) which demonstrates where the development may be visible from, without consideration of any existing screening elements such as trees, hedgerows or built form.

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Area for Solar Panels and Associated Development
Cable Route Search Area







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