

## Planning and Development

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Our Ref: 22/00668/AS

Date: 16 May 2023

Dear Mr Booker

**RE: Planning application reference 22/00668/AS (Land south of M20, Church Lane, Aldington, Kent)**

I refer to the above planning application and associated Environmental Statement (ES). Further to recent email correspondence I confirmed that I would provide you with a written update. Please accept my apologies for the delay.

The planning application has been subject to a statutory period of public consultation which has now ended. As you are aware a number of representations have been received from statutory and non-statutory consultees and from other interested parties, including local residents. These are all available to view on the Council's website using the planning application reference above. The representations received relate to a variety of planning issues and I would be grateful if you could review these and where necessary provide a response.

One of the key planning issues relates to the landscape and visual impacts of the development and as you are aware we instructed an independent review of the Landscape and Visual Impact Assessment (LVIA) submitted. Thank you for confirming that the applicant will meet the Council's costs incurred in commissioning this review. The initial review by Landscape Management Services (copy attached) has identified a number of shortcomings with the LVIA. Notwithstanding that these will need to be addressed to enable us to reach a reasoned conclusion on the likely significance of the landscape and visual effects identified, and to inform appropriate landscape mitigation, we have undertaken a thorough site visit and are concerned that the proposed development would cause demonstrable harm to local landscape character and visual amenity.



The application site relates to a large area of undulating agricultural land and our concerns relate particularly to those parts of the development that would be located on higher ground and would be highly visible from the public highway and from the various public rights of way (PROW) that cross the site. This includes Bested Hill to the south of the Channel Tunnel Rail Link (CTRL) and to the west of Church Lane which comprises two large arable fields of intensively farmed land. Bested Hill rises to form part of the wider valley landscape and is identified within the Ashford Landscape Character Assessment (ALCA) as part of the East Stour Valley Landscape Character Area (ESVLCA). The key characteristic features of the ESVLCA includes a mosaic like pastoral field pattern with mixed and broadleaf woodland blocks with narrow lanes which follow the undulating topography of the landscape.

The ALCA notes that the area has undergone extensive intensification which has led to some hedgerow removal and a less enclosed character. This and the intermittent tree cover contributes further to the high visibility of Bested Hill in short, medium and long distance views. The ALCA indicates that overall the landscape is in moderate condition and has high sensitivity; the guidelines for the area are to 'conserve and restore the landscape'.

Part of the application site is located approximately 1.2km at its closest point to the south and 3km to the north of the Kent Downs Area of Outstanding Natural Beauty (AONB). The AONB comprises a number of Landscape Character Areas. The part of the AONB to the south is designated as Lympne Greensand Escarpment and to the northeast is Postling Scarp and Vale. To the north is the Stour Valley Landscape Character Area. For the purposes of this assessment the site is located within the setting of the AONB and I concur with both the Kent Downs AONB Unit and Natural England that further information is required to determine the impacts of the proposed development on this protected landscape.

The north and south facing slopes of Bested Hill are highly visible within the immediate and wider landscape and the siting of solar panels on all sides of the upper slopes towards the summit would in my view be harmful to the open landscape character and to visual amenity. The mitigation proposals, including adjacent to Church Lane, is in my view inadequate and would fail to provide for appropriate screening even after 10 years. I concur with the representations made by KCC PROW & Access Service in this regard. I query why the development does not instead seek to optimise the less visible and significantly lower level land closer to the CTRL in a similar way to the existing (Partridge Farm) solar array to the east of Church Lane. At face value there would appear scope to reinforce and enclose that area with strong new landscaping helping to assimilate the development into the landscape. Such new landscaping has the potential to harmoniously connect with existing soft landscape structure for visual, landscape character and biodiversity/habitat benefits

The land at Bested Hill is subject to other constraints, including the presence of a swathe of Grade 3a Best and Most Versatile (BMV) agricultural land. Natural England have noted this and in my view it has not been demonstrated that poorer quality land could not be used in preference to land of higher quality as required by the Written Ministerial Statement (WMS).

By reason of its topography, parts of the application site, including Bested Hill are also visible from surrounding heritage assets. I concur with Historic England that further



information is required to determine the impacts of the proposals on the settings of Grade I and Grade II\* heritage assets.

Several solar arrays are proposed to the south of the existing solar development on land at Partridge Farm. Some of this land is well screened by blocks of woodland and mature tree belts and, subject to the provision of further woodland buffers, further solar arrays may potentially be capable of being sensitively contained within the landscape in this part of the application site. The exception, however, is the land that rises southwards to Round Wood which is markedly higher than the surroundings and highly visible in short and medium-distance views including when one is moving along PROW. In my view, the siting of solar panels on the southern side of the PROW would result in both landscape harm and harm to the PROW user experience in the way that the components of the landscape are visually enjoyed and so should be avoided through deletion from the application.

Parts of the application site to the north of the CTRL and to the south of the M20 are also located on higher and sloping ground located within the Evedale Mixed Farmlands Landscape Character Area (EMFLCA). The key characteristics of this area are its gently undulating topography and intensively farmed landscape, comprehensive network of tree cover and existence of ponds and vegetation lined water courses. The ALCA recognises that the area is fragmented by major infrastructure routes, including the CTRL and M20. In contrast to the ESVLCA, the landscape in this part of the site is identified as being in overall poor condition and with low sensitivity. Notwithstanding this I consider that there are opportunities to provide screening in the form of a woodland buffer to the south of PROW AE432 which would help to mitigate landscape impact and enhance the visual amenity and user experience of the PROW in this location. It is also not clear why the lower level land immediately to the east of this array is not proposed for development.

Whilst I understand that there are many factors to weigh in the planning balance, I am unable on the information before the Council to undertake that full assessment or to make a positive recommendation on the planning application. Once you have had an opportunity to review this letter I would be happy to arrange a meeting to further discuss these concerns and to establish whether any scope exists to make amendments to the scheme prior to its formal determination as well as provide the further information requested by consultees and to deal with our concerns about the quality of the LVIA underpinning the scheme.

It is likely that much of the additional information sought by consultees, including but not limited to the Kent Downs AONB Unit, Historic England and KCC Ecological Advice Service would constitute further information under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and require full re-consultation. I would be pleased to agree a further extension of time to facilitate this.

Please be advised that these comments are given at Officer level and do not form a decision of the Council. The views expressed above are given in good faith, to the best of ability, and without prejudice to the determination of the planning application. Should you require any further information or advice, please do not hesitate to contact me via email or telephone.



Yours sincerely

**Matthew Durling**

Deputy Team Leader

Strategic Applications Team

Strategic Development & Delivery



## **Aldington: East Stour Solar Farm**

### **Environmental Statement Volume 2A - Written Statement and Appendices (April 2022)**

#### **Initial Comments on ES Chapter 11: Landscape and Visual Impact**

This note has been prepared by Land Management Services Ltd for Ashford Borough Council. This note has been informed by a desk top review of the Environmental Statement (principally Chapter 11), three meetings with ABC planning case officers and a site visit undertaken on 17th November 2022. This note does not provide comprehensive comments on the LVIA chapter, but has been prepared as an initial note to highlight what are considered to be fundamental concerns relating to ES Chapter 11 addressing Landscape and Visual Impact.

#### **LVIA Methodology**

The LVIA Methodology is set out in Appendix 11-2. The Methodology is inadequate and lacks any definitions or criteria used to inform judgements on landscape and visual sensitivity, value, susceptibility to change, magnitude of change and assessment of effects. Professional judgement is ultimately what informs the assessment, but the guidance set out in GLVIA3 and best practice adopted by the vast majority of Landscape Architecture practices when undertaking LVIAs, is to clearly set out the criteria which have been used to inform judgements, to enable the decision maker to properly understand the process that has been gone through in undertaking the LVIA and how conclusions have been reached. Without some form of defined criteria the judgements and conclusions of the ES LVIA as summarised in Table 11.2 are largely meaningless to the decision maker. In essence the lack of methodology makes it very difficult for ABC as decision maker to understand how the respective conclusions have been reached and whether they provide a reasonable assessment of the anticipated impacts and effects of the scheme. As a simple comparison the LVIA Methodology submitted as part of the PEIR for the neighbouring Stonestreet Scheme is comprehensive and consistent with current guidance and best practice.

#### **Layout and Approach**

The overall layout of the LVIA chapter is confusing. Methodology and conclusions are intermingled in the baseline assessment and the assessment includes simplified sweeping statements (see for instance the section on Findings of Visual Analysis Paras 11.50 to 11.55) with little evidence to substantiate the conclusions drawn. This makes the assessment process very difficult to follow. It is also unclear whether, and if so how, the LVIA has informed the design process. GLVIA3 is clear on the role of LVIA as part of the design process (GLVIA 3 Paras 4.5 to 4.10). The purpose of an LVIA is to inform the development and design of the scheme. There is little or no evidence in the ES Chapter as to how the LVIA has informed the current locations, proposed layout of the solar panels and any mitigation.

GLVIA3 is also clear on the need to clearly distinguish between impacts on landscape as a resource and visual amenity. The chapter does seek to distinguish between landscape and visual matters but these are frequently confused or combined in the document.

The illustrative material and plans are also inadequate, in particular with regard to site topography, key landscape features and analysis (woodlands, hedges, etc) and clear identification of the locations of properties described in the LVIA.

### **Landscape Character Assessment**

The LVIA chapter quotes extensively from the various published Landscape Character Assessments covering the site and surrounding area, but provides limited analysis of the degree to which the land affected by the proposals reflects the key characteristics of the various landscape character areas within the published assessments. There is very limited description of the landscape characteristics of the Site. This is fundamental to an understanding of the site and to inform assessment of the anticipated impacts and effects of the proposals on landscape character.

Table 11.2 combines assessment of effects on landscape character and visual amenity by primary reference to the 12 viewpoints. This confuses the distinction between landscape and visual receptors as highlighted above. The analysis in the main body of the LVIA again confuses the landscape and visual amenity distinction (the analysis relating to the LCAs includes long sections on viewpoints).

### **Visual Assessment**

Only 12 representative viewpoints are included in the LVIA. This is a major development in a rural location. The inclusion of only 12 representative viewpoints (of which 4 are longer distance views from the AONB) is inadequate for an impact assessment of this scale. There are substantial parts of the ZTV for which no viewpoints are included. No viewpoints are included within or around the eastern most land parcel or array (east of Church Lane). Footpath AE459 would run through the middle of this part of the scheme. Single viewpoints are included for other key visual receptors such as PRoW AE457 and Church Lane, amongst others which cannot be representative of the impact of the scheme on these receptors. The purpose of the inclusion of representative views is to demonstrate the anticipated visibility of the scheme in the local area. The ZTV shown on Figure 1 suggests that the scheme may also be visible from a number of locations to the north, south, east and west. No viewpoints are included from these locations, so it is not possible for ABC to verify conclusions of the LVIA as to the anticipated visibility of the scheme. We strongly agree with the similar points raised in the comments from ABC Recreation Services as to the inadequate coverage of potential views from visual receptors including local PRoW, roads and properties. The purpose of the use of representative viewpoints is not to replace a site assessment, but they should provide ABC with an understanding of the extent of the visual receptors affected and assessment of effects on visual amenity from those receptors.

Photomontages 1-8 show a sequence from baseline, wireline, 1 yr and 10 yr. Viewpoints 9 to 12 (from the AONB) only appear to show baseline images. The quality of the photomontages looks good, but the impact assessment (and conclusions in the LVIA) all rely on summer views eg Viewpoint 2 is assessed as Major/Moderate adverse at completion and no effect at Year 10. This would clearly not be the case in winter. Table 11.2 also appears to omit assessment of effects after 10 years for some viewpoints eg Viewpoint 1. In some cases Major/Moderate or significant adverse effects are identified even after 10 years eg Viewpoint 3, whilst in others the assessment concludes that effects will reduce by Year



10, which are not backed up by the photomontages which show very limited change to the view eg Viewpoints 6 and 7. The impact assessment should inform a review of the scheme and mitigation ie the LVIA as part of the design process. The mitigation shown for Viewpoints 6 and 7 appears to have very limited effect. This substantiates the concerns raised by the Church Lane Residents Group and Aldington Parish Council as to the long term harm to the views from Footpath AE474 and AE478 as a consequence of the location of panels on the south side of Bested Hill.

### **Cumulative Impacts**

There is limited consideration of cumulative impacts. There is reference to the existing Sellindge Solar Farm, but there is no reference to the proposed East Stour scheme. A cumulative assessment should include both existing and potential schemes. Given the combined extents and similarity of the East Stour and Stonestreet schemes this is felt to be of particular importance in this instance and should be addressed in the LVIA.

### **Conclusions**

Overall the LVIA chapter is lacking in many areas which make it extremely difficult for ABC to rely on the findings and conclusions of the LVIA in providing a reasonable and representative assessment of the anticipated impacts and effects of the proposals. The principal areas of concern are:

- lack of a clearly defined methodology to inform an understanding of the conclusions and judgements reached;
- the LVIA is poorly set out such that it is extremely difficult to follow the logic of the assessment process;
- the evidence base is inadequate, in particular the lack of representative views and identification of visual receptors (in particular PRow);
- lack of assessment of cumulative effects, in particular with regard to the neighbouring Stonestreet scheme;
- lack of evidence as to how the assessment has informed the design process and mitigation;
- conclusions (in particular with regard to visual amenity) are very broad brush and seem to exaggerate the anticipated benefits of mitigation.

Land Management Services Ltd  
5<sup>th</sup> December 2022