

Town and Country Planning Act 1990

Land south of the M20, Church Lane, Aldington, Kent (known as East Stour Solar Farm)

Appeal by EDF Energy Renewables Limited (trading as EDF Renewables)

Proof of Evidence by DP Withycombe MSc CMLI on behalf of Ashford Borough Council

Local Authority Reference: 22/00668/AS

Planning Inspectorate Reference: APP/E2205/W/24/3352427

Inquiry date: 4th February 2025

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Appendices

Appendix 1: 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 (Land Management Services Ltd 5th December 2022)

Appendix 2: Aldington: East Stour Solar Farm SEI Chapter 11 Landscape and Visual Impact - Written Statement and Appendices (January 2024) (Land Management Services Ltd 23rd February 2024)

Appendix 3: SEI Figure 11.9 Revision B Mitigation Plan

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Appendix 5: Key Viewpoints from Aldington Ridge (Church Lane Residents Association)

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Appendix 8: Stone Street Landscape Strategy

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David Withycombe will say:

I am a Chartered Landscape Architect. I am a Member of the Landscape Institute, it being the Professional Institute for Landscape Designers, Landscape Managers and Landscape Scientists. I am a Director of Land Management Services Ltd. I have been professionally engaged in landscape management, design and planning, in both the public and private sector for over 30 years.

My company has prepared landscape and visual assessments and design proposals for a range of local authority and private clients, including a number of projects involving sensitive developments in rural landscapes, such as industrial installations, housing, retail development, travellers' sites, quarries and also the evaluation of countryside management schemes.

This Proof of Evidence has been prepared in accordance with the Landscape Institute Professional Code of Conduct.

The evidence which I have prepared and provide for this Appeal reference APP/E2205/W/24/3352427 in this Proof of Evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

1. Introduction

1.1 I was appointed by Ashford Borough Council in November 2024 as an independent expert witness in relation to landscape and visual matters in respect of this appeal by EDF Energy Renewables Limited (trading as EDF Renewables) against the refusal of planning permission for installation of a Solar Farm on land south of the M20, Church Lane, Aldington, Kent known as East Stour Solar Farm, referred to hereafter as the Appeal Site. My Company (Land Management Services Ltd) has been advising Ashford Borough Council on landscape and visual matters relating to this application and the Appeal Site since May 2022.

1.2 The Ashford Borough Council Decision Notice dated 29th April 2024 (CD1.20) includes the following Reason for Refusal relating to landscape and visual matters:

1. The proposed development would result in significant adverse individual and cumulative effects on landscape character and on visual amenity that cannot be appropriately mitigated. The development would also harm the amenity and experience of users of the public rights of way network and would cause less than substantial harm to the setting of designated heritage assets. The benefits of the proposed development would not outweigh these harms. The development would therefore be contrary to policies SP1, SP6, ENV1, ENV3a, ENV5, ENV10 and ENV13 of the Ashford Local Plan, policies AB4, AB10 and AB11 of the emerging Aldington and Bonnington Neighbourhood Plan 2030 and the provisions of the National Planning Policy Framework and National Policy Statements EN-1 and EN-3.

1.3 This is now reflected in the Inspector's Main Issue 1 as set out in the Case Management Conference Note (9th December 2024):

the 'landscape issue' which can be expressed along the lines of the effect of the proposal on the character and appearance of the area but will also take in impacts on any RoW

1.4 The evidence of Matthew Durling for Ashford Borough Council describes the planning policy context and planning history associated with the Appeal Site and the Reasons for Refusal.

1.5 A Landscape and Visual Impact Assessment has been prepared by the appellant and was submitted as Chapter 11 of the Environmental Statement (ES) (April 2022)

(CD1.8). Supplementary Environmental Information (SEI) (dated January 2024) (CD1.14) and further information dated April 2024 provided further assessment and proposed mitigation, including an assessment of the cumulative effects of the proposal which is the subject of this Appeal in association with the proposed neighbouring Stone Street Solar Farm, Otterpool Park Garden Village and the Sellindge Battery Energy Storage System (BESS) and Grid Stability Facility (GSF). Full details of the submitted landscape and visual documentation are set out in Paragraph 9.2 of the Statement of Common Ground (CD9.1).

- 1.6 My Company Land Management Services Ltd has prepared two advisory notes to Ashford Borough Council. The first was prepared in response to Chapter 11 of the April 2022 ES and is dated 5th December 2022. This advisory note is included as Appendix 1 to my Proof of Evidence. The second advisory note dated 23rd February 2024 was prepared in response to Chapter 11 of the SEI submission (dated January 2024). This second advisory note is included as Appendix 2 to my Proof of Evidence. The advisory notes were prepared jointly by myself and Wendy Fidler (CMLI) of Land Management Services Ltd.
- 1.7 My evidence addresses landscape and visual matters in relation to this Appeal. I have visited the Appeal Site on a number of occasions between November 2022 and December 2024.

2. The Appeal Site

- 2.1 An agreed description of the Appeal Site is included in Paragraphs 2.1 to 2.6 of the Statement of Common Ground and an agreed description of the surrounding area in Paragraphs 3.1 to 3.4 of the same document. The development comprising the proposed Solar Farm is described in Paragraph 5.1 of the Statement of Common Ground. The proposals extend to a total area of 103.90 hectares. The geographical extents and locations of the solar panel arrays and the proposed Landscape Mitigation are shown on SEI Figure 11.9 (Revision B) (included as my Appendix 3). The proposed mitigation is described in Paragraph 9.3 of the Statement of Common Ground.
- 2.2 The ES Chapter 11 (April 2022) provides a more detailed Site Description in Paragraphs 11.21 to 11.27 and sets out the published Landscape Character Assessments of relevance to the Appeal Site, as defined by the 5 kilometre study area used in the landscape and visual assessment, in Paragraphs 11.29 to 11.33.

- 2.3 It is agreed that the Appeal Site is not covered by national or local landscape designations and is located 1.3 kilometres south of the Kent Downs National Landscape at its closest point.
- 2.4 The proposed solar panel arrays are located on three land parcels as shown on the Landscape Mitigation Plan (see my Appendix 3).
- 2.4.1 The northern parcel is located on a large, undulating arable field enclosed by small blocks of woodland to the west, south and east and a tree belt associated with the M20 road corridor to the north. The land to the east comprises the Sellindge converter station/substation and the Battery Energy Storage System (BESS) (currently under construction).
- 2.4.2 The western parcel is located across two fields north and south of Bested Hill to the west of Church Lane. The HS1 railway line runs immediately to the north. Both fields are currently under arable cultivation. The land parcel is bordered by Backhouse Wood to the west and south west, woodland and pasture on the East Stour River and the HS1 railway to the north and Church Lane to the east and south east. Bested Hill is a distinctive local landscape feature rising to around 73 m AOD at its highest point. A line of pylons runs across the land parcel from south west to north east. The larger array of panels is located in the western field and runs across Bested Hill. A hedgerow field boundary sub divides the land parcel, with a smaller array of panels located in the north east corner of the eastern field.
- 2.4.3 The eastern parcel is located across two fields. Both fields are currently under grazing. The eastern most field is largely enclosed by woodland, with Partridge Plantation to the north west and Round Wood enclosing much of the south western and south eastern boundaries. Partridge Farm is located to the north east and the existing solar array at Partridge Farm, Sellindge to the north. The western field is more open with a currently undefined boundary to the proposed solar array to the north west and fence line boundaries to the south and east. The Partridge Plantation is located to the north east.
- 2.5 There is an extensive local Public Rights of Way (PRoW) network within the Study Area, many of which run through or border the various land parcels. Figure 11.7 Revision A (Public Rights of Way) of the SEI provides an accurate plan of the PRoW network in the context of the proposed solar array.

- 2.6 I confirm that the description of the published Landscape Character Assessments relevant to this proposal as set out in 11.29 to 11.33 of the ES and shown on Figures 11.2 and 11.3 of the SEI is comprehensive. In my evidence I will refer principally to the Ashford Landscape Character Assessment (2009) as set out in the adopted Ashford Landscape Character Supplementary Planning Document (SPD) dated April 2011 (CD3.6). The northern land parcel is located wholly within the Evedgate Mixed Farmlands Landscape Character Area (LCA) and the western and eastern land parcels lie within the East Stour Valley LCA as described in the SPD. Paragraph 11.32 of the Environmental Statement sets out the key characteristics and sensitivities of the respective LCAs.
- 2.7 Neither the ES or the SEI provide an assessment of the degree to which the land parcels are representative or typical of the key characteristics of the respective LCAs. In my opinion this is an important part of the process of impact assessment as it informs the baseline assessment of landscape character.
- 2.8 In my opinion the northern land parcel is typical and strongly representative of the more rural key characteristics of the Evedgate Mixed Farmlands LCA as summarised in Paragraph 11.32 of the ES, in that it is a large, undulating field, enclosed by woodland. The proximity of the M20 and HS1 rail corridors and the Sellindge converter station/sub station do influence tranquillity, contributing to background noise, but none of these features are visible and as a consequence the land parcel retains a strong rural character typical of the LCA.
- 2.9 Similarly I conclude that the western and eastern land parcels are strongly representative of the key characteristics of the East Stour Valley LCA, again as summarised in Paragraph 11.32 of the ES. I agree with the description of the key characteristics of the respective LCAs and the conclusion that the East Stour Valley LCA is of higher landscape sensitivity than the Evedgate Mixed Farmlands LCA, due to the more limited influence of detracting elements. It is important to note that the land parcels associated with the proposed solar arrays form a substantial part of the respective LCAs; I estimate in the region of 20 to 30% in both cases. The geographical extents of the proposal in the context of the LCA total areas is an important consideration in the assessment of impacts and effects on landscape character.
- 2.10 I confirm that I consider that the Zone of Theoretical Visibility (ZTV) as shown on Figure 11.1 of the SEI and subsequent Figures, provides an accurate representation

of the potential visibility of the proposals from the surrounding area. I do, however, have concerns that the representative viewpoints included in the original ES do not provide a representative level of coverage to inform a reasonable and appropriate assessment of visual effects. I will return to this point later in my Proof of Evidence.

- 2.11 I confirm that I am in agreement that the proposal would not result in significant or unacceptable impacts to the setting to the Kent Downs National Landscape as set out in the Landscape Statement of Common Ground.

3. Key Issues and Proof of Evidence

- 3.1 Our advice to Ashford Borough Council on this proposal and the principal issues pertaining to landscape and visual matters has focussed on three main issues:

3.2.1 whether the Landscape and Visual Impact Assessment (LVIA) set out in Chapter 11 of the Environmental Statement provides a reasonable and appropriate assessment of the impacts and effects of the proposals to enable the Council to reach a decision on the application;

3.2.2 conclusions as to the impacts and effects of the proposals and the degree to which the LVIA has informed the design process and proposed mitigation;

3.2.3 whether the proposed mitigation is reasonable and appropriate and would provide effective mitigation of the anticipated landscape and visual impacts and effects for the duration of the scheme.

- 3.3 The full policy context to the Appeal is described in the Statement of Common Ground (CD9.1). A Landscape Statement of Common Ground has also been prepared (CD9.2). I confirm that I am in full agreement with the areas of common ground set out in these documents.

- 3.4 The Government's Overarching National Policy Statement for Energy (EN-1) (CD3.12) sets out national policy for energy infrastructure. Section 5.10 of EN-1 is concerned with landscape and visual and requires applicants to prepare a landscape and visual assessment as part of the Environmental Statement. In accordance with best practice described in GLVIA3 (CD4.1) the guidance clearly distinguishes between landscape and visual. I have set out extracts from EN-1 which I consider are important to the preparation of a reasonable and appropriate landscape and visual impact assessment and effective mitigation.

3.5 Paragraph 5.10.5 of EN-1 states:

Virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts arising from mitigation.

3.6 Paragraph 5.10.6 states:

Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.

3.7 Paragraph 5.10.13 states:

All proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites.

3.8 Paragraph 5.10.19 states:

The applicant should consider landscape and visual matters in the early stages of siting and design, where site choices and design principles are being established.

3.9 The requirement for the landscape and visual assessment to inform proposed mitigation is also implicit in EN-1.

3.10 There is, therefore, a recognition in EN-1 that *nationally significant energy infrastructure projects* will result in adverse landscape and visual effects. There is, however, a requirement under EN-1 for applicants to:

- demonstrate the anticipated landscape and visual impacts and effects associated with proposals;
- demonstrate how the landscape and visual assessment has informed siting and design;
- describe proposed landscape and visual mitigation (this could involve a reduction in the scale or geographical extents of the proposals, as well as mitigation through planting or other measures).

3.11 These principles are reiterated in Section 2.10 of National Policy Statement for Renewable Energy Infrastructure (EN-3) (CD3.13) specifically in relation to Solar Photovoltaic Generation. Paragraph 2.10.55 and Footnote 92 of EN-3 deal with the principle of 'overplanting' which allows for the potential decline in efficiency or

degradation of panels over time (and therefore the energy generation capacity) within the initial design. Footnote 92 notes that the impacts of 'overplanting' should be assessed and considered as part of the planning process, based on the full extent of the scheme, including any 'overplanting'.

- 3.12 The local policy context underpinning Reason for Refusal 1 is summarised in Paragraph 62 of the Officer's report (CD1.19):

At a local level, Policy SP1 of the ALP seeks to conserve the borough's natural environment including designated landscapes. Policy ENV3a requires all development proposals to demonstrate particular proportionate regard to landscape characteristics according to the landscape significance of the site and Policy ENV3b is relevant to proposals affecting the setting of AONBs. Policy ENV5 requires all new developments in rural areas to protect and where possible enhance: ancient woodland and semi-natural woodland, river corridors and tributaries; Public Rights of Way and other local historic or landscape features. Policy ENV10 states that in order to be acceptable, proposals should not result in significant adverse impacts on the landscape, natural assets or historic assets, having special regard to nationally recognised designations and their setting, such as AONBs.

- 3.13 It is agreed that there are no significant adverse landscape or visual impacts on the setting to the Kent Downs National Landscape (formerly AONB).
- 3.14 The main body of my Proof of Evidence seeks to address each of the three principal issues I set out in my Paragraph 3.1 above.

whether the Landscape and Visual Impact Assessment (LVIA) set out in Chapter 11 of the Environmental Statement provides a reasonable and appropriate assessment of the impacts and effects of the proposals to enable the Council to reach a decision on the application;

4. Environmental Statement Volume 2A - Written Statement (April 2022) Chapter 11: Landscape and Visual Impact

- 4.1 In December 2022 my Practice prepared an advisory note to Ashford Borough Council on the content and conclusions set out in Chapter 11 of the ES in relation to landscape and visual impacts and effects. This note is attached as Appendix 1 to my Proof of Evidence. Our conclusions and advice in relation to the ES were as follows:

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.*

4.2 I shall deal with each of these matters in turn.

4.3 The LVIA Methodology used in the April 2022 ES is set out in Appendix 11-2. I re-state below our conclusions as to the adequacy and transparency of the LVIA Methodology from our December 2022 report:

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 LVIA's, 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.

- 4.4 The April 2022 Environmental Statement does not clearly distinguish between impacts and effects on the landscape resource or landscape character and visual amenity. These are combined in Table 11.2 from the perspective of the representative viewpoints. This has, in part, been addressed in the Appellant's Statement of Case in Tables 10.1 and 10.2, but it is important to note firstly that this much requested distinction was not available to the Council or their landscape advisors at the time the application was determined. In my opinion the information set out in Tables 10.1 and 10.2 still lacks the level of discussion and analysis to enable the Decision Maker to understand how judgements and conclusions have been reached.
- 4.5 Landscape Receptors should be clearly defined in accordance with the guidance set out in GLVIA3 and the impacts and effects on each of these receptors assessed against each of these individual landscape receptors. Landscape receptors may include national and local landscape character areas, the site overall and individual features which contribute to overall landscape character, such as woodlands, hedges, land use; features which might otherwise be referred to as the landscape fabric.
- 4.6 The Environmental Statement also only included 12 representative viewpoints to inform the assessment of visual effects. This is entirely inadequate for a proposal of this scale and geographical extents, in particular bearing in mind the potential ZTV shown on SEI Figure 11.1. Only 4 viewpoints (Viewpoints 1 to 4) are located close to or immediately bordering the respective land parcels. No viewpoints are included from Footpath AE459 which runs through the eastern land parcel. There are substantial areas of the wider ZTV for which no viewpoints were included. Viewpoint coverage from other key publicly accessible visual receptors, principally Footpaths AE432, AE437, AE656, AE457 and Church Lane is also in my opinion wholly inadequate. I will return to this point in my discussion relating to the impacts and effects of the proposed scheme in Sections 5, 6 and 7 of my Proof of Evidence.
- 4.7 The SEI includes a response to the criticisms set out in the Land Management Services Ltd advisory note. Paragraph 11.30 states:

Further methodological information has been provided in the LVIA and CLVIA Methodology within the SEI Appendix 11.1), the content of which concurs with the original LVIA methodology, but which provides a greater level of detail.

- 4.8 As stated in the Landscape Statement of Common Ground, I agree that the Methodology set out in SEI Appendix 11-1 is consistent with best practice, principally as described in GLVIA3, but I can see no evidence from the original ES chapter that this methodology was applied in the preparation of the original LVIA forming part of the Environmental Statement. It is noticeable that the assessment of effects in the Cumulative Assessment set out in the SEI in Table 11.2 and the subsequent information supplied in the Appellant's Statement of Case do provide a distinction in the discussion and assessment of landscape and visual impacts and effects.
- 4.9 As part of the SEI the appellant has provided further information in the form of landscape cross sections (SEI Figures 11.15 to 11.23) which are helpful in providing an understanding of the anticipated impacts and effects and the experience of PRow users, but these do not contribute to the impact assessment. A revised Landscape Mitigation Plan (SEI Figure 11.9 Revision B) was also issued in September 2024 (SEI Figure 11.9 Revision A) (CD1.21 and my Appendix 3). There is no suggestion that the revised mitigation plan would reduce the impacts and effects concluded as part of the original 2022 Environmental Statement.
- 4.10 All of the plans issued as part of the original Environmental Statement are high level and illustrative, in particular with regard to the detail as to the extents of the solar panels on the site boundaries. This is particularly important when seeking to assess the distances between the panels and neighbouring PRow and the consequent impacts and effects. The illustrative landscape cross sections issued as part of the SEI are helpful in defining the exact distances between PRow users and the solar panels at specific locations.
- 4.11 The SEI is better laid out and structured than the original ES chapter and is supported by an improved methodology. The SEI is, however, focussed on the cumulative impacts and effects and whilst some of the additional illustrative material is helpful, in my opinion the information supplied by the appellant in relation to the assessment of landscape and visual effects as part of the original ES is not reasonable or appropriate to the scale of the proposal, is not clear in the conclusions reached and has not provided the Council with a suitable assessment to inform a decision on the landscape and visual effects of the proposal. As an illustration of this point in Paragraph 3.10.1 of the Landscape Statement of Common Ground it is agreed that significant adverse effects on landscape character, affecting the Evegate Mixed Farmlands LCA and part of the East Stour Valley LCA, would remain at Year 10. This is an important and clear conclusion acknowledging a significant residual

adverse effect on local landscape character which is not clearly stated in the Environmental Statement. Similarly with regard to visual effects the inclusion of only 12 viewpoints, with no viewpoints located within large parts of the anticipated ZTV, does not provide a reasonable and appropriate basis for an assessment of visual impacts and effects and as a consequence underplays the visual harm which would result from the scheme.

conclusions as to the impacts and effects of the proposals and the degree to which the LVIA has informed the scheme design process and proposed mitigation;

5. The LVIA as part of the Design Process

5.1 In our advisory note dated 5th December 2022 relating to the Environmental Statement we commented that:

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.

5.2 The January 2024 SEI LVIA Chapter 11 included a new section entitled Design Progression and included a new plan Layout Progression (SEI Figure 11.10) (included as my Appendix 4) which provided greater clarity on how and the degree to which landscape and visual considerations informed the location and layout of the solar panels and mitigation.

5.3 Whilst this is helpful this section does not address how or whether a number of substantial adverse visual effects were considered as part of the design process. The principal longer distance views from which adverse visual effects are identified are from the Aldington Ridge, in particular from Footpath AE474 (Viewpoint 7), from which panels located on the south side of Bested Hill would be visible. Concerns relating to the visual harm from the location of panels on the south side of Bested Hill were identified by Council Officers, Church Lane Residents Group and Aldington Parish Council (see the presentation prepared by the Residents Group in my Appendix 5). My practice also highlighted concerns as to the visual effects from the Aldington Ridgeline in our note to the Council dated 5th December 2022.

5.4 The Design Progression section provides extensive discussion as to the design changes in order to preserve the residential visual amenity associated with Bested House and The Paddock. These are, of course, important considerations but in my

opinion, substantial benefits to the reduction of visual harm from the Aldington Ridge could have been gained by the removal of panels from the south side of Bested Hill and relocation to the lower lying land to the west of Church Lane, with a reduced area still effective in maintaining the residential visual amenity of Bested House. There may also be capacity to reduce the area of panels depending on the degree of 'overplanting' within the current site extents and layout. Removal of panels from the south side of Bested Hill would be wholly beneficial to the residential visual amenity of the Paddock.

5.5 The Design Progression section also does not contain any discussion as to the visual effects from local PRoW and whether consideration was given to the creation of more substantial footpath corridors or enhanced mitigation in order to reduce the identified significant adverse visual effects from PRoW running through or adjacent to the proposed solar panels. The revised landscape mitigation plan submitted in September 2024 now includes two proposed permissive paths which would divert footpath users around rather than through the solar panel arrays, but this is not considered as part of the Design Progression assessment.

5.6 Thus whilst the additional information contained in the Design Progression section of the SEI Chapter 11 is helpful I consider that opportunities to reduce the visual effects in views from the Aldington Ridgeline and near views from PRoW could have been achieved through a review of the current layout and more extensive and effective landscape mitigation.

6. Landscape Character: Assessment of Effects

6.1 As I have described, the proposed solar panel array is located in three principal land parcels. Each of these land parcels is separated from the others by small areas of woodland or tree belts. Planting associated with the HS1 railway corridor also separates the northern most land parcel from the two parcels to the south. The benefit of this arrangement is that each of the individual land parcels is rarely perceived in association with the other two, thus reducing the potential landscape and visual harm associated with the proposals. This is also an important consideration in the cumulative impact assessment associated with the existing Sellindge/Paddock Farm array and the proposed Stone Street array to the west. I agree with the findings of the SEI landscape and visual assessment that it is only from a limited number of locations to the west that the Appeal Site and the proposed

Stone Street scheme would be perceived as a larger more extensive array of solar panels.

- 6.2 I also agree that the physical impact on the landscape resource or fabric will be limited to the possible removal of short sections of hedgerow to enable access to the main fields where the solar panels would be located. There would however be a substantial change to land cover and appearance with the current arable and grazing fields covered by the solar panels. It is agreed that grazing would be possible beneath the panels but in terms of perception from surrounding areas or when walking local PRow there would be a substantial change to landscape character and appearance.
- 6.3 The Appeal Site occupies a substantial area located within the Evegate Mixed Farmlands and East Stour Valley LCAs as described in the Ashford Landscape SPD. I welcome the clarification in the Landscape Statement of Common Ground that there is agreement that the proposed development would have a residual significant adverse effect on these two local character areas. There is, therefore agreement that there will be a significant adverse effect on local landscape character as a consequence of the proposals.

7. Visual Amenity: Assessment of Effects

- 7.1 With regard to visual effects I consider that the limited number of viewpoints included in the ES and SEI do not provide a suitable basis for a representative assessment of the visual harm which would result from the proposals, in particular in near views from the many local public rights of way and Church Lane. Only three viewpoints (Viewpoints 1 to 3) in the ES and SEI are located immediately adjacent to or within the areas to be covered with solar panels. I consider that the coverage in terms of representative viewpoints is inadequate and does not provide a reasonable or appropriate basis for an assessment of the visual effects of the proposals. I consider that the coverage from key local visual receptors, specifically Footpaths AE432, AE437, AE457, AE459 and AE656 and Church Lane is inadequate and not representative.
- 7.2 In our advisory note to the Council dated 5th December 2022 we also noted that only summer views and visualisations were included in the Environmental Statement. I consider that to not include winter views does not enable a full and proper

assessment of both landscape and visual effects and the effectiveness of proposed mitigation. The Appellant's Statement of Case (CD8.1) notes at Paragraph 10.14:

Depending on the timing of this appeal, it may be feasible for the Inspector's site visit(s) to be undertaken during the winter months so that the screening effects of intervening vegetation in winter can be compared to the summer views illustrated.

- 7.3 It cannot be argued under any circumstances that this is a reasonable approach to a visual assessment. The ability to undertake a comparative visual assessment of the scheme in summer and winter months should not be reliant on the timing of the Appeal. It should be clearly described in the Environmental Statement. The criticism relating to a lack of winter views was raised in December 2022 leaving ample time to undertake a winter visual assessment prior to this Inquiry.
- 7.4 I have included some additional Viewpoints in Appendix 6 of my Proof of Evidence which I consider (in combination with the three viewpoints in the Environmental Statement) provide a representative coverage of the near views to the Appeal Site. The Statement of Case on behalf of the Appellant does include a more in depth assessment of the effects on visual amenity in Table 10.2. This table provides a clearer assessment of the effects on key visual receptors, principally local PRow, and discussion as to the lengths of paths affected and the effects. Although not supported by further viewpoints this is helpful in that it provides a more representative assessment of the geographical extents and magnitude of effects on these key visual receptors.
- 7.5 No viewpoints are included in the Environmental Statement from Footpath AE459 as it runs through the eastern land parcel. I have included two views (LMS1 and LMS2) from this PRow. Sections H-H, I-I and J-J (Figures 11.22 to 11.24) of the SEI are helpful in understanding the proximity of the proposed panels to users of this PRow and the impact this would have on outward views.
- 7.6 Viewpoint LMS1 shows a view south west to south from Footpath AE459 from the western most field of the land parcel. The location is close to Section H-H (SEI Figure 11.22). The existing view is a wide, expansive, rural view towards the Aldington ridgeline. The church at Aldington is visible on the ridge. Section H-H demonstrates that the character and appearance of this view would be substantially changed with security fencing located five to six metres away from the viewer on both sides of the path and the 3 metre high panels immediately beyond this. No hedge planting is proposed in this location so there would be no screening of the solar

panels in this view. In my opinion there would be a significant (moderate adverse or greater) effect on the character and appearance of this view. This would last for the duration of the construction, operational and de-commissioning phases of the project as no mitigation is proposed in this location. I consider that Table 10.2 of the Appellant's Statement of Case is consistent with this conclusion stating that there will be significant, long term adverse visual effects for users of Footpath AE459. The proposed permissive path B as shown on the Mitigation Plan Revision B (see my Appendix 3) would provide an alternative route to AE459 which would in part maintain outward views.

7.7 The views from the eastern field (Viewpoint LMS2) are more enclosed and the existing solar panels at the Sellindge/Paddock Farm Site do influence the character and experience of the visual receptor. Section J-J demonstrates that in this location the PRoW would be even more enclosed, again with no proposed mitigation. I conclude again that there would be a significant (moderate adverse or greater) effect on the character and appearance of this view, which would last for the duration of the project as no mitigation is proposed in this location.

7.8 My Viewpoint LMS3 shows the view from the western edge of the northern land parcel looking north east from Footpath AE432. Sections B-B, C-C and D-D (SEI Figures 11.16 to 11.18 illustrate the width of the footpath corridor through the solar panels in this location. As with Footpath AE459 no mitigation is proposed on this section of footpath which again runs through a relatively narrow corridor bordered by security fencing with the solar panels beyond. The visualisation from Viewpoint 1 of the Environmental Statement gives an indication of how the character and appearance of the views for users of Footpath 432 will be transformed. Table 11.2 of the Environmental Statement concludes that there would be a significant (moderate/major adverse) visual effect from Viewpoint 1. In my opinion this significant adverse effect would be experienced along the whole length of Footpath AE432 for the duration of the construction, operational and de-commissioning phases of the project as it runs through the northern land parcel and along the northern edge of the land parcel. As above I consider that Table 10.2 of the Appellant's Statement is consistent with this assessment in that there is a conclusion that there will be significant, long term adverse effects on users of Footpath AE432, although there is a conclusion that planting will provide long term beneficial effects on the northern boundary. Whilst this might be true in terms of landscape character I do not consider that the proposed hedgerow would provide effective mitigation of visual effects. The

proposed permissive path A as shown on the Mitigation Plan Revision B (see my Appendix 3) would provide an alternative route, but would still run in close proximity to the solar panels with only hedgerow planting providing mitigation.

- 7.9 No viewpoints are included in the Environmental Statement from Footpath AE656 which follows the line of the East Stour River on the northern edge of the western land parcel. Riparian woodland and scrub does limit views south towards Bested Hill from the PRoW but there are occasional open views south (see my Viewpoint LMS4). The experience of the footpath user in the location is in part affected by the proximity of the HS1 railway line, but the views south retain a strong rural character. No mitigation is currently proposed between Footpath AE656 and the proposed solar array. Again, where there are views south towards the proposed solar array, in my opinion for users of Footpath AE656 there would be a significant (moderate adverse) effect which would last for the duration of the construction, operational and de-commissioning phases of the scheme as no mitigation is proposed in this location. As above, Table 10.2 of the Appellant's Statement of Case is largely consistent with this assessment, in that there is a conclusion that there will be significant, long term adverse visual effects for users of Footpath AE656, although there is a conclusion that planting will provide long term beneficial effects in the more easterly sections.
- 7.10 One viewpoint (Viewpoint 2) and visualisation is included in the Environmental Statement from Footpath AE457 which would follow the western edge of the western land parcel. Viewpoint 2 is located at the southern tip of the land parcel adjacent to the area of proposed low density native tree planting. The visualisation shows the anticipated view at completion and Year 10 with the planting established. The visualisation suggests that the panels would be completely screened by Year 10. As noted above this is a summer view which would be far more open in winter. Whilst I accept that the planting will provide mitigation such that the significant adverse effect identified at Year 1 would be reduced, I do not consider the panels would be completely screened as suggested by the visualisation.
- 7.11 I also include one further viewpoint (LMS5) from Footpath AE457 to the west. No viewpoint is included in the Environmental Statement from locations on Footpath AE457 to the west of the proposed solar array. Hedge planting is proposed between the PRoW and the proposed solar panels, as shown on illustrative section F-F (SEI Figure 11.19). At Year 1 I consider that there would be a significant (moderate adverse) visual effect for users of Footpath AE457 on the western edge of the solar panels. Whilst hedge planting would achieve a degree of mitigation I do not consider

that an effective screen would be provided, in my opinion this would last for the duration of the scheme. I consider that a single hedgeline as proposed would not provide an effective screen as suggested by Section F-F by Year 10. More effective mitigation could be achieved through the planting a belt of scrub several metres in depth, as I discuss in more detail in Section 8 in relation to landscape mitigation. In this case I disagree with the conclusions set out in Table 10.2 of the Appellant's Statement of Case which suggests that beyond Year 10 planting would have a beneficial effect on visual amenity and that there would be no visual effects from the more northerly sections of Footpath AE457.

- 7.12 The Environmental Statement includes one viewpoint from Church Lane (Viewpoint 3). Helpfully the ES assessment considers three viewpoint orientations to take in views to the west, north and east, although again I consider that the inclusion of only one representative viewpoint location from this visual receptor which runs through the heart of the scheme is inadequate. I have included one additional viewpoint (LMS6) from the northern part of Church Lane. This viewpoint overlooks a large part of the two areas of solar panels which make up the western land parcel. Hedge planting is proposed on the northern fringes of the solar panel array. This would provide some mitigation but as elsewhere I conclude that there would be a significant (moderate adverse or greater) effect on the character and appearance of this view for the duration of the project.
- 7.13 The preparation of the cumulative assessment as part of the SEI included five additional viewpoints (A to E) and a thirteenth viewpoint located on the North Downs. All viewpoints were located within the original ZTV so there is a reasonable argument that these should have been included in the original assessment forming part of the Environmental Statement. The Visualisation from Viewpoint B (SEI Volume 4 Visualisations), for instance, clearly demonstrates the visibility of the Appeal Site proposals from the west (no near viewpoints were included from this location in the original Environmental Statement).
- 7.14 The Cumulative Impact Assessments in the SEI (see Table 11.2) are helpful, in particular in my view, in the consideration of the potential cumulative effects associated with the Appeal Site and the proposed Stone Street solar arrays. In terms of the assessment of effects on landscape character I conclude that the cumulative localised landscape effects would be significant (moderate to major adverse) in relation to the Evegate Mixed Farmlands and East Stour Valley LCAs as the land coverage and the perception of solar panels would be substantially increased from

that associated with the Appeal Site in isolation. I agree with the SEI assessment that the cumulative landscape character effects would also extend to the Aldington Ridgeline with a consequent major/moderate adverse effect for the duration of the scheme(s).

- 7.15 In terms of visual effects the cumulative adverse visual effects would be of particular significance in views from the Aldington Ridgeline (see SEI Viewpoints D,C and 7) and from the west (in particular Viewpoint B). Overall I agree with the assessment of visual effects from these viewpoints in the SEI.
- 7.16 In conclusion I consider that more extensive viewpoint coverage and assessment of visual effects of the Appeal Site scheme as part of the original Environmental Statement would have provided a representative assessment of the actual visual harm which would result from the proposals. The inclusion of only four near views in the original Environmental Statement did not provide a suitable basis for an assessment of visual effects from the local PRoW and road network. The additional discussion included in Table 10.2 of the Statement of Case is helpful and I consider is largely consistent with my conclusions as to the visual effects for users of the local PRoW network. Significant adverse effects are acknowledged for the duration of the scheme for users of PRoW AE459, AE432 and AE656. I disagree with the conclusions as to the effectiveness of the proposed mitigation in reducing some of the visual effects from Footpaths AE432 and AE457 (I discuss this in more detail in my Section 8 below).
- 7.17 The SEI cumulative assessment has included additional mostly longer distance views which demonstrate that the Appeal Scheme would be visible from locations to the south and west. These should have been included in the original Environmental Assessment in order to provide a representative assessment of the anticipated visibility of the proposals in the wider landscape.

whether the proposed mitigation is reasonable and appropriate and would provide effective mitigation of the anticipated landscape and visual impacts and effects for the duration of the scheme.

8. Proposed Landscape Mitigation

- 8.1 The proposed landscape mitigation is shown on SEI Figure 11.9 Revision B and is described in Paragraph 9.3 of the Statement of Common Ground. Illustrative cross sections were included in the SEI (Figures 11.15 to 11.24).
- 8.2 In terms of mitigation in the form of screening, the proposals largely comprise new hedgerow planting or enhancement to existing hedgerows with scattered hedgerow trees. There is one more substantial area of native tree planting at the southern end of the western land parcel on Bested Hill which would provide screening to The Paddocks and a short section of Footpath AE457.
- 8.3 Two new permissive paths are now proposed which would divert walkers using footpaths AE432 in the northern land parcel (Path A) and AE459 in part of the eastern land parcel (Path B) from routes through the solar panels to routes on the field perimeters as shown on the Mitigation Plan.
- 8.4 It is important to emphasise that the original LVIA did identify significant adverse effects to both landscape character and visual amenity, principally at a localised scale, although as I set out above I do not consider that these conclusions were clearly set out in the original Environmental Statement.
- 8.5 The first stage in the development of mitigation should be to consider whether variations in location, layout or geographical extents could remove or reduce harmful effects. The visual impact of the proposals in longer distance views from the Aldington Ridgeline (Viewpoint 7) was highlighted as a concern at the outset by Council Officers, local groups, Aldington Parish Council and the Council's Landscape Advisors. There is scope to remove panels from the south side of Bested Hill and to re-locate these in the lower areas to the west of Church Lane whilst still preserving the residential visual amenity of Bested House (see the Layout Progression Plan in my Appendix 4 and my mark up in Appendix 9). There may also be capacity to reduce the extent of panels, depending on the degree of 'overplanting' built into the design. This would ensure that the visual harm associated with the scheme is restricted to the near visual receptors within and around the proposed solar arrays.

- 8.6 I do not consider that the proposed mitigation is appropriate in terms of both the screening of the solar panels or the opportunities to provide wider benefits to landscape character and visual amenity. In my opinion it is highly unlikely that single hedgelines would provide effective screening, as suggested in the Environmental Statement, by Year 10 or indeed for much of the duration of the scheme. During the course of the site visit, the Inspector will be invited to view the hedge planting to the Sellindge/Partridge Farm Solar Farm which has been in place I since 2015/2016 (see my Appendix 7). I appreciate the need to prevent overshadowing of the panels but I consider that the planting of more extensive scrub and scattered tree belts would provide more effective and guaranteed mitigation and would also provide wider landscape character and habitat benefits. By contrast the applicant for the neighbouring Stone Street solar panel scheme has now provided a comprehensive landscape scheme which, whilst it does not eliminate all harm and impacts, provides substantial landscape and habitat benefits and to a large extent an appropriate landscape setting to a development of the scale proposed. I include a copy of the current Stone Street Landscape Strategy in my Appendix 8.
- 8.7 In order to provide more effective screening and minimise the harm to the visual amenity of users of the local public rights of way and roads and enhance local landscape character I consider that the following additional mitigation should have been considered. I have included a Plan mark up in my Appendix 9:
- 8.7.1 Planting of native scrub and tree belts west and east of Church Lane to provide screening;
- 8.7.2 Riparian woodland planting and other wetland enhancements to the River Stour Corridor to screen views of the panels from Footpath AE656 and the northern sections of Church Lane. This would potentially provide an extension to the enhancements proposed as part of the neighbouring Stone Street Solar Farm;
- 8.7.3 A more substantial scrub belt located between Footpath AE457 and the solar panels;
- 8.7.4 Scrub belt in place of hedge planting between the proposed permissive Path A, combined with woodland planting in the south western and south eastern parts of the north western land parcel to extend the areas of existing woodland and provide screening from Footpath AE437;

8.7.5 The Footpath diversion B will help conserve the visual amenity of users of PRoW 459, in particular in terms of the outward views south and west. The Landscape Mitigation Plan suggests that this path will run in very close proximity to the panels in the more southerly field. A more substantial landscape buffer should be created in this location.

8.8 In conclusion, therefore, I do not consider that the proposed mitigation is reasonable or appropriate to a scheme of this scale, with the anticipated landscape and visual effects. In addition to providing functional mitigation in terms of screening (which I conclude is inadequate), the opportunities to enhance and contribute to local landscape character and biodiversity should also have been explored.

9. Concluding Statement

9.1 For the reasons set out in Proof of Evidence I conclude:

9.1.1 The landscape and visual assessment undertaken as part of the original Environmental Statement was not reasonable or appropriate and did not provide the Council with a suitable basis to assess the anticipated landscape and visual effects of the proposals. Concerns were raised by Council Officers, local groups and Parish Councils and the Council's Landscape Advisors in 2022 as to the clarity of the assessment, the inadequacy of the representative viewpoint coverage and the effectiveness of the proposed mitigation. The SEI and revised Landscape Mitigation Plan (Revision B) provided some additional information, but overall the majority of the original concerns as to the adequacy of the assessment remain.

9.1.2 Some evidence is provided as to how the landscape and visual assessment informed the design process but as I highlight in my Proof of Evidence, there are issues and concerns which again were highlighted at an early stage by the Council in relation to the location of panels on the south side of Bested Hill and the adequacy of the proposed landscape mitigation which remain.

9.1.3 There is agreement that there will be significant adverse landscape character and visual effects. It is agreed that these are relatively localised, but will in a number of cases remain for the duration of the scheme. I consider that a number of these adverse effects could be addressed through more effective

landscape and visual mitigation. I also consider that opportunities to provide wider, permanent landscape and biodiversity enhancements as part of the landscape mitigation have not been fully explored.

- 9.2 For the reasons set out above I conclude that the basis for Reason for Refusal 1 is justified. The Appeal Site proposals would result in *significant adverse individual and cumulative effects on landscape character and on visual amenity*. I do, however, conclude that more appropriate and effective mitigation (including changes to the layout) could have been proposed which would have addressed some if not all of the concerns in relation to landscape and visual harm. As set out in my Proof of Evidence these matters were raised with the appellant but opportunities to address these concerns have not been fully explored.

**East Stour Solar Farm
Proof of Evidence
January 2025**

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