

PINS ref: APP/J1860/W/23/3325112

LPA ref: 21/01846/FUL

Proposed Solar Power Station at Birchall Green Farm, Sinton Green

Town and Country Planning Act 1990
Appeal under Section 78

by

BRL Solar UK Ltd, against the decision of Malvern Hills District Council to refuse planning permission for '*development of a solar farm with ancillary infrastructure, security fence, access, landscaping and continued agriculture, to generate power to feed into the local distribution network*'

Landscape and Visual Statement of Case

prepared by

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on behalf of

Grimley Parish Council

October 2023

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1 Introduction

1.1 Background

- 1.1.1 I am an independent chartered landscape architect, specialising in landscape planning. In particular, I have extensive experience in renewable energy (wind and solar) projects. My relevant experience is set out in Section 1.2 below.
- 1.1.2 In September 2023, I was asked by Grimley Parish Council (GPC) whether I would be prepared to produce a Landscape and Visual Statement of Case (SoC) for this Hearing on their behalf, attend the Hearing, and assist the Hearing by answering questions on landscape and visual matters. I said that I would.
- 1.1.3 In terms of my previous involvement with the Appeal scheme, in October 2021, I was commissioned by a group of local residents (Grimley Solar Farm Action Group (GSFAG)) to carry out a review of landscape and visual matters in relation to the planning application (ref 21/01846/FUL) which is the subject of this Appeal. The commission included a technical assessment of landscape and visual effects following published guidance including *Guidance for Landscape and Visual Impact Assessment* 3rd edition (2013) ('GLVIA3').
- 1.1.4 In December 2021, my *Landscape and Visual Review* was submitted to the local planning authority (LPA), Malvern Hills District Council (MHDC) (now the Defendant), as part of the residents' objections.
- 1.1.5 The review report sets out, and should be referred to for more detailed information about, a) the background to the proposed development and my involvement; b) the methods I used and processes I followed for the assessment and review; c) the baseline landscape and visual situation; d) the proposed development; e) the nature of the effects likely to arise; f) my conclusions about landscape and visual effects; and g) the findings of my review of the Applicant's assessments of landscape and visual effects. For ease of reference, where relevant, extracts from the review are provided in this report.
- 1.1.6 In summary, the aim of my review was to answer the following questions:
- 1) *Do the Applicant's landscape and visual assessments identify and address the key landscape-related and visual issues?*
 - 2) *Do they provide sufficient evidence-based and objectively-quantified information to ensure that informed and balanced judgements about levels of landscape, visual and other effects can be made, and on which decision-makers can confidently rely?*

3) *Is what is proposed likely to comply with the requirements of relevant landscape-related planning policy and guidance?*

- 1.1.7 I concluded that 1) the Applicant's Landscape and Visual Impact Assessment¹ (LVIA) did **not** identify and address the key landscape-related issues; 2) due to numerous errors, omissions, contradictions, and flawed assumptions, the information in the LVIA was **not** safe to rely on for decision-making purposes; and 3) the proposal would **not** comply with the relevant policies.
- 1.1.8 This Landscape and Visual SoC focusses on what I consider to be the key issues of most relevance to the Hearing. For ease of reference, they are set out under separate headings – see overview of key issues in Section 2.
- 1.1.9 Whilst there is evidently disagreement between the parties about many landscape-related matters, especially levels of landscape and visual effects, there is a certain amount of agreement about levels of visual effects. A summary of what appear to be the main matters of agreement and disagreement are set out in Section 3.
- 1.1.10 In early 2022, the Applicant prepared and submitted amended / additional information in response to requests from MHDC based on comments and queries from consultees. This included comments on my review by the Appellant's landscape consultants, 'UBU' (*UBU Comments and response to the Grimley Solar Farm Action Group Landscape and Visual Review* - dated September 2020 but I assume that is an error) - my comments on UBU's response are set out in Section 3.
- 1.1.11 As far as I could ascertain, the majority of the changes relate to Worcestershire Wildlife Trust (WWT)'s consultation responses, the first being in December 2021. A letter from the Applicant's Agent to MHDC dated the 5th of April 2022 lists the changes, and the updated surveys / other material being submitted. However, in an email dated the 12th of May 2022, WWT's Senior Conservation Officer wrote to MHDC to explain that many of the issues raised by the Trust had not been addressed in the new information. As a result, the Applicant was asked to provide more information, which was submitted in / around October 2022, including undated but I believe new Environmental and Community Enhancement Proposals, and updated versions of the Proposed Site Layout Plan (P001.301.20 Rev 20); Mitigation and Enhancement Plan (P001.302.13 Rev 13); Ecological Enhancement, Mitigation and Management Plan (Rev 3 October 2022); and the Preliminary Ecological Assessment (PEA) (Rev 7 October 2022).
- 1.1.12 It is important to note that ecology / biodiversity are important and highly relevant factors in landscape and visual assessments, especially as different habitats have different characteristics and

¹ The LVIA appears to assume that the proposed scheme is EIA development, which it is not – see Section 4.3 below.

features which contribute to a landscape's character. GLVIA3 Box 5.1 notes that '*... the presence of features of wildlife... can add to the value of the landscape as well as having value in their own right.*'

- 1.1.13 Loss or erosion of habitats can therefore lead to adverse effects on landscape character and visual amenity (see for example GLVIA3 para. 3.22). Changes to landscape features, elements and landcover can also result in changes to the habitats, and the species of flora and fauna they support. In these matters, I am assisted by ecologist Dr Christopher Betts who is preparing an ecological SoC for the Hearing on behalf of GPC.
- 1.1.14 In addition to the changes made in response to WWT's comments, other apparently minor changes to the scheme layout have been made, and a construction compound is now shown, albeit outside the red line boundary – see Project Description in Section 5 below.
- 1.1.15 As far as I am aware, the Applicant's / Appellant's LVIA has not been updated or revised to take into account any of the matters raised or changes made during the consultation period.
- 1.1.16 It is important to note here that **none of the adjustments / amendments / new information that was submitted by the Applicant / Appellant alter my conclusions about overall levels of landscape and visual effects.**
- 1.1.17 On the 8th of November 2022, GPC wrote to MHDC setting out the results of the Parish Council's meeting held on 31st October 2022, the purpose of which was to consider the new information which had been submitted, and subsequently, to formally vote on the matter.
- 1.1.18 The letter explains that GPC '*has an existing, majority mandate from the residents of the parish requesting that the parish council objects to this planning application (November 2021)*', and that the motion, which was to '*Object to the above planning application for the reasons summarised below and to request that MHDC reject this application on the basis of given material considerations*', was unanimously approved, for the following reasons (footnotes not included):
- '1) Grimley Parish Councillors do not consider that any of the additional application documents address the fundamental issues of the impacts of these plans on:*
- a. site biodiversity, localised soil moisture levels and temperatures (mean and range of) and miscalculations in biodiversity net gain.*
 - b. ground and surface water flow to the adjacent SSSI at Monkwood Green Common,*
 - c. landscape & visual amenity,*
 - d. highway safety.*
- 'There are also new concerns about: the impacts of additional CCTV and night vision cameras that now point directly at adjacent homes; underestimation about the amount of hedgerow that will need to be*

removed during construction, and; critical concerns about the amounts of herbicide that will be required on site in order to encourage grass types incorrectly considered more suitable for sheep grazing (and the affects that this will have on the existing ecosystem AND the future viability of the land for agriculture).'

1.1.19 GSFAG also wrote to MHDC (see letter dated 8th November 2022), stating that the new information had been considered and *'it does not change our previous opinions. Moreover there are inconsistencies and inaccuracies in the latest tranche of documents'*.

1.1.20 In January 2023, MHDC decided to refuse to grant planning permission for the proposed development, mainly due to harm to character and appearance, but also, harm to public amenity.

1.1.21 The Reason for Refusal (RfR) is as follows:

'The proposed development by virtue of the scale and visual prominence, especially from the footpaths through, bounding and accessing the site would result in an industrialisation of a large area of the less developed and unspoilt countryside resulting in loss and major alteration to key elements and features of the landscape, impacting the intrinsic character and beauty of the countryside, introducing new development that is uncharacteristic of the surrounding landscape and representing an alien and discordant feature within the pastoral setting that would have a significant adverse impact on the enjoyment of the countryside by users of the public rights of way and Monkwood, contrary to policies SWDP21, SWDP25, SWDP27, SWDP6 and SWDP24 and the NPPF.'

1.1.22 Dr Betts deals with this matter, but given WWT's continued objection to the Appeal scheme on ecological grounds, I find it somewhat surprising that MHDC did not include ecological effects in their RfRs: perhaps they considered the levels of adverse landscape and visual effects to be so high that it was not necessary to refuse on ecological grounds as well.

1.1.23 In June 2023, the Applicant appealed against MHDC's decision.

1.1.24 I note that for some reason, the Appellant has commissioned a new landscape practice (Pegasus) to deal with landscape and visual matters at the Hearing, not the practice UBU which carried out the LVIA. Pegasus's Landscape and Visual SoC forms Appendix A to the Appellant's SoC.

1.1.25 My comments on Pegasus's SoC are summarised in Section 3, and augmented in the following sections where relevant, and explain why, in my opinion, **the Pegasus SoC cannot be relied upon**.

1.1.26 In preparing my SoC, I drew on my December 2021 review, carried out research, consulted on certain matters, and revisited the site and surrounding area. I also reviewed and, where relevant, have commented on in my SoC, the Appellant's SoC; draft v2 (30.06.2023) of the Statement of Common Ground (SoCG); UBU's written response to my December 2021 review; and Pegasus's Landscape and Visual SoC.

1.2 Relevant Experience

- 1.2.1 I am a Chartered Member of the Landscape Institute (CMLI), a Fellow of the Royal Society of Arts (FRSA), and a Member of the International Association for Landscape Ecology (MIALE). I specialise in landscape, environmental and colour assessment / planning, landscape history, masterplanning, and design, in the UK and overseas, and have done so for over 40 years. I am also a Design Council Expert, and an author.
- 1.2.2 I have been instrumental in the promotion of the landscape-led and iterative approach to development which has now been adopted by many LPAs and other bodies. I was a contributor to GLVIA1, and a reviewer of GLVIA3. I am a member of several LI and Natural England working groups tasked with updating current landscape and visual assessment guidance, and providing responses to consultations by government / other bodies (eg recently, the Government's *25 Year Environment Plan*, the Agriculture Bill, and revisions to the National Planning Policy Framework (NPPF).
- 1.2.3 Since the 1980s, I have been responsible for the planning, design, co-ordination, management and implementation of many high-profile developments in the UK and overseas, working alongside architects such as Richard Rogers, Norman Foster and Terry Farrell. I have been involved with a wide range of development types, including residential, commercial, industrial, agricultural, recreational, historical and ecological; in the last three years, I have also been involved with several renewable energy (wind and solar) proposals throughout the UK, some of which are Nationally Significant Infrastructure Projects (NSIPs) currently undergoing examination.
- 1.2.4 I am regularly called as an expert witness for hearings and planning inquiries, giving evidence on behalf of appellants, defendants, and Rule 6 Parties. I advise bodies responsible for National Parks and AONBs, and LPAs, producing guidance documents (I am currently advising an AONB partnership on solar development guidance), carrying out character, sensitivity, capacity and effects assessments, and reviewing planning applications. I also provide LVIA training for LPA and AONB officers.
- 1.2.5 Today, much of my work is in neighbourhood planning, helping communities develop a more in-depth and informed understanding of landscape and its value.
- 1.2.6 In 2020 I was invited to speak about 'valued landscapes' at the Planning Inspectorate's Annual Training Event.

2 Key Issues Overview

2.1 This section lists the landscape-related issues which I consider to be of most relevance to this Hearing. Each issue (or topic) is dealt with in the following sections (although there is often overlap between them).

2.2 Section 3 sets out what I consider to be the main matters of agreement and disagreement, between the Appellant and others, which relate predominantly to the levels of landscape and visual effects to which the proposed development would give rise.

2.3 Evidently, levels of landscape and visual effects are amongst the key issues, but consideration of both involves several sub-issues, which are dealt with separately.

2.4 The key issues are as follows (in the order in which they are covered in the following sections):

- **Appellant's LVIA:** The LVIA contains numerous errors, omissions, contradictions, and flawed assumptions, which have resulted in levels of effects being underestimated. See Section 4. A number of key issues are raised here, including:
 - **Significance:** Relating to the incorrect use of the term in the LVIA (and Pegasus's Landscape and Visual SoC).
 - **Study Area Boundary:** The LVIA study area boundary was drawn too tightly for a project of this nature and scale. As a result, several highly valuable and important landscape and visual receptors were not factored in to the studies. High levels of landscape and visual effects would be experienced beyond the LVIA study area boundary.
 - **Landscape Baseline:** The LVIA's baseline studies were inadequate, relying mostly on published sources of information which cover large geographical areas, and very little fieldwork. See also study area boundary above. In addition, there has been a recent change in the site's baseline situation (grass / pasture field has been ploughed), with implications for the findings of the landscape, visual, soil and ecological assessments.
 - **Landscape and Visual Sensitivity:** For several reasons, in my opinion, the LVIA underestimated levels of landscape and visual receptor sensitivity.
 - **Scale:** In my opinion, the LVIA underestimated the size and scale of the proposed development (the site area approximates to the entire area of the nearby large settlement of Hallow). Thus, the scale and extent of the landscape and visual effects to which it would give rise were also underestimated.

- **Loss of Vegetation:** The amount of loss is not quantified. In particular, clarification is required about the potential c. 160m loss of hedgerow / verge on the southern side of the lane along the site's southern boundary, inferred from Appellant's swept path analysis drawing for the southern access point, but apparently not mentioned elsewhere.
- **Cumulative Effects:** not adequately assessed.
- **Project description:** The application did not provide sufficient information for the assessment of landscape and visual effects, and in some instances, there were contradictions. Since then, some of the information has been amended / updated, and new information has been provided. See Section 5.
- **Temporary vs permanent:** the application is for an operational period lasting for forty years, which is assessed as 'temporary'. In my and others' opinions (including that of a then-Secretary of State (SoS)), even a solar development lasting twenty-five years should be assessed as 'permanent'. Some of the scheme elements, such as the substation, could be truly permanent, ie lasting beyond the lifetime of the scheme. See Section 6.
- **Construction and Decommissioning Effects:** The LVIA did not consider or assess effects during construction and decommissioning. My assessment concluded that a) some of the construction effects could be 'significant' adverse; and b) some could be truly permanent. See Section 7 for construction / decommissioning effects (Section 4.3 explains more about the use of the term 'significance').
- **Nature of Operational Effects:** The nature of many of the operational effects likely to arise from the proposed development were not identified and / or were not adequately considered in the LVIA, resulting in levels of landscape and visual effects being under-reported. See Section 8.
- **Soils:** The proposed development would give rise to adverse effects on soils, which have implications for landscape character and visual amenity. See Section 9.
- **Glint and Glare:** The Appellant's glint and glare assessment states that *'there should be no glint and glare impacts arising from the development'*. My December 2021 review concluded that there is the potential for glint and glare from the solar arrays proposed on the Appeal site to give rise to high levels of adverse visual effects. See Section 10.
- **Mitigation and Enhancement:** The LVIA double-counted mitigating measures as enhancements (see Section 4.9 below). In addition, the LVIA over-relies on vegetation to screen views (see Section 4.12). Furthermore, my assessment concluded that some of the proposed mitigating measures would be uncharacteristic and inappropriate in the landscape, and would, in themselves, give rise to adverse effects. See Section 11.

- **Effects on Landscape Character:** My assessment concluded that the LVIA's judgements about levels of effects on landscape character are based on flawed assumptions, and effects would be higher than reported. See Section 12.
- **Effects on Views / Visual Amenity:** My assessment concluded that the LVIA's judgements about levels of effects on views and visual amenity are also based on flawed assumptions, and effects would also be higher than reported. See Section 13.
- **Effects on Other Amenity:** The proposed development would give rise to adverse effects on residential, social and recreational amenity. See Section 14.
- **Security Fencing:** The Appellant proposes to erect a 2m high deer-proof timber post and wire security fence around the perimeter of the array areas. **However**, in my experience, it is highly likely that the fencing would have to be far more robust than post-and-wire in order to deter thieves and satisfy insurance requirements, and would therefore give rise to higher levels of adverse landscape and visual (and potentially, ecological) effects.

In addition, the requirement for fencing along public footpath routes across the site raises **serious personal safety concerns**.

Regardless of the type of security fencing used, the proposed fencing arrangement would create an **inescapable corridor** c. 1.5km long. Thus, footpath users under threat from human / other predators would have no means of escape, putting them at great personal risk.

See Section 15.

3 Matters of Agreement / Disagreement

3.1 Introduction

3.1.1 This section summarises what appear to me to be the main areas of agreement and disagreement between the Appellant and myself, in terms of effects on i) landscape character, and ii) views and visual / other amenity.

3.1.2 It also sets out, in separate tables, my comments on / responses to the following documents:

- i) the Appellant's SoC;
- ii) draft v2 (30.06.2023) of the SoCG;
- iii) UBU's written response to my December 2021 review; and
- iv) Pegasus's *Landscape and Visual Appendix to Appeal Statement of Case* (Appendix A of the Appellant's SoC).

3.1.3 The matters of disagreement relate predominantly to the levels of landscape and visual effects to which the proposed development would give rise, which (in terms of both disagreement and the effects themselves) are due to a wide range of factors.

3.1.4 As previously noted, the Appellant's previous landscape consultants UBU have been replaced by Pegasus, and they have produced a Landscape and Visual SoC.

3.1.5 The author of Pegasus's SoC explains that they **agree with, and stand by, the findings of the LVIA**, stating (in para. 2.5): '*my own LVIA methodology may not be identical in all respects to that used by the author of the LVIA [but] **the same overall conclusions would have been reached through the application of either approach***' (my emphasis).

3.1.6 I have made a few comments on Pegasus's SoC in the tables below, and where relevant, in the following sections.

3.1.7 It is not clear exactly what form of independent assessment Pegasus carried out, as the methods / results / reasoned justifications for judgements are not written up / provided. The SoC just explains that its preparation involved '*a review of the LVIA assessment [sic] and [the author's] own field work to review and verify its findings*'.

3.1.8 Indeed, the SOC's effects sections simply reiterate what is said in the LVIA. In Section 5: Effects upon Landscape Features and Character, the author explains that they '*summarise the effects on landscape features identified in the LVIA to help inform that discussion*'.

- 3.1.9 SoC Section 6: Effects on Visual Amenity appears to have been informed by the author's own fieldwork, but this seems to have been confined to a limited number of near-distance viewpoints. The author relies on the LVIA for the rest of the visual assessment: for example, para. 6.11 says, '*The footpath network further afield was considered and examined through field study as part of the LVIA which concluded that the proposed solar farm facility will have no substantive effects on these receptors*'. **I assume that conclusion has not been verified on the ground.**
- 3.1.10 Although the SoC mentions my December 2021 review, it is not clear whether or not the author has read it. However, **the majority of the issues and concerns raised remain unresolved.**
- 3.1.11 If the SoC author did read my review, and compared its findings with those of the LVIA as I did, they have not stated whether they agree with my opinion, for example, in the interpretation of GLVIA3, or that of the LVIA author. They have certainly not addressed the numerous errors, omissions, contradictions, and flawed assumptions identified in my review.
- 3.1.12 And, unfortunately, **some of the errors in the LVIA – such as apparently assuming that the project is EIA development, and double-counting mitigation as enhancement – are perpetuated in Pegasus's SoC.** See Section 4.
- 3.1.13 Pegasus's SoC is based on the results of a flawed assessment, no independent assessment was carried out, errors were not noticed, and they have been perpetuated. In my opinion, for these reasons, **the SoC cannot be relied upon.**
- 3.1.14 Since Pegasus's SoC corroborates the LVIA's findings, and the LVIA forms part of the planning application, my SoC focusses mainly on the LVIA.
- 3.1.15 Please note that whilst this SoC covers the main landscape and visual issues, there are others which have not been mentioned, but which are raised in my December 2021 review report. In some cases, the issue may be a relatively minor matter in the whole scheme of things, not in itself giving rise to particularly high levels of adverse effects; however, **taken cumulatively, the issues may become significant.** See also Cumulative Effects in Section 4.11 below.

3.2 Matters of Agreement

- 3.2.1 There is a certain amount of agreement about levels of visual effects between myself and the author of the LVIA. However, it should also be noted that despite Pegasus's Landscape and Visual SoC stating that the author agrees with the LVIA's findings, in relation to visual effects, Pegasus's SoC **contradicts** what is said in the LVIA. This is explained further in Section 13, which deals with visual effects.
- 3.2.2 The LVIA concluded that **from Year 1 to Year 10**, before the proposed screen planting had become effective, **levels of visual effects on all visual receptors would be Moderate adverse or higher,**

apart from at three of the 18 viewpoints identified (**all of them are near-distance viewpoints**). On the basis of the LVIA's significance threshold, **this level of effect is high enough to be categorised as 'significant' if this was EIA development.**

3.2.3 **I agree** that the levels of effects experienced by visual receptors at Year 1 would be 'significant' (if EIA). However, as explained below, I disagree that these would be the only viewpoints at which levels of effects at **Year 1** would be Moderate adverse or higher.

3.2.4 The LVIA also concludes, and **I agree**, that **with** the proposed mitigation measures in place and having become effective, visual receptors at **LVIA VP1** (*close to public footpath Grimley 526 C and in the vicinity of Oakall [sic – should be Oakhall] Green*), and **VP2** (*further south to viewpoint 1 in a location close to the footpath and to the rear of Oakall Cottages and to the north of Oakhall [ditto] Farm*), would still experience **'significant' adverse residual** visual effects – in other words, we **agree** that **levels of effects experienced at these viewpoints would remain significant adverse for the 40-year duration of the operation.**

3.2.5 However, I **disagree** that these would be the only viewpoints at which **residual** levels of effects would be high enough to be categorised as 'significant' if this was EIA development – see Section 13 Effects on Views and Visual Amenity below.

3.2.6 Another matter of agreement is that the Appellant's LVIA has assessed operational effects as permanent, and **I agree with that approach.** LVIA para. 6.1 states that *'The **permanent** proposals have given rise to some adverse and significant visual effects at the Post Construction stage'.*

3.2.7 Notwithstanding the above, it must be noted that elsewhere, for example in the Appellant's PDAS, it is clear that the proposed development is considered to be **temporary, not permanent** (see for example PDAS Section 1.2, on page 7: *'the temporary development will be completely removed at the end of the 40 year operation'*). See Section 6 Temporary vs Permanent below.

3.3 Matters of Disagreement (Overview)

3.3.1 There is disagreement between the parties about the nature, extent and levels of landscape, visual (apart from at the viewpoints noted above) and other effects to which the proposed development is likely to give rise. These matters are explained in detail in the following tables and sections where relevant, but a summary is provided here.

3.3.2 The Applicant / Appellant's LVIA concluded (and Pegasus agrees) that with the proposed mitigation measures in place and having become effective, *'effects on the landscape **will not exceed minor moderate** [adverse] in terms of **the site, its setting and the broad landscape character**'* (my

emphases), and that with mitigation measures in place, the highest level of visual effects would be **'Moderate'** adverse.

- 3.3.3 However, my review found that the LVIA was not carried out in accordance with published guidance or best practice, and contains numerous errors, omissions, contradictions, and flawed assumptions, (there are similar problems with some of the Appellant's other environmental studies – see comments on ecology below). As a result of these and other factors, **the LVIA underestimated levels of both landscape and visual effects**. Examples of the problems are set out in the following sections.
- 3.3.4 My review concluded that in fact, the proposed development would give rise to **very high and potentially significant levels of adverse effects on landscape character**, mainly due to the industrialisation of what is a highly tranquil, unspoilt and ancient rural landscape, and, as a result, to **very high and potentially significant levels of adverse effects on views and visual amenity**.
- 3.3.5 Indeed, as explained above, the LVIA did conclude that effects from some viewpoints would be significant adverse for the duration of the operation, although in my opinion, **levels of visual effects would be even higher than reported**.
- 3.3.6 Furthermore, my review concluded that there was the potential for the scheme to give rise to **very high and potentially significant adverse effects on GI, heritage / historic landscape character, biodiversity, recreational resources, highways safety, soil, water and air quality, social / residential amenity, and human health and well-being**.
- 3.3.7 My review also concluded that in the majority of cases, **the adverse effects could not be acceptably mitigated**. For example, **it is not possible to mitigate the effect of the change of character from rural greenfield land to development, particularly one in the form of an industrial operation**.
- 3.3.8 In terms of mitigating adverse effects on views, my assessment concluded that in most cases, for a variety of reasons (for example, elevated viewpoints from which views would be over the proposed 3m high hedges), **it would not be possible to fully screen many of the views available**. It also concluded that some of the proposed screen planting is **highly uncharacteristic**.
- 3.3.9 Furthermore, the LVIA assumed that in some cases, screen planting would **reduce** levels of adverse effects when in fact it would **increase** them, by resulting in the **total loss of a good quality open view** (see Section 13).
- 3.3.10 It is important to note that para. 158 b) of the National Planning Policy Framework (NPPF)² states that when determining planning applications for renewable and low carbon development, **LPA's should only approve the application 'if its impacts are (or can be made) acceptable'**.

² The September 2023 version has replaced the July 2021 version, but this part of para. 158 has not been changed.

- 3.3.11 My opinion was – and still is – that the harm that would be caused would certainly not outweigh the scheme benefits (**no landscape or visual benefits were identified in the Appellant’s LVIA**, and Pegasus does not contradict the LVIA’s findings), and the proposal would not comply with the majority of the relevant landscape-related policies / guidance (see Conclusions in Section 16).
- 3.3.12 The following sections set out, in separate tables, my comments on / responses to the following documents:
- i) the Appellant’s SoC;
 - ii) draft v2 (30.06.2023) of the SoCG;
 - iii) UBU’s written response to my December 2021 review; and
 - iv) Pegasus’s *Landscape and Visual Appendix to Appeal Statement of Case* (Appendix A of the Appellant’s SoC), which includes comments on my December 2021 review.
- 3.3.13 The comments in the tables highlight matters of disagreement, and also, matters which require clarification. In many cases, the comments and responses relate to the key issues which I have identified as being of most relevance to this Hearing, and many of the issues are either duplicated or overlap.
- 3.3.14 Where more comprehensive commentary is required, it is set out in the relevant key issue section.
- 3.3.15 In addition, the above documents do not deal with several matters which were raised in my review, so where relevant, they are also included in the key issue sections.

3.4 Comments on Appellant’s SoC

Table CT-1: Comments on Appellant’s Statement of Case

PARA	SoC TEXT	CT COMMENT
Front page / para. 1.1	<i>'On behalf of BRL Solar UK Limited (the "Appellant")'</i>	<i>BRL Solar UK is the name of the Applicant. The Appeal form states that the Appellant is Tyler Hill Solar Limited (previously referred to as BRL Solar UK Limited).</i>
6.57	<i>'It is concluded in the Appendix A in respect of landscape matters that the proposed development would not result in a loss and major alteration to key elements and features of the landscape, impacting the intrinsic character and beauty of the countryside. Whilst it is not disputed that there would be a noticeable change to the character of the Site itself, such localised effects on</i>	<p>a) I agree that effects on landscape character are not 'unusual with a solar energy development', but that does not mean that the effects, or the development, are acceptable.</p> <p>b) Also, as explained in the conclusions in Section 16 below, currently, solar development is the subject of much political discussion which appears likely to result in changes in the Government’s approach to solar in rural areas, and potentially, to planning policy and guidance (see for example the new Energy Bill).</p>

	landscape character are not unusual with a solar energy development' (my emphasis).	
6.58	<i>'In terms of landscape enhancement, it is noted that the policy does not make this a requirement, rather it states that available opportunities for this are to be taken. The scheme incorporates landscape mitigations, including additional new hedgerow planting and gapping up of existing hedgerows. Biodiversity enhancements are also proposed, including wildflower meadow'</i> (my emphases).	<p>The Appellant's LVIA erroneously double-counted the measures which are proposed to mitigate adverse visual effects, as landscape enhancements / benefits.</p> <p>This is explained further in Section 4 below, but in summary, the difference between mitigation and enhancement is explained in GLVIA3 paras. 4.21 - 4.23: landscape and / or visual mitigation measures are those which are specifically required to avoid / reduce levels of landscape and / or visual effects. They cannot be double-counted as landscape and / or visual enhancements (although they may be counted as ecological enhancements if not required for ecological mitigation / compensation). Landscape and / or visual enhancements are <i>'any proposals that seek to improve the landscape and / or visual amenity of the proposed development site and its wider setting beyond the baseline condition'</i> (GLVIA3 para. 3.39).</p>
6.59	<i>'It has been demonstrated that the impacts of the development on the landscape will be limited, temporary and reversible. The proposals and impacts identified are considered to have suitably taken account of and are appropriate to the landscape character'.</i>	For the reasons set out in the following sections, I disagree with this assertion. See especially my comments on the lack of baseline study / analysis, errors in the LVIA which have led to levels of effects being underestimated, and the matter of permanence.
6.60	This para states that for the reasons set out in paras. 6.57 to 6.59, <i>'The proposals are therefore in accordance with Policy SWDP25'.</i>	<p>a) I do not agree with the justification for the Appellant's opinion.</p> <p>b) For the reasons set out in my review and SoC, my opinion is that the proposals do not comply with the requirements of Policy SWDP 25.</p>

3.5 Comments on SoCG

Table CT-2: Comments on Statement of Common Ground

PARA	SoCG TEXT	CT COMMENT
2.1	<i>'The proposed... development area is... split into four areas'.</i>	As pointed out in my December 2021 review, there are actually five areas: the Appellant's Area 1 is bisected by a field boundary, with a corridor between the arrays. The site location plan shows fencing along both sides of the field boundary corridor, creating two separate compartments in Area 1. I have called the westernmost side 'Area 5'.
2.7	<i>'Footpaths 524(C) and 526(C) pass north-west to south-east through the site... an expansive corridor has been left and it will remain open throughout the construction and operational phases' (my emphasis).</i>	Does this mean that no construction traffic would cross the public footpaths crossing the site, and that the northern section (Areas 1, 2, 3 and 5) would be accessed separately from the southern section (Area 4), with separate construction compounds? If not, and construction traffic would cross the footpaths, what are the implications for footpath users?
3.1	<i>'The planning application sought planning permission for... a temporary period of 40 years from the date of the first commercial export of electricity'.</i>	I disagree that the proposed development should be categorised and assessed as being temporary – see Section 6.
3.2	<i>The electricity generated by the proposed development 'will be supplied to nearby homes, industrial units and businesses... This will be enough to power in excess of 7,000 (based on average UK household electricity consumption)'.</i>	Presumably that is 7,000 homes, not homes <i>and</i> industrial units and businesses?
3.3	<i>'The appeal site extends to around 36 hectares in total, of which 21 hectares are consumed by solar panels. This leaves 1.78 hectares of landscape/habitat enhancement area.'</i>	What are the remaining 13.22ha 'consumed' by?
3.7	<i>'A 2m high post and wire deer fence would be constructed around the development...'</i>	In my experience, it is highly likely that the proposed deer-proof fencing would have to be far more robust than post-and-wire in order to deter thieves and satisfy insurance requirements, and would therefore give rise to high levels of adverse landscape and visual effects. See Section 15.

3.8	<i>'The layout of the proposed development would ensure there will be minimal works to or loss of the existing trees and hedgerows within the appeal site.'</i>	I disagree that the loss of vegetation would be minimal. See Section 4.8.
3.11	<i>'The construction period would be expected to take around approximately 6 months (26 weeks). Once installed, the solar farm would require infrequent visits (around 12 visits a year) for the purposes of maintenance or cleaning of the site. The facility would be unmanned, being remotely operated and monitored.'</i>	<p>a) In my experience, it is very possible that the duration of construction could be much longer than assumed. See Section 7.2.</p> <p>b) Also note that if sheep / other animals were grazed on the site, the number of visits would be far more frequent.</p>
3.12	Re decommissioning: <i>'At the end of the 40-year operational lifespan of the proposed development, the site would be restored back to fully agricultural use with all equipment and underground connections completely removed and returned to its current use. However, the landscape enhancement measures would remain, providing long-term benefits to the local landscape character and biodiversity of the area...'</i> (my emphases).	<p>a) It is not clear whether the substation/s and associated elements such as access would be permanent.</p> <p>b) Any underground structures / materials including concrete should also be removed.</p> <p>c) Re 'landscape enhancement measures remaining', the Appellant's LVIA erroneously double-counted the measures which are proposed to mitigate adverse visual effects, as landscape enhancements / benefits – there are no landscape enhancements. See Section 4 below.</p> <p>d) Re 'long-term benefits to the biodiversity of the area', please refer to Dr Betts' ecology SoC. However, presumably, any environmental / biodiversity net gains arising from the replacement of the current sward with a more species-rich / diverse sward would be eliminated at decommissioning. Has that been factored in to the assessments / calculations?</p>
8.3	<i>'Both parties acknowledge that developments of this nature could be acceptable in principle in the countryside subject to matters for detail...'</i>	<p>a) In my opinion, it is becoming clearer that <i>developments of this nature</i> are not acceptable in principle in the countryside, and the problems cannot be resolved by matters for detail.</p> <p>b) As explained in the conclusions in Section 16 below, currently, solar development is the subject of much political discussion which appears likely to result in changes in the Government's approach to solar in rural areas, and potentially, to planning policy and guidance.</p>

8.16	'Residual Effects on landscape character following implementation of the proposed mitigation would be no greater than minor in nature (my emphasis).'	<p>a) This statement is misleading.</p> <p>b) It implies that the residual effects of the proposed development on the character of the site would be no greater than Minor.</p> <p>c) However, at para. 5.3, the LVIA concluded that it was effects on the wider landscape character types and areas that would be Minor adverse, '<i>due to the relatively small portion of the character areas being effected [sic]</i>'.</p> <p>d) LVIA para. 5.11 states that in terms of effects on the site and its setting, '<i>The magnitude of change will be small and therefore the residual effects will be minor moderate</i>' (my emphasis).</p> <p>e) Note that I disagree with the LVIA's conclusions.</p>
8.18-24	Re levels of visual effects from certain viewpoints.	In my opinion, levels of visual effects would be higher (and the range / extent more extensive), than suggested in the LVIA. See sections below, especially Section 13 on visual effects.
8.19	Re levels of visual effects on users of Grimley FP 526 C specifically: ' <i>Residual Effects on the route following implementation of the proposed mitigation would be moderate [adverse] in nature</i> ' (my emphasis).	<p>a) I disagree with the LVIA's conclusion.</p> <p>b) Effects on these receptors are dealt with in my December 2021 review, in Section 5.5. See also Section 13 visual effects below.</p> <p>c) In summary, the LVIA predicts that these footpath users would experience 'major adverse' effects at the start of operation, only reducing to 'moderate adverse' (still 'significant') after 10 years.</p> <p>d) My own assessment concluded that the level of residual adverse effects would be higher ('between substantial and severe adverse').</p>
8.39	'Both parties agree that the proposed development also includes the planting of grassland around the solar panels for grazing of animals which would allow for a continual agricultural use during the 40 year operation of the solar farm.'	Will the grazing of animals be made a planning condition? Note change to numbers of vehicle trips to site during operation if so.
8.41	'Both agree that the proposed development has very limited potential to create any noise, dust or light pollution impacts.'	Regarding noise in particular, the evidence shows otherwise, especially during construction, but also, during operation (I have audio recordings of solar sites under construction for use at the Hearing if required). See Section 7.3.

8.44	<i>'It is agreed that through the use of appropriate drainage systems, there would be no net increase in surface water runoff for the lifetime of the development.'</i>	As far as I am aware, no details of 'appropriate drainage systems' have been submitted by the appellant. Such elements could potentially give rise to adverse effects on soils, hydrology, ecology, landscape character, and visual amenity, but effects have not been assessed. See Section 5.
8.48	Re the proposed biodiversity enhancements, and prediction of a net increase in biodiversity value.	See Dr Chris Bett's and WWT's ecology SoCs, which explain why the claims are not valid.
8.50	<i>'It is common ground that the proposed development would not result in unacceptable glint and glare.'</i>	The Appellant's glint and glare assessment states that <i>'there should be no glint and glare impacts arising from the development'</i> . My December 2021 review concluded that there is the potential for glint and glare from solar arrays proposed on the Appeal site to give rise to high levels of adverse visual effects. See Section 10.
8.51	<i>'It is agreed that the construction route would not result in an unacceptable highways impact. It is agreed that whilst there will be an increase in vehicle movements during this period, this will be associated with the construction phase only and trips to the site during operation will be limited to maintenance only.'</i>	My review concluded that high levels of adverse effects would be experienced by people walking, cycling, riding and driving along the construction route, and living in close proximity to it. See Section 7.4.
8.55	<i>'The proposed development will deliver significant benefits which can be summarised as follows: ...</i> • <i>Provision of landscape enhancements...'</i>	The Appellant's LVIA erroneously double-counted the measures which are proposed to mitigate adverse visual effects, as landscape enhancements / benefits. In fact, the LVIA confirms, and Pegasus agrees, that the scheme would not deliver any landscape or visual enhancements or benefits.

3.6 Response to UBU's 2022 Comments on December 2021 Review

Table CT-3: Response to UBU's comments on CT's December 2021 Landscape and Visual Review

PARA	UBU COMMENT	CT RESPONSE
1	<p>'... [CT's] review is a comprehensive study of the planning application and covers topics on matters relating to landscape character and the visual amenity but also provides comment on matters relating to planning, highways, ecology and arboriculture'.</p>	<p>a) This comment suggests that UBU is not aware of the relevance of planning, highways, ecology and arboriculture to assessments of effects on landscape character and visual amenity.</p> <p>b) My December 2021 review explains why these and other matters, including people's health and wellbeing and quality of life, are integral to LVIA / LVA and other forms of assessment.</p> <p>c) Re 'planning': GLVIA3 para. 5.40 explains that '<i>The LVIA process entails consideration of whether the receiving landscape could accommodate the proposed development without undue consequences for... the achievement of landscape planning policies and strategies</i>' (my emphasis).</p> <p>d) Also, currently, solar development is the subject of much political discussion which appears likely to result in changes in the Government's approach to solar in rural areas, and potentially, to planning policy and guidance. See conclusions in Section 16 below.</p>
3 - 6	<p>In summary, UBU's comments relate to the fact that their assessment is called a Landscape and Visual Impact Assessment (LVIA):</p> <p><i>'CT has not qualified why this supposed mistake has seemingly occurred but we presume it is because we have entitled the report as a Landscape and Visual Impact Assessment rather than strictly adhering to the guidelines that suggests that for non- EIA development a Landscape and Visual Appraisal should be produced. The main difference being that the likely significance of effects should not be stated in the appraisal in case of the unlikely event that it will undermine the Screening Opinion and trigger an EIA. However, in this case UBU had also</i></p>	<p>This matter is dealt with at some length in Section 3 of my December 2021 review report, and explained in Section 4.3 below, but in a nutshell:</p> <p>a) LVIA is only required for projects which are EIA development, therefore using the term LVIA for this assessment is incorrect.</p> <p>b) Also, as this is not EIA development, the assessment's references to 'significance' are irrelevant. In fact, the LI's <i>GLVIA3 Statement of Clarification 1/13 10-06-13</i> states that in non-EIA development appraisals, '<i>the likely significance of effects should not be stated in the appraisal</i>'.</p> <p>c) However, if a non-EIA LVA does conclude that some effects could potentially be significant – as is the case here (LVIA para. 6.1 states that '<i>The permanent proposals have given rise to some adverse and significant visual effects at the Post Construction stage</i>') – such a judgement could trigger the requirement for a formal EIA.</p>

	<i>assessed the likely significance in their feasibility assessment of the project and concluded that although the scheme will have no long term residual significant effects, the scale and location of the project warranted further analysis and conclusions on significance for the report to be fit for purpose for its reader.'</i> (my emphasis)	
7	<i>'CT also believes the application and the UBU LVIA is flawed due to the lack of a Cumulative Impact Study and cites two examples of existing solar farms at Stockton on Teme and Bransford. MHDC has not requested a cumulative impact assessment to accompany the planning application and furthermore the application team have assessed nearby developments, both existing and consented, and considered that they were too far away to be of any significance to the application. Therefore, the proposed development will have no cumulative impacts'.</i>	<p>This matter is dealt with in Section 4.11 below, but in summary:</p> <p>a) I noted the following reasons for MHDC and / or the Appellant having dismissed the need for a cumulative effects assessment:</p> <p>i) Only consented solar farms within local area of Sinton Green were considered.</p> <p>ii) Only consented solar farms within local area of Sinton Green were considered.</p> <p>iii) Only consented solar farms within [the] local area of Sinton Green were considered.</p> <p>b) However, as my report explains, these parameters are far too limited. The cumulative effects assessment should have included other developments which are similarly industrial in nature and scale, during construction, operation and decommissioning.</p> <p>c) The assessment should consider effects at a landscape scale, factoring in hydrological catchment areas and infrastructure networks (the latter especially important if several developments are being constructed in an area at the same time).</p> <p>d) It is also very important to note that since the decision was taken not to assess cumulative effects, there have been many more proposed and consented solar power stations in Worcestershire, including one by a company associated with the Appellant, just c. 2km from the Appeal site. See Section 4.11, and my Appendix CT-2.</p>
8	<i>This comment 'focusses on disagreements with our ratings on sensitivity and measured effects and mitigation. UBU appreciates that CT believes that the sensitivity of the site is 'very high' as opposed to 'medium high'. Although we</i>	<p>a) My review did not judge the site's level of landscape sensitivity to be Very High: it judged it to be 'High' (para. 4.1.20).</p> <p>b) This judgement was partly based on the lack of interinfluence / intervisibility with nationally-designated landscapes, and the presence of certain</p>

	<p><i>understand that the site and broad landscape context does contain many valuable landscape features we find the very high sensitivity grade difficult to accept due to the presence of strong and dominant landscape detractors, namely the pylons and overhead cables, and reserve the higher grades of sensitivity in our assessments for designated landscapes such as National Parks, AONB's and Areas of Special Landscape Value. This is consistent with Landscape Institute guidelines as set out in GLVIA3 and clarified within the Methodology section of the UBU LVIA'.</i></p>	<p>detractors (note that an additional category - 'between High and Very High' - lies between 'High and 'Very High').</p> <p>c) UBU's response indicates another misunderstanding of the LVIA / LVA process, in assuming that 'sensitivity' is synonymous with 'value', which it is not (the response refers to the LVIA method which provides the 'defining criteria for Very High': however, the reference is to LVIA Table 1, which provides the criteria for 'Landscape Receptor Quality/Value').</p> <p>d) In fact, level of value is only half of the sensitivity equation: the other half is level of susceptibility to change.</p> <p>e) My judgement about levels of sensitivity followed the GLVIA3 process, being 'a combination of moderate to high value, and high to very high susceptibility to change of the type proposed'.</p>
<p>9 - 13</p>	<p>These comments relate to loss of vegetation resulting from the proposals. Extracts (with my emphases) include:</p> <p><i>CT 'suggests that the inaccuracies and errors that are uncovered by forensic scrutiny would mean far greater losses and damage to hedgerow, veteran trees and mature trees and meadowland that [sic] has been assessed by the LVIA.</i></p> <p><i>'Should the uncovered 'errors and inaccuracies' be founded then UBU are of the opinion that their LVIA would need to be updated... However, in this case it is not necessary as the uncovered 'errors' in the application are simply not there'.</i></p> <p><i>'...there will be no excessive loss of hedgerows which could otherwise have provided potential harm to the perceived tranquility experienced from walking the rural lanes around the perimeter of the proposed development'.</i></p>	<p>a) Loss of vegetation is dealt with in Section 4.8 below.</p> <p>b) My main concern relates to the potential loss of roadside verge, hedge (with escaped trees), and part of a field, on the southern side of the Sinton Green - Monkwood Green lane, at the site's southernmost end. Clarification is still required about this point.</p> <p>c) In summary, my 2021 assessment noted that although not mentioned elsewhere, the Appellant's swept path analysis drawing for the southern access point showed that potentially, a c. 160m length of hedge and verge may have to be removed (and the lane widened).</p> <p>d) That would explain the reason for the red line boundary including the land at this point, which otherwise, makes no sense.</p>

<p>14</p>	<p><i>'As well as incorrect hedgerow loss CT has listed other elements that are likely to be lost or damaged or removed as a result of the development including a potential veteran oak (T83) in the vicinity of the southern access. Although, T83 is identified as being required to be removed the AIA confirms that it is not one of the veteran trees on site. The only veteran trees are T27 and T68 and these are both retained and unaffected by the proposed development. Furthermore, T83 is located beneath power lines and has undergone continuous pollarding to reduce the height of the tree to circa 5m by the power management companies to ensure the tree does not damage the cables. Therefore, the mature tree has not been allowed to grow to its full natural form and its removal is likely to be welcomed by the power management company'</i> (my emphases).</p>	<p>a) T83 is an escaped hedgerow tree (pedunculate oak) in the hedgeline running along the Sinton Green - Monkwood Green lane, at the site's southernmost end.</p> <p>b) The AIA categorises T83 as a <i>'very low quality U grade tree... [which] should be removed for reasons of sound arboricultural management irrespective of any development proposals'</i>.</p> <p>c) I considered the tree to be a veteran. Despite its stunted form, it is a characteristic local landscape feature, and likely to be of some ecological value (the AIA categorises veteran trees as <i>'highly important arboricultural features of special significance that must be retained and protected accordingly'</i>).</p> <p>d) The tree appears to be in relatively good health, is bottom-heavy, and is separated from the lane by a ditch and c. 1.5m wide grass verge, so it seems unlikely that it would pose a health and safety risk, but I did not inspect it closely.</p> <p>e) In mid-September (2023), I asked Dr Betts to go and look at the tree, and report back.</p> <p>f) Dr Betts said that in his opinion, the tree is <i>'certainly a veteran. It is perfectly healthy with plenty of leaves as you can see [from the photograph he supplied] and has acorns. It is not threatening the overhead cables and it would be easy to trim it back if the top branches grow up. It is of very high ecological value and absolutely must not be removed. That would be a sacrilege... It is solid and not in danger of falling as far as I can see and even if it did fall it is too short to do much harm. It will live for very many decades yet and, as you know I expect, pollarding extends the life of trees'</i> (my emphasis).</p> <p>g) In the light of the above, I would like to know whether the Appellant would consider retaining the tree, should planning permission be granted.</p>
<p>15 - 16</p>	<p><i>In summary, UBU are satisfied that the content of their LVIA is sound. Unfortunately, the BGSLVR is flawed and not fit for purpose.</i></p>	<p>I fundamentally disagree with these statements. Other issues and concerns which were raised in my review but which UBU have not responded to are set out in the following sections.</p>

3.7 Comments on Pegasus's *Landscape and Visual Appendix to SoC*

Table CT-4: Comments on Pegasus's *Landscape and Visual Appendix to Statement of Case*

PARA	PEGASUS COMMENT	CT COMMENT
Front page / 2.1	<i>'On behalf of BRL Solar UK Limited (the "Appellant")'</i>	BRL Solar UK is the name of the Applicant. The Appeal form states that the Appellant is <i>Tyler Hill Solar Limited (previously referred to as BRL Solar UK Limited)</i> .
Heading S2	<i>'Background to the Inquiry'</i>	This is a hearing, not an inquiry
2.5	<i>'...my own LVIA methodology may not be identical in all respects to that used by the author of the LVIA [but] the same overall conclusions would have been reached through the application of either approach. I was able to reach this conclusion through a review of the LVIA assessment and my own field work to review and verify its findings. Following the review, I considered that the LVIA was prepared by a proficient consultancy and was prepared with reference to best practice guidance [GLVIA3], and that I agreed with its findings.'</i>	Pegasus's SoC is based on the results of the LVIA, which is a flawed assessment. It appears that Pegasus carried out little or no independent technical assessment. Errors were not noticed, and they have been perpetuated. In my opinion, for these and other reasons, the SoC cannot be relied upon . See below, and Section 4 and following sections.
2.9	<i>'...I am satisfied that the impact on landscape character and visual amenity is not a significant adverse one... the proposed development in this location would be appropriate to the scale and landscape context of this Site and can be accommodated within, and relate sympathetically to, the surrounding landscape.'</i>	These matters are dealt with in the following sections, but there are two important points to note here: <ol style="list-style-type: none"> 1) Regarding the use of the term 'significant' in this context, either the author is also under the misapprehension that this is EIA development, or they do not recognise that it is incorrect to use the term 'significant' in this context – otherwise, the error should have been pointed out. See comments on UBU's paras. 3 – 6 in Table CT-3 above, and Section 4.3 below. 2) Pegasus's statement that effects on visual amenity would not be 'significant adverse' contradicts what is said in the LVIA, despite the SoC stating that the author agrees with the LVIA's findings, and there being agreement between the parties on this point. 3) In its conclusions, at para. 7.8, the LVIA states that there would be significant adverse residual effects on certain views: <i>'Overall, the only significant effects are those that effect [sic] the</i>

		<i>public footpaths in close proximity to the development, especially in the vicinity of parcel 1, however, the mitigation measures will soften the effects of the proximity of the panels'.</i>
4.1	<i>'A detailed description of the Site is contained within the application submission.'</i>	I disagree that the LVIA contains 'detailed descriptions' of the site; nor are the site's contextual landscapes sufficiently described or analysed. See Section 4.5.
4.2	<i>'The development area is... split into four areas.'</i>	As noted previously, there are actually five areas: the Appellant's Area 1 is bisected by a field boundary, with a corridor between the arrays. The site location plan shows fencing along both sides of the field boundary corridor, creating two separate compartments in Area 1. I have called the westernmost side 'Area 5'.
4.3	<i>'I noted from my site visit that areas 1, 3 and 4 were, at that time, ungrazed and left to develop a long sward.'</i>	<p>a) According to their Landscape and Visual SoC, Pegasus's site visit was carried out at some point after March 2023.</p> <p>b) What Pegasus does not note is the fact that when the LVIA, ecological and other assessments were carried out in 2021 – 22, the baseline situation in Area 2 was grassland / pasture.</p> <p>c) I do not know when, but at some point prior to Pegasus's visit, Area 2 was ploughed.</p> <p>d) Clearly, the change in the baseline situation will affect the results of some of the original assessments, for example in terms of effects on landscape character, visual amenity, ecology, and soils.</p> <p>e) With regard to soils in particular, when carrying out construction activities on arable / ploughed land, there are certainly higher levels of adverse effects on soil structure and microbiology than there are on permanent grassland / pasture. See Section 9 below, Dr Betts' and WWT's ecology SoCs, and submissions by others.</p>
4.6	<i>'Monk Wood is a Site of Special Scientific Interest (SSSI) and Local Wildlife Site and abuts the south-western edge of the Site''</i>	Pegasus does not note that Monk Wood is also an Ancient Semi-natural Woodland (ASNW), nor that there is another smaller block of ASNW to the east, which is excluded from the site boundary, but would be surrounded by solar arrays. ASNWs are highly valuable landscape features of high susceptibility to change.
4.7	<i>'All hedges will be retained as part of the development.'</i>	a) The statement is factually incorrect, but is contradicted in para. 5.3, which confirms there would be loss.

		b) Whilst there is disagreement about the amount of loss, the Appellant's other submissions confirm that there would be loss of hedgerow in order to facilitate the proposed accesses to the site. See Section 4.8.
S5	Effects upon Landscape Features and Character	Effects on landscape character are dealt with in Section 12.
S6	Effects on Visual Amenity	Effects on views and visual amenity are dealt with in Section 13.
S7	Consideration of the Reason for Refusal and Matters raised by Statutory Consultees and Third Parties	See character and visual effects sections.
Paras. 7.6, 7.25, 8.3	<p><i>'...the important landscape features of the site would be retained and enhanced through the mitigation measures included with the scheme.'</i></p> <p>'Mitigation proposals... include the enhancement of existing hedges... On that basis no substantive negative effects on landscape features are identified.'</p> <p>(my emphases)</p>	These are examples of Pegasus's SoC having made the same technical errors as the LVIA: mitigation measures have erroneously been double-counted as enhancements, which means that levels of adverse effects would be higher than reported. See Section 4.9.
7.18	<p><i>'There were Objections received in relation to the Proposal, including from a local group the Grimley Solar Farm Action Group. These are summarised in the Report to Committee. In general, the objections raised reflect those in the RfR which I discuss further below, or relate to matters other than landscape which are addressed in the Planning Statement of Case.'</i></p>	<p>a) It is not clear what is meant by '<i>matters other than landscape</i>', and I would welcome clarification of that point.</p> <p>b) Perhaps it relates to para. 1 of UBU's response to my review, which said that my review '<i>covers topics on matters relating to landscape character and the visual amenity but also provides comment on matters relating to planning, highways, ecology and arboriculture</i>'. See my response to that comment in Table CT-3 above.</p> <p>c) Also, I know that some landscape practitioners do not consider it necessary to deal with matters such as people's health and well-being and quality of life, but those are an integral part of landscape and visual assessment. I can provide information to support this if required.</p>

<p>8.4 and 8.5</p>	<p><i>'... the proposed development would not result in an industrialisation of the landscape and would not result in the loss or major alteration to key elements and features of the landscape. Similarly, the development would not have a significant adverse impact on the enjoyment of the countryside by users of the public rights of way and Monkwood. This therefore serves to indicate that the development is not an inappropriate form of development...'</i></p> <p><i>'... the impact on landscape character and visual amenity is limited and localised and... the development responds appropriately to its landscape context.'</i></p>	<p>I disagree with these conclusions for the reasons set out above, and in the following sections.</p>
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4 Appellant's LVIA

4.1 Introduction

- 4.1.1 My 2021 assessment and review concluded that the Appellant's LVIA was not carried out in accordance with published guidance or best practice, and contains numerous errors, omissions, contradictions, and flawed assumptions (there are similar problems with some of the other environmental studies, for example ecology, as explained in Dr Bett's ecology SoC).
- 4.1.2 As mentioned previously, the Appellant commissioned a new landscape practice (Pegasus) to deal with landscape and visual matters at the Hearing, replacing the practice UBU which carried out the LVIA. Pegasus's Landscape and Visual SoC forms Appendix A to the Appellant's SoC.
- 4.1.3 Notwithstanding the problems and concerns identified in my review, Pegasus agrees with, and stands by, the findings of the LVIA, the author stating (in para. 2.5) that '*my own LVIA methodology may not be identical in all respects to that used by the author of the LVIA [but] **the same overall conclusions would have been reached through the application of either approach***' (my emphasis).
- 4.1.4 In fact, Pegasus did not comment on any of the problems with the LVIA identified in my review.
- 4.1.5 Furthermore, unfortunately, **some of the errors in the LVIA are perpetuated in Pegasus's SoC, for example, apparently assuming that the project is EIA development, and double-counting mitigation as enhancement** – see below.
- 4.1.6 Pegasus's SoC is based on the results of the LVIA, which is a flawed assessment. It appears that Pegasus carried out little or no independent technical assessment. Errors were not noticed, and they have been perpetuated. In my opinion, for these and other reasons, **the SoC cannot be relied upon**.
- 4.1.7 My review was critical of several aspects of the LVIA, in particular, the lack of baseline study and analysis, and the incorrect interpretation of GLVIA3. One of the LI's aims is to improve the quality of LVIA's / LVAs, and I assist the LI's GLVIA panel with that initiative.
- 4.1.8 However, it must be borne in mind that LVIA / LVA involve complex processes, and require skills which take many years to learn. The LI's *Draft Technical Guidance Note (TGN) 05/23 Notes and Clarifications on aspects of GLVIA3* (see below) explains that '*LVIA is a skill to be learned and mastered... GLVIA3 is guidance aimed at experienced practitioners... It is not a textbook to teach the inexperienced*'.
- 4.1.9 Even highly experienced practitioners, including myself, still have to check that they are correctly interpreting the guidance. Planning officers, inspectors and other decision-makers who are not

trained in LVIA are even more likely to struggle with its interpretation, and with differences of opinion between practitioners which usually hinge on technicalities.

- 4.1.10 For example, I found errors in GLVIA3's interpretation in the March 2023 consultation drafts of the *Overarching National Policy Statement for Energy* (EN-1), and *National Policy Statement for Renewable Energy Infrastructure* (EN-3).
- 4.1.11 Two good examples of common technical errors found in the LVIA, and which often go hand-in-hand, are a) **conflating landscape and visual effects**, and b) **double-counting mitigation measures as enhancements** (see below).
- 4.1.12 Other errors, and some of the omissions, contradictions, and flawed assumptions are also explained below.
- 4.1.13 It is important to note that **such errors, omissions etc. result in flawed judgements, meaning that levels of adverse effects are underestimated, and levels of beneficial effects are overestimated.**

4.2 General Errors

- 4.2.1 Examples of errors, omissions, and flawed assumptions in the LVIA, are as follows, with additional explanation provided in the following sections where relevant, along with other examples:
- i) The LVIA **incorrectly assumed** that the proposed development was the subject of EIA, but it was not. See Significance in Section 4.3 below.
 - ii) There were several **technical errors** in the interpretation of the GLVIA3 method. For example:
 - LVIA para. 1.5 bullet 3 states that the LVIA process establishes '*The sensitivity to change of the landscape in relation to the proposed development*': that is incorrect; the process establishes levels of **susceptibility** to change.
 - The 5th bullet at LVIA para. 1.5 states that the LVIA process involves '*Assessing the significance of effect that would occur, by aggregating the predicted magnitude of change with the sensitivity of the landscape and visual receptors respectively*'. **That is incorrect** – see Significance below.
 - iii) The LVIA was **not transparent about its reasoning process**, especially in terms of judging levels of landscape and visual receptor sensitivity. See Landscape Sensitivity below.
 - iv) The LVIA (and other environmental studies) **did not identify** the majority of features / elements / factors / qualities that would be directly and / or indirectly affected by the proposed development, some of which are of very high value (see Landscape Baseline section below).
 - v) That is mainly due to the **study area boundary having been drawn too tightly** – see below.

- vi) The LVIA stated that no new access points would have to be created, or existing ones widened, but that is an **incorrect assumption** (see my review para. 4.4.9).
- vii) The LVIA was based on the erroneous assumption that there would not be any damage to / loss of the features that it did identify. LVIA para. 1.21 states that '**No landscape features including the hedges that divides the fields will be removed as part of the installation**', which is an **incorrect assumption** (see comments on UBU's para. 14 in Table CT-3 above, and Loss of Vegetation section below).
- viii) The LVIA **did not consider the majority of the operational scheme elements, nor the nature and scale of the effects to which they would give rise** (see sections on nature and extent of effects below).
- ix) **Effects arising during construction, especially along the construction route, were not assessed**, even though some of the effects would potentially be significant, and in some cases, truly permanent (see Section 7).
- x) **Landscape and visual effects were conflated**. For example, the LVIA assumed that planting which is proposed to screen views can reduce levels of effects on landscape character, which it cannot – see section on conflation below.
- xi) The LVIA **double-counted mitigation measures as enhancements** (see double-counting section below).
- xii) Some of the proposed mitigating measures, in the form of screen planting and allowing hedges to grow to 3m tall, would be **uncharacteristic and inappropriate** in the landscape (see Section 13 below).
- xiii) In reporting levels of residual visual effects, the LVIA **incorrectly assumed** that the proposed screen planting would become fully effective at around Year 10 of operation, whereas my assessment concluded that for many visual receptors, it was highly unlikely to be fully-effective for the duration of the operational period. See Section 13.
- xiv) Many near-, middle- and long-distance viewpoints frequented by highly sensitive visual receptors were either not identified or were scoped out, so **visual effects were not assessed**.
- xv) The only scheme elements factored in to the visual effects assessment appear to be the solar panels, the main substation, and the proposed screen planting, whereas **there would be numerous other industrialising features scattered throughout the site**.
- xvi) In my opinion, **the visual effects of glint / glare were not adequately assessed** (see Section 10).

4.3 Significance

- 4.3.1 **LVIA is only required for projects which are EIA development**, therefore UBU's use of the term LVIA for this assessment is incorrect.
- 4.3.2 However, as explained in GLVIA3, *'the principles and processes of LVIA can also be used to assist in the appraisal' of [non-EIA development]*. Therefore, non-EIA assessments of landscape and visual effects are almost always called Landscape and Visual Appraisals (LVAs): **they should not be called LVIA's**.
- 4.3.3 The point I was making - which the author of UBU's comments appears still not to have understood, as the error is perpetuated in the response to my December 2021 review - and which is very important, relates to the use of the term 'significance'.
- 4.3.4 In fact, the emboldened section of UBU's comments is correct, as confirmed in the LI's *GLVIA3 Statement of Clarification 1/13 10-06-13*, especially the fact that *'the likely significance of effects should **not** be stated in the appraisal'*.
- 4.3.5 What UBU says about having decided to provide conclusions about 'significance' in order for *'the report to be fit for purpose for its reader'* does not align with the LVIA process set out in GLVIA3, and is not at all helpful for the reader because it is misleading.
- 4.3.6 It is clear from their LVIA method that it was indeed a technical error - one which unfortunately is made by many practitioners.
- 4.3.7 In addition, the 5th bullet of LVIA para. 1.5 states that the LVIA process involves *'Assessing the significance of effect that would occur, by aggregating the predicted magnitude of change with the sensitivity of the landscape and visual receptors respectively'*.
- 4.3.8 However, **that is not the correct way to determine whether or not an effect is 'significant'**.
- 4.3.9 Indeed, the LI is acutely aware of such problems, and as a result, this summer, published for consultation the above-mentioned *TGN 05/23 Notes and Clarifications on aspects of GLVIA3*, emphasising that judgements about 'significance' involve an additional step.
- 4.3.10 The correct method is explained very clearly in the *GLVIA3 Statement of Clarification*, which states:
'Members may find the following helpful: In simple terms, assume an environment (A). Then assume a proposed development (B). B is placed into A and, as a result, gives rise to impacts which permit the identification of effects of various sorts. The level of, or degree of, effect may then be judged... The assessor should then establish (and it is for the assessor to decide and explain) the degree or level of change that is considered to be significant'.
- 4.3.11 Ironically, LVIA para. 1.31 sets out the reasoned justification for SWDP Policy 25: Landscape Character which, at para. 6 of the justification, fully explains the difference between LVIA's and LVAs, saying that

'a standalone 'appraisal'' should, like LVIA, 'predict the effects', but unlike LVIA, '*not their likely significance*'.

4.3.12 Furthermore, draft TGN 05/23 also states (Issue / Question 3(5)) that LVIAs should, '*Avoid phrases such as 'minor significance*'. Yet throughout, the LVIA makes this mistake, for example, Table 8 reports 'minor significance'; para. 5.9: '*the significance of effects will be moderate*'; para. 5.23: '*substantial significance of effects*'; para. 5.37 '*moderate significance of effects*'.

4.3.13 LVIA para. 4.10 states that '*A significant effect is a Very Severe, Severe, Substantial, Major or Moderate effect*'.

4.3.14 The LVIA predicts that certain landscape and visual effects would be moderate or higher; therefore, **if this was EIA development, they would be 'significant'**.

4.3.15 The LI's *GLVIA3 Statement of Clarification 1/13 10-06-13* explains why understanding 'significance' is so important: *4 For Non-EIA Landscape and Visual Impact Appraisal In carrying out appraisals, the same principles and process as LVIA may be applied but, in so doing, it is not required to establish whether the effects arising are or are not significant given that the exercise is not being undertaken for EIA purposes. The reason is that should a landscape professional apply LVIA principles and processes in carrying out an appraisal and then go on to determine that certain effects would be likely be significant, given the term 'significant' is enshrined in EIA Regulations, such a judgement could trigger the requirement for a formal EIA* (my emphasis).

4.4 Study Area Boundary

4.4.1 LVIA para. 1.16 states that the extent of the study area was '*an area extending up to approximately 3km to 5km **from the centre of the site***' because '*This is considered to be the maximum extent within which **significant** landscape and visual effects could occur for the type of development proposed*' (my emphases; note use of word 'significant' here).

4.4.2 The problem with the study area boundary being measured from the *centre of the site* is that the site is c. 1.3km long from north west to south east and almost 700m long from north to south, so in places, the maximum extent of the study area is far less than 3km or 5km. Also, **my own assessment concluded that effects could potentially extend much further than this** (see Scale below).

4.4.3 Parts of the site are intervisible with the northern end of the Malvern Hills c. 14km to the south west (an Area of Outstanding Natural Beauty (AONB)), and although not noted in the LVIA, with Abberley Ridge and the iconic Grade II* listed Abberley Clock Tower, lying respectively c. 6km and c. 7.5km to the north west (it is important to note that there may be interinfluence between places / features regardless of whether or not they are intervisible).

4.5 Landscape Baseline

- 4.5.1 Para. 4.1 of Pegasus's SoC states that '*A detailed description of the Site is contained within the application submission*', ie mainly, the LVIA.
- 4.5.2 I disagree that the LVIA contains 'detailed descriptions' of the site; nor are the site's contextual landscapes sufficiently described or analysed.
- 4.5.3 My review and assessment concluded that the LVIA's landscape baseline studies were inadequate for a project of this nature and scale. Many relevant landscape receptors were not included in the assessment, despite the fact that a) they make important contributions to the site's contextual landscapes, and b) they could potentially be affected by the proposed development.
- 4.5.4 In the LVIA, under the heading *Site Landscape Character*, all that is said is that '*The landscape character of the site's location generally accords with the descriptions within the national and local landscape character assessments and as summarised above*' (LVIA para. 2.18), which is not at all helpful.
- 4.5.5 Similarly, under the heading *Landscape Condition*, no mention is made of the landscape's condition (which includes its quality / qualities), para. 2.21 simply states that '*The majority of land cover is pastoral farmland. The fields are bound by dense hedges and mature individual trees and belts of woodland*'.
- 4.5.6 And, under the heading *Landscape Value*, LVIA para. 2.22 only says that '*The site doesn't lie within or adjacent to any other environmental or heritage designations. The fabric of landscape within the site represents a relatively intact agricultural landscape*' (however, landscape value is dealt with later in the LVIA – see below).
- 4.5.7 My review paras. 4.3.3 and 4.3.10 explain that '*The LVIA carried out for this application reports the findings of the [countywide, published] LCA [Landscape Character Assessment] which was undertaken, but unfortunately, the study was carried out at a very high level, with very little granular exploration of the landscapes likely to be affected by the proposed development... the LVIA's character baseline section is very short; the majority of the text is generic, cut and pasted from published landscape character information, and much of that is not relevant to the site and its contextual landscapes*'.
- 4.5.8 GLVIA3 advises (see for example paras. 5.15 – 18) that **LVIAs / LVAs should not just rely on published sources of information**, especially when most LCAs are high-level, and cover a large geographical area within which there may be distinctive localised variations (as is the case here). It is necessary to dig deeper.

- 4.5.9 Furthermore, **there is very little evidence of ‘local knowledge’ having informed the LVIA’s evidence-base.** Neither the LVIA’s baseline sections, nor presumably, Pegasus’s study, were informed by informal consultation with people from the local communities.
- 4.5.10 However, GLVIA3 emphasises the importance of consultation in the LVIA process. Para. 3.42 says that consultation *‘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’.*** (my emphases).
- 4.5.11 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 *Assessing landscape value outside national designations.*
- 4.5.12 If one doesn’t engage properly 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?
- 4.5.13 As part of my own assessment, I asked local residents to mark up maps showing places from which the site is currently visible, and the developed site might be visible.
- 4.5.14 I also asked them to help me establish how and why people travel around the study area. I used this information to help me make judgements about landscape and visual value, and susceptibility to change.
- 4.5.15 I visited the viewpoints and view routes that were suggested by the residents, along with other viewpoints identified during my desktop and on-the-ground assessments.
- 4.5.16 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 resources, including those that could result from developments of the type proposed. I factored the responses into my landscape and visual assessments.
- 4.5.17 The implications of insufficient baseline study are that landscape features, qualities and other factors are not factored in to judgements about value, susceptibility to change, or levels of effects. As a result, **levels of adverse effects are underestimated / under-reported.**

4.6 Landscape and Visual Sensitivity

- 4.6.1 In LVIA / LVA, levels of landscape sensitivity are arrived at by combining levels of landscape value with levels of landscape susceptibility to change (both are based on the findings of the baseline landscape character assessment, which is carried out first to establish 'what is there') – the terms are explained in my 2021 review report.
- 4.6.2 The criteria which were used in making judgements about levels of value and susceptibility to change can be found on page 10 of the LVIA. In my opinion, the value criteria are acceptable, but the susceptibility criteria are not. The LVIA does not set out what the site and surrounding area's levels of landscape value and susceptibility to change were judged to be, but it concludes that the overall level of sensitivity of the site, its setting, and the wider landscapes, is between Medium and High.
- 4.6.3 I disagree with this conclusion. For several reasons, which are set out in Section 4 of my 2021 review report, my own assessment concluded that the landscapes of the site and areas likely to be most affected by proposed development are of **High** sensitivity (a combination of Moderate to High value, and High to Very High Susceptibility to change of the type proposed).
- 4.6.4 The LVIA also underestimates levels of visual receptor sensitivity. For example, it categorises people travelling (walking / cycling / riding) along the on- and off-site PRoW network as being of 'between Medium and High' sensitivity, whereas, as explained in Section 5.2 of my review report, the level should be High. This would be in line with the LVIA's criteria for High in LVIA Table 5: Receptor Visual Sensitivity, which say, '**Public viewpoint in a recreational context with the expectation of a rural outlook. A valued community view or a development which changes the setting of a community**'.
- 4.6.5 Also, it categorises road users as being of Low sensitivity. That is reasonable if the receptor is driving to / from a place of work, for example, and their passage through the landscape is not '*specifically associated with the experience and enjoyment of the landscape*' (GLVIA3 para. 6.14). However, in the assessment of effects from specific viewpoints, the LVIA does not allow for there being **High** sensitivity visual receptors (as explained above) travelling along the local lanes, whether on foot / bicycle / horseback, or in a car.
- 4.6.6 Indeed, some people in cars may be passengers who are unable to walk along the lanes due to illness or disability, for example, but for whom the experience of being out and about in their highly-valued and very beautiful local landscapes makes a **highly important contribution to their health and well-being, and quality of life**. These are categorised as High sensitivity receptors.
- 4.6.7 As explained above, the result of underestimating levels of landscape and visual receptor sensitivity is that **levels of overall effects are underestimated**.

4.7 Scale

- 4.7.1 In my opinion, **the LVIA underestimated the size and scale of the proposed development, and thus, the scale and extent of the landscape and visual effects to which it would give rise.**
- 4.7.2 As mentioned above, the study area was drawn very tightly. Also, it appeared to me that the author of the LVIA was unfamiliar with solar developments; for example, many of the scheme elements and activities that would occur were not mentioned, nor was the nature of the effects to which they would give rise considered.
- 4.7.3 As an indication of the scale and extent of the development and by way of comparison, the site is c. 1.3km long from end to end, and the site area is c. 36ha; **the settlement / built-up area at nearby Hallow is c. 1.3km long, and covers c. 32ha.**

4.8 Loss of Vegetation

- 4.8.1 As noted in Table CT-3 in Section 3 above, at UBU's paras. 9 - 13, and 14, I still have concerns about the loss of vegetation that would occur within the site and on its boundaries, which does not appear to have been quantified, and is just described as 'limited'.
- 4.8.2 Regarding loss of vegetation at the access points proposed along the site's northern boundary (and elsewhere), **UBU's comments now contradict what was stated in the LVIA.** For example, LVIA para. 1.21 states that **'No landscape features including the hedges that divides the fields will be removed as part of the installation and the existing boundary hedges will be retained and in-filled where necessary'**. That was the basis of the assessment of landscape and visual effects, and it was wrong.
- 4.8.3 Furthermore, **the amount of loss that would occur is not quantified** – in their comments (and the LVIA), UBU use terms such as 'minimal', and 'very small sections', which is not helpful.
- 4.8.4 In addition, as noted in my review, UBU's comments do not respond to the fact that LVIA para. 1.20 states that *'Access to the facility is to be taken from two un-named lanes to the north and south of the development at **existing** field gates and access points'* (my emphasis). However, had the assessor actually visited the proposed access points (or even looked on Streetview), they would surely have realised that only one access point is existing (in fact, it is relatively recent). The other two would have to be created, and this would involve the removal of significant amounts of hedgerows and trees.
- 4.8.5 My December 2021 review pointed out (para. 2.4.2 xlii – iii) that:
'The first existing access is through a field gate at which the gap in the hedge is currently c. 12m wide. From the applicant's plans and documents it is not clear exactly how much more of the hedge (H2 in

the AIA) would need to be removed, but according to the plans in the TAS, a c. 40m-long apron of some form of hardstanding (possibly tarmac) between the internal access track and the road would need to be accommodated. Sections of existing grassed verges would also have to be removed.

*'The eastern northern site access is ingress only. Its construction would entail the removal of more of H2, although again, the extent is not clear: the arrangement appears to be the same as for the western access point, so **potentially, up to 40 linear metres of hedgerow and similar lengths of grassed verge would have to be removed.**'*

4.8.6 However, my main concern relates to **the potential loss of a c. 160m length of hedgerow / verge along the Sinton Green - Monkwood Green lane**. The features lie on the south side of the lane, whereas the main part of the site is opposite, on the north side of the lane.

4.8.7 It is not clear why, but **the features are included within the Appellant's red line boundary**, at the point where the southern access into the Appeal site is proposed.

4.8.8 Firstly, UBU's comments on my 2021 review refer to the Appellant's *Transport Note: Further Information for the Highway Authority* (24/01/2022), and explain that *'the southern access is designed with a 2.4m x 94m visibility splay. It is clear that these splays do not result in the excessive hedgerow loss as reported in the BGSLVR'*.

4.8.9 However, **it is not clear why the visibility splay is now 2.4m** (see Drawing No. C20063-ATP-DR-TP-0015 Rev. PO3 in the *Further Information* Transport Note Appendix B Site Access Locations and Layout), when Drawing No. C20063-ATP-DR-TP-0005 in the June 2021 Transport and Access Statement (TAS) shows the visibility splay at **2.0m**.

4.8.10 Also, when comparing the two drawings, I don't understand why the 2.4m visibility splay in the 2022 drawing is shown further south than the 2.0m visibility splay in the 2021 drawing, when surely it would be the other way around? **It would be helpful to have clarification on this point.**

4.8.11 Secondly, returning to the point about the red line boundary including land south of the lane, the swept path analysis that was included in the 2021 TAS (Drawing. No. C20063-ATP-DR-TP-0005) shows the swept path analysis for the southern access (there is no swept path analysis drawing for this access in the 2022 TAS).

4.8.12 My 2021 review report notes as follows (para. 2.4.2):

Although I could not find reference to this in any of the applicant's documents (the matter is discussed further in the effects sections below), drawing nos. C20063-ATP-DR-TP-0013 Rev. PO2 and C20063-ATP-DR-TP-0005 Rev. PO1 respectively in Appendices B and C of the TAS suggest that a c. 160m-long section of the Sinton Green - Monkwood Green lane would need to be widened in order to accommodate 10m-long vehicles entering and existing the site.

If one measures the width of the lane on the proposed access drawings, it is shown as being c. 6.5m wide. In reality, it is c. 4.2m wide, with a c. 3m-wide grassed verge along the southern side of the lane and a ditch running below the hedgerow. If the lane did have to be widened to c. 6.5m then presumably sections of verge, ditch and hedge would have to be removed.

In fact, it seems as though this would be the most likely scenario, and would explain why the application site boundary includes the area south of the lane, including the roadside hedge and the eastern part of a field, as shown (superimposed) on the Google Earth extract [shown on review p. 13].

4.8.13 UBU maintain that there would be *no excessive loss of hedgerows* at the proposed access points. However, these comments only relate to the northern site access points, and to the vegetation along the **northern** side of the Sinton Green - Monkwood Green lane (see above), **not** that on the southern side.

4.9 Double-counting Mitigation as Enhancement

4.9.1 The mitigation measures proposed in the LVIA (Section 6) were factored in to the assessment process, and the reporting of overall levels of effects. However, as my 2021 review explains in Section 4.5, the LVIA assessor misunderstood the difference between mitigation and enhancement.

4.9.2 For example, LVIA para. 5.4 says that '*The **mitigation measures [include] enhancing existing hedgerows as well as planting new hedges and trees to assist in the screening of the development***'. Para. 5.24 says, '*The developer has provided an opportunity to introduce **mitigation measures such as increased planting and hedgerows to enhance and increase local biodiversity***' (my emphases).

4.9.3 However, **mitigation measures are those which are specifically required to avoid / reduce levels of effects. They cannot be double-counted as benefits / enhancements / compensation.** GLVIA3 para. 3.39 explains that '*Enhancement... is often referred to **incorrectly** as an outcome of the proposed mitigation measures - 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*' (my emphasis), which is exactly what the LVIA has done.

4.9.4 Unfortunately, **the error has been perpetuated in both the Appellant's main, and landscape and visual, SoCs.**

4.9.5 Pegasus's SoC para. 5.5 states that the LVIA '*noted... that **mitigation proposals had been provided including the enhancement of existing hedges and additional planting of new hedgerows and trees.** On that basis no substantive negative effects on landscape features were identified*' (my emphasis).

4.9.6 In the Appellant's main SoC, para. 6.58 states, '*In terms of **landscape enhancement**, it is noted that the policy does not make this a requirement, rather it states that available opportunities for this are to be*

taken. The scheme incorporates **landscape mitigations**, including additional new hedgerow planting and gapping up of existing hedgerows' (my emphases).

- 4.9.7 The result of the erroneous assumption – ie that landscape and visual mitigation measures also count as landscape and visual enhancements - is that **the assumed level of benefit has been subtracted from the predicted level of harm**, and thus **levels of adverse effects have been reported as lower than they should have been**.

4.10 Conflating Landscape and Visual Effects

- 4.10.1 The LVIA assessor misunderstood the difference between landscape and visual effects, and as a result, they were conflated.
- 4.10.2 For example, under the heading Landscape Effects Assessment, LVIA para. 5.4 says that '*The mitigation measures such as enhancing existing hedgerows as well as **planting new hedges and trees to assist in the screening of the development** will reduce the magnitude of change to very small leading to minor [adverse] residual effects*' (my emphasis).
- 4.10.3 In other words, it has been assumed that measures proposed to reduce levels of effects on views would also reduce effects on landscape character, **which they would not**.
- 4.10.4 This is a fundamental error. As GLVIA3 makes perfectly clear throughout, landscape and visual effects must be assessed separately. **Effects on landscape character arise from change / new development regardless of whether or not anyone can see it.** ("*Just because you can't see something doesn't mean it's not there.*")
- 4.10.5 Thus, the screen planting would **not** '*reduce the magnitude of change to very small leading to minor [adverse] residual [landscape] effects*': **during operation, effects on character would remain at the same level from start to finish.**
- 4.10.6 As a result of this error, predictions about levels of effects on landscape character were underestimated, and would be higher than reported (see Section 12).

4.11 Cumulative Effects

- 4.11.1 The European Union's September 2020 report *Potential impacts of solar, geothermal and ocean energy on habitats and species protected under the birds and habitats directives* (on page 15) states that '*Although effects of one development may not be significant, the combined effects of several developments together can be significant. **Cumulative effects are a particular and crucial aspect of a credible impact assessment process. Cumulative effects are very relevant in the case of solar energy deployment.** There is for instance a risk that large PV arrays may be clustered together*

*due to limitations of location choices in terms of climate, topography, access, existing land uses, etc. While each solar farm may be of little risk to wildlife individually, this **clustering could potentially give rise to significant cumulative environmental impacts** (BirdLife Europe, 2011). This risk might increase given the continuously growing number of applications for solar energy production and expected increase in capacity over the coming years' (my emphases).*

4.11.2 On page 16, the report goes on to say that '*a common challenge related to cumulative impact assessment is how to deal with the attribution of the 'burden' of cumulative effects when project developments take place sequentially. The predominant approach at this moment is based on the "first come, first served" principle, which means that the last project takes into account all impacts of all previous projects. As a consequence, additional plans and projects to those that are already approved in the same area face increased consenting risk due to the increased risk of significant impacts*'.

4.11.3 The Government's planning practice guidance on renewable and low carbon energy answers the question '*How can local planning authorities identify suitable areas for renewable and low carbon energy?*' by saying, '*There are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology and, **critically**, the potential impacts on the local environment, including from **cumulative impacts**. **The views of local communities likely to be affected should be listened to***' (my emphases) (Para: 005 Ref ID: 5-005-20150618 Rev date: 18 06 2015).

4.11.4 The lack of an assessment of cumulative effects arising from the Appeal scheme is mentioned in my review report at paras. 2.1.3 – 5.

4.11.5 In summary, I noted the following reasons for MHDC and / or the Appellant having dismissed the need for a cumulative effects assessment:

Only **consented** solar farms within local area of Sinton Green were considered.

Only consented **solar farms** within local area of Sinton Green were considered.

Only consented solar farms **within** [the] **local area of Sinton Green** were considered.

4.11.6 However, as my report explains, these parameters are far too limited – see also page 16 of the European Union's 2020 report.

4.11.7 I recommended that '*MHDC should ask the applicant to carry out and submit an assessment of the cumulative environmental effects that would arise from the proposed development in combination with other developments which are similarly industrial in nature and scale, during construction, operation and decommissioning. The extent of the study area should be determined by the likely extent of any inter-project cumulative effects including during construction / decommissioning*'.

- 4.11.8 The assessment should consider effects at a landscape scale, factoring in hydrological catchment areas and infrastructure networks (the latter especially important if several developments are being constructed in an area at the same time).
- 4.11.9 It is also very important to note that since the decision was taken not to assess cumulative effects, **there have been many more proposed and consented solar power stations in Worcestershire:** see my Appendix CT-2, which is an extract from the Department of Business, Energy and Industrial Strategy (BEIS)'s Renewable Energy Planning Database (REPD)³, showing solar developments in Worcestershire at July 2023.
- 4.11.10 As the Applicant's request for a screening opinion was submitted to MHDC in November 2020, it is reasonable to assume that searches for similar schemes took place not long before this time, and may have continued for a short time afterwards.
- 4.11.11 The spreadsheet shows that **between September 2020 and June 2023, around thirty-five applications for solar developments were submitted to LPAs in Worcestershire**, albeit likely that some were for rooftop installations. Of these, **twenty-five have been granted planning permission**. Two applications were withdrawn, and apart from the Appeal scheme, which is the only one refused so far, the rest are pending decisions.
- 4.11.12 Furthermore, in May 2023, MHDC received a screening opinion request (M/23/00707/SCR) for a c. 25MW solar development proposed on a c. 30ha site **c. 2km south of the Appeal site** (known as Fitcher Brook). MHDC concluded that the proposal is not EIA development. The applicant is Tyler Hill Renewables Ltd, which is presumably closely linked to this Hearing's **Appellant**, which is Tyler Hill Solar Limited (previously referred to as BRL Solar UK Limited).

4.12 Reliance on Vegetation to Screen Views

- 4.12.1 The LVIA places a great deal of reliance on both existing and proposed vegetation to screen / filter views of the proposed development. However, it is very important to note that these days, experts **do not recommend relying on either existing or proposed vegetation to screen views in the longer term**, since there is no guarantee that it will remain (or in the case of new planting, establish in the first place).
- 4.12.2 There are many reasons for this, including: soil type; water and nutrient availability; competition; maintenance and management regimes / quality of care; deliberate removal (authorised, for example

³ The REPD is managed by Barbour ABI on behalf of BEIS. The databases track the progress of renewable electricity projects (including those that could also be used for combined heat and power (CHP)), and electricity storage projects from inception, through planning, construction, operation and decommissioning. The REPD is updated on a quarterly basis, and contains information on all Renewable Electricity and CHP projects up to the end of the previous calendar month.

forestry plantations, or unauthorised); accident; erosion, decline and death from intensive landuse / pollution / pests / diseases (Ash dieback is prevalent in this area); inappropriate species selection for situation / wrong planting specification / inadequate soil preparation; temperature / climate change; or a combination of these and other factors.

- 4.12.3 Notwithstanding the above, it is still necessary to factor existing vegetation in to visual assessments, but it is important to note the nature of the vegetation - for example, is it a large block of native woodland with an assumed high degree of permanence (subject of course to the above factors), or a mature forestry plantation due to be felled, or a thin, overgrown hedge which may be cut back at any time?
- 4.12.4 In addition, the assessment should note whether screening of views by vegetation is likely to be year-round or seasonal, and the degree of screening - some views may only be partially-screened, or 'filtered' by vegetation.
- 4.12.5 **The LVIA does not provide this information.**

5 Project Description

- 5.1 The Appellant's descriptions of the proposed development during construction, operation and decommissioning were scattered throughout a number of documents; in some cases there was insufficient information, and contradictions. For ease of reference, in my December 2021 review report, I set out all the relevant (in terms of landscape and visual effects) information and descriptions, with illustrations, in one place (see review report Section 2.4).
- 5.2 Where relevant, proposed scheme elements and activities are described in the following sections.
- 5.3 My review found that **the project description was not sufficient to enable full understanding of landscape and visual (and other) effects.**
- 5.4 Some of the information has since been amended / updated, and new information has been provided, although many matters still require clarification.
- 5.5 The red line boundary appears not to have been adjusted.
- 5.6 The reason for the red line boundary including the verge, hedgerow, and part of a field south of the lane along the southern boundary, as indicated by the Appellant's swept-path analysis drawings, the potential adverse effects over a c. 160m length, does not appear to have been clarified.
- 5.7 As far as I can ascertain, as mentioned previously, most of the changes appear to relate to concerns raised by WWT, and involve moving the line of the proposed internal access track which leads to Area 1, and providing updated survey data / assessments.
- 5.8 However, the scheme layout has been amended slightly in other areas. For example, the proposed private substation area opposite the proposed main substation has been moved from the west side of the proposed access track to the east side, and transformer locations and the layout of the solar arrays have been adjusted. The increased set-back of the arrays in some areas has resulted in an increase in the extent of arrays in other areas.
- 5.9 In addition, what I assume is a proposed construction compound area has been added to the drawings - see for example Proposed Site Layout Plan Drawing. No. P001.301.20 Revision 20, which I believe is the latest version. The compound contains a building and parking, and is proposed to be accessed via a new in-field trackway to the east of the easternmost of the proposed access points off the lane along the site's northern boundary.
- 5.10 In the original submission, the location of construction compounds was not specified. Para. 5.37 of the PDAS stated that '**Some space outside the compound area may also be required, but as a**

*temporary feature, **this does not form part of this application.** There will be no need to remove trees or vegetation to achieve this'* (my emphases); elsewhere reference was made to 'compounds'.

- 5.11 My review explained that it was not possible to understand the nature and extent of effects arising from one or more construction compounds without knowing its / their location and extent, and I recommended that MHDC should ask the Applicant to provide plans showing the locations of and areas covered by the construction compound/s.
- 5.12 It is important to note that although the red line boundary is not shown on that drawing, as far as I am aware it has not changed since the original submission, and **the proposed new compound lies outside the site boundary.**
- 5.13 My review also said that as far as I am aware, i) any and all land that is or may be required to accommodate construction activities must be part of the planning application, and ii) an assessment of the environmental effects that could potentially arise from the use of the area should be carried out. There are, however, certain exceptions to this, for example if the change of use is for a short duration. Regardless, in my opinion, the compound area should have been included in the original application, and effects assessed along with the rest of the site.
- 5.14 Very limited information about hydrology and drainage, was provided by the Appellant. My review recommended that in order to understand likely landscape, visual, ecological and other effects, during both construction and operation, MHDC should ask for details, although as far as I am aware, none of the additional information required has been submitted. For example:
- a) confirm whether silt traps and bunds would be constructed along the bottom of slopes to watercourses, and if so, provide details;
 - b) provide details of how the spread and dispersal of water run-off at the ground surface would be dealt with;
 - c) provide details of how stormwater discharge would be dealt with;
 - d) provide details of how soil compaction would be dealt with during the construction phase;
 - e) provide a soil management plan; and
 - f) assess environmental effects arising from the above, especially on existing trees and hedges / their root protection areas (RPAs), verges and ditches (especially those which require culverting).
- 5.15 Finally, one matter which was raised during the consultation period has not, as far as I am aware, been addressed. **This requires clarification, as it has implications for effects on views.**
- 5.16 An email dated the 8th of November 2021 was submitted to MHDC which said (in its entirety, but divided into separate paragraphs, and with my emphases):

'As a retired Overhead Line Engineer, I am concerned that no details about the connection to the existing WPD 132KV distribution network is included in the Planning Application for the Birchall Green Solar Farm.

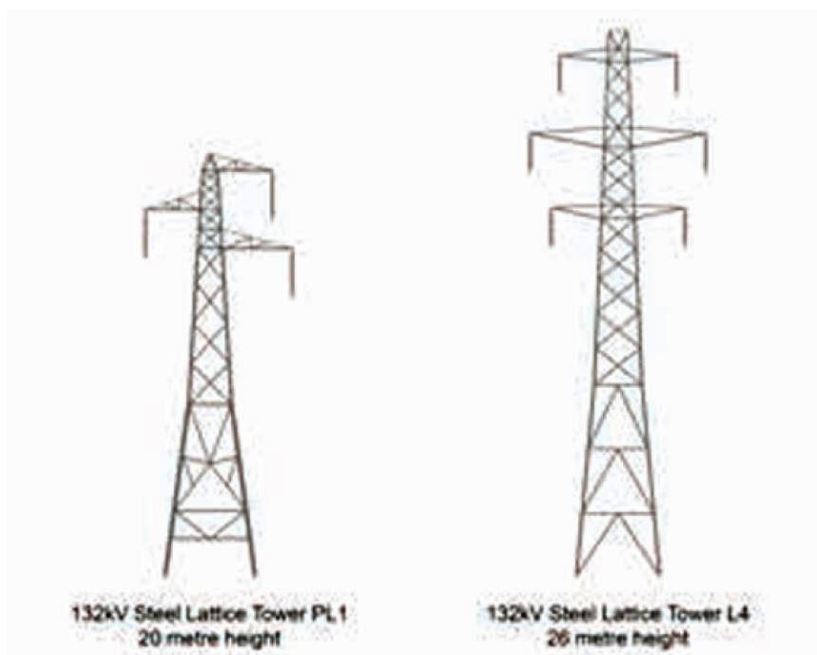
*'The SPD drawing P001.304.03 is the only drawing that contains any information about the connection and **the connection cannot be achieved as shown in this drawing.***

*'**The existing 132KV line consists of single circuit PL1 towers which are of 1932 vintage and the drawing shows a much bigger L4M modern tower.***

*'**It will not be possible to have a take-off from either of these towers without some further structures at the base of either tower.** But there is no indication what these structures may look like. **An L4M tower will be a far more significant structure than the existing PL1 tower.***

'For information I have added a file to the comments to show the comparative size of an PL1 and L4M tower. The tower shown on the left is a standard height PL1 tower and the tower on the right is a standard height L4M tower.

*'For the above reasons I feel that **the Planning Authority cannot contemplate the scheme without considering the visual impact that the DNO connection will have on the landscape** in this very sensitive area close to Monkwood.'*



6 Temporary vs Permanent

- 6.1 The Appellant's LVIA has assessed operational effects as permanent, and **I agree with that approach**. LVIA para. 6.1 states that '*The **permanent** proposals have given rise to some adverse and significant visual effects at the Post Construction stage*'.
- 6.2 However, elsewhere, especially in the Appellant's PDAS, it is clear that the proposed development is considered to be **temporary, not permanent** (see for example PDAS Section 1.2, on page 7: '*the temporary development will be completely removed at the end of the 40 year operation*').
- 6.3 PDAS Section 5.2 states that '*The scheme will be operational for 40 years and so the application is for 40 years plus up to 1 additional year each for construction and decommissioning, totalling 42 years*'.
- 6.4 **I take issue with the use of the term 'temporary' to describe (and use as the basis for assessing the effects of) development that would remain in place for forty years**. The forty-year timespan would **certainly be permanent in terms of some people's life expectancies**. Indeed, this has been recognised by decision-makers for some time.
- 6.5 In 2015, an appeal decision letter (DL) was issued relating to a proposed solar development (APP/M2270/A/14/2226557) which would have had a lifespan of twenty-five years. The appeal was recovered for the Secretary of State (SoS)'s determination. The SoS agreed with the Inspector's analysis and conclusions, and with his recommendation.
- 6.6 Para. 24 of the DL states that the SoS, '***disagrees... that the temporary nature of the proposal is relevant** insofar as the effects of the scheme, both positive and negative, would endure for a limited period. The Secretary of State takes the view that **25 years is a considerable period of time and the reversibility of the proposal is not a matter he has taken into account** in his consideration of whether the scheme should go ahead.*' (my emphases).
- 6.7 Similarly, in a 2016 solar appeal (APP/B9506/W/15/3006387) for a scheme with a lifespan of thirty years was recovered for the SoS's determination. The Inspector recommended that the appeal be allowed, but the SoS disagreed with the Inspector's recommendation, and dismissed the appeal.
- 6.8 Para. 18 of the DL states, '*The Secretary of State takes the view that **30 years is a considerable period of time and the reversibility of the proposal is not a matter to which he has given any weight**. He considers that **a period of 30 years would not be perceived by those who frequent the area as being temporary** and **that the harmful effect on the landscape would prevail for far too long**' (my emphases).*

- 6.9 In a more recent DL relating to a solar development appeal (APP/M1005/W/22/3299953), at para. 60, the Inspector said, '*I consider that **40 years is a very significant period in people's lives** during which the development would seriously detract from landscape character and visual amenity'* (my emphasis). The appeal was dismissed.
- 6.10 Many experts now recommend that **a thirty-year-plus period should be described as 'permanent'**, with effects being assessed on that basis as it represents the 'worst-case scenario' which should be adopted as best practice in effects assessments.
- 6.11 It appears that solar developers are increasingly aware of this. A recent example from an ES for a proposed solar development with which I am involved states, '*The operational life of the Proposed Development is not proposed to be specified in the DCO and **the Applicant is not seeking a time limited consent**. The EIA has been carried out on the basis that the Proposed Development is **permanent**, to ensure a **worst-case assessment** of likely significant effects'* (my emphases).
- 6.12 In addition, the proposed development could, potentially, establish the site as 'Previously Developed Land'. But even if not, **it would establish the principle of development on the site**. This would make it easier to obtain a further temporary permission in future. My understanding is that permissions granted for solar developments do not expire (unlike other temporary developments such as mineral extraction). Thus, it is quite possible that, near the expiry date of the 40-year operational period, the Appellant or other developer would want to take advantage of the grid connection at the site again. Granting a 'temporary' permission would therefore create the conditions for subsequent 'temporary' solar power station permissions on the site.
- 6.13 Finally, **clarification is required from the Appellant as to whether any parts / elements of the proposed development would remain in place post-decommissioning**.
- 6.14 I could not find any reference to 'permanent' features in the Appellant's submitted documents, but **at many solar developments, the proposed substation/s are intended to remain in place permanently / indefinitely**, along with **security measures, cable connections and the widened / new site access points / tracks**.
- 6.15 Even if no permanent features are proposed, there is the risk that at decommissioning, the widened / new site access points are not returned to their original state, as they are likely to be more practical for farm management (some solar landowners / tenants I spoke to said they assumed the planning permission would allow the 'improvements' to remain in place post-operation).

7 Construction / Decommissioning Effects

7.1 Introduction

7.1.1 **The LVIA did not mention construction / decommissioning at all.**

7.1.2 Pegasus's Landscape and Visual SoC does mention construction, but only in terms of duration, and in relation to corridors left along public footpaths across the site, and the construction of access tracks: **it does not consider or assess construction effects.**

7.1.3 Construction / decommissioning elements / activities are described and illustrated in my review report paras. 2.4.2 xxxvi) – lxix), and lxx) – lxxii) respectively. Construction / decommissioning effects on- and off-site (along the construction route) are dealt with at length in Section 4.4.

7.1.4 In summary, I concluded that during construction and decommissioning, both on- and off-site (along the construction route), there would be **high levels of adverse effects on the character of the site and its contextual landscapes.**

7.1.5 The above would give rise to **high levels of adverse visual effects**, most especially on people walking through the site; living in close proximity to the site / the construction route; travelling along / in close proximity to the site boundaries; and travelling along the construction route.

7.1.6 Indeed, the LVIA concludes that even during operation, with the proposed mitigating measures in place, levels of visual effects would be Substantial adverse. Evidently, during construction, **they would be far higher.**

7.1.7 Effects on views are considered in Section 13 below; however, it is also necessary to consider effects on how landscape is experienced, which involves other senses. During construction, the proposed development would generate noise (see below), vibration, lighting, odour, dust and potentially, pollution, and cause changes in ground conditions.

7.2 Nature of Construction / Decommissioning Effects

- i. Temporary features during construction / decommissioning phases (up to one year allowed for each) include compound/s, lighting, and the one-way construction route.
- ii. It is likely that some of the direct effects arising from construction and other traffic using the proposed one-way routes (for example loss of / damage to verges, hedges and trees) would be permanent (i.e. for the 40-year duration of the project, and potentially, beyond).

- iii. It is also likely that during decommissioning and / or interim maintenance / panel replacement works), if / where vegetation along the construction route had recovered, similar damage / loss would occur again.
- iv. Industrialising features and activities being inserted into rural landscape displaying considerable natural beauty, tranquillity and time depth, with no existing reference to the type of development proposed.
- v. Loss of / damage to existing landscape elements, features and landcover: many found on and around the site are rare / unique, and are very good representations of both the national and local landscapes' key characteristics.
- vi. Change in landscape / historic landscape character from traditional rural / agricultural to intensive industrial.
- vii. Changes to / loss of landscape function and contribution to landscape character - area within which site lies plays important roles in both.
- viii. Changes in aesthetic / perceptual qualities of the landscape: disturbance / activity / movement / noise (vehicular, mechanical and human), clutter and paraphernalia associated with activities on site, lighting, bright colours, and glint / glare from reflective surfaces.
- ix. Pollution of soil, air and / or water - residues and emissions, odour and dust (also nuisances).
- x. Adverse effects on soil structure and microbiology.
- xi. Effects of noise, light, pollution, traffic etc. on people's mental / physical health and well-being, and quality of life.
- xii. Changes to / loss of views / amenity resulting from the above.

7.3 Duration

- 7.3.1 Para. 5.3.8 of the PDAS states that '*The total construction period will be approximately 20 – 24 weeks including any pre-preparation of the site, fencing, assembly and erection of the photovoltaic arrays, installation of the inverters/transformers and grid connection*'. According to para. 5.2.1 of the TAS, '*The construction phase of the development is programmed to take 6 months (26 weeks)*'.
- 7.3.2 In my opinion, **the estimated six-month construction period could be over-optimistic.**
- 7.3.3 Because it is a relatively new industry in the UK, it is now becoming clear that solar construction is not always as straightforward as first assumed.

- 7.3.4 A good example is at a solar development under construction at Bishampton, near Pershore, Worcestershire (20/02071/FUL). It is only slightly larger than the Appeal scheme (Bishampton is c. 30MW, the Appeal scheme would be c. 25MW).
- 7.3.5 The construction period was stated as being three months. Construction began in August 2022, and at the time of writing (October 2023), not only is construction still ongoing, it is not scheduled to be completed until early in 2024 – **16 months** after construction commenced, ie **five times longer than expected**.
- 7.3.6 Not only are the works not complete, they are also now the subject of **enforcement**. Piling noise is one of the main problems – it can be heard over two miles away – see noise below.
- 7.3.7 Finally, I note that the current industry standard for a solar panel's productive lifetime is 25 - 30 years, so they may need to be replaced during the operational phase. **This could potentially require interim decommissioning and construction phases**.

7.4 Noise

- 7.4.1 **Noise during construction is a particular problem** that would certainly adversely affect the qualities and experience of these deeply rural and tranquil landscapes.
- 7.4.2 I have visited the Bishampton site, and have experienced the noise.
- 7.4.3 Local residents had been complaining about the very high and almost incessant noise levels (sometimes for 12 hours a day, seven days a week), the main problem being the sound of **piling**, which was **clearly audible to receptors c. 3km away**, and intolerable to those living in the vicinity of the works.
- 7.4.4 I was sent recordings whilst piling was going on, from points where residential / recreational receptors close by were experiencing them (these can be made available if required, along with other videos which show solar farms under construction; or see the examples in the footnote⁴).
- 7.4.5 Interestingly, I am reviewing a proposal for a solar development in the same planning authority as Bishampton. Soon after it was submitted, the Regulatory Services / Environmental Health department responded to say that they had no concerns about noise. However, local residents sent the respondent the Bishampton recordings (which also included noise emanating from transformers during operation – these can also be made available).

⁴ [Tonker 830 | Piling Rig | In Action | England | UK - YouTube](#); [The Making of Brynwhilach Solar Farm - YouTube](#); [Construction of a Solar Project - YouTube](#); and [The Construction of West Solent Solar Farm, Iley Lane - YouTube](#)

- 7.4.6 As a result, the respondent withdrew their response, and their comments on the planning portal now read, *'I see that my original comments are on the portal and I have received further correspondence. I would be grateful if the original comments can be removed and replaced with the below. Complaints have been received by WRS relating to the installation of the panels at Bishampton and therefore we are requesting further details to justify the installation techniques as best practicable means and consideration against a very low background level'*.
- 7.4.7 My experience during site visits, and confirmed by residents / visitors, is that the Appeal site does have a very low background noise level.

7.5 Construction Route

- 7.5.1 For the duration of the works, both construction and local traffic would be subject to a one-way system along the proposed construction route, which is shown in the Appellant's TAS.
- 7.5.2 In my opinion, the proposed one-way system for not only construction but all local traffic - including cyclists and equestrians - is **highly unsustainable**, and has not been properly thought-through.
- 7.5.3 Whilst carrying out visits to the site and surrounding area (and the homes of local residents to assess visual / other effects), I attempted to follow the one-way system, until I realised how many extra miles of driving this would entail. For example, I needed to drive along Moseley Road from The Fox Inn on the east side of Monkwood Green to houses on the west side - a relatively short distance of some 300m. **With the one-way system in place, the journey would be 10.3km.**
- 7.5.4 It is inevitable that the increase in traffic along the lanes, much of which would comprise HGVs (and vehicle cranes) – see photo overleaf, would result in damage to and / or loss of landscape elements and features (for example grass verges, hedges / hedgebanks, and overhanging trees), erosion / loss of the area's special qualities, and erosion / loss of a highly valuable natural / recreational / historic resource. Along the route there would be traffic noise, movement and lights, disturbance, mud / dust and various forms of pollution, all of which have the potential to adversely affect environmental and human health.
- 7.5.5 The lanes are well-used by locals and visitors – walkers, cyclists and equestrians – for recreational purposes, and for travelling to and from school, places of work and worship, commercial outlets, hostelries and other key destinations - probably due to the current lack of traffic.
- 7.5.6 Many of the local lanes are very narrow and winding, with blind bends and summits, and very few refuges passing places. The tendency is to travel slowly, whereas construction traffic is likely to want to get from A to B as quickly as possible.
- 7.5.7 Also, it seems likely that many people will not follow the one-way system.

7.5.8 In my opinion, **there is a high degree of probability that at many places along the route, construction traffic could encounter stationary / slow-moving cars, pedestrians, equestrians and cyclists, and potentially, run into them.**

7.5.9 There is already damage from vehicles to grass verges, hedges and overhanging trees, and the road surfaces are not in good condition. Construction vehicles would exacerbate this situation. **Some of the damage is likely to be permanent.**

Photograph from Western Power Distribution's 'Guide to the production of legal plans' showing substation plant on HGV



7.5.10 These are **highly characteristic, high-value features which are highly susceptible to change** - some are **ancient, rare, and irreplaceable**. All make **important contributions to the area's character, special qualities and sense of place, and people's health and well-being and quality of life.**

7.5.11 Many are **designated and / or protected by planning policy / regulation**, especially for their biodiversity value / nature conservation interest. Those which could be directly or indirectly adversely affected during construction, especially along the proposed route, include:

- SSSIs (Monk Wood and Monkwood Green, woodland and grassland respectively).
- Monkwood Green is Registered Common Land and Open Access Land (CRoW Act).
- Local Wildlife Sites (LWSs) (Monk Wood Complex, Monkwood Green, Grimley Brook, Ockeridge Wood).
- ASNWs (Monk Wood, Ockeridge Wood).

- Priority Habitat Inventory (PHI) sites (Deciduous Woodland, Lowland Meadows).
- Worcestershire Biodiversity Action Plan (BAP) habitats and species.

7.5.12 As the above features and factors were not considered in the assessments, no mitigation measures to avoid / remedy / reduce adverse effects - **some of which are potentially significant** – were proposed.

7.5.13 Notwithstanding this, in my opinion, many could not be mitigated, nor could they adequately be compensated for, given the rarity / antiquity of some of the features.

8 Nature of Operational Effects

- 8.1 Section 2.4 of my December 2021 review report sets out in one place all the information available about the proposed development that is of relevance to the assessments of landscape and visual effects, to make it easier to understand the nature of the effects likely to arise.
- 8.2 In summary, likely operational effects include, and / or would arise from, the following:
- i. Permanent features (i.e. for the duration of the project which is c. 40 years - permanent in the context of many people's lives) include solar arrays, security fencing, CCTV and lighting columns, signage, substations (could be truly permanent), invertors, transformers, cabins, cabinets, relay / control / metering rooms, storage units (various sizes, materials and colours), earthworks / berms, new / widened access points, access tracks, and hardstanding (some of which could also be truly permanent).
 - ii. Industrialising features and activities inserted into an ancient rural landscape displaying considerable natural beauty, tranquillity and time depth, with no existing reference to the type of development proposed.
 - iii. Loss of / damage to existing landscape elements, features and landcover: many found on and around the site are rare / unique, are very good representations of both the national and local landscapes' key characteristics, and are important wildlife habitats. Also changes to soil profiles / fertility / microbiology.
 - iv. Change in landscape / historic landscape character from traditional rural / agricultural to intensive industrial.
 - v. Changes to / loss of landscape function and contribution to landscape character - area within which site lies plays important roles in both.
 - vi. Changes in aesthetic / perceptual qualities of the landscape: disturbance / activity / movement / noise (vehicular, mechanical and human), clutter and paraphernalia associated with activities on site, lighting, bright colours, and glint / glare from reflective surfaces.
 - vii. Effects of the above on people's mental / physical health and well-being, and quality of life.
 - viii. Adverse changes to / loss of views / amenity resulting from the above.
 - ix. New tree, hedgerow and other planting. Note that mitigation / enhancement measures should be both effective and appropriate in terms of character and views, otherwise, they may in themselves give rise to adverse landscape and visual effects (as is the case here). They may also be in conflict with measures proposed in other topics (also the case here).

9 Soils

- 9.1 Adverse effects on soils are very likely to give rise to adverse effects on landscape character, and views / visual amenity.
- 9.2 These matters are dealt with in more detail by others who are experts in the subject, but, as explained in my December 2021 review report, solar development can cause considerable damage to soils, for example through compaction and turbation during construction, and increased runoff during construction and operation.
- 9.3 In his ecology SoC, Dr Betts explains that in this case, there is the potential for soils / associated ecology to be damaged through: compaction; erosion; 'significant electromagnetic radiation'⁵; traffic; and access tracks.
- 9.4 Para. 23 of WWT's September 2023 SoC states, '*... we continue to believe that the 'menu' of options for habitat creation set out in the EEMMP includes **potentially very damaging techniques** and would in fact undermine any apparent net gains through **further degradation of soil biology and structure**, with **associated effects on a range of species**. This would be especially the case where herbicides and cultivations were used but may also pertain to poor species selection in seed mixes, shortcomings in establishment and difficulties with ongoing management*' (my emphases).
- 9.5 According to the European Union's September 2020 report *Potential impacts of solar, geothermal and ocean energy on habitats and species protected under the birds and habitats directives* (on page 9), '*Habitats transformed into solar farms will suffer from **a wide range of impacts such as reduced vegetative cover, compaction of soil, reduced infiltration, increased runoff, decreased soil activity, decreased soil organic matter, and impaired water quality*** (New Jersey Department of Environmental Protection, 2017)' (my emphasis).
- 9.6 As explained above and in my review report, these are valuable historic landscapes: they, and their soils, have undergone surprisingly little change in the last few hundred years.
- 9.7 Or had: as mentioned previously, Area 2, which is located in the southern part of the site, was grassland / pasture when assessed, but has recently been ploughed. This has changed the baseline situation, so the results of the landscape, visual, ecological and soil assessments are no longer reliable.

⁵ 'The potential for SPV installations to cause electromagnetic or other interference with aeronautical Communications Navigational and Surveillance equipment (CNS) must be considered by the SPV developer, in coordination with the CAA, the aerodrome Air Traffic Service provider (ATS), the Air Navigation Service Provider (ANSP) and/or NATS and the MoD, as required.' Source: (Independent Solar Photovoltaic & Building Development – Glint & Glare Guidance 3rd Edition (3.1) (April 2021), Pager Power)

- 9.8 In Dr Bett's opinion, ploughing the field would likely have destroyed any semi-permanent grassland / soil biology ecological value.
- 9.9 I note that the Appellant's October 2022 Environmental and Community Enhancement Proposals state, 'The landowner has never grown crops on this land as the soil gets very wet and would require significant applications of weed killer and fertilisers to make it suitable, and this would make it financially unviable. Therefore, it has long been used for grazing sheep, horses and at one time cattle'. It is therefore unclear why part of the site has now been ploughed.
- 9.10 Also, when carrying out construction activities on arable / ploughed land, there are certainly higher levels of adverse effects on soil structure and microbiology than there are on permanent grassland – although it must be noted that a grass sward does not reduce the effects of compaction. The photographs overleaf show the effects of agricultural vehicles travelling across wet arable land of a similar nature to that of the Appeal site, and the same field in a dried-out area.
- 9.11 It must also be noted that the Environmental and Community Enhancement Proposals are based on the flawed assumption made in the LVIA, in that the proposals are described as **enhancements**, whereas many are in fact proposed landscape and visual **mitigating measures**, which, as explained previously, **cannot be double-counted as enhancements / benefits**.

Photographs of soil damage in arable field





10 Glint and Glare

- 10.1 Glint and glare are phenomena which can give rise to significant adverse visual effects, and negatively affect people's quality of life and well-being. Both are unpleasant at a distance, and highly disturbing / disorientating at close quarters, especially when experienced regularly / for long periods of time.
- 10.2 They are also known to at best distract, and at worst, cause brief loss of vision, also known as flash-blindness, in motorists, train drivers, and pilots, which can cause serious road, rail and air accidents.
- 10.3 Glint and glare are sometimes grouped under the term 'solar reflection', which is what causes them. Glint is a momentary flash caused when sunlight hits a smooth, glassy surface such as a solar panel. Glare is diffused light caused by the reflection of the sky on smooth, glassy surfaces; it is less intense than glint, but the effect may be experienced continuously for long periods throughout the day.
- 10.4 The images below show examples of 1) glint, and 2) glare, arising from solar panels.

1) Glint



2) Glare



- 10.5 Section 9.2.10 of the Appellant's original PDAS comprises a glint and glare assessment, which concluded that *'there should be no glint and glare impacts arising from the development'*.
- 10.6 My December 2021 review concluded that **there is the potential for glint and glare from solar arrays proposed on the Appeal site to give rise to high levels of adverse visual effects.**
- 10.7 It is not clear from the PDAS what methods were used / processes were followed. Currently, there is no formal guidance for carrying out glint and glare assessments, only high-level guidelines from the Civil Aviation Authority (CAA). However, most experts in the field seem to use guidance published by Pager Power, a company which has considerable experience in such studies (*Independent Solar Photovoltaic & Building Development – Glint & Glare Guidance* 3rd Edition (3.1) (April 2021), Pager Power).
- 10.8 On page 6, the guidance states that *'Glint and glare can significantly affect nearby receptors under particular conditions. The key receptors with respect to glint and glare are residents in surrounding dwellings, road users, train infrastructure (including train drivers), and aviation infrastructure (including pilots and air traffic controllers)'*.
- 10.9 Para. 6.1 states, *'Local residents are a key stakeholder within the local environment when proposing a solar PV development. This is because residents will be living in close proximity to the solar PV development whilst also potentially having views of the solar panels for its lifetime. Where a view of the solar panel exists, a solar reflection may be possible which may impact upon residential amenity'* (see also Section 14).

10.10 The recommended distances from the site for receptor assessment are as follows:

- Dwellings & national / major roads: 1km
- Train drivers: 500m
- Pilots: 30km.

10.11 However, the guidance notes – and my experience confirms – that depending on factors such as topography, and angle and elevation of the target and viewpoint, the effects at public and private viewpoints can be significant adverse over long distances (note pilots are potentially affected at distances of up to **30km** from sites, which is why visual receptors on the Malvern Hills 14km away could potentially be affected).

10.12 The guidance says that '**Where a view of the solar panel exists, a solar reflection may be possible**', and that '**There is no technical limit (distance) within which solar reflections is possible for a surrounding dwelling receptor**' (although the level of effect tends to reduce gradually with distance).

10.13 The guidance also notes (para. 1.11) that '*The reflective properties of solar PV panels vary from different manufacturers. Whilst solar panels vary in their reflectivity with some claiming 'anti-glare' properties, **no solar panel absorbs 100% of the incoming light. Therefore, any solar PV panel has the potential to produce a solar reflection.** The relative absorptive properties of a solar panel should be considered on a case-by-case basis*' (my emphasis).

10.14 Para. 6.2 of the guidance says, '*In general, the geometry of the relationship between typical ground mounted solar panels and the movement of the Sun in the northern hemisphere means that dwellings due east and west of the panels are most likely to view a solar reflection for south facing arrays panels*'.

10.15 The panels on the Appeal site would be south-facing.

10.16 My December 2021 Near-distance Viewpoint Location Plan (in Appendix CT-A of my review report, but appended to this SoC for ease of reference – see Appendix CT-1) shows the locations of public and private viewpoints on and around the Appeal site, giving an indication of the visual receptors most likely to be adversely affected by glint and glare.

11 Mitigation and Enhancement

- 11.1 As explained in Section 4 above, the LVIA assessor misunderstood the difference between mitigation and enhancement, and made a number of erroneous assumptions about the role of both in the effects assessments.
- 11.2 For example, it was assumed that landscape and visual mitigation measures also count as landscape and visual enhancements, which they do not. It was also assumed that in some cases, screen planting would **reduce** levels of adverse effects when in fact it would **increase** them, by resulting in the **total loss of a good quality open view** (see Section 13).
- 11.3 The result of the errors and erroneous assumptions is that **the assumed level of benefit has been subtracted from the predicted level of harm**, and thus **levels of adverse effects have been reported as lower than they should have been**.
- 11.4 To be clear:
- i) Levels of adverse effects on landscape character **cannot** be reduced through planting which is required to reduce levels of adverse visual effects by screening.
 - ii) It is **not possible** to mitigate for the loss of greenfield land and its replacement with built form.
 - iii) Mitigation **cannot** be double-counted as enhancement.
 - iv) It is **not safe** to rely on vegetation to screen views.
- 11.5 In addition, my assessment concluded that **some of the proposed mitigating measures would be uncharacteristic and inappropriate in the landscape, and would, in themselves, give rise to adverse effects**.
- 11.6 For example, new tree planting is proposed in two places: a) both sides of the new access track which starts at the north (western) access point and runs through the field west of Area 2, and b) around the main substation. In both places, **the introduction of randomly-scattered trees into open pasture is highly uncharacteristic in this landscape (and its LCT)** and would in itself give rise to adverse effects (here, free-standing trees are almost always either ornamental, or old field / trackway boundary remnants; the proposed willow is not appropriate).
- 11.7 Another example is the disruption to the historic field patterns that would be caused by the Appellant's proposal to create new field boundaries within the site (see my 2021 review para. 5.4.14).
- 11.8 Further disruption to these patterns would occur at the proposed access points, with requirements for gaps of up to 40m in the roadside hedges to the north, and potentially, the 'rearrangement' of the line of a 160m-long section of roadside hedge to the south.

12 Effects on Landscape Character

- 12.1 There is disagreement about what the levels of effects on landscape character would be.
- 12.2 At para. 7.4, the LVIA concludes (and Pegasus agrees) that '*The assessment has determined that the likely significance of effects on the landscape **will not exceed minor moderate in terms of the site, its setting and the broad landscape character** and therefore the effects are not considered to be significant*'.
- 12.3 **I disagree with this conclusion.** For the reasons set out in Section 4.5 of my December 2021 review report, I concluded that when operational, **the proposed development would give rise to very high ('significant') levels of adverse effects on the character of the site and its contextual landscapes**, the majority of which could not be mitigated: as explained above, **it is not possible to mitigate the replacement of a green field with built form / other development.**
- 12.4 The reasons for the difference in opinion about levels of effects on character are mainly due to the omissions, flaws and erroneous assumptions set out in Section 4.
- 12.5 For example, the LVIA did not identify the majority of features / factors / qualities that would be affected. These include the site and surrounding area's diverse heritage assets and their historic landscape character (HLC). See in particular paras. 4.4.22 - 33 of my review report, which describe some of the key heritage assets / historic landscape features.
- 12.6 On / adjacent to the site, these include:
- i. Possible Bronze Age feature on site (WSM04537).
 - ii. Possible Roman activity on site including routeway.
 - iii. Early Medieval ridge-and-furrow field systems in array Areas 1, 2 and 3.
 - iv. Assarts - some recorded by 1186 AD.
 - v. Possible Medieval chase / Norman royal forest remnants (Monk Wood is mentioned in the Domesday Book).
- 12.7 See also my review report paras. 5.5.46 – 66, which deal with effects on views from, and the landscape setting of, listed buildings lying in close proximity to the site.
- 12.8 In addition, see the response from the Wichenford Local Heritage Group (WLHG) dated the 5th of October 2023, and their original response (which is an appendix to GSFAG's November 2021 response: Appendix 2 – Response to the Cultural Heritage Impact Assessment (CHIA)). The latter response provides detailed information about the area's cultural heritage and heritage assets, and

- HLC, and raises concerns about a) the quality of the Appellant's heritage assessments, and b) the reporting of heritage effects, levels of which are very likely to be higher than stated.
- 12.9 Nor did the LVIA consider the site and surrounding area's diverse natural assets – see for example paras. 4.4.39 - 44 of my review report.
- 12.10 These cultural and natural assets make **highly important contributions to both landscape character and visual amenity.**
- 12.11 Also, the LVIA was based on the erroneous assumptions that a) there would not be any damage to / loss of the features that it did identify, b) that no new access points would need to be created, and c) the existing access points would only require minimal hedge removal. And, it did not consider the majority of the operational scheme elements, nor the nature and scale of the effects to which they would give rise.
- 12.12 Most importantly, **the LVIA assumed that planting proposed to screen views would also reduce levels of effects on character, which is not the case.**
- 12.13 Thus, **the LVIA's judgements about levels of effects on landscape character are flawed, and effects would be higher than reported.**
- 12.14 It is also important to note that **the proposed development would give rise to high levels of adverse effects on Green Infrastructure (GI).**
- 12.15 GI is not mentioned in the LVIA (nor in Pegasus's Landscape and Visual SoC), although para. 2.10 of GLVIA3 explains that GI *'is not separate from the landscape but is part of it'*, and that effects on GI may need to be addressed in LVIA / LVA.
- 12.16 Many of the landscape elements and features that would be adversely affected by the proposals are **highly valuable GI assets**, which perform **numerous important GI functions at a landscape scale** (they also perform **important landscape and visual functions**, and make **notable contributions to the area's natural capital and ecosystem services**).
- 12.17 The solar array areas would **interrupt / block connectivity between habitats**. The proposed new access arrangements would **interrupt / sever linear habitats / corridors**.
- 12.18 I note WWT's outstanding objections to the proposal, and their comment in October 2022 which said that *'A major consideration in this case is the **landscape connectivity provided by the woods and hedgerows connected to Monk Wood SSSI** and so it seems unfortunate to alter the design to benefit bats in one area only to render another unsuitable'* (my emphasis).
- 12.19 I also note para. 17 of WWT's September 2023 SoC, which explains that *'research demonstrates that solar panels have an adverse effect on activity within fields containing panels but **also along the***

boundary habitats, suggesting that **considerably more buffering of important features**, including Monk Wood SSSI, Monkwood LWS and associated hedgerow corridors **would be required in order for the development to avoid harm'** (my emphases).

12.20 On page 14, the European Union's September 2020 report *Potential impacts of solar, geothermal and ocean energy on habitats and species protected under the birds and habitats directives* states that 'solar PV parks cause habitat fragmentation and isolation for different species'.

12.21 The proposed development would also **severely compromise people's access to nature, recreation, movement and leisure** – see especially the proposed security fencing section (S15) below.

12.22 For these and other reasons set out in my review report, **the proposed development does not comply with GI policy or strategy.**

13 Effects on Views & Visual Amenity

- 13.1 The visual effects likely to arise from the proposed development when it is operational are described at length in Section 5 of my December 2021 review report, which considers the relevant factors at each of the key viewpoints (VPs).
- 13.2 The locations of the VPs identified a) in the LVIA, and b) in my own assessment, are shown on the Near-distance Viewpoint Location Plan in Appendix CT-1.
- 13.3 In fact, as explained in Section 3 above, there is a certain amount of agreement about levels of visual effects between myself and the author of the LVIA.
- 13.4 However, it should also be noted that despite Pegasus's Landscape and Visual SoC stating that the author agrees with the LVIA's findings, in relation to visual effects, Pegasus's SoC **contradicts** what is said in the LVIA.
- 13.5 In its conclusions, at para. 7.8, **the LVIA states that there would be significant adverse effects on some views:** *'Overall, the only **significant** effects are those that effect [sic] the public footpaths in close proximity to the development, especially in the vicinity of parcel 1, however, the mitigation measures will soften the effects of the proximity of the panels'* (my emphasis).
- 13.6 Yet, in Pegasus's SoC, at para. 2.9, the author states, *'...I am satisfied that the impact on... visual amenity is not a **significant** adverse one'*.
- 13.7 More specifically, the LVIA explains that when the proposed development becomes operational (**at Year 1**), and **without** the proposed mitigation measures (mainly screen planting) in place and having become effective, visual receptors at **LVIA VPs 4, 5, 7, 8, 9 and 10** (along footpath G/524(C)) would experience '**substantial adverse**' visual effects.
- 13.8 According to the LVIA, this level of effect is high enough to be categorised as '**significant**' if this was EIA development, which the LVIA appears to assume it is (along with Pegasus – see previous sections).
- 13.9 Furthermore, the LVIA concluded that **at Year 1**, apart from at VPs 11, 12 and 13 - see below - **levels of visual effects on all receptors would be Moderate adverse or higher**. Again, using the LVIA's significance threshold, this level of effect is high enough to be categorised as '**significant**' if this was EIA development.
- 13.10 However, I disagree that these would be the only VPs at which levels of effects at **Year 1** would be Moderate adverse or higher. For example the LVIA assessed levels of Year 1 visual effects on receptors at VPs 11 – 13 (along the lane along the site's northern boundary) as being Minor on the basis that receptors were motorists and therefore of Low sensitivity. But, as explained in Section 4.6 above,

- High-sensitivity recreational receptors walk / cycle / ride along the lane. Therefore, **levels of effects would be much higher than reported.**
- 13.11 The LVIA also concludes, and I agree, that **with** the proposed mitigation measures in place and having become effective, visual receptors at **LVIA VP1** (*close to public footpath Grimley 526 C and in the vicinity of Oakall [Oakhall] Green*) and **VP2** (*further south to viewpoint 1 in a location close to the footpath and to the rear of Oakall [Oakhall] Cottages and to the north of Oakhall Farm*) would experience '**significant**' **adverse residual** visual effects – in other words, **levels of effects would remain significant adverse for the 40-year duration of the operation.**
- 13.12 However, I disagree that these would be the only VPs at which **residual** levels of effects would be high enough to be categorised as 'significant' if this was EIA development.
- 13.13 In reporting levels of residual effects, the LVIA assumes that the proposed screen planting would become fully effective at around Year 10 of operation.
- 13.14 Firstly, it is important to note that on the basis of this assumption, even if the planting did establish, significant adverse visual effects would be experienced for around **ten years**, which is a very long time (and may be 'permanent' in the context of some people's future lifetimes).
- 13.15 Secondly, my assessment concluded that in most cases, for a variety of reasons (for example, elevated VPs from which views would be over the proposed 3m high hedges), **it would not be possible to fully screen many of the views available.** It also concluded that some of the proposed screen planting is **highly uncharacteristic.**
- 13.16 Interestingly, the LVIA's statement about hedges being maintained at 3m in height was **contradicted** at para. 6.13 of the Appellant's June 2021 *Ecological Enhancement, Mitigation and Management Plan* (EEMMP) report, which said that one of the 'Aims' was that '*The native species hedge will be maintained at 150cm high*'. The objective, and associated 'Action', was: '*Where practical, and in order to maximise wildlife value, trim hedgerows on a two or three year rotation in mid-January to the end of February to retain winter berries and avoid disturbance to nesting birds*' (my emphases).
- 13.17 However, for some reason – perhaps due to the conflict with the LVIA's requirement for screening – **the 1.5m height recommended by the ecologists has since been changed.** Para. 4.5 of what I believe is the latest version of the EEMMP report (Revision 3 dated the 10th of October 2022) now states: '*Retained hedgerows will be maintained and kept to a height of 3m which will improve their condition*' (my emphasis), which **contradicts** what was said before.
- 13.18 **The reason for this change should be explained.** However, without regular maintenance and management, taller-growing hedges often become leggy and gappy at the bottom, resulting in adverse effects on character, views, and biodiversity.

- 13.19 Also, and very importantly, **a c. 1.5m hedge height is characteristic of the local landscapes, 3m tall hedges are not.**
- 13.20 Clearly, at some point, a decision will have to be made about which should take priority - biodiversity or visual amenity: either ecological benefits will be less than envisaged, or levels of adverse visual effects will be higher (also bear in mind that the hedges would give rise to adverse effects on landscape character due to disruption of the historic field patterns - see Section 11 above).
- 13.21 Another very important point which was not factored in to the LVIA is that in many cases, the planting which is proposed to screen views, and thus **reduce** levels of adverse effects, would actually **increase** them.
- 13.22 The reason is that in those cases, the screen planting would in fact result in **the total loss of an existing view over good quality rural open countryside.**
- 13.23 According to the LVIA's criteria in Table 6 – Magnitude of Visual Impact, '*A total loss or major alteration to the existing visual elements, features or characteristics of the view...*' results in a **Very Large** magnitude of effect. It is agreed that some visual receptors are of **High** sensitivity. Using the LVIA's criteria in Table 7 - Visual Effect Significance Assessment Matrix, the combination of a Very Large magnitude of effect, and a High sensitivity visual receptor, results in a **Severe** level of overall effect.
- 13.24 According to the LVIA, that level of effect is '**significant**'.
- 13.25 Other matters which are relevant to the LVIA's underestimation of levels of operational visual effects include the following:
- i) Many near-, middle- and long-distance VPs frequented by highly sensitive visual receptors were either not identified or were scoped out, so visual effects were not assessed.
 - ii) Many highly-valuable visible landscape elements, features, factors and qualities were not identified in the baseline studies.
 - iii) The assumption was made that no new access points would have to be created, or existing ones widened, but that is incorrect.
 - iv) Another assumption was that no landscape features would have to be removed, which is not the case.
 - v) The only scheme elements factored in to the visual effects assessment appear to be the solar panels, the main substation, and the proposed screen planting, whereas there would be numerous industrialising features scattered throughout the site.
 - vi) In my opinion, the visual effects of glint / glare were not adequately assessed (see Section 10 above).

14 Effects on Other Amenity

- 14.1 The previous section describes effects on views and visual amenity. However, there are other forms of amenity which require consideration in the planning process and assessments of landscape, visual, and other effects, such as residential, social and recreational. **Effects on amenity is an important matter in this case**, where all forms are likely to be adversely affected.
- 14.2 *'When planning permission is rejected on the grounds of loss of amenity, it means the proposed development will harm the amenity of another property, through the noise, overlooking, overshadowing, smells, light pollution, loss of daylight, loss of privacy, dust, vibration or late night activities. The planning authorities **must** support sustainable development. For this reason, **when a proposed development poses a risk of loss of amenity of any type, the application is likely to be rejected'** (my emphases)⁶.*
- 14.3 A dictionary definition of 'amenity' generally, which is helpful in the context of planning / assessment is *'The quality or character of an area and elements that contribute to the overall enjoyment of an area'*.
- 14.4 Visual amenity is defined in GLVIA3 as *'the overall pleasantness of the views [people] enjoy of their surroundings'*.
- 14.5 Whilst there is indeed 'no right to a view' (a long-established principle in English law, first recorded in 1610), planning policy can and does protect certain views. For example, one component of Residential Amenity is Residential Visual Amenity.
- 14.6 Residential Amenity is not defined in law, but can be defined as *'Elements that are particularly relevant to the living conditions of a dwelling'*.
- 14.7 *'Residential amenity has a significant and valuable impact on the way in which people use their homes. The health and well-being of residents is often directly related to the level of residential amenity occupants can enjoy. It is a duty of the planning system to support sustainable development. Sustainable development incorporates a social role which seeks to secure well-designed, strong, vibrant and healthy communities'*⁷.
- 14.8 Indeed, *'There comes a point when, **by virtue of the proximity, size and scale of a given development, a residential property would be rendered so unattractive a place to live that***

⁶ www.nortontaylorunn.co.uk/faq-items/what-is-amenity-in-planning-terms

⁷ Technical Advice Note: Assessing Residential Amenity June 2016 South Gloucestershire Council

planning permission should be refused. *The test of what would be unacceptably unattractive should be an objective test*.⁸

- 14.9 Residential Visual Amenity means: *'the overall quality, experience and nature of views and outlook available to occupants of residential properties, including views from gardens and domestic curtilage'*⁹. Residential Visual Amenity Assessments (RVAAs) are 'objective tests', often carried out alongside LVIA's / LVAs.
- 14.10 As mentioned in Section 10, para. 6.1 of Pager Power's *Glint & Glare Guidance* states that *'Local residents are a key stakeholder within the local environment when proposing a solar PV development. This is because residents will be living in close proximity to the solar PV development whilst also potentially having views of the solar panels for its lifetime. **Where a view of the solar panel exists, a solar reflection may be possible which may impact upon residential amenity**'* (my emphasis).
- 14.11 Of course, in RVAAs / LVIA's / LVAs, the visual assessment is restricted to effects on views. However, in LVIA's / LVAs, very often the landscape character assessment focusses on effects on physical features in the landscape. Thus, the effects on human beings arising from *noise* (see Section 7.4 above), *overlooking, overshadowing, smells, light pollution, loss of daylight, loss of privacy, dust, vibration or late night activities*, early-morning activities, movement, disturbance, pollution, and general awareness of what is going on, are overlooked.
- 14.12 However, as GLVIA3 explains, the LVIA / LVA should include an assessment of effects on the **experiential** qualities of the landscape, and their perceptual and aesthetic aspects. In other words, how landscapes are perceived and experienced.
- 14.13 As previously mentioned, some human receptors may be blind / partially-sighted. Also, importantly, GLVIA3 Box 5.1 explains that *'scenic quality' 'is a term used to describe landscapes that appeal primarily to the senses (primarily, but not wholly the visual senses)'*.
- 14.14 As noted above, effects on the health, well-being and quality of life of residents in their homes / gardens is an important consideration in planning and assessment, but so is the health, well-being and quality of life of people who use the landscapes beyond their homes as a valuable resource for **recreational and social amenity**.
- 14.15 The importance of the landscape resource to the communities in this case is undisputable, and the unacceptable effects of the proposed development upon it are **explicitly addressed** in MHDC's RfR, which states that the proposed development would have a **'significant adverse impact on the enjoyment of the countryside by users of the public rights of way and Monkwood'**.

⁸ Burnthouse Farm Windfarm, SoS Decision (APP/D0515/A/10/2123739) 6th July 2011

⁹ Landscape Institute Residential Visual Amenity Assessment (RVAA) Technical Guidance Note 2/19 15 March 2019

- 14.16 Health, well-being and quality of life are integral to 'landscape', as well as to assessments of landscape and visual effects.
- 14.17 GLVIA3 Figure 1 shows examples of LVIA 'discussion areas', which under the heading 'human beings', includes **social impacts**.
- 14.18 Furthermore, the importance of the above issues is made abundantly clear in the Landscape Institute (LI)'s policy on public health¹⁰, and associated position statement *Public Health and Landscape: creating healthy places*.
- 14.19 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**'.
- 14.20 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**'.*
- 14.21 **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).
- 14.22 Other references to 'amenity' and well-being in the NPPF include:
- '*protect **local amenity** or **the well-being of the area**' (para. 53, re Article 4 direction);*
 - '*developments should create places with **high standard of amenity**' (para. 130 f);*
 - '***Amenity value** of land (para. 175);*
 - '*Open space... can act as a **visual amenity**' (Annex 2: Glossary).*

¹⁰ <https://www.landscapeinstitute.org/policy/health/>

- 14.23 The LVIA doesn't mention, let alone identify or assess effects on, the site and surrounding areas' aesthetic and perceptual qualities, nor does it assess effects on recreational / social amenity, which are **significant omissions** (Pegasus's Landscape and Visual SoC don't mention them either).
- 14.24 My December 2021 review deals with these matters at some length. In summary I found that the local PRow network (footpaths, bridleways and lanes) evidently makes a highly important contribution to people's mental and physical health and well-being, and to their quality of life, which the proposed development would adversely affect to varying degrees, during both construction and operation.
- 14.25 Effects on the various landscape elements, features, factors and qualities present along the construction route are described in Section 4.4 of my review report, all of which have the potential to adversely affect environmental and human health as well as views and visual / social amenity.
- 14.26 Issues of relevance here include:
- traffic noise, movement, lights, smells;
 - reduction in existing high levels of tranquillity including sense of safety;
 - damage to and / or loss of highly valuable landscape elements and features such as roadside grass verges / hedges / trees;
 - erosion / loss of area's special qualities
 - erosion / loss of highly valuable natural / recreational resources.
- 14.27 During operation, there would certainly be less movement and disturbance on the site, but the residual issues would still give rise to adverse effects on amenity, for example:
- noise from transformers (recordings can be made available);
 - visual effects, including glint and glare; and
 - 'inescapable fenced corridors'.
- 14.28 The latter are explained and illustrated at the end of the following section.

15 Security Fencing

- 15.1 As previously mentioned, the Appeal site would be divided into five separate parcels. LVIA para. 1.19 explains that *'The parcels are contained by a 2m high post and wire security fence to the alignment shown on the layouts'* (see Appellant's drawing called 2m Post and Wire Fence, which specifies *'galvanised steel deer fencing attached to wooden posts'*).
- 15.2 The security fencing would presumably be erected when construction started, and would remain in place for the lifetime of the scheme, albeit probably with repair / replacement at times, as required.
- 15.3 In order to allow the continued passage through the site of creatures such as badgers, either a) once erected, mammal gates would be installed in the fence at strategic locations by cutting holes in the fence and putting in a purpose-designed flap (as shown on the above drawing); and / or b) a gap would be left underneath the fence - the Appellant's response to the Woodland Trust's comments on the application (dated 22nd January 2022) states that *'Wildlife fencing will be constructed using galvanised steel deer fencing fixed to wooden posts. There will be a 20-30cm gap at the base of the fence to allow small mammals to pass freely. The only disturbance will be excavations required for installation of the posts. No concrete is required to fix them'*.
- 15.4 **The Appellant's LVIA was carried out based on the above assumptions, and presumably the ecological assessment**, as was my own.
- 15.5 However, in my experience, and as explained in para. 2.4.2 xv) of my review report, **it is highly likely that the fencing would have to be far more robust than post-and-wire in order to deter thieves and satisfy insurance requirements**.
- 15.6 Since I wrote my review in 2021, I have been involved in many solar development proposals. Currently, the matter of deer-proof vs high-security fencing is the subject of much debate, especially at inquiries and NSIP hearings. Therefore, I have carried out a lot of independent research in order to inform my evidence, speaking to and / or communicating with a wide variety of organisations and individuals, from Police crime commissioners, Design Out Crime Officers (DOCOs) and the National Rural Crime Network (NRCN), to planning officers, developers, consultants, contractors, landowners / managers, insurance companies, and people who have been affected by solar developments, especially in relation to matters such as solar fencing and crime, during both construction and operation.
- 15.7 I have also read several documents produced by, and letters / consultation responses to solar development applications from, DOCOs, and have communicated with / spoken to some of them, about the issues faced by the Police due to solar crime.

- 15.8 The crimes are apparently mainly panel theft (the deer-proof wire fencing is easy and quick to cut, with no specialist tools required – “As useful as a chocolate fireguard”, according to one), but also cable theft (for the copper), and occasionally, just wanton vandalism – some people try to break as many panels as they can by throwing stones at them. It is much more predominant in rural areas, as the activity often goes unnoticed, or the Police’s reaction to the automatic security alert takes a while, giving thieves more time to take what they want / vandals to cause damage.
- 15.9 In recent responses to planning applications for solar development (and at least one appeal), several DOCOs have said that the use of deer-proof fencing should be avoided, and have recommended the use of high-security fencing to a **minimum** of LPS 1175 level 3¹¹ ¹².
- 15.10 In an email dated 9th December 2022, the Northumbria Police DOCO commented on a solar development proposed in Northumberland (application ref. 22/03978/FUL) as follows (my emphases):

*‘Northumbria Police support the drive toward renewable energy sources but nationally there has been an increase in serious attacks directed at solar arrays, only last week there were three attacks on sites in four days in Nottinghamshire and Cambridgeshire, and in the former a security guard on a solar farm under construction was violently attacked. The National Infrastructure Crime Reduction Partnership (NICRP) and Opal, the national taskforce set up to combat Serious Organised Acquisitive Crime called on solar farm operators to review their security arrangements^[13], so **it is worrying that this application doesn’t consider the crime risks.***

*‘We have considered the risk profile of a number of solar arrays planned for the Northumbria Police Area and have determined that remote sites should be protected by perimeter security fencing specified to **LPS 1175 issue 8.1 D15 fencing** [explained further in the DOCO’s email, but see below].*

‘The rationale for this, particularly important for remoter sites, is that a standard fence may deter the casual more opportunistic criminal, but not an organised attacker, and detection by remote CCTV or

¹¹ See for example Nottinghamshire Police’s response to 22/02241/FUL, and West Mercia Police’s response to APP/C3240/W/22/3308481

¹² LPS 1175 Level / Security Rating (SR) 3 is for ‘low commercial risk’, and can withstand up to 5 minutes’ attack; Level / SR4 is for ‘medium commercial risk’, with 10 minutes’ maximum attack time; and Level / SR5 is also 10 minutes but ‘based on a high commercial and mission-critical risk’. The Police argue that because solar crime is now highly organised, the higher levels should be used. It is a known fact that solar developments with deer-proof fencing are seen as ‘easy targets’. Some criminal gangs monitor planning applications, and find out when construction and operation are due to start on site (apparently, in some cases, workers are bussed in from cities, many of them being from Eastern Europe, which apparently, is where many panels and cables end up. The increase in this form of crime is thought to be due mainly to a) limited availability of such equipment in that part of the world due to the Russian invasion of Ukraine, and b) Brexit, which has made it harder to track such things). Thieves will sometimes strike when the construction plant and materials have been delivered to site, then wait for a while, go in again during construction, wait until operational, and go in once more. Another problem experienced by DOCOs is that vandals compete by throwing stones / bricks at the panels to see how many they can break, often pulling or cutting down the deer-proof fence if too tall to throw objects over.

¹³ See for example <https://www.nicrp.org/news/2023/2/solar-farm-crime/>

Perimeter Intrusion Detection Systems might inform a monitoring station that an attack is in progress, but a response still has to travel to the site, so we need to delay an attack as long as possible'.

- 15.11 I was not familiar with the 'D-15' security fencing specified by the DOCO, and couldn't find much information about it online, so called a few security fencing manufacturers and suppliers, who told me that this type of fence was not yet manufactured or supplied in the UK. When I mentioned this to the DOCO, he said he was aware, but in his opinion, that level of security was necessary for solar developments, and therefore eventually, demand would be created (in fact, in subsequent responses, the DOCO has reduced the requirement to LPS 1175 issue 8.1:D10).
- 15.12 However, I did discover that the number in the D-rating (10, 15 etc) relates to the number of minutes it would take someone to cut through the fence (with the right equipment). Therefore, if necessary, one could achieve the D15 security rating by putting a D10 and a D5 fence together (ie with the D10 as outer defence, and the D5 as inner).
- 15.13 In February 2023, a document called *Theft From Solar Farms* was published. It was written by Crime Intelligence, and Opal, the latter being the organisation mentioned in the DOCO's response above ie the 'Police unit for the United Kingdom developing intelligence to disrupt organised networks involved in acquisitive crime in partnership with the public / private sector'¹⁴. A company called DeterTech was responsible for the production of the document¹⁵.
- 15.14 The report explains that '*In recent years, solar cable has been the item that has been targeted most frequently, and in the last year the rate of cable thefts has shown an increase of 48% from 2021 to 2022 (though remains lower than the reported rate in 2020.) However, **thefts of solar panels have quadrupled from 2021 to 2022**. This increase in the last year has been driven in particular by **the Worcestershire area, which has been heavily targeted by panel thieves**. Given the context of the cost of living crisis, projected copper prices (which drives the rate of cable thefts) and an ambition of the UK government to potentially triple solar capacity by 2030, **it is highly likely that thefts from solar farms will become increasingly frequent**. It is therefore imperative that our understanding of crime on solar farms improves'* (my emphases).
- 15.15 It is interesting to note, however, that the report does not recommend – nor even mention – the use of high-security fencing, despite it being the most obvious solution to the problems (amongst other things, the report recommends '*regular (daily if possible) walks of the perimeter fence line to identify*

¹⁴ <https://nbcc.police.uk/business-support/urban-dictionary/opal>

¹⁵ DeterTech market the Smartwater 'traceable liquid' marking system, which is applied to equipment at risk of theft and which, according to their website, '*provides a legally irrefutable way to deter crime, identify assets and prosecute criminals*'. See <https://detertech.com/>

holes cut that could be a precursor to an upcoming theft'. Where there are several kilometres' length of fencing on a site, as is the case here, that would surely be highly impractical).

- 15.16 In their response to an Examiner's question about the report at a recent NSIP solar development hearing, the Applicant noted that *'DeterTech are a security consultancy business' which 'will have an interest in the provision of security services'.*
- 15.17 Indeed, that is considered (for example, by DOCOs I have spoken to) to be one of the reasons why the report doesn't recommend high-security fencing. Another reason is likely to be the solar industry balking at the very large difference in cost between deer-proof and high-security fencing: on average, deer-proof fencing is c. £10 per linear metre supplied and installed, whereas 'moderate-level' LPS 1175 Level 3 fencing (as opposed to the D10 / D15 fences recommended by several DOCOs) is c. £300 per linear metre supplied and installed.
- 15.18 The report, and Police DOCOs, do suggest extensive use of CCTV cameras – probably far more than are proposed here (according to the Appellant's PDAS para. 5.35, *'Infra-red and/ or thermal imaging CCTV cameras will be installed to the fence [on 2.5m high posts] to provide security coverage of the site. These will only monitor the development areas and will not capture images of the public rights of way or surrounding land'*).
- 15.19 The report's recommendations include, *'Ensure that any existing CCTV provides full coverage of the site, and cannot be tampered with. If CCTV is broken, damaged or not monitored correctly 24/7 then it becomes difficult to identify a crime in action'*. However, according to the Police, in some cases, monitored CCTV cameras end up being switched off due to the high running costs.
- 15.20 In addition to the above, I also discovered that **some of the insurance companies which cover solar developments are now stating that they will not accept stock-proof fencing any more.** One of the larger commercial insurers, Marsh Commercial¹⁶, now has the following on its forms for solar development insurance applications (with my emphasis):

Security

• Ground Mount - Fencing in place of at least 1.8 m to 2m in height: Yes / No

Type of fence installed? (**Note stock fence is not adequate**).

Security Standard BS EN 1722?

- 15.21 Recently, a colleague spoke to a 'leading renewable energy insurance broker', and in an email, which I was forwarded later, said they were told that *"unless a new insurer is willing to risk deer fencing so as to gain market share, the trend now is for a deer fencing solar site to be refused insurance, or to be*

¹⁶ <https://www.marshcommercial.co.uk/for-business/renewable-energy-insurance/solar-panel-and-projects>

*hit with an excess such as £100,000 if the deer fencing is breached by criminals. Instead of deer fencing, **most insurers now request the security fencing the DOCO recommends** because of the increasing crime risk. The bigger and more 'porous' the site, the bigger the risk, she said" (my emphasis).*

- 15.22 My colleague then spoke to a different insurance company, and in an email said, "*He confirmed that **there are a decreasing number of companies who are willing to insure sites and no one will be allowed to just use deer fencing**- even a small domestic site with a few ground mounted panels. They will need secure locked gates with bollards that sink into the ground. 24/7/365 CCTV monitoring... He was telling me about a theft from a site he dealt with where the whole infrastructure was found in the Ukraine"* (my emphasis).
- 15.23 I also spoke to several solar insurance companies, and finally, to the British Insurance Brokers Association (BIBA).
- 15.24 In summary, the current situation appears to be that BIBA and many of their members are aware of the solar crime and security fencing problems, and there are moves in the industry to address them. However, their opinion is 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. My inquiries suggest that the smaller companies currently would, but the larger ones either would not, or may not.
- 15.25 **This is a very important matter**, not least because certainly, in terms of levels of landscape and visual effects, there is a **significant difference between deer-proof fencing and high-security fencing**, as shown in the following photographs. For example, as well as the industrialising / urbanising nature of the high-security fences, and their lack of transparency, they are also higher (the height of the proposed timber post and wire netting fencing would be 2m, whereas the minimum height of D10 fences is 2.8m).
- 15.26 Regarding transparency, some DOCOs (for example, Suffolk Constabulary) are now recommending that, '*where appropriate, security fencing systems are transparent to facilitate observation from outside the site*'. The Appellant proposes planting along the fencelines to screen views (PDAS para. 5.3.5: '*Screening of the edge of the site will be provided by managing existing hedgerows and trees and planting new ones, where necessary*'). However, **planting along fencelines would not allow the required transparency**.

Deer-proof post-and-wire fencing at solar site in Worcestershire



Example of LPS 1175 level 3 security fencing from catalogue



Examples of D10 – D15 security fencing from catalogues



- 15.27 As an aside, it should be noted that whilst high-security fencing is recommended by the Police, it may present a problem to the Fire and Rescue service. When transformers or panels catch fire, the fire crews can get through deer-proof fencing very quickly; however, that is not the case with high-security fencing, and a delay in entry could be disastrous.
- 15.28 In my opinion, there is no doubt that **if this type of security fencing was installed, it would give rise to significant adverse landscape and visual effects, which could not be satisfactorily mitigated.**
- 15.29 As mentioned above, my 2021 assessments assumed that the fencing would be deer-proof timber post and wire as currently proposed, so the effects of high-security fencing are not reported in the following landscape and visual effects sections. However, below are computer-generated images (CGIs) which were produced for a group opposing a proposed solar development in Inkberrow. The images show fenced corridors similar to those proposed at the Appeal site, but with the recommended LPS 1175 Level 3 fencing in place (the images show the situation during Year 1 of operation, before mitigating measures such as planting had become effective).





- 15.30 The change from deer-proof to high-security fencing would also have **adverse implications for wildlife, and potentially, significant adverse ecological effects.**
- 15.31 As noted above, in order to allow the continued passage through the site of creatures such as badgers, once erected, mammal gates would have to be put into the fence at strategic locations. However, according to the manufacturers, suppliers and contractors I contacted, not only would it be **very difficult, time-consuming and costly to create mammal passes in the high-security fences**, it also would almost certainly **render the security rating invalid.**
- 15.32 Furthermore, also noted above, the Appellant states that no concrete is required to install deer-proof fencing, which is correct; however, **concrete is required to install high-security fencing.** This would almost certainly adversely affect soils / microbiology.
- 15.33 Of concern is that should the Appeal be allowed, the proposed development would be approved on the basis of deer-proof fencing, but potentially, an application could be made to change the specification to high-security fencing at a later stage, and the planning case officers / others may not be aware of the implications. This has already happened in the case of at least one solar scheme.
- 15.34 Late last year, at a solar development approved and under construction, an application was made to Babergh and Mid Suffolk District Councils (DC/22/05018) for '*a Non Material Amendment relating to DC/19/01601 - to amend the fence type from deer fence to V-mesh*'.
- 15.35 The upgrade was for 'security purposes', and it was handled as a **non-material change** under delegated officer powers.

- 15.36 Unfortunately, it was only when the fencing was erected that officers and local communities realised that the V-mesh fence resulted in far higher levels of adverse landscape and visual effects. If the change was made when the development was substantially complete, or operational, and permission for the change was refused, I imagine that the ramifications would be substantial.
- 15.37 I raised this matter at a solar development inquiry recently, and as a result, the parties drew up a condition to deal with the eventuality of a change in specification post-approval. The draft condition is currently worded as follows:
- 'Notwithstanding any details submitted, no development (excluding demolition, tree protection works, groundworks/investigations) shall take place until details (including layout, materials, colour and finish) of [inter alia] fencing, boundary treatments and gates... shall have been submitted to and approved in writing by the Local Planning Authority... **The details submitted shall be accompanied by an assessment of landscape, visual and ecological effects'** (my emphasis).*
- 15.38 The emboldened part of the above draft condition is essential due to the very high levels of landscape, visual and other effects arising from high-security fencing.
- 15.39 Finally, there is another issue relating to the proposed security fencing which is **not related to the type of fencing used**.
- 15.40 In a letter dated the 10th of November 2021, the Clerk to GPC wrote to MHDC on behalf of *'three parishioners who have asked for anonymous representation in responding to this planning application'*. The letter went on to say that *'As Parish Clerk I have brought these residents together in this response so that they can share their experiences and material concerns with District Councillors'*.
- 15.41 The letter explains that the three parishioners use the local footpaths on a daily basis, and all have specific and very sound reasons for not wishing to find themselves trapped within a fenced corridor along the footpaths, for example, due to the threat of pursuit / violence from known parties.
- 15.42 With the letter is an illustration that shows *'those sections of the public right of way **(1.5km in length or just under 1 mile)**, that would be fully enclosed and surrounded by fencing, forming an inescapable barrier in an emergency. Rights of way affected are: 525(C), 526(C) and 524(C). 524(C) is the right of way that will effectively be enclosed'* (my emphasis).
- 15.43 The parishioners' opinion is that there has been a *'lack of any consideration of public safety and well being in the sense that **this application creates an inescapable corridor** along an existing right of way that was previously open to the wider countryside. The route as it currently exists provides users under threat with numerous options for escape and means of drawing attention in the event of an emergency. This is not the case if the current solar farm layout and design is carried out'* (my emphasis).
- 15.44 **It is not clear how such risks could be designed out.**

16 Conclusions

- 16.1 My review and assessment of the Appeal scheme were carried out two years ago.
- 16.2 Preparation for this Hearing involved reviewing the updated / new information which has been submitted by the Appellant since then, along with their responses to consultation comments, SoCs, and other material; reviewing my own assessments; revisiting the site and surrounding areas; and consulting / collaborating with other parties.
- 16.3 This exercise was also informed by the experience I have gained in the last two years in dealing with solar developments throughout the UK, some of which are NSIPs.
- 16.4 None of the Appellant's post-application submissions – including Pegasus's Landscape and Visual SoC – have altered my opinion about landscape, visual and other effects, and **my conclusions remain as they were in December 2021**. They are therefore set out in full below.
- 16.5 Below the conclusions, I have added two further points: 1) about refusal of planning permission for a solar development in close proximity to the Appeal site which was not mentioned in my 2021 review report; and 2) about future solar policy and strategy .

December 2021 Review Conclusions

- 16.6 This review concluded that the applicant's LVIA did not follow published guidance, and contains numerous omissions and flaws. As a result, the levels of adverse effects on landscape character and visual amenity to which the proposed development would give rise have been underestimated.
- 16.7 Indeed, from the material submitted, it difficult to understand the very large scale and extent of the proposed development. For comparison, it should be noted that the site is c. 1.3km long from end to end, and the site area is 36ha; **the settlement / built-up area at nearby Hallow is c. 1.3km long, and covers c. 32ha.**
- 16.8 This type of scheme is categorised as Schedule 2 EIA development, because it could potentially give rise to 'significant' adverse environmental effects; however, on the basis of the information submitted by the applicant, MHDC concluded it would not.
- 16.9 Yet, for some reason, the applicant's LVIA assumed that the scheme was EIA development, and went on to form judgements about whether any of the effects would breach the set significance threshold. It found that significant visual adverse effects would arise at several viewpoints, but concluded that in most cases, over time, levels of effects would be reduced by the proposed screen planting.

- 16.10 Unfortunately, the screen planting proposals are problematic, since not only would they be ineffective, they would also be inappropriate, and would in themselves give rise to adverse landscape and visual effects. Furthermore, vegetation cannot and should not be relied upon to screen views.
- 16.11 My own assessment concluded that very high levels of adverse effects would be experienced at all the near-distance viewpoints identified.
- 16.12 It also concluded that the proposals would give rise to very high levels of adverse effects on landscape character, mainly due to the industrialisation of a highly tranquil, unspoilt and ancient rural landscape, and the permanent loss of highly valuable historic features, which also contribute to the area's great biodiversity (especially in and around adjacent Monk Wood SSSI).
- 16.13 Finally, my assessment concluded that in the majority of cases, effects on both character and views could simply not be mitigated. **National policy advises that renewable energy projects should be located where impacts are, or can be made, acceptable.**
- 16.14 Importantly, if it is found that there is certainty about / a high probability of the adverse residual effects arising from non-EIA development being categorised as significant, it **may trigger the requirement for EIA.**
- 16.15 It is clear that in this case, not only would landscape and visual effects be significant adverse, but also there is the potential for the scheme to give rise to significant adverse effects on GI, heritage / historic landscape character, biodiversity, recreational resources, highways safety, soil, water and air quality, and human health and well-being.
- 16.16 In my opinion, the harm that would be caused would not outweigh the scheme benefits (**no landscape or visual benefits were identified in the LVIA**).
- 16.17 The LVIA process entails consideration of whether the receiving landscape could *accommodate the proposed development without undue consequences for... the achievement of landscape planning policies and strategies*'.
- 16.18 The planning policy context is set out in the applicant's submission, and reference should also be made to GSFAG's response to the application, which includes a full analysis of whether the scheme complies or is in conflict with the relevant policies / strategies.
- 16.19 Regarding character, appearance and amenity, in my opinion, for the reasons set out in this review, the proposed development would not comply with the requirements of several national and local policies and strategies, including:

- i) NPPF paragraphs 130, 170 a), b), d) and e), 180 and 197.
- ii) South Worcestershire Development Plan (SWDP) policies SWDP 5 (C): Green Infrastructure; SWDP 6: Historic Environment; SWDP 21: Design; SWDP 22: Biodiversity and Geodiversity; and SWDP 25: Landscape Character.
- iii) Worcestershire Green Infrastructure Strategy (2013), the Worcestershire Green Infrastructure Framework (2012), and the 2012 Worcestershire Landscape Character Assessment Supplementary Guidance.
- iv) Malvern Hills District Local Plan policies QL1 - The Design of New Buildings and Related Development; QL21 - Landscaping, QL22 - Protection of Trees, Woodlands and Hedgerows; and DS3 - General Development Requirements.

Refusal of planning application 15/01033/FUL

- 16.20 In 2015, a planning application was made to MHDC for a solar development (15/01033/FUL) at Green Farm and Bush Farm, on the west side of Monk Wood, **c. 200m south west of the Appeal site boundary** at its closest point.
- 16.21 The application was **refused** for three reasons.
- 16.22 The first related to ecological effects, the second to the use of best and most versatile land (BMVL), and the third to adverse effects on character, appearance, and amenity, as follows:
- 'The proposed development **by virtue of the scale & visual prominence**, especially from footpaths (through, bounding and accessing the site) would result in an **industrialisation of a large area of the countryside** resulting in **loss and major alteration to key elements and features of the landscape, introducing new development that is uncharacteristic of the surrounding landscape type** that would have a **significant adverse impact on the enjoyment of the countryside by users of the public right of way** and therefore would be contrary to policies QL21 & DS3 of the Malvern Hills District Local Plan, SWDP 21, SWDP25 & SWDP27 of the South Worcestershire Development Plan and contrary to paragraphs 118 & 123 of the NPPF' (my emphases).*
- 16.23 The decision was not appealed.
- 16.24 It is very important to note that not only was the baseline situation of the above proposal very similar to that of the Appeal scheme, but also, **it was considerably smaller than the Appeal scheme.**
- 16.25 The site area was **c. 12ha**, and the proposal would have generated **c. 6.9MW**. The Appeal scheme's site area is **c. 36ha**, and it would generate **c. 25MW** – ie it would be **three times the size** of the above proposal.

Future Solar Policy and Strategy

- 16.26 As mentioned in Table CT-2 in Section 3 above, SoCG para. 8.3 states that '*Both parties acknowledge that developments of this nature could be acceptable in principle in the countryside subject to matters for detail*'.
- 16.27 However, it is becoming clearer that *developments of this nature are not acceptable in principle in the countryside, and **the problems cannot be resolved by matters for detail***.
- 16.28 These days, solar development is the subject of much political (and scientific) debate and discussion, which I follow with interest, and am occasionally directly involved with.
- 16.29 The current Government's stance on, and approach to, solar development is certainly changing, albeit mainly in terms of where it should be located.
- 16.30 Whilst almost everyone agrees that solar has an important part to play in helping to resolve some of the UK's energy problems, it is also now agreed by many that due to the multitude of adverse effects to which it can give rise, especially within rural landscapes and the communities they support (and also, due to the rise of international organised crime), solar development in rural areas is far less acceptable in principle than first assumed.
- 16.31 Increasing numbers of people, and organisations – including the current Government – are now firmly of the opinion that **the best place for solar development is on rooftops, and suitable brownfield land, not greenfield land**¹⁷.
- 16.32 The European Union's September 2020 report referred to above states (on page 17) that '*Ideally, solar parks are sited in the vicinity of already altered natural habitats by infrastructures (paved roads, railways, etc.) or buildings (urbanized areas)... [and / or] low biodiversity value brownfields or other types of degraded land with low biodiversity values*'.
- 16.33 Perhaps surprisingly, as it was as long ago as 2015 and yet has taken a long time to be factored in to policy / strategy, Mr Eric Pickles, who was then the SoS for Communities and Local Government, set out in a Written Ministerial Statement¹⁸ an update for the House '*on further steps we are taking to*

¹⁷ This week (w/c 2nd October 2023), at the Conservative party conference, Energy Security and Net Zero Secretary Claire Coutinho announced that the Government will be taking steps to encourage businesses to install more solar panels on their rooftops by removing bureaucratic hurdles. The objective of this initiative is to **reduce the presence of solar technology in rural areas by shifting it to industrial rooftops, warehouses, car parks and factories**. The announcement aligns with the recommendations of the Government-commissioned report, *Mission Zero: Independent Review of Net Zero*, which advocates for a 'rooftop revolution' to help the UK achieve its net zero emissions target by 2050. One of the key aims is to '*unlock underutilised commercial property while reducing land usage impacts of large-scale solar farms*' (my emphases. Source: <https://eibi.co.uk/news/government-plans-to-ease-restrictions-on-businesses-wanting-to-install-rooftop-solar/>)

¹⁸ <https://questions-statements.parliament.uk/written-statements/detail/2015-03-25/HCWS488#:~:text=Meeting%20our%20energy%20goals%20should,to%20trash%20the%20local%20environment.>

streamline the planning system, protect the environment, support economic growth and assist locally-led decision-making'.

16.34 Under the heading *Solar energy: protecting the local and global environment*, Mr Pickles said as follows:

'Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high-quality agricultural land. Protecting the global environment is not an excuse to trash the local environment.'

'When we published our new planning guidance in support of the Framework, we set out the particular factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear this is necessary and that poorer quality land is to be used in preference to land of a higher quality' (my emphases).

16.35 Having listened to a recent Westminster debate on the subject, and read various statements and reports, I have concluded that the reason for the Government's *volte face* is due to the number of solar developments which have been granted consent and are now being built out.

16.36 Far from them being benign installations which sit quietly in place for several years while sheep graze in wildflower meadows underneath the panels, as we have been led to believe, the evidence now shows that solar developments in rural locations are in fact much more likely to be highly disruptive and environmentally damaging.

16.37 And, there is still so much we don't know about the effects, especially where the science is in its infancy – battery energy storage systems (BESS), and electromagnetic radiation, are good examples.

16.38 In fact, solar development in the UK is a relatively recent phenomenon, especially on a large scale. Due mainly to the length of time it takes the larger proposals in particular to pass through the planning system, few large-scale schemes have been constructed.

16.39 As a result, many of the adverse effects which do arise are not anticipated – either due to the applicants' assessments not providing sufficient information / analysis, and the LPAs / other decision-makers not having the necessary experience / expertise to recognise that it is insufficient; or, to the construction process taking far longer than envisaged, not only because the baseline / assessment information was not sufficient, but also because the industry lacks the experience.

16.40 A good example is the Bishampton solar development which is currently under construction. As mentioned in Section 7.3 above, the construction period was stated as being three months; however, due to unforeseen delays, it is not scheduled to be completed until early in 2024 – **16 months** after construction commenced, ie **five times longer than expected**.

16.41 In fact, I have been sent summaries of informal conversations which local residents have had with the contractors. For example:

"I had a lovely chat with the security guard yesterday, he's from Newcastle. He told me a lot about the site:

All workers flown in from Romania and housed in Birmingham.

Workers trained on the job as majority of them are farmers/fruit pickers paid minimum wage.

A lot of theft of copper wire, they use drones to scout the area.

Panels from China.

Site will be unmanned but with CCTV cameras. He said that the companies that oversee the footage tend to turn them off a lot as weather conditions continually set their alarms off.

He said that the fence is useless as they keep cutting it.

Site now requires 4 security guards and 2 dogs at night.

It is well known in the industry that Worcestershire has the most sites either constructed or in the planning process than anywhere else because the councils always say yes.

Wildlife has gone!"

16.42 Another local resident told me that panel theft is a regular occurrence at the site, and that *"as soon as the new ones are delivered, they're stolen again"*¹⁹.

16.43 It is interesting to note that **the majority of the MPs now calling for solar development to be restricted to rooftops and brownfield land are in areas where solar schemes are under construction or operational.**

16.44 As part of CPRE's 'rooftop solar' campaign²⁰, there is now a list of MPs who have signed up to become 'Parliamentary solar rooftop champions'²¹. A few weeks ago, there were twelve; at the time of writing, there were thirty-one.

16.45 Although for reasons of impartiality and integrity I do not get involved with such campaigns, I am occasionally asked by CPRE and other campaigners to advise on landscape and visual matters. As well as CPRE, a group of local residents opposing the solar development in Inkberrow mentioned above have a 'Rooftops First' campaign aimed at MPs and others, which CPRE is supporting. The Solar Campaign Alliance (SCA)²² is also a good source of up-to-date information about solar development in the UK.

¹⁹ <https://www.birminghammail.co.uk/news/midlands-news/warning-evesham-police-recover-hundreds-26043383>

²⁰ <https://www.cpre.org.uk/what-we-care-about/climate-change-and-energy/renewable-energy/our-rooftop-solar-campaign/>

²¹ <https://takeaction.cpre.org.uk/page/128562/petition/1?ea.tracking.id=2023-rooftop-solar-champion>

²² <https://www.solarcampaignalliance.info/>

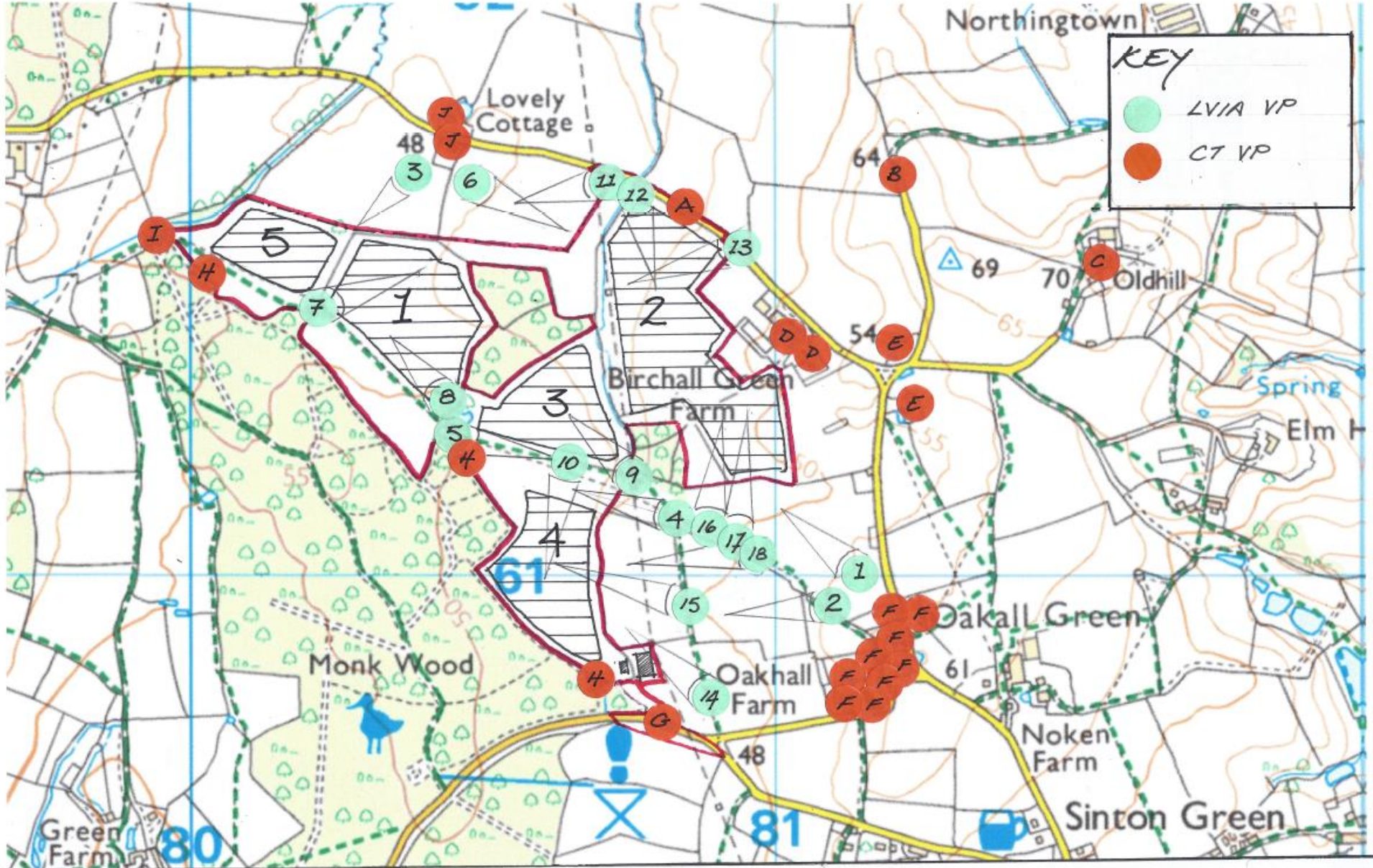
Summary

- 16.46 In my opinion, **there is no doubt that the Appeal scheme is the 'wrong development in the wrong location', as opposed to being the 'the right development in the right place'**, as planning policy requires.
- 16.47 National planning policy advises that renewable energy projects should be located where impacts are, or can be made, acceptable. In this case, the levels of adverse landscape, visual and other effects arising from the Appeal scheme would be very high, and levels could **not** be reduced to acceptable levels through mitigation.
- 16.48 Even the Appellant agrees that some of the levels of adverse effects would be high enough to be categorised as 'significant' if this was EIA development. However, the Appellant's studies do not tell the full story, nor set out the reality of the implications.
- 16.49 Not only would levels of adverse effects be far higher than predicted by the Appellant, but also, **there would be no beneficial landscape or visual effects at all.**
- 16.50 Indeed, it appears that **any scheme benefits claimed by the Appellant, such as economic, would be heavily outweighed by the social and environmental harm that the scheme would cause.**

Carly Tinkler BA CMLI FRSA MIALE 6th October 2023

Appendix CT-1

December 2021 Near-distance Viewpoint Location Plan



APP. REF. 20/01846/FUL · NEAR-DISTANCE VIEWPOINT LOCATION PLAN · DECEMBER 2021 · NTS
 CARLY TINKLER CIVIL · MAPPING © ORDNANCE SURVEY CROWN COPYRIGHT 2021 LICENCE NO. 100019980 · 1:25,000 BASE

Appendix CT-2

Extract from BEIS Renewable Energy Planning Database:
Solar Development in Worcestershire, July 2023

Development Status	Development Status (short)	Address	Planning Authority	Planning Application Reference	Planning Application Submitted	Planning Application Withdrawn	Planning Permission Refused	Planning Permission Granted	Planning Permission Expired	Under Construction	Operational
Planning Permission Granted	Awaiting Construction	Kimal Limited, Sherwood Road, Bromsgrove	Bromsgrove District Council	23/00198/PRIOR	16/02/2023			13/04/2023	PAG		
Planning Permission Granted	Awaiting Construction	Rectory Farm Rectory Lane Upton Warren	Wyohavon Council	W/22/02328/FUL	18/11/2022			20/02/2023	20/02/2026		
Planning Application Submitted	Application Submitted	Greenfields Farm, Worcester Road, Upton Warren, Bromsgrove	Wyohavon District Council	W/23/00775/FUL	26/04/2023						
Planning Application Submitted	Application Submitted	Bumble Hole Poultry Farm, Bumble Hole Lane, Dodford, Bromsgrove	Bromsgrove District Council	21/00904/FUL	03/06/2021						
Planning Permission Granted	Awaiting Construction	Land South Of Astwood Lane Feckenham Redditch	Redditch Borough Council	21/00195/FUL	21/01/2021			21/01/2022	21/01/2025		
Planning Application Submitted	Application Submitted	Astwood Lane, Feckenham, Redditch	Bromsgrove District Council	23/00417/FUL	31/03/2023						
Planning Application Withdrawn	Application Withdrawn	Land South of Feckenham Energy, Salt Way, Feckenham, Redditch	Redditch Borough Council	17/00453/FUL	28/04/2017	13/11/2017					
Planning Application Submitted	Application Submitted	Earls Common Road Stock Green	Wyohavon Council	W/23/00270/FUL	23/02/2023						
Planning Application Submitted	Application Submitted	Earls Common Road Stock Green	Wyohavon Council	W/23/00270/FUL	23/02/2023						
Operational	Operational	Heming Point, Claybrook Drive, Redditch	Bromsgrove District Council	20/01531/PRIOR	02/12/2020			22/01/2021		27/05/2021	27/09/2021
Operational	Operational	55 Arthur Street, Redditch	Redditch Borough Council	22/00304/PRIOR	31/01/2022			28/03/2022		01/04/2022	01/05/2022
Planning Permission Granted	Awaiting Construction	Sparlonz Limited, Spatz House, Brook Street, Redditch	Redditch Borough Council	21/01583/PRIOR	19/10/2021			13/12/2021	PANR		
Planning Permission Granted	Awaiting Construction	Oakland International Ltd Seafield Lane Portway	Redditch Council	22/01091/PRIOR	09/08/2022			22/09/2022	PANR		
Planning Permission Granted	Awaiting Construction	Hsh Coldstores Limited, Moons Moat Drive, Redditch	Redditch Borough Council	23/00144/PRIOR	03/03/2023			01/05/2023	PANR		
Planning Permission Granted	Awaiting Construction	Thorlux Lighting Moons, Moat North Industrial Estate, Merse Road, Redditch	Redditch Borough Council	22/00027/FUL	05/01/2022			25/02/2022	25/02/2025		
Planning Permission Granted	Awaiting Construction	Morrisons Superstore Green Street Kidderminster	Wyre Forest District Council	22/0151/PNO	23/02/2022			29/03/2022	PAG		
Planning Permission Granted	Awaiting Construction	Bow Brook Lodges Hyde Farm Worcester Road Pinvin	Wyohavon Council	W/23/00379/FUL	20/02/2023			19/04/2023	19/04/2026		
Under Construction	Under Construction	Solar Farm, Broad Lane, Bishampton, Pershore	Wyohavon District Council	20/02071/FUL	13/10/2020			02/06/2021	02/06/2024	01/11/2022	
Abandoned	Abandoned	Solar Farm, Broad Lane, Bishampton, Pershore	Wyohavon District Council	20/02071/FUL	13/10/2020			02/06/2021			
Planning Permission Granted	Awaiting Construction	Primafruit Limited, Enterprise Way, Vale Park, Evesham	Wyohavon District Council	21/02115/GPJ	03/09/2021			25/10/2021	PANR		
Planning Permission Granted	Awaiting Construction	Unit 410 Bramley Drive	Wyohavon Council	W/22/01165/GPJ	17/05/2022			01/07/2022	PANR		
Planning Permission Granted	Awaiting Construction	Evesham Garden Centre, Evesham Country Park, Norton, Evesham	Wyohavon District Council	W/23/00088/GPJ	13/01/2023			28/04/2023	PANR		
Operational	Operational	Land Adjacent To Plant Produce Stoneford Lane Bretforton, Evesham	Wyohavon District Council	21/00581/FUL	05/03/2021			30/04/2021		06/06/2021	06/10/2021
Planning Application Submitted	Application Submitted	J And J Bannister Evesham Limited, Newtown, Offenham, Evesham	Wyohavon District Council	W/23/01214/GPJ	22/06/2023						
Planning Permission Granted	Awaiting Construction	S/O Blakes Hill, Access Off Buckle Street, Honeybourne	Wyohavon District Council	20/01798/FUL	09/09/2020			11/01/2021	11/01/2025		
Planning Permission Granted	Awaiting Construction	S/O Blakes Hill, Access Off Buckle Street, Honeybourne	Wyohavon District Council	20/01798/FUL	09/09/2020			11/01/2021	11/01/2025		
No Application Required	No Application Required	Kerry Ingredients (U K) Limited, Clee Hill Road, Burford, Tenbury Wells	Worcestershire County Council								
Operational	Operational	University Of Worcester, Henwick Grove, Worcester	Worcester City Council	21/00828/GPJ	03/09/2021			29/10/2021		28/10/2021	28/11/2021
Planning Permission Refused	Application Refused	Os 8038 6145 Sinton Green, Hallow, Worcester	Malvern Hills District Council	21/01846/FUL	11/10/2021		25/01/2023				
Planning Application Submitted	Application Submitted	Vamix Factory, Martley Road, Lower Broadheath, Worcester	Malvern Hills District Council	M/23/00880/GPJ	15/05/2023						
Planning Application Submitted	Application Submitted	Os 8884 6045 Droitwich Road, Martin Hussingtree	Wyohavon District Council	W/23/00893/FUL	19/05/2023						
Planning Application Submitted	Application Submitted	Os 8884 6045 Droitwich Road, Martin Hussingtree	Wyohavon District Council	W/23/00893/FUL	19/05/2023						
Planning Application Withdrawn	Application Withdrawn	Blackpole Trading Estate West, Worcester	Worcester City Council	21/00328/FUL	23/08/2021	11/01/2023					
Planning Application Submitted	Application Submitted	Pershore Lane, Tibberton, Worcester	Wyohavon District Council	W/22/02717/FUL	22/12/2022						
Planning Permission Granted	Awaiting Construction	Bosoh Thermotechnology Uk Limited, Cotswold Way, Worcester	Worcester City Council	22/00877/GPJ	14/10/2022			07/12/2022	PAG		
Planning Application Submitted	Application Submitted	Mucknell Farm Lane Stoulton	Wyohavon District Council	W/22/01955/FUL	31/10/2022						
Planning Permission Granted	Awaiting Construction	Solar Panel Farm At Bourne Road Defford	Wyohavon District Council	W/22/01432/FUL	19/07/2022			08/09/2022	08/09/2025		
Planning Permission Granted	Awaiting Construction	Webbs Of Wychbold Worcester Road Wychbold Droitwich Spa	Wyohavon District Council	W/22/00583/FUL	17/03/2022			28/10/2022	28/10/2025		
Planning Permission Granted	Awaiting Construction	Webbs Of Wychbold Worcester Road Wychbold Droitwich Spa	Wyohavon District Council	W/22/00583/FUL	17/03/2022			28/10/2022	28/10/2025		
Planning Permission Granted	Awaiting Construction	Northwest of Doverdale, Southall Lane, Doverdale, Worcester	Wyohavon District Council	21/01383/FUL	22/06/2021			13/01/2022	13/01/2025		
Planning Application Submitted	Application Submitted	Northwest of Doverdale, Southall Lane, Doverdale, Worcester	Wyohavon District Council	21/01383/FUL	22/06/2021						