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Date: 9th February 2022

Rob Forrester
South Derbyshire District Council
Sent by email to: Rob.Forrester@southderbyshire.gov.uk

Our ref: 1357

Dear Rob

Re: Response to comments from Derbyshire County Council dated 7th September 2021

Application DMPA/2021/1014 for "The installation of ground mounted solar photovoltaic panels with associated infrastructure and works, including substations, converters, inverters, access tracks, security fencing, boundary treatment and CCTV" at Land north of Lullington, Swadlincote was submitted to, and validated by, South Derbyshire District Council on 22nd June 2021.

The application has subsequently undergone statutory consultation as part of the planning application process, and Derbyshire County Council (DCC) provided their comments dated 7th September 2021.

The comments received have been reviewed, and the applicant's response to the points raised is provided below and are addressed by the topic areas as set out in the DCC letter.

Discussion by topic

Member Comments

Councillor Stuart Swann has provided comment on a number of matters. The applicant would like to respond on some of the points raised:

"security fences and CCTV camera giving it the feel of a prison camp"

The fencing proposed is timber post and wire mesh fencing which is often referred to as deer stock fencing and are common features in the countryside. The CCTV cameras are only site facing so will not view anything outside of the site boundaries. The number of these are proposed to be kept to a minimum.

"another major concern is the long-term planning status of the land in question after its use as a solar farm. Residents are worried that this extensive site would be considered brownfield and opened up to substantial development."

Any planning permission for this solar farm will have a condition imposed which will require its reinstatement to its current use (agricultural) at the end of the permission lifetime. This is common on solar farms and is an accepted requirement. The implementation of the solar farm requires minimal disruption to the land which means that decommissioning of the development will allow the land to be restored back to its agricultural use and would therefore not be considered brownfield or previously developed land.

Any use of the land beyond the lifetime of the planning permission would require a new planning application to be determined by South Derbyshire District Council according to planning policy at the time and is not a matter for determination within this planning application.

“Vehicle movements of seemingly endless HGVs on local roads and lanes during the extended construction phase also concern residents greatly”

The construction period of the proposed development will be a maximum of 6 months and will more likely be closer to 3-4 months. The number of vehicles is expected to be a maximum of 10-15 HGV movements per day but this is unlikely to be the number across the whole construction period. The proposed construction traffic routing is proposed to arrive to site via the M42, then travel north via the A444 and turning west at Acresford to avoid Overleas. Construction traffic has purposefully been routed outside of Lullington village and Coton in the Elms. This routing will be controlled through a planning condition and the Highway Authority are happy with the proposals and have not raised any objections.

“drainage and flooding as the natural soak and flow of rainwater is affected by numerous solar panels”

The existing fields comprise ground conditions that are largely cohesive in nature, with smaller areas of granular soil. Rainwater will naturally run off the cohesive areas and into the local watercourses, whilst during extreme events where rainfall exceeds the immediate infiltration capacity of the granular subsoil, surface run-off will continue to drain into the local watercourses as it does now.

The solar panel arrays are not considered to prevent direct infiltration into the ground and will allow rainwater to drain freely into the ground. The Site would be landscaped with grassland and vegetation surrounding and beneath the arrays which will benefit the drainage of the site. The development will result in the installation of a small substation and associated curtilage and inverters. These will be positioned on small areas of impermeable surfaces that would not have any measurable impact on surface water drainage running off-Site.

The Lead Local Flood Authority have raised no objection to the submitted flood risk assessment and surface water drainage strategy.

“They, however, question the local environmental impact of this proposal in terms of the loss of good quality farmland, at a time when the issue of food production”

Agricultural farmland is graded as Best and Most Versatile which is land graded 1 to 3a, grade 3b is classed as moderate quality, grade 4 poor quality and grade 5 as very poor quality. This land has been surveyed and is classified as approximately 48.7% of the site area is Grade 2 or 3a, which would be classed as Best and Most Versatile. This means that more than half of the site is classed as moderate quality or lower. Therefore, the terminology of ‘good quality’ does not fit with the professional recognised standards. The matter of agricultural land grade is addressed further in the emerging National Policy Statement for Renewable Energy Infrastructure (EN-3) which was consulted on last year and is awaiting adoption. Paragraph 2.48.13 states (emphasis added)

*“Solar is a highly flexible technology and as such can be deployed on a wide variety of land types. Where possible, ground mounted Solar PV projects should utilise previously developed land, brownfield land, contaminated land, industrial land, or agricultural land preferably of classification 3b, 4, and 5 (avoiding the use of “Best and Most Versatile” cropland where possible). **However, land type should not be a predominating factor in determining the suitability of the site location.**”*

At the heart of the development proposals for solar farms is the significant benefits that these developments can bring to ecological and environmental benefits to the site and area. The sites current use as agricultural land provides limited ecological value. The development will provide gains

in biodiversity with supplementing existing hedgerows and vegetation, significant landscaping proposals, planting of species rich grassland beneath the panels, installing bird and bat boxes. Most significantly the proposal includes increasing the amount of trees on site from 1% to 8.

“electricity generation in the British climate, which some scientists calculate has a woeful 12 percent efficiency in terms of its true generating capacity.”

This is factually incorrect.

Solar farms have a proven track record of generating renewable electricity in the UK and further deployment of solar farms will play an essential role in achieving its net zero emissions target by 2050. The proposed solar farm will generate electricity sufficient to power 15,000 homes annually which is a significant contribution to reducing the UK's dependency on burning fossil fuels.

“Although it is unlikely to be considered a material planning matter, the future disposal of the solar panels and the toxic substances they contain is an issue requiring great thought.”

The majority of the components of solar panels can be recycled and do not contain toxic substances that would prevent this from happening. Solar panels are used on residential dwellings with no considered risks.

Need and Principle of the Development

It is clear in National and Local policy that there is an undisputed need for renewable and low carbon energy proposals and there is no need for the applicant to demonstrate this need.

The officers set out the policy context in Derbyshire which align with the Climate Change Act which a view to reduce carbon emission to net zero by 2050. They acknowledge in paragraph 2.9 *“Renewable energy and significant increase in development of renewable energy projects across the County will play a very important part in enabling local authority partners to meet their climate change commitment and carbon budgets to achieve the overall aim of net-zero emissions by 2050”*

As clearly set out by the Council, Derbyshire is supportive of renewable energy proposals and sees them as key in the Council achieving their climate change commitments.

Paragraph 2.15 raises a question of why there isn't energy storage as part of the scheme *“On a technical point, however, no mention is made in the supporting Planning Design and Access Statement with the planning application of any associated battery storage for storing excess energy and to help balance the grid. For any solar farm, this should now be an essential component.”*

There is no policy requirement either through planning or other policy for energy storage to be provided as part of this type of scheme. It is now common on large solar farm schemes to find energy storage, but this is dictated by the grid connection offer. The grid connection offer for this site does not allow for energy storage and this is a matter outside of the control of the applicant and also outside of matters that planning can control.

Scale of development and impact on settlements

Paragraphs 2.21-2.25 set out that the Council considers that the scale of the development is out of proportion with its surroundings, specifically referencing the scale of the villages in the vicinity (Lullington and Coton-in-the-Elms) and their position in the Settlement Hierarchy. The applicant is not

proposing to repeat their site selection process which is fully set out in their Planning, Design and Access Statement and Site Selection Assessment, but the starting point for site selection is the grid connection point and offer. The site selection process looks at a number of factors which primarily cover environmental considerations and constraints and whether the scale of the development can be accommodated without causing any significant harm. Technical assessment is carried out to establish this and these are presented in the application.

Large scale solar farms inevitably are located in rural areas due to the land required. As part of the site selection process brownfield land is always considered but it is generally difficult to identify land of the scale needed which is brownfield that doesn't have an existing site allocation on it or other restriction such as an existing planning permission or in an area where another use would be more appropriate. Therefore, agricultural land ends up being the location where they are proposed. In regard to the scale, as noted above this is led by the grid connection offer and the technical assessment work carried out to establish if and what harm may be caused by the development. It would not be appropriate for the scale of the development to be purely led by the scale of settlements that may or may not be near the development site. Taking that approach would suggest that all large-scale solar farms or other types of commercial scale renewable energy proposals being located next to urban, built-up areas which is generally where other forms of development should be located such as housing, employment, recreation and leisure as that is the most appropriate and sustainable location for them.

In summary, the scale of the development should be determined on a) the grid connection offer and b) undertaking professional assessment work to determine whether the scale is appropriate following consideration of all the environmental factors and benefits that the development could deliver.

Landscape and Visual Impact

Liz Lake Associates who are the appointed landscape architects for the project have provided a response to the landscape comments and are appended to this letter and should be referred to for the full response on landscape. Their response is a combined response addressing the landscape comments provided by Urban Green on behalf of South Derbyshire District Council. In summary they note:

- They disagree on the landscape officers' comments regarding the link between effects on landscape fabric and landscape features.
- There is no assessment of the local landscape character but then they conclude that the proposed mitigation will fundamentally change the character. LLA comment that this is inaccurate as the current regime of management of hedgerows can resume following the decommissioning of the solar farm.
- The landscape officer suggests sheep grazing is not common in the area when in fact it takes place immediately north of the site and is shown in historic aerial photography.
- The landscape officer mentions potential cumulative assessments, this has already been established as not necessary by South Derbyshire District Council through the two previous EIA screening opinions.

Paragraph 2.29 states *"The suggested benefits associated with new hedgerow and tree planting are in my opinion very modest and could be easily secured by other mechanisms such as good land*



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husbandry, woodland grant schemes or countryside stewardship without the redevelopment of 70ha of countryside to a solar farm. I would judge this to be an insignificant benefit in policy terms and in the planning balance."

As noted under our response to the member comments on this matter there are significant amounts of ecological and biodiversity enhancements and improvements proposed as part of the scheme. The Council are suggesting that this could be easily implemented in other ways but there is no mechanism for these enhancements to be delivered by the landowner other than for them to do it voluntarily. For the officer to downgrade the positive benefits of the proposed ecological and biodiversity gains as 'insignificant' by comparing them to something they can not control and have no way of securing is inappropriate.

Highway Impacts

As previously noted, the Highways Authority have now made comment and raise no objections subject to conditions.

Ecology Impacts

We are awaiting consultation response from Derbyshire Wildlife Trust.

Community Benefits

This is a matter which the applicant always seeks to incorporate into their proposals at the outset. Due to there not being a planning requirement for this, it generally requires liaison with the local community and/or local Parish Councils to establish what form this might take. On other applications the applicant has been successful in this approach but unfortunately in this instance they have been unable to engage with the local parish council (as set out in the Statement of Community Involvement which accompanies the planning application). Therefore, the applicant has sought to include other public benefits such as biodiversity improvements, enhanced PRow and measures such as bee keeping on site.

We trust that the above provides a clear response to the pertinent points raised by Derbyshire County Council. If you require any clarification on any of these points, please do not hesitate to contact me.

Yours sincerely

J. Crichton

Jane Crichton
Associate Planning Director MRTPI

Landscape and Visual Appraisal – Response to Officer Comments

Lullington Solar Farm

Lullington Solar Park Ltd.

February 2022

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File name:	2232A2 Officer Response FINAL 22 02 09.docx
Date Issued:	09th February 2022
Version:	FINAL

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	DERBYSHIRE COUNTY COUNCIL WRITTEN COMMENTS

1

INTRODUCTION

1.1.1

This document has been prepared to provide a written response to comments received by Urban Green (on behalf of South Derbyshire District Council) and Derbyshire County Council in relation to the likely landscape and visual effects associated with the proposed development of a ground-mounted solar farm including associated infrastructure, comprising inverters, transformers, a substation, grid connection and landscaping (Application ref: DMPA/2021/1014).

1.1.2

Urban Green (UG) were commissioned by South Derbyshire District Council (SDDC) in December 2021 to undertake an independent technical review of the Landscape and Visual Impact Assessment (LVIA) that was prepared by Liz Lake Associates (LLA) to consider the likely landscape and visual effects of the proposals. The UG comments were received in January 2022.

1.1.3

Derbyshire County Council (DCC) provided written comments on the 7th September 2021 prepared by Chris Henning, Director of Place that included comments provided by Derbyshire County Council's Landscape Architect on Landscape and Visual Impacts.

1.1.4

This document reviews the comments received by both UG and DCC and where necessary provides a written response.

SOUTH DERBYSHIRE DISTRICT COUNCIL (URBAN GREEN) COMMENTS

2.1.1

Urban Green (UG) prepared an independent technical review of the Landscape and Visual Impact Assessment (LVIA) prepared by LLA. This included a detailed review of the submitted LVIA and accompanying appendices, as well as a glint and glare assessment (produced by LanPro Services) to determine whether all of the potential landscape and visual impacts arising from the proposed development had been fully identified and appropriate mitigation measures proposed. Where Urban Green felt it was necessary, an alternative assessment of the likely effects of the proposed development was undertaken.

2.1.2

This review concluded that:

“the submitted LVIA (Liz Lake Associates) has been carried out to current best practice guidelines, and is noted as being generally robust, there are some areas where further detail is considered as being required (both within the landscape character and visual assessments), along with there being a number of discrepancies in the landscape and visual ratings presented in the submitted LVIA and those identified as part of this technical review.”¹

“A number of departures from the methodology presented as an appendix to the LVIA (Appendix G) are also noted, with particular reference to the descriptions of magnitude of change and sensitivity of landscape receptors. These discrepancies, although limited, result in fundamental differences in the outcome of the assessment.”²

“Key divergences in assessment outcomes include the significant Major and Major/Moderate adverse landscape effects reported on the landscape fabric of the site, along with the local landscape character, and the adverse visual effects

¹ Urban Green, Lullington Solar Farm - Technical LVIA Review, December 2021, P28

² Urban Green, Lullington Solar Farm - Technical LVIA Review, December 2021, P28

identified from Footpath Coton-in-the- Elms FP7, Lullington FP2, Grafton House and Coton Road as part of this technical review.”³

2.1.3

No methodology has been provided for the assessment work undertaken by UG, and so a number of assumptions have been made when reviewing their assessment. Notably what constitutes a significant adverse effect, which has been taken to be those adverse effects considered as Major and Major/Moderate. The rationale for this is the comments found within the Executive Summary and Summary text which states (LLA Emphasis):

*“Key divergences in assessment outcomes include **the significant Major and Major/Moderate adverse** landscape effects reported on the landscape fabric of the site, along with the local landscape character, and the **Major/Moderate adverse visual effects** identified from Footpath Coton-in-the-Elms FP7, Lullington FP2, Grafton House and Coton Road as part of this technical review.”*

Landscape Effects

Landscape fabric

2.1.4

The following table sets out the findings of the assessment undertaken by UG compared to LLA:

Receptor	Assessor	Construction	Year 1	Year 15
Landscape fabric of the Site	LLA	Neutral Not Significant	Neutral Not Significant	Moderate / Slight Beneficial Not Significant
	UG	Moderate Adverse Not Significant	Moderate Adverse Not Significant	Moderate Adverse Not Significant

³ Urban Green, Lullington Solar Farm - Technical LVIA Review, December 2021, P28

Note	The justification for the moderate / slight beneficial effects on landscape fabric by LLA are derived from the long term substantial overall increase in the level of tree and hedgerow cover resulting from the landscape proposals as well as the LEMP that would be put in place across the Site.
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- 2.1.5 Landscape fabric refers to the tangible elements within the landscape, such as, but not limited to, trees and hedges, and includes the physical land or landform within the site itself. The assessment of effects on landscape Fabric looks at how the proposals directly impact on these elements themselves. For example, if there is a tree within the Site, that as a result of the development required removal, then it would be permanently lost as a consequence of the development, resulting in Major Adverse Effects to that individual tree. However, if the tree can be incorporated into the proposals somehow and retained, then the direct effect to the fabric of the tree itself would be Neutral as the tree itself would be unaffected by the development. The surroundings to the tree may change, but this change should be considered under effects on landscape character not landscape fabric. Assessing the change to the surroundings when considering landscape fabric essentially double counts effects.
- 2.1.6 The same logic and approach should be applied to the landform contained within the site; would the development result in the loss of that element. With intrusive developments, that require a permanent land use change, such as residential development on a green field site, this would clearly be the case. However, in the case of a temporary ground-mounted solar farm (including associated infrastructure, comprising inverters, transformers, a substation, grid connection and landscaping), that would be removed after 40 years, and the land returned to its current use, then this clearly would not be the case. The solar array requires minimal intrusion into the land itself and does not require any substantial ground works, foundations, or construction for the main components of the array. The associated infrastructure comprising inverters, transformers, and substation are relatively small scale and would equally easily be removed at decommission. This allows for the development in its entirety to be easily removed at the end of its life expectancy and the land to be restored to its existing uses without any special treatment being necessary.

Additionally, the land below the array could also continue within productive use through pastoral farming by allowing for the grazing of sheep alongside the infrastructure should this approach be adopted.

- 2.1.7 Although UG acknowledge that the landscape proposals would be of benefit to the landscape fabric of the Site at para 5.21, (LLA Emphasis):

*“Although it is agreed that the retention and improvement of landscape features including tree and hedgerow planting and the introduction of a new grass mix beneath the arrays will **be of benefit to the landscape fabric of the site..**”*

- 2.1.8 They fail to take this into consideration when assessing the long term (Year 15) effects of the proposals to the Landscape Fabric.

- 2.1.9 When assessing effects on Landscape Fabric, UG have included for effects on Landscape Character, essentially double counting these effects. This is clear at para 5.22 of their report which when explaining the rationale for why the UG assessment effects on the Landscape Fabric are Moderate it states (LLA emphasis):

*“The proposed mitigation of reinforcing roadside and internal hedgerows and allowing them to grow to 4m+ in height would fundamentally **change the character and appearance of the landscape** in the context of its established characteristics and these effects would last beyond the duration of the proposed development.”*

- 2.1.10 As set out above, effects on Landscape Fabric and Landscape Character should be assessed separately, UGs failure to do so fundamentally adversely impacts on their assessment of the effects that the proposals have to the Fabric of the Site.

- 2.1.11 It is important to note that where UG undertake their assessment of *Effect on Landscape Fabric of the Site* at all stages of the assessment (construction, Year 1 and Year 15) UGs assessment of effects is Moderate Adverse, with the proposals not leading to significant adverse effects on the Landscape Fabric.

- 2.1.12 This is at odds with what is indicated by both the Executive Summary and Summary text which states that effects on Landscape Fabric are significant Major and Major/Moderate adverse (LLA Emphasis):

*“Key divergences in assessment outcomes include **the significant Major and Major/Moderate adverse landscape effects reported on the landscape fabric of the site...**”*

- 2.1.13 Given the temporary nature of the proposals and the accepted benefits that the landscape proposals bring to the fabric of the Site, it is difficult to conclude that adverse effects to the fabric of the site would arise from this development and that the effects are accurately represented within the LLA LVIA.

Landscape Character

- 2.1.14 The LLA LVIA concluded that with regard to the wider landscape character (NCA 72 Mease/Sence Lowlands) effects were considered to be a Slight Adverse Effect, and not significant. UG are in agreement with this assessment, which is acknowledged at para 5.27:

“In consideration of the effects at construction and year 1 of operation on the wider LCA, the conclusions of the LVIA are agreed with.”

- 2.1.15 As such it is acknowledged that both LLA and UG are in agreement that there are slight adverse effects, on the wider landscape character arising as a consequence of the proposals at any point in time during the lifetime of the array which are not significant (following the UG approach set out above).

- 2.1.16 However, in regard to effects on local landscape character, UG concluded differences in their assessment of effects to those identified by LLA:

Receptor	Assessor	Construction	Year 1	Year 15
Local Landscape Character (Village Estate Farmlands)	LLA	Moderate Adverse	Moderate Adverse	Moderate / Slight Beneficial
		Not Significant	Not Significant	Not Significant
	UG	Major/Moderate Adverse	Major/Moderate Adverse	Moderate Adverse
		Significant	Significant	Not Significant

- 2.1.17 These differences stem from UG prescribing the local landscape as being of a medium / high sensitivity, which is then combined with the Moderate magnitude of Change that UG assess would be associated with the proposals to result in a Major/Moderate adverse effect during construction and year 1 of operation.
- 2.1.18 It should be noted that UG describe a moderate MOC as being (LLA Emphasis):

*“...a moderate scale (Partial loss of or alteration to one or more key elements/ features / characteristics of the site and/or introduction of elements that would be evident, **but not necessarily uncharacteristic to the receiving landscape**), localised (**effects would be confined to the immediate setting of the site**), **short duration and reversible change**.”*
- 2.1.19 LLA agree with this description and believe it to be an accurate reflection of the MOC associated with the proposals. However, in regard to the sensitivity of the receiving landscape, LLA do not agree with the UG assessment that this is a medium / high sensitive landscape. Whilst it is recognised that the landscape surrounding the site is not unattractive, it is undesignated ordinarily attractive agricultural farmland that is representative of that found within the wider area and is not rare nor does it contain any special features to elevate the value of it above that of the surrounding countryside. In fact, there are a number of electricity pylons (large and small scale) which cross across the site itself and the surrounding countryside which impart some adverse urbanising influence on the character of the local landscape and decrease the sensitivity of this location. This appears to not be acknowledged by UG or incorporated into their assessment of the sensitivity of the local landscape. The LLA LVIA recognises these adverse influences and as such it is considered that the significance of effects on the local landscape character immediately surrounding the Site are as stated within the LLA LVIA.
- 2.1.20 LVIA is a subjective assessment in which different individual professionals may have varying professional opinions on the matters raised above, as is the case here in regard to effects on local landscape character.
- 2.1.21 However, it should be noted that the within the UG assessment there is a clear beneficial effect associated with the landscape mitigation proposals which once

established reduce the significance of the long term effects associated with the proposals on the local landscape character from Major / Moderate to Moderate adverse and no longer significant.

2.1.22 At Para 5.32 UG also specifically assess the effect on the character of the Site itself as being Major adverse. LLA include for an assessment of effects to the character of the site itself within the effects on local landscape character as assessing the character of the Site itself can often lead to a mis representation of effect. Where a site is looked at in isolation away from the surrounding landscape, it is almost impossible to not assess effects on the immediate character of the Site itself as being anything but Major adverse. Development by its very process leads to change, which would ultimately lead to a change to the internal character of any site.

2.1.23 However, an identification of these effects within the site itself this does not necessarily result in these effects being felt outside of the site. Where vegetation, topography, existing built form etc provide enclosure and containment to a site this would ultimately contain effects to the immediate context of the site itself with limited effect on the character of the local landscape. This is why including the assessment of effects on the change to the character of the site itself is better being considered alongside effects on the local landscape character of an area as this leads to a more realistic assessment of the effects and how they would impact upon the local landscape character of an area rather than of a site in isolation.

Landscape Conclusion

2.1.24 As set out above, UG agree with the LLA assessment that effects on the character of the wider landscape are slight adverse (not significant) and that there is a beneficial effect on the site as a consequence of the landscape proposals, on both the fabric of the site and to effects on local landscape character.

2.1.25 UG conclude that long term, there would be no significant landscape effects, either to the fabric of the Site, or to landscape character as a result of the proposals, with only the change to the character of the immediate site itself being regarded as a Major Adverse Effect.

Visual Effects

- 2.1.26 The assessment of visual effects undertaken by LLA used 26no locations within the landscape surrounding the application Site. UG acknowledge that these 26 representative viewpoints reflect views from residential properties, footpaths and local roads in the immediate vicinity of the site and the wider landscape. ⁴
- 2.1.27 Following a review of the visual assessment presented within the LLA LVIA and site work, UG undertook further visual assessment which involved the inclusion of additional views from Lullington Footpath FP2, Coton-in-the-Elms Footpath FP7 and from nearby residential properties and roads.
- 2.1.28 Some of these viewpoints replicate those presented within the LLA LVIA, while others provide additional representative view locations. However, no new receptors were identified.
- 2.1.29 UG acknowledged and state that they are in general agreement with the conclusions of the visual assessment contained within the LLA LVIA⁵, with the exception of the following 5 receptors which UG considered were under-assessed:
1. Footpath Lullington FP1 / Coton-in-the-Elms
 2. Footpath Lullington FP2
 3. Lullington Road looking south towards the Site and traveling through the Site
 4. Grafton House
 5. Lady Leys Cottage

⁴ Urban Green, Lullington Solar Farm - Technical LVIA Review, December 2021, P17

⁵ Urban Green, Lullington Solar Farm - Technical LVIA Review, December 2021, P19

1. Footpath Lullington FP1 / Coton-in-the-Elms

- 2.1.30 Footpath Lullington FP1 / Coton-in-the-Elms passes immediately through the proposal site, with users being immediately alongside the array.

Comparison of LLA and UG assessment:

1. Lullington FP1 / Coton-in-the-elms			
Assessor	Construction	Year 1	Year 15
LLA	Major Adverse	Major Adverse	Moderate Adverse
	Significant	Significant	Not Significant
UG	Major Adverse	Major Adverse	Major Adverse
	Significant	Significant	Significant

- 2.1.31 Both LLA and UG recognise that this section of footpath passes immediately through the proposal site, with users being immediately alongside the array. As such users are likely to experience immediate views of the adjacent array and associated infrastructure (such as fencing, lighting/CCTV poles etc).
- 2.1.32 Proposed mitigation includes for the provision of the planting of additional hedgerows and trees alongside the footpath to screen and soften views of the surrounding array. These new hedgerows are to be generously set apart to create space and separation between the footpath and the adjacent sections of the array. Meadow planting along the route would complement the native hedgerows creating an attractive route through the solar farm. The hedgerows would also be allowed to grow up to 4m to provide screening of the adjacent array (and infrastructure). However, it is acknowledged that as a result of the development, that there would be a noticeable change in the nature of views from this footpath.
- 2.1.33 The UG assessment reflects the long-term loss of the present day views and does not reflect the long term benefits that the creation of an attractive route through the site would create. The LLA assessment maintained that there would be long term adverse

effects to users of this section of footpath, but that this is somewhat moderated by the beneficial environment created along the length of the route within the Site.

2.1.34 UG suggest that the planting of hedgerows and trees along the route of the footpath would continue to screen views across the landscape beyond the lifetime of the solar farm, while also creating a landscape feature at odds with the local landscape character. This is not accurate, as at the point in which the array is decommissioned, the management of the surrounding hedgerows could be returned to current practices, restoring views out across the surrounding arable farmland. If required, this could be conditioned by SDDC. With regard to these sections of hedgerow being contrary to local character, a section of footpath to the north of this route (where Footpath Lullington FP1 becomes Footpath Cotton-in-the-Elms 7) is essentially contained by vegetation along both sides as a green lane, and with many other footpaths locally being contained by surrounding woodland.

2.1.35 Users of this route as they pass through the Site itself would experience an adverse change as a consequence of the development, but this would be for a short distance as users approach and move through the array itself and this is considered moderated by the extensive landscape proposals.

2. Footpath Lullington FP2

2.1.36 The footpath runs up to the southern boundary of the Site and connects to Footpath Lullington FP1 that crosses the site in a northerly direction.

Comparison of LLA and UG assessment:

2. Footpath Lullington FP2			
Assessor	Construction	Year 1	Year 15
LLA	Moderate to Slight Adverse	Moderate to Slight Adverse	Slight Adverse
	Not Significant	Not Significant	Not Significant

UG	Moderate Adverse Not Significant	Moderate Adverse Not Significant	Moderate to Slight Adverse Not Significant
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- 2.1.37 Where UG have a slightly different assessment of significance than LLA, they conclude that, in time the proposed mitigation along the southern boundary would effectively screen views of the solar farm ⁶ and that there would be no significant effects to users of this section of footpath.

3. Lullington Road looking south towards the Site and traveling through the Site

- 2.1.38 Users of Lullington Road pass immediately through or adjacent to the Site, with road users being immediately alongside the array.

Comparison of LLA and UG assessment:

3. Lullington Road looking south towards the Site and traveling through the Site			
Assessor	Construction	Year 1	Year 15
LLA	Moderate Adverse Not Significant	Moderate Adverse Not Significant	Slight Adverse Not Significant
UG	Major / Moderate Adverse Significant	Major / Moderate Adverse Significant	Moderate Adverse Not Significant

- 2.1.39 The proposals have responded to the proximity of this receptor to the array by setting the solar panels away from the roadside and by reinforcing roadside vegetation to provide additional screening of the array. This includes for new sections of native hedgerow and woodland blocks, which have been provided to meet the aims of the

⁶ Urban Green, Lullington Solar Farm - Technical LVIA Review, December 2021, P21

National Forest within which the Site is located and mitigate visual effects of the proposals.

- 2.1.40 Woodlands, and woodland blocks are typical of the surrounding area, and are indeed currently present alongside Lullington Road on the approach into the village. It is therefore considered that the creation of additional blocks of woodland along Lullington Road would be in keeping with the existing character of this section of highway rather than being in contrast as suggested by UG.
- 2.1.41 The additional viewpoint photography provided by UG fail to show the spire of the church within Lullington. A combination of the existing woodland blocks along Lullington Road, both within the Site and beyond on the periphery of the settlement screen these views. Views of the spire open up once road users have passed beyond the southern boundary of the Site. At this point the church spire can be seen rising out of the village and is prominent feature on the skyline. It is considered that it is this section of the approach that is referenced within the Conservation Area Appraisal.
- 2.1.42 As identified within the LVIA, this section of the approach into the settlement would remain unaffected as a result of the proposals which would now be effectively behind road users as they approach the settlement.
- 2.1.43 Within their assessment, UG have failed to recognise the existing wooded nature of the approach into Lullington along Lullington Road and have mistakenly identified loss of views of the church spire, which in fact does not become clearly visible until road users have passed beyond the Site.
- 2.1.44 UG acknowledge that there is a beneficial effect arising as a consequence of the landscape proposals, as effects associated with the established scheme are reduced to Moderate Adverse, and crucially, no longer significant.

4. Grafton House

- 2.1.45 Grafton House is located approximately 100m north of the northern Site boundary. Where properties are adjacent to the array, the landscape proposals have been

designed to recognise and respond to this juxtaposition. As well as this, the array itself has been offset to maintain the amenity of the residential dwelling.

Comparison of LLA and UG assessment:

4. Grafton House			
Assessor	Construction	Year 1	Year 15
LLA	Moderate Adverse	Moderate Adverse	Slight Adverse
	Not Significant	Not Significant	Not Significant
UG	Major / Moderate Adverse	Major / Moderate Adverse	Moderate Adverse
	Significant	Significant	Not Significant

2.1.46 It is not uncommon for significant adverse effects on views and visual amenity to be experienced by people at their place of residence as a result of introducing a new development into the landscape. In itself this does not necessarily cause particular planning concern.

2.1.47 Consideration of visual impacts of a proposed development is usually restricted to potential impacts on public visual amenity i.e. publicly accessible locations. The potential impacts of a proposed development on private views is not a planning consideration. Private individuals do not have a right to a view⁷ and even if a new development significantly changes a view from a private property, this is not normally a legal ground on which planning approval can be refused.

2.1.48 The exception to this approach is when a visual impact on a private property is so severe that it may affect the residential amenity of a dwelling. This is considered in the same way as other factors which affect residential amenity such as daylight levels, noise, air quality etc. All of these have the potential to be compromised by a

⁷ Established in 1610 by Aldred's Case.

development to such an extent that the impact on residential amenity would be unacceptable and planning permission refused.

2.1.49 Residential Visual Amenity Assessment (RVAA) is the process by which the potential visual impact of a development on the residential amenity of a private property can be objectively assessed. It is based on the principles and process established in GLVIA3 and draws on principles established in Planning Appeals by planning inspectors. A key consideration was the Burnthouse Farm windfarm inquiry⁸ in which the Inspector stated: *“No individual has the right to a particular view but 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 planning permission should be refused. The test of what would be unacceptably unattractive should be an objective test.”*

2.1.50 Factors that contribute to this judgement include whether a development is:

- overwhelming in views in all directions.

The property is located approximately 100m north of the northern Site boundary, with the array located to the south. The array would not enclose or surround the property with views from the rear (north-eastern) elevation of the property being unaffected by the development.

- inescapably dominant.

The array would be located over 100m from this residential property and occupy the landscape to the south, with the other outlooks remaining unchanged. Notably, this includes the properties rear (north-eastern) elevation, which will retain views of the surrounding arable farmland and woodland to the north of the dwelling. Existing hedgerows and trees mark the northern Site boundaries, and the landscape proposals include a substantial woodland block, woodland belts (10m depth) and new native hedgerows along the northern boundaries of the Site in proximity to this

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

property which are characteristic of the surrounding landscape pattern and respond positively to the aspirations of the National Forest.

- unpleasantly encroaching.

The immediate setting of this property would be unaffected as a result of the development, with the immediately adjacent arable fields remaining unchanged as a consequence of the development. These arable fields provide separation between the property and the development.

2.1.51 As set out within the LLA LVIA, and identified above, the landscape proposals have been designed to recognise and respond to the juxtaposition of this property and the proposals, by including for a for a substantial woodland block, woodland belts (10m depth) and new native hedgerows along the northern boundaries of the Site in proximity to this property which are characteristic of the surrounding landscape pattern and respond positively to the aspirations of the National Forest.

2.1.52 UG acknowledge that there is a beneficial effect arising as a consequence of the landscape proposals, identifying those adverse visual effects associated with the established scheme are reduced to Moderate Adverse, and crucially, no longer significant.

5. Lady Leys Cottage

2.1.53 This property is located to the west of the Site, within a larger farm complex with the principle elevations facing east towards Lullington Village.

Comparison of LLA and UG assessment:

5. lady Leys Cottages			
Assessor	Construction	Year 1	Year 15
LLA	Moderate to Slight Adverse	Moderate to Slight Adverse	Slight Adverse
	Not Significant	Not Significant	Not Significant

UG	Moderate Adverse Not Significant	Moderate Adverse Not Significant	Moderate to Slight Adverse Not Significant
----	-------------------------------------	-------------------------------------	--

2.1.54 In reviewing visual effects on this property, UG agree with the LLA description of the position of this property and its relationship with the Site and recognises that potential views from this dwelling are likely to be oblique in nature and not direct given that the principle elevation is orientated east facing towards Lullington Village and not towards the array.

2.1.55 Whilst UG have assessed a difference in the significant of visual effect to occupiers of this property to the LLA LVIA, crucially, they do not identify significant visual effects. Notably, UG acknowledge that landscape proposals would provide screening and mitigation of these effects, with adverse visual effects associated with the established scheme being reduced from Moderate to Moderate to slight Adverse.

Visual Conclusion

2.1.56 UG acknowledged they are in general agreement with the conclusions of the visual assessment contained within the LLA LVIA⁹, with the exception of the 5 receptors reviewed above which UG considered were under-assessed.

2.1.57 Of the 5 receptors that UG reviewed other than to users of Footpath Lullington FP1 / Coton-in-the-elms, which passes directly through the Site, UG did not identify any long term significant visual effects associated with the development. This correlates with the findings of the LLA LVIA.

⁹ Urban Green, Lullington Solar Farm - Technical LVIA Review, December 2021, P19

3 DERBYSHIRE COUNTY COUNCIL COMMENTS

- 3.1.1 Derbyshire County Council (DCC) provided written comments on the 7th September 2021 prepared by Chris Henning, Director of Place that included comments provided by Derbyshire County Council's Landscape Architect on Landscape and Visual Impacts.

Landscape Effects

Landscape fabric

- 3.1.2 The landscape officer confirms at 2.29 of their comments that:

"I accept that a development of this nature has little direct effect on the landform of the site..." ¹⁰

- 3.1.3 However, in continuing, the Officer has then mistakenly concluded that direct effects on landscape fabric would impact upon landscape character. This approach is not necessarily incorrect as loss of landscape fabric/features can of course lead to changes to the character of an area. However, the Officer then states that:

"...it does significantly alter the land use of the area and the way it is perceived." ¹¹

- 3.1.4 However, given that the proposals result in minimal loss of landscape features/fabric, wholesale effects on landscape character due to changes in land use and perception are effects on landscape character and should not be set against effects on the landscape fabric of the Site. Doing so can lead to double counting these effects, as changes to land use and perception should be considered against landscape character effects and not landscape fabric.

¹⁰ Derbyshire County Council – written comments, 7th September 2021, Para 2.29

¹¹ Derbyshire County Council – written comments, 7th September 2021, Para 2.29

- 3.1.5 The misinterpretation of effects on landscape fabric and local landscape character continues within para 2.29:

“In reality the site would have a wholesale change in appearance from well managed arable farmland to a much more urbanised solar farm comprising solar panels, fencing and other associated infrastructure – for the LVIA to suggest that this would have a neutral effect is wholly not accepted.”¹²

- 3.1.6 The LLA LVIA does not conclude that there would be neutral effects on local landscape character rather, Moderate Adverse at Construction and Year 1, reducing by Year 15 to Moderate/Slight Beneficial. The Neutral effects referenced by the Officer are in fact in relation to effects on the landscape fabric of the Site during Construction and at year 1.

Local Landscape Character

- 3.1.7 It is clear that the Officer has not visited the Site, this is confirmed at para 2.34 where they state:

- 3.1.8 *“Without visiting the site it is difficult to appreciate how representative the selected viewpoints are in depicting the likely impacts and I would strongly urge that the District Council’s case officer should check these views on site.”¹³*

- 3.1.9 The Officer makes no judgement of the effects on local landscape character.

- 3.1.10 There is an overall discussion within Para’s 2.28 and 2.29 surrounding the Officers considerations of the effects arising from the proposals. The main points arising include:

“The proposed mitigation of reinforcing roadside and internal hedgerows (effectively thickening with a second hedgerow) and allowing them to grow to 4m+ in height would fundamentally change the character and appearance of the landscape in the

¹² Derbyshire County Council – written comments, 7th September 2021, Para 2.29

¹³ Derbyshire County Council – written comments, 7th September 2021, Para 2.34

context of its established characteristics and these proposals would be permanent lasting beyond the duration of the proposed development.”¹⁴

- 3.1.11 This is not accurate, as at the point in which the array is decommissioned, the management of the surrounding hedgerows could be returned to current practices, restoring views out across the surrounding arable farmland. If required, this could be conditioned by SDDC.
- 3.1.12 A review of the specific landscape effects associated with the proposals has been undertaken by SDDC’s Landscape Consultant which found no long term significant effects to local landscape character as a result of the development.
- “These proposals would restrict existing views through and across the landscape, and potentially threaten key characteristic views towards the prominent church spires and intervisibility between them.”¹⁵*
- 3.1.13 A review of the specific visual effects associated with the proposals has been undertaken by SDDC’s Landscape Consultant that were in general agreement with the conclusions of the visual assessment contained within the LLA LVIA¹⁶, and did not identify any long term significant visual effects associated with the development.
- “The LVIA acknowledges that during the operation of the site, for a period of 40 years, the land will no longer be available for arable cultivation although it could still be farmed as pasture. Pastoral farming is not common in this area and there are no assurances that the land could be managed in this way or that there is any interest in using the land in that way.”¹⁷*
- 3.1.14 The farmland immediately to the north of the Site surrounding Church Flatts Farm is currently in use for the grazing of sheep. Sheep grazing these fields was evident during the site visits undertaken by LLA and can be seen on current aerial photography, as well as aerial photography dating back to 2000. It is therefore

¹⁴ Derbyshire County Council – written comments, 7th September 2021, Para 2.28

¹⁵ Derbyshire County Council – written comments, 7th September 2021, Para 2.28

¹⁶ Urban Green, Lullington Solar Farm - Technical LVIA Review, December 2021, P19

¹⁷ Derbyshire County Council – written comments, 7th September 2021, Para 2.29

difficult to understand the Officers comment that pastoral farming is not common in this area given its presence in the immediately adjacent fields. However, pastoral farming is not the only method of maintain the grass sward beneath solar arrays, and it is within the powers of SDDC to condition an alternative method if so required.

Wider Landscape Character

3.1.15 There is an overall discussion within Para 2.30 of the Officers comments in regard to effects on the wider landscape character. The Officer makes a judgement of the effects on wider landscape character as being Major Adverse.¹⁸

3.1.16 A review of the effects to wider landscape character associated with the proposals has been undertaken by SDDC's Landscape Consultant which agreed with the assessment undertaken by LLA that with regard to the wider landscape character (NCA 72 Mease/Sence Lowlands) effects were considered to be a Slight Adverse Effect, and not significant. This is acknowledged at para 5.27 of the UG report:

"In consideration of the effects at construction and year 1 of operation on the wider LCA, the conclusions of the LVIA are agreed with."

3.1.17 At para 2.38 the Officer raises concerns that no cumulative assessment has been undertaken. However, as per the screening opinion that was received from South Derbyshire District Council, it was considered that a cumulative assessment was not required.

Visual Effects

3.1.18 As set out at para 2.34, it is clear that the Officer has not visited the Site.

3.1.19 The Officer makes no judgement of the significance of effect to visual receptors.

3.1.20 The Officer identifies no additional receptors and similarly to the UG assessment highlights Lullington FP1 / Coton-in-the-elms FP7 and Lullington Road as being key

¹⁸ Derbyshire County Council – written comments, 7th September 2021, Para 2.30

visual receptors requiring consideration with the LVIA process, however, makes no judgement of the significance of effect to these receptors. In regard to both of these receptors, the officer does however raise similar comments to those identified by UG. As such commentary to these points will not be raised again, with the response to the UG comments raised above being relevant in response to DCC.

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LULLINGTON SOLAR FARM

LANDSCAPE AND VISUAL APPRAISAL – RESPONSE TO OFFICER COMMENTS

February 2022

URBAN GREEN LANDSCAPE TECHNICAL REVIEW (ON BEHALF OF
SOUTH DERBYSHIRE DISTRICT COUNCIL)
DERBYSHIRE COUNTY COUNCIL WRITTEN COMMENTS

LULLINGTON SOLAR FARM, SWADLINCOTE

LANDSCAPE AND VISUAL IMPACT ASSESSMENT – TECHNICAL REVIEW

DECEMBER 2021

For and on behalf of:

South Derbyshire District Council

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LULLINGTON SOLAR FARM, SWADLINCOTE**LANDSCAPE AND VISUAL IMPACT ASSESSMENT – TECHNICAL REVIEW**

Revision	Date	Author	Checked by
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EXECUTIVE SUMMARY

Urban Green (UG) were commissioned by South Derbyshire District Council Ltd in December 2021 to undertake an independent technical review of the Landscape and Visual Impact Assessment (LVIA) submitted by the applicant (Lullington Solar Park Ltd) to consider the likely landscape and visual effects associated with the proposed development comprising of a ground-mounted solar farm including associated infrastructure, comprising inverters, transformers, a substation, grid connection and landscaping (Application ref: DMPA/2021/1014).

Considering all the baseline evidence collected and the review of the Applicant's submitted information, the following conclusions are presented.

Although the submitted LVIA (Liz Lake Associates) has been carried out to current best practice guidelines, and is noted as being generally robust, there are some areas where further detail is considered as being required (both within the landscape character and visual assessments), along with there being a number of discrepancies in the landscape and visual ratings presented in the submitted LVIA and those identified as part of this technical review. A number of departures from the methodology presented as an appendix to the LVIA (Appendix G) are also noted, with particular reference to the descriptions of magnitude of change and sensitivity of landscape receptors.

These discrepancies, although limited, result in fundamental differences in the outcome of the assessment. Key divergences in assessment outcomes include the significant Major and Major/Moderate adverse landscape effects reported on the landscape fabric of the site, along with the local landscape character, and the Major/Moderate adverse visual effects identified from Footpath Coton-in-the-Elms FP7, Lullington FP2, Grafton House and Coton Road as part of this technical review.

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APPENDIX 1

Figure 1.0: Technical review assessment viewpoints

Viewpoints 1-12: Technical review assessment viewpoint photographs

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1.0 INTRODUCTION

- 1.1 Urban Green (UG), specialist consultants in LVIA, were commissioned by South Derbyshire District Council (SDDC) in December 2021 to undertake an independent technical review of the Landscape and Visual Impact Assessment (LVIA) submitted by the applicant (Lullington Solar Park Ltd) to consider the likely landscape and visual effects associated with the proposed development of a ground-mounted solar farm including associated infrastructure, comprising inverters, transformers, a substation, grid connection and landscaping (Application ref: DMPA/2021/1014).
- 1.2 Following the submission of a screening request to SDDC, the original application was determined as not requiring an EIA, therefore non-EIA LVIA was prepared by Liz Lake Associates (LLA). Following the initial pre-application consultation with SDDC and comments received, the scheme was amended and reduced in scale, most notably by removing land to the north of Lady Leys Farm from the scheme.
- 1.3 This technical note provides a detailed review of the submitted LVIA and accompanying appendices, including a glint and glare assessment (produced by LanPro Services) to determine whether all of the potential landscape and visual impacts arising from the proposed development have been fully identified and appropriate mitigation measures proposed.
- 1.4 Where necessary, an alternative assessment of the likely effects of the proposed development will be made. The figures that accompany this chapter are included in Appendix 1. The scope of this report considers the landscape information presented within the submitted application and the conclusions reached within the submitted LVIA and Glint and Glare Assessment. This assessment was carried out during December 2021 by a Chartered Landscape Architect with previous experience of LVIA and technical LVIA review.
- 1.5 Within this report, the assessment of the applicant's LVIA submission is made with reference to the latest good practice guidance (Third Edition of the Guidelines for Landscape and Visual Impact Assessment (GLVIA)).
- 1.6 The structure of this review replicates that of Liz Lake Associates LVIA and is summarised below:
 - Description of site and proposed development
 - Assessment Methodology
 - Baseline Conditions

- Landscape Character
- Visual Appraisal
- Scheme Design
- Assessment of Construction Effects
- Completed Development – Assessment of Effects (Year 1 and Year 15)
- Cumulative Development
- Summary of Effects

2.0 DESCRIPTION OF SITE AND PROPOSED DEVELOPMENT

Proposed Development

- 2.1 The Design and Access Statement submitted alongside the application describes the application as a full planning application for the proposed development of a ground-mounted solar farm including associated infrastructure, comprising inverters, transformers, a substation and grid connection, which will cover an area of 70.18ha on land north of Lullington, Swadlincote, Derbyshire. As part of the proposals there will be substantial landscape planting to connect and enhance the National Forest. The solar farm will have an export capacity of 50MW, which equates to the annual energy consumption of approximately 15,000 homes.

Location

- 2.2 The proposed development measures 70.18ha hectares (ha) in area and is located approximately 320m north of Lullington and 4.2km south west of Swadlincote. The site comprises and is surrounded by agricultural fields. There is well established natural vegetation around the site, with the boundaries being made up of a mix of hedgerows with scattered trees. The boundaries between the fields are also made up of hedgerows. There is a Public Right of Way (PRoW) crossing the site north to south. Public access through the site would be maintained and would be enhanced by new planting and trails for recreation. The site does not accommodate any listed buildings.
- 2.3 There are a number of listed buildings within 2km of the Site. All of these are Grade II with the exception of the 'Church of All Saints' located within the centre of Lullington which is Grade II* listed which incorporates a spire of special architectural or historic interest. The nearest Conservation Area is within the village of Lullington, which is approximately 0.5km south of the application site. The River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) are approximately 1.78km south of the site. The proposed development site falls within the Impact Risk Zone (IRZ) for the SSSI.

3.0 ASSESSMENT APPROACH

Review of Applicant's Methodology

- 3.1 The LVIA methodology is set out clearly within the submitted LVIA (Appendix G). An introduction to the LVIA contains within it reference to the ZTV's produced, the consultation process undertaken and the timing of the field surveys. Reference is made to the Guidance the report has been produced in accordance with:
- Guidelines for Landscape and Visual Impact Assessment 3 (GLVIA 3)
 - Landscape Character Assessment: Guidance for England and Scotland
 - An Approach to Landscape Character Assessment, published by Natural England, 2014
 - Landscape Institute TGN 06/19 Visual Representation of development proposals.
- 3.2 The guidance and methodology set out within the submitted LVIA are all current and relevant to best practice landscape and visual assessment.
- 3.3 In reference to the images produced as part of the applicant's submission, it should be noted that there are no clear issues with the technical aspects of the Verified View photomontages (Appendix E.1) and ZTV's (Appendix F) produced. However, the methodology for the production of both the ZTV and the verified view photomontages are not included within the submitted LVIA information.

Review Methodology

- 3.4 The methodology that will be used to assess and review the applicants submitted LVIA, contained in Appendix A, is one derived from best practice guidelines (Guidelines for Landscape and Visual Impact Assessment, Landscape Institute, 3rd Edition, April 2013).
- 3.5 Following a review of the applicants planning submission, it is clear that they consulted with the Local Planning Authority and submitted a screening opinion. The response identified that the proposed scheme did not require an Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and as such, the LVIA assessment forms a standalone document which accompanies the planning application.

Guidance referred to for the Review process

3.6 This review has been undertaken in accordance with the methods recommended in the following best practice guidance:

- Guidelines for Landscape and Visual Impact Assessment (3rd edition); Landscape Institute/Institute of Environmental Management and Assessment (2013), subsequently referred to as 'GLVIA3';
- An Approach to Landscape Character Assessment: Natural England (2014);
- Visual Representation of Development Proposals – Landscape Institute Technical Guidance Note (TBN) 06/19;

4.0 BASELINE CONDITIONS

LANDSCAPE BASELINE

Section Introduction

- 4.1 The characteristics of the landscape within the study area (2km), together with visual amenity potentially affected by the Development are described in the following sections. A review of the information presented within the applicant's LVIA is included.

Review of Landscape Baseline Information

- 4.2 The submitted LVIA outlines the landscape features and character of the site, including the following;
- The landscape character of the surrounding area (including published National Character Area Assessment – NCA 72, Mease/Sense Lowlands, and Regional Landscape Character Assessment – The Landscape Character of Derbyshire, published 2003, updated 2014);
 - A more detailed description of the landscape features / fabric of the site;

Review of Baseline Landscape Character

- 4.3 It is noted that the LVIA considers the most relevant published landscape description for the site and surrounding area (Landscape Character Type (LCT) Village Estate Farmlands) which is summarised at paragraph 4.2.5 of the submitted LVIA.
- 4.4 Although paragraphs 4.5.2 – 4.5.8 provide a breakdown of the landscape features, such as vegetation cover, tree cover and hedgerows, there is little further description provided in the section to provide the reader with an understanding of the value these elements contribute, and a subsequent assessment of sensitivity of these elements. Both these elements are required in order to form a judgement of magnitude of change in the assessment of landscape effects.
- 4.5 As per the LVIA methodology (Appendix G), it is noted at para 2.4.1 that value is not always ascribed to landscape attributes, rather an assessment of the contribution the site makes to the local landscape:

“Having described and evaluated the attributes of the Site, some methodologies apply a high/medium or low value to the landscape. It is considered that for smaller sites it is more useful to

express value as the contribution that the Site makes to the local landscape character. The definitions for this evaluation are:

- **Outstanding contribution:** Where the existing character of the Site is representative of the local landscape character and the structure of the landscape is intact
- **Very positive contribution:** Where the existing character of the Site contains many attributes representative of the local landscape character and the structure of the landscape is apparent
- **Positive contribution:** Where the existing character of the Site contains some attributes representative of the local landscape character and some incongruous elements but the Site does not detract from the local landscape character
- **Limited contribution:** Where the existing character of the Site contains some attributes representative of the local landscape character but also incongruous elements that detract from the local landscape character
- **Negative contribution:** Where the existing character of the Site contains no attributes representative of the local landscape character and the incongruous elements detract from the local landscape character.”

4.6 Para 4.5.8 of the LVIA assesses the site as making a **positive contribution** to the local landscape character.

4.7 As stated at para 4.2.5 of the LVIA, the key characteristics of Derbyshire’s Landscape Type: Village Estate Farmlands relevant to the site include:

- “Broad scale, gently rolling lowland landscape.
- Seasonally waterlogged fine loamy soils over Permo-Triassic Mudstone.
- Mixed farming with intensive cropping and improved permanent pasture.
- Broadleaf plantations and game coverts.
- Tree lined, pastoral stream corridors.
- Medium to large regular and sub-regular fields with mainly hawthorn hedgerows.
- Winding country lanes with wide grass verges.
- Small nucleated hilltop villages often with prominent church spire.”

- 4.8 Having visited site and reviewed the landscape features identified at paras 4.5.2 – 4.5.7 of the LVIA, the site appears to reflect the key characteristics as described within the Derbyshire's Landscape Type: Village Estate Farmlands, as noted above.
- 4.9 As such, according to the LLA LVIA methodology (para 2.4.1), the site would appear to meet the criteria for making a '**very positive contribution**' to the local landscape character, as follows:
- "Very positive contribution: Where the existing character of the Site contains many attributes representative of the local landscape character and the structure of the landscape is apparent"*
- 4.10 As part of the LLA LVIA methodology (para 6.3.2), it states that an assessment of the sensitivity of the receptors should be made, in order that a judgement may be made on the assessment of significance. However no assessment of the sensitivity of the landscape receptors is presented within the LVIA.

Review of Baseline Visual Appraisal

- 4.11 The visual appraisal and selection of assessment viewpoints has been informed by a ZTV, with a finer grain assessment undertaken as part of a site visit with accompanying photographs (para 4.6.9).
- 4.12 The assessment photography presented at LVIA Appendices – Appendix A, all appear to have been taken according to the relevant photographic standards (Ref: TGN 06/19 Visual Representation of development proposals). Views are presented to a standardised width, with sufficient context shown and description/annotations provided.

Visual Amenity

- 4.13 Following a review of potential visual receptors, and following the site visit, the list is refined and presented at para 4.6.10 of the LVIA as a list of Visual Receptors. As per para 3.3.1 of the LLA methodology (Appendix G to LVIA), the existing visual amenity from principal viewpoints is assessed to determine the existing visual amenity.
- 4.14 The LVIA summarises the following with regards visual amenity (para 4.6.11):

*"The existing visual amenity of the Site within the context of the Village Estate Farmlands Landscape Character Type has been assessed to offer **good visual amenity**, where the quality of the existing views is such that there are a few incongruous elements, however (these primarily influence tranquillity and) overall these do not detract from the visual amenity of the area and*

local people are still likely to appreciate the views (despite the proximity to road and rail infrastructure)."

- 4.15 Although the conclusion reached for the assessment of visual amenity is agreed with, it is worth noting that the reference to incongruous elements such as rail infrastructure at para 4.6.11 (noted above), does not appear to reflect the context of the site. There is no rail infrastructure noted within the 2km study area.

The Proposals

- 4.16 General landscape opportunities (or embedded mitigation) as a result of initial landscape and visual appraisals are noted in this section (5.1).
- 4.17 Embedded (or Primary) mitigation measures are listed as follows:
- *"The landscape proposals seek to enhance and reinforce the existing landscape character of the area.*
 - *Maintain and reinforce existing on-site vegetation including reinstatement of historic hedgerows. This would include for new native trees within existing and proposed hedgerows which would help to provide for greater screening of the array across the landscape.*
 - *Provide enclosure to the proposals by planting new areas of native woodland.*
 - *A new woodland block would be planted along the southern edge of the Site, which as well as establishing and enhancing the physical links between existing woodland and hedgerows, helps to provide separation of the array and the adjacent settlement of Lullington to the South.*
 - *Changes to existing land management regime to allow field boundary vegetation to grow taller, (Circa 4m+). This would be taller than the height of the panels and would also provide greater screening and enclosure across the surrounding countryside.*
 - *Where possible, the proposals allow for suitable offsets from the surrounding residential properties, with hedgerows and additional tree planting helping screen wider views across the array.*
 - *Roadside hedgerows would be reinforced, or new sections planted with native species offering biodiversity benefits as well as helping to screen views of the array and associated infrastructure. Roadside hedgerows would also be allowed to grow up to 4m+ providing screening from the adjacent sections of highway.*

- *A similar approach has been undertaken for the Public Footpath that crosses the solar farm. Here new native hedgerows would be planted alongside the route of the footpath, generously set apart to create space and separation between users and the adjacent sections of the array. Meadow planting along the footpath would complement the native hedgerows creating an attractive route through the solar farm. Hedgerows alongside this section of footpath would also be allowed to grow up to 4m+ providing screening of the surrounding array.*
- *The proposed woodland planting seeks to provide habitat connectivity by effectively joining together existing woodland parcels, as well as other habitats (the ponds) within the Site and the surrounding area.*
- *Maintain views of the spire of the All Saints Church within Lullington.”*

4.18 The LVIA then notes that the solar farm will be decommissioned after 40 years, and the site returned to arable use. The proposed landscape features will be established within 15 years and are likely to be retained after the site has been decommissioned (para 5.1.5).

5.0 SITE ASSESSMENT

Assessment of Landscape Effects

Susceptibility

- 5.1 Para 6.2.1 of the LVIA describes the assessment of the susceptibility (ability) of the existing landscape to accommodate the specific proposed changes. It then goes on to state that although the site is representative of the arable countryside surrounding Lullington, the electricity pylons within the western section of the site impart some influence on the local landscape character and the susceptibility in this location.
- 5.2 The following conclusions are reached with regards susceptibility (para 6.2.3 of LVIA):
- “As a result, the Site (landscape resource) is considered to be of **Medium Susceptibility** to accommodate the proposed development: An established landscape where change of an appropriate nature could be absorbed without loss of key characteristics, individual elements or features and specific aesthetic or perceptual aspects or, overall landscape character.”*
- 5.3 The assessment of susceptibility is one which is made against the specific proposed type of development. In this case, the proposed development being a large scale solar farm, it would not appear to constitute a ‘change of an appropriate nature which could be absorbed without loss ofoverall landscape character’.
- 5.4 Taking account of the scale and type of development and the inevitable urbanising effect it will have on a rural area, an assessment rating of **Medium/High Susceptibility** would be considered more appropriate in this case.

Significance of Landscape Effects

- 5.5 The LVIA states the following in reference to the assessment of significance of landscape effects (para 6.3.2):
- “This assessment is prepared by assessing the sensitivity of the landscape feature and then combining this with the likely magnitude of change resulting from the construction phase to produce the Significance of the effect.”*
- 5.6 Within the LVIA Methodology (Appendix G), the assessment of landscape effects is described as follows (para 4.2.1 - 4.3.1):

“An assessment is made of the ability (the susceptibility) of the existing landscape to accommodate the specific proposed changes without undue negative consequences on the local landscape character. This is combined with the value of the landscape receptors identified in the Landscape Baseline to judge the sensitivity of the landscape receptors. The characteristics of the Proposals and the magnitude of change is identified and judged against the sensitivity of the landscape receptors; these factors all combine to assess the significance of the landscape effect.

With this Methodology magnitude of change is described but not ascribed a value. The description of the magnitude of change will include the likely extent, scale and duration of:

- Changes to the existing landscape fabric (eg the loss of trees and hedges or other landscape features)*
- New elements introduced to the Site (built and natural)*
- Changes to local perceptions of the Site.”*

- 5.7 Both the LVIA and the LVIA methodology state that the susceptibility is combined with the value to give a sensitivity of the landscape receptor. The characteristics of the Proposals and the magnitude of change is identified and judged against the sensitivity of the landscape receptors; these factors all combine to assess the significance of the landscape effect.
- 5.8 However, within the LVIA, there is no assessment of magnitude of change, nor of sensitivity of the landscape receptor. For the assessment of effects on Landscape Fabric and Landscape Character, there is a summary presented of the description of effects, which then leads to the assessment of effect. However, there is no clear presentation of the sensitivity of the receptor, nor the magnitude of change (although it is noted that this change is not ascribed a value as per the methodology).
- 5.9 Although the methodology set out in both the LVIA and the LVIA Methodology (Appendix G), makes it clear that a structured methodology is followed which meets GLVIA 3 standards, the assessment presented within the LVIA itself does not appear to reflect the stated methodology. Adherence to this methodology is needed in order that an objective assessment can be made of a topic which can ultimately be quite subjective, and there is clarity on the conclusions reached within the assessment.

Assessment of Effect on Landscape Fabric of the Site

During Construction

- 5.10 The LVIA summarises the effects on landscape fabric during the construction period of the proposed development will be **Neutral** (LVIA para 6.3.5). The description of this effect refers to the ability of the land to continue to be used for pastoral farming through the grazing of sheep alongside the infrastructure. However, this description appears to relate to the operation of the proposed development, rather than the construction period which is anticipated to last 6 months (para 6.3.12).
- 5.11 It is considered unlikely that the site will be utilised for sheep grazing during the 6 month construction period, both for safety reasons and also due it being unlikely that the fields will be suitable for grazing, having only recently been utilised for arable purposes.
- 5.12 Although the presence of the array panels is referenced, the associated infrastructure including fencing, lighting, inverters, transformers, substation and grid connection has not been mentioned within the description of landscape effects (section 6.3 of LVIA) and therefore it does not appear to have been accounted for in the assessment of landscape effects.
- 5.13 It is noted that the existing landscape fabric characteristics described in the baseline section of the report; vegetation cover, tree cover and hedgerows will all be retained throughout the construction period.
- 5.14 In accordance with the LLA methodology set out at Appendix G of the LVIA, the following assessment is made of the construction effects of the proposed development on the landscape fabric of the site;
- 5.15 It is considered that the value of the landscape fabric is **Good** (Medium importance (or quality) and rarity; limited potential for substitution), which in combination with the **Medium/High Susceptibility** (noted within this report), results in a **Medium Sensitivity**.
- 5.16 In consideration of the loss of arable land during the construction phase, the introduction of urbanising elements including the array panels and the associated infrastructure including fencing, lighting, inverters, transformers, substation and grid connection and the associated construction machinery, movement, personnel etc required during the construction period, it is considered that the magnitude of change (as per the LLA methodology) will comprise a moderate scale (Partial loss of or alteration to one or more key elements/ features / characteristics of the site and/or

introduction of elements that would be evident, but not necessarily uncharacteristic to the receiving landscape), localised (effects would be confined to the immediate setting of the site), short duration and reversible change.

- 5.17 On the basis of the above assessment, and according to the definitions set out at para 4.5.3 of the LLA LVIA methodology, the construction effects on the landscape fabric of the site are assessed as having a **Moderate adverse effect**.

During Operation – Year 1

- 5.18 The LVIA states (para 6.3.6) that *“during the operational phase of the array, it is considered that there will be a temporary change to the Site from that of the existing rural fields to a solar farm. At year 1 of the operational phase, mitigation planting within the Site has yet to establish and as such there will be little change in the significance of the effects from those experienced during construction.”*
- 5.19 This report concurs with the above statement, and therefore the above noted **Moderate adverse effect** is considered applicable to the assessment of effect on the landscape fabric of the site at Year 1 of Operation.

During Operation – Year 15

- 5.20 In relation to the effect of the operational lifespan of the proposed development (40 years) on the landscape fabric of the site, the LVIA states the following (paras 6.3.7 – 6.3.9);

“During the lifespan of the solar array, there would be a loss of the ability to use the landform beneath the solar array for arable / productive farmland, although the land could be successfully used in pastoral farming through the grazing of sheep. The installation of the proposals will not require substantial ground works, foundations, or construction for the main components of the array. Therefore, the development in its entirety could be easily removed at the end of its life expectancy and the land could be restored to its existing uses without any special treatment being necessary.

The introduction of the new grass mix beneath the array, the substantial tree, hedgerow and woodland planting are all positive new land uses which will bring forward ecological enhancements, which are considered a benefit arising from the scheme. The woodland planting also accords with the objectives of the National Forest.

The temporary loss of arable land to facilitate the solar array could be offset by the conversion of the land to pastoral (sheep grazing), which is a characteristic of the local farming industry. As such this will result in a Neutral Effect during the operational phase of the Proposed Development. This would remain consistent through to year 15 and through to eventual decommissioning of the array.”

- 5.21 Although it is agreed that the retention and improvement of landscape features including tree and hedgerow planting and the introduction of a new grass mix beneath the arrays will be of benefit to the landscape fabric of the site, there are a number of aspects of the scheme which do not appear to have been considered in the assessment of effects.
- 5.22 The proposed mitigation of reinforcing roadside and internal hedgerows and allowing them to grow to 4m+ in height would fundamentally change the character and appearance of the landscape in the context of its established characteristics and these effects would last beyond the duration of the proposed development.
- 5.23 The introduction of the array panels and associated infrastructure, although temporary in nature, will be present over a long period of time (at least 40 years), and therefore they will fundamentally change the character of the fabric of the landscape for an extended period of time, from an arable landscape to one more urbanised in nature.
- 5.24 In consideration of the loss of arable land during the operational phase, the introduction of urbanising elements including the array panels and the associated infrastructure including fencing, lighting, inverters, transformers, substation and grid connection, it is considered that the magnitude of change (as per the LL methodology) will comprise a moderate scale (Partial loss of or alteration to one or more key elements/ features / characteristics of the site and/or introduction of elements that would be evident, but not necessarily uncharacteristic to the receiving landscape), localised (effects would be confined to the immediate setting of the site), long duration and reversible change.
- 5.25 On the basis of the above assessment, and according to the definitions set out at para 4.5.3 of the LLA LVIA methodology, the operational effects of the proposed development on the landscape fabric of the site are assessed as having a **Moderate adverse effect**.

Assessment of Effect on Landscape Character

During Construction

- 5.26 The LVIA summarises the following in relation to effects of the proposed development on landscape character:

[para 6.3.14] “It is considered that with regard to NCA 72 Mease/Sence Lowlands, construction activities in the context of the wider LCA are considered to be a **Slight Adverse Effect**. However locally, there would be an immediate change to the character of the area as it moves from arable farmland to become a solar farm resulting in **Moderate Adverse Effects** to the character of the Village Estate Farmlands LCA locally.”

[para 6.3.17] “...it is acknowledged that there would be a notable change to the immediate character of the area as a result of the proposals. However, this would be limited to the Site itself and its immediate setting. Which, given the size of the proposed array this would result in **Moderate Adverse Effects** during the operation phase of the development.

[para 6.3.18] By Year 15 as new vegetation matures it would provide greater screening and containment to the array. New planting has been designed to help nestle the development into the landscape by building upon the existing character of the area. This is primarily achieved through the reinforcement of existing boundary hedgerows and through the planting of new tree belts and woodland blocks. These positive contributions to this area of countryside in the context of this LCA result in **Moderate / Slight beneficial** effects to the character of the immediate area.

- 5.27 In consideration of the effects at construction and year 1 of operation on the wider LCA, the conclusions of the LVIA are agreed with.
- 5.28 However, the assessment of effect on the character of the Village Estate Farmlands LCA at construction, Year 1 of operation and year 15 of operation are considered to be under-assessed within the LLA LVIA. As per the LLA LVIA methodology (Appendix G to the LVIA), it is considered that the value of the landscape character is **Good** (Medium importance (or quality) and rarity; limited potential for substitution), which in combination with the **Medium/High Susceptibility** (noted within this report), results in a **Medium/High Sensitivity**.
- 5.29 In consideration of the loss of arable land during the construction phase, the introduction of urbanising elements including the array panels and the associated infrastructure including fencing, lighting, inverters, transformers, substation and grid connection and the associated construction

machinery, movement, personnel etc required during the construction period, it is considered that the magnitude of change (as per the LLA methodology) will comprise a moderate scale (Partial loss of or alteration to one or more key elements/ features / characteristics of the site and/or introduction of elements that would be evident, but not necessarily uncharacteristic to the receiving landscape), localised (effects would be confined to the immediate setting of the site), short duration and reversible change.

- 5.30 The above noted magnitude of change, in combination with the medium/high sensitivity of the landscape character of the Estate Farmlands LCA, results in a **Major/Moderate adverse effect** during construction and year 1 of operation.
- 5.31 The conclusions of the landscape effects at year 15 of operation also appear to underate the effects of the proposed development. Even upon taking into consideration the effects of the maturing planting associated with the landscape strategy, the extent, scale and type of development remains one which is at odds with the existing landscape character of the locale. As such, even when taking into account the matured landscape mitigation, the effect on landscape character at year 15 of operation is assessed as a **Moderate Adverse effect** in the context of the Village Farmlands LCA.
- 5.32 It is further noted that an assessment of landscape character at the local level of the site is not assessed within the LVIA. At this level, the level of landscape effect is assessed as a **Major adverse effect**.

Visual Effects

- 5.33 A summary of visual effects is presented at section 7.3 within the LVIA. The assessment of visual effects has been undertaken using 26no locations around the site that reflect the likely visual receptors who may be able to obtain views of the site and its proposed development. These representative viewpoints reflect views from residential properties, footpaths and local roads in the immediate vicinity of the site and the wider landscape.
- 5.34 A description of the assessed visual receptors, and the assessed effects at construction, year 1 and year 15 is noted.
- 5.35 Following a review of the visual assessment presented within the LVIA and a site visit to independently review the site, further assessment has been undertaken as part of this technical review, which includes additional views from Lullington Footpath FP2, Cotton-in-the-Elms Footpath

FP7 and from nearby residential properties and roads. Some of these viewpoints replicate those presented within the LVIA, while others provide additional representative view locations. See table 5.1 below and viewpoint photographs at Appendix 1.

Table 5.1: Additional Representative Viewpoints

VP No.	Location	Grid Ref	Viewing Direction	Visual Receptor Type/s	Distance to Development
1	Lullington Footpath FP2, south of site boundary	424941, 313377	North	Footpath user	~185m
2	Lullington Footpath FP2, within site boundary	424801, 313715	North	Footpath user	Within site
3	Lullington Footpath FP2, within site boundary	424769, 313796	North	Footpath user	Within site
4	Lullington Footpath FP2, within site boundary	424729, 313936	South	Footpath user	Within site
5	Coton-in-the-Elms Footpath FP7, north of site boundary	424718, 314072	South	Footpath user	~115m
6	View looking north, north west from Coton Lane (north west of Lullington)	424729, 313177	North, north west	Road user	~325m
7	View looking north, north east from Lullington Road, adjacent to Lady Leys Cottage	424109, 313243	North, north east	Residents and road user	~215m
8	View looking east from Lullington Road	424038, 313683	East	Road user	On site boundary
9	View looking south, southeast from Lullington Road	424139, 314054	South east	Road user	~40m
10	View looking south from Coton Road, adjacent to Grafton House	424323, 314122	South	Residents and road users	~95m
11	View looking west from Coton Road	424520, 313876	West	Road users	Within site
12	View looking north from Coton Road	424671, 313546	North	Road users	Within site
13	View looking west, southwest from	425548,	West, south	Road users	On site boundary

VP No.	Location	Grid Ref	Viewing Direction	Visual Receptor Type/s	Distance to Development
	Lullington Road	313970	west		
14	View looking southwest from Lullington Road / start of Lullington FP3 (north east corner of site boundary)	425761, 314360	South west	Road users and Footpath users	On site boundary
15	View looking southwest from Grangewood Road	426148, 314483	South west	Road users	~410m

5.36 The conclusions of the visual assessment within the LLA LVIA are generally agreed with, with the exception of the following, which are considered to be under-assessed:

Footpaths

Footpath Lullington FPI / Cotton-in-the-Elms (see Verified Photomontage Locations 1 and 2. (High to Medium Sensitivity)

“This footpath passes immediately through the proposal site, with users being immediately alongside the array. Passing through the existing arable fields that make up the Site, existing views are of the surrounding gently rolling arable farmland contained by low lying hedgerows. There are some views back towards the settlement, and where these are possible, this includes for views of the tower of All Saints Church within Lullington. This is also visible from within the arable field to the north of the Site, (the location for Verified photomontages 1 and 2).

Direct views of the Solar Farm will be seen along this route including direct views of the surrounding array and associated infrastructure. The outlook would change from that of agricultural to that of a solar farm.

The mitigation measures include to provide additional planting of hedgerows and trees alongside the footpath to screen and soften views of the array. These new hedgerows are to be generously set apart to create space and separation between the footpath and the adjacent sections of the array. Meadow planting along the route would complement the native hedgerows creating an attractive route through the solar farm. The hedgerows would also be allowed to grow up to 4m providing screening from the adjacent sections of highway.

Views of the solar panels themselves will be effectively screened by mature hedgerows that will meander through the centre of the Site. However, despite the proposed mitigation, there would be a noticeable change in the nature of views from this footpath. Views may be clearer in winter months when vegetation is devoid of foliage.

*Construction Phase: **Major Adverse Effect***

*Scheme completion (year 1 winter): **Major Adverse Effect***

*Established scheme (+ 15 years summer): **Moderate Adverse Effect***

- 5.37 Given the users of the footpath will predominantly be utilising the footpath as a recreational resource, and currently experience open and medium to long distance views which reflect the local landscape character, the assessment of sensitivity of the receptor would be considered to be **High**, rather than High – Medium as stated in the LVIA.
- 5.38 Review viewpoints 2, 3, 4 and 5 are located along Lullington FP1 and Coton-in-the-Elms FP7, respectively, travelling from south of the site, in a northwards direction of travel, through the site and beyond. These views depict the existing view which comprise generally open and medium distance views across the adjacent undulating farmed landscape.
- 5.39 Following the installation of the proposed development, and the subsequent maturing of the proposed mitigation planting, the change in view and experience of the footpath users would be prominent.
- 5.40 Views would initially comprise immediate views of the photovoltaic panels and associated structures such as fencing, lighting/CCTV poles, which would occupy the majority of the view, screening any views to the landscape beyond. As proposed mitigation planting matures over time, it would create an effective corridor of tall vegetation. This would continue to screen views across the landscape beyond the lifetime of the solar farm, while also creating a landscape feature at odds with the local landscape character.

*Construction Phase: **Major Adverse Effect***

*Scheme completion (year 1 winter): **Major Adverse Effect***

*Established scheme (+ 15 years summer): **Major Adverse Effect***

Footpath Lullington FP2 (see photo example 22) (High to Medium Sensitivity)

- 5.41 Footpath no 2 is represented by LVIA viewpoint 22 although this is not specifically taken from the footpath and is at some distance from the site boundary. This path connects to FP1 that crosses the site in a northerly direction.

- 5.42 LLA LVIA Assessment:

“The footpath runs up to the southern boundary of the Site. Existing views are of the surrounding gently rolling arable farmland contained by low lying hedgerows.

Given the existing woodland blocks and vegetation along the southern Site boundary, views of the solar farm itself are likely limited to filtered glimpses. However, once established, the proposed mitigation measures, including new woodland blocks, would reinforce the woodland along the southern boundary of the Site helping to screen views of the solar farm and its associated infrastructure.

The landscape strategy includes for new woodland blocks along the southern Site boundary, which once established, would form a strong visual barrier across the countryside to the north screening the array from view.

Construction Phase: ***Moderate to Slight Adverse Effect***

Scheme completion (year 1 winter): ***Moderate to Slight Adverse Effect***

Established scheme (+ 15 years summer): ***Slight Adverse Effect.***

- 5.43 UG have assessed Footpath no. 2 at a point closer to the site boundary and following site visits (see review viewpoint 1 at Appendix 1 to this report), revise the assessed effects as follows:

- 5.44 The proposed mitigation along the southern boundary would effectively screen views of the solar farm in time, but at the expense of fore-shortening existing views across the wider landscape..

Construction Phase: **Moderate Adverse Effect**

Scheme completion (year 1 winter): **Moderate Adverse Effect**

Established scheme (+ 15 years summer): **Moderate to Slight Adverse Effect.**

Transport Routes

Lullington Road looking south towards the Site and traveling through the Site (see photo location examples 19, 20 and 21) (Medium to Low Sensitivity)

“This road passes immediately through or adjacent to the Site, with road users being immediately alongside the array.

Given the direct proximity to the proposals and the existing low lying roadside vegetation, views of the solar farm and its associated infrastructure would be inevitable. However, the layout has responded to this by setting the solar panels away from the roadside and includes for a landscape strategy that aims to reinforce roadside vegetation and allows for a change in the management of existing hedgerows to allow taller growth (up to 4m) to provide additional screening of the array. Despite this, views of the surrounding array and associated infrastructure are considered likely, the outlook would change from that of agricultural to that of a solar farm. Views may be clearer in winter months when vegetation is devoid of foliage.

The location of the array (set away from the settlement; arable fields would remain on the periphery of the village) would result in it being a feature within the landscape to the north of Lullington that you would drive through on your way into or out of the settlement. The immediate setting of the village would be maintained. Once the proposed woodland blocks and hedgerows have established along the roadside, views of the array would become mostly screened, other than occasional glimpsed filtered views.

*Construction Phase: **Moderate Adverse Effect.***

*Scheme Completion: **Moderate Adverse Effect.***

*Established scheme (+ 15 years summer): **Slight Adverse Effect”***

- 5.45 Given the road users will be travelling along a local road, at relatively low speed and connecting to local settlements, the assessment of sensitivity of the receptor would be considered to be **Medium**, rather than Medium to Low as stated in the LVIA.
- 5.46 The change in views, in both the short and long-term, from the section of Lullington Road that approaches and passes through the site would be particularly pronounced with the wholesale change of agricultural land to a solar farm clearly visible and extensive. In the short-term there

would be expansive views of the solar farm as it extends either side of the road to the east and west.

As the proposed mitigation establishes, the thickened and heightened hedgerows would alter the way the landscape is perceived and viewed over this portion of the route and would noticeably contrast with the established character of the wider landscape, while also restricting wider views.

5.47 The approach from Coton-in-the-Elms along Lullington Road is referenced in the Conservation Area Appraisal where the spire of Lullington Church can be seen on the approach to the village extending above the mature trees within the village, but there is no reflection on this key characteristic in the assessment of these representative viewpoints within the LLA LVIA (see review viewpoints 10, 11 and 12 where annotations depict the location of the Lullington Church spire along this route).

5.48 Therefore, the assessment of visual effects along Lullington road is as re-assessed as follows:

Construction Phase: **Major/Moderate Adverse Effect.**

Scheme Completion: **Major/Moderate Adverse Effect.**

Established scheme (+ 15 years summer): **Moderate Adverse Effect**

Residents

Grafton House (no photo from private dwellings – refer to nearby photo location examples 19) (High Sensitivity)

“Grafton House sits in close proximity to the array. Where properties are adjacent to the array, the landscape proposals have been designed to recognise and respond to this juxtaposition. As well as this, the array itself has been offset from these properties to maintain the amenity of the residential dwelling.

Given the proximity to the proposals, views of the solar farm and its associated infrastructure would be inevitable. However once established, suitable mitigation measures (as proposed) would help to screen views of the wider solar farm and its associated infrastructure.

The landscape strategy includes for a new woodland block along the section of the Site boundary directly overlooked by Grafton House and a new woodland block to the south east. Once established, these would form a strong visual barrier across the countryside to the south west of this property, screening the array from view. This is supported by the Mitigation ZTV (Appendix F).

The proposed woodland block is characteristic of the surrounding landscape pattern and responds positively to the aspirations of the National Forest.

Construction Phase: **Moderate Adverse Effect**

Scheme Completion: **Moderate Adverse Effect**

Established scheme (+ 15 years summer): **Slight Adverse Effect.”**

5.49 Review viewpoint 10 is taken slightly west of Grafton House, and represents the views that would be experienced from the property of the proposed development. Although the property is oriented slightly to the southwest, views of the construction and operation of the proposed development would be noticeable in views from the property. Particularly noting the fact it is three storeys high, elevated views would be available across the scheme.

5.50 As a result, the assessment ratings presented within the LLA LVIA are considered to under-rate the visual effects on residents of this property and as such, they are re-assessed below:

Construction Phase: **Major/Moderate Adverse Effect.**

Scheme Completion: **Major/Moderate Adverse Effect.**

Established scheme (+ 15 years summer): **Moderate Adverse Effect**

Lady Leys Cottage (no photo from private dwellings – refer to nearby photo location examples 18 & 25) (High Sensitivity)

“This property is located to the west of the Site, within a larger farm complex with the principle elevations facing east towards Lullington Village. Existing views from this property are of surrounding arable fields, however there may be an appreciation of the array when traveling along the driveway to the farmstead.

The Cottage is located on the roadside to the south west of the Site. Where properties are adjacent to the array, the landscape proposals have been designed to recognise and respond to this juxtaposition. As well as this, the array itself has been offset from these properties to maintain the amenity of the residential dwelling.

Given the direct proximity to the proposals, views of the solar farm and its associated infrastructure would be inevitable, as indicated by the Mitigation ZTV. However, suitable mitigation measures (as proposed) would help to screen views of the wider solar farm and its associated

infrastructure, as well as helping to break up views of the adjacent sections of the array. Views may be clearer in winter months when vegetation is devoid of foliage.

*Construction Phase: **Moderate to Slight Adverse Effect***

*Scheme Completion: **Moderate to Slight Adverse Effect***

*Established scheme (+ 15 years summer): **Slight Adverse Effect.***

5.51 An additional viewpoint was captured adjacent to Lady Leys Cottage, at the junction of Coton Lane and Lullington Road (see review viewpoint 7 – Appendix 1 to this report). The view reflects that which is described within the LVIA, however the assessment of visual effects does not reflect the level of effect that would be experienced by this receptor.

5.52 Given the change in view (albeit in oblique views), the magnitude of change is anticipated to be medium. In combination with a High sensitivity receptor, following the methodology presented within the LLA LVIA, this would result in the following change in assessed ratings:

Construction Phase: **Moderate Adverse Effect**

Scheme completion (year 1 winter): **Moderate Adverse Effect**

Established scheme (+ 15 years summer): **Moderate to Slight Adverse Effect.**

Assessment of Cumulative Effects

5.53 As per the screening opinion that was received from South Derbyshire District Council, it was considered that a cumulative assessment was not required..

Verified Views

5.54 Three Verified View images have been produced to support the visual assessment. These views are located as follows:

- Verified View No.1: View looking south towards the northern site boundary from public footpath: Coton in the Elms FP7
- Verified View No. 2: View looking south towards the northern site boundary from public footpath: Coton in the Elms FP7

- Verified View No. 3: View looking west towards the eastern site boundary from Lullington Road near Woodfields Cottages

- 5.55 The Verified View images are presented at year 1 as built, and at year 15, once mitigation planting is established.
- 5.56 The Verified Views demonstrate the effect of the proposed mitigation planting over time. However, key visual effects have been identified from numerous other locations as part of the assessment (such as the approach from Coton-in-the-Elms along Lullington Road, and views from Coton-in-the-Elms FP7 within the site boundaries), which would have been useful to include as part of the Verified View exercise.
- 5.57 As noted above, the methodology for the production of the Verified Views has not been included within the LVIA. Nor has the purposes for inclusion or consultation process been included, to further understand the reasoning behind the choice of locations for the Verified Views.

6.0 GLINT & GLARE ASSESSMENT

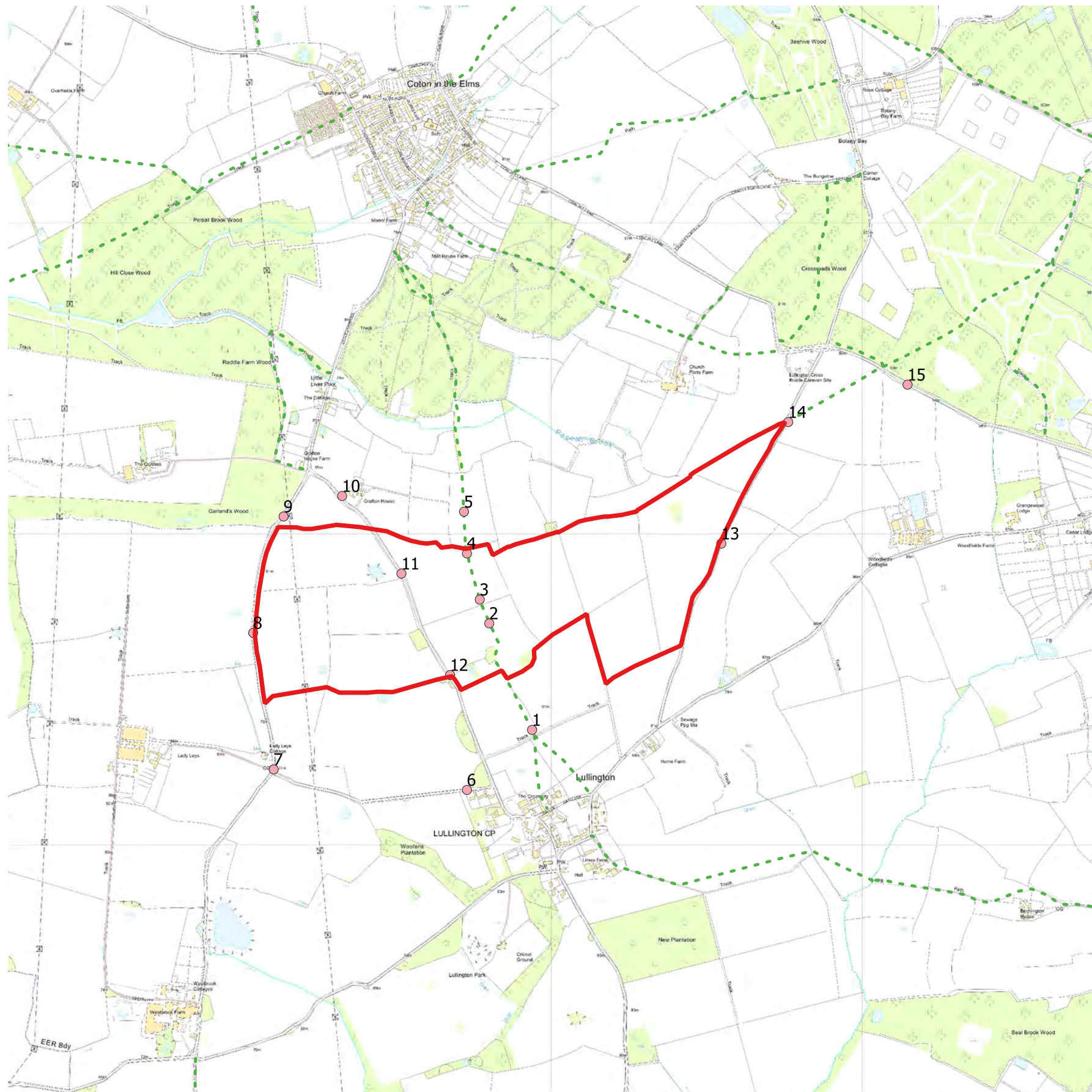
- 6.1 As part of the submitted planning application documents, a Glint & Glare assessment was included.
- 6.2 Pager Power produced the document in order to assess the possible effects of glint and glare from the proposed solar photovoltaic (PV) development. The assessment pertains to the possible impact upon surrounding road users and dwellings.
- 6.3 The methodology is clearly set out, with rationale and evidence to support the conclusions reached within the document. There are no issues raised as part of this review with the conclusions presented within the glint & glare report.

7.0 SUMMARY

- 7.1 Considering all the baseline evidence collected and the review of the Applicant's submitted information, the following conclusions are presented.
- 7.2 Although the submitted LVIA (Liz Lake Associates) has been carried out to current best practice guidelines, and is noted as being generally robust, there are some areas where further detail is considered as being required (both within the landscape character and visual assessments), along with there being a number of discrepancies in the landscape and visual ratings presented in the submitted LVIA and those identified as part of this technical review. A number of departures from the methodology presented as an appendix to the LVIA (Appendix G) are also noted, with particular reference to the descriptions of magnitude of change and sensitivity of landscape receptors.
- 7.3 These discrepancies, although limited, result in fundamental differences in the outcome of the assessment. Key divergences in assessment outcomes include the significant Major and Major/Moderate adverse landscape effects reported on the landscape fabric of the site, along with the local landscape character, and the adverse visual effects identified from Footpath Coton-in-the-Elms FP7, Lullington FP2, Grafton House and Coton Road as part of this technical review.

APPENDIX 1 – TECHNICAL REVIEW VIEWPOINT LOCATIONS & PHOTOGRAPHS

-  Site Boundary
-  Review Viewpoints
- PRoW**
-  PRoW Footpath



VIEWPOINT PHOTOGRAPHS (FIGURES 1 – 15)



Viewpoint 1 - View looking north from Lullington Footpath FP2, south of assessment site.



Viewpoint 2 - View looking south from Lullington Footpath FP2, from the southern-most field parcel within the site boundary

Approximate extent of Assessment Site

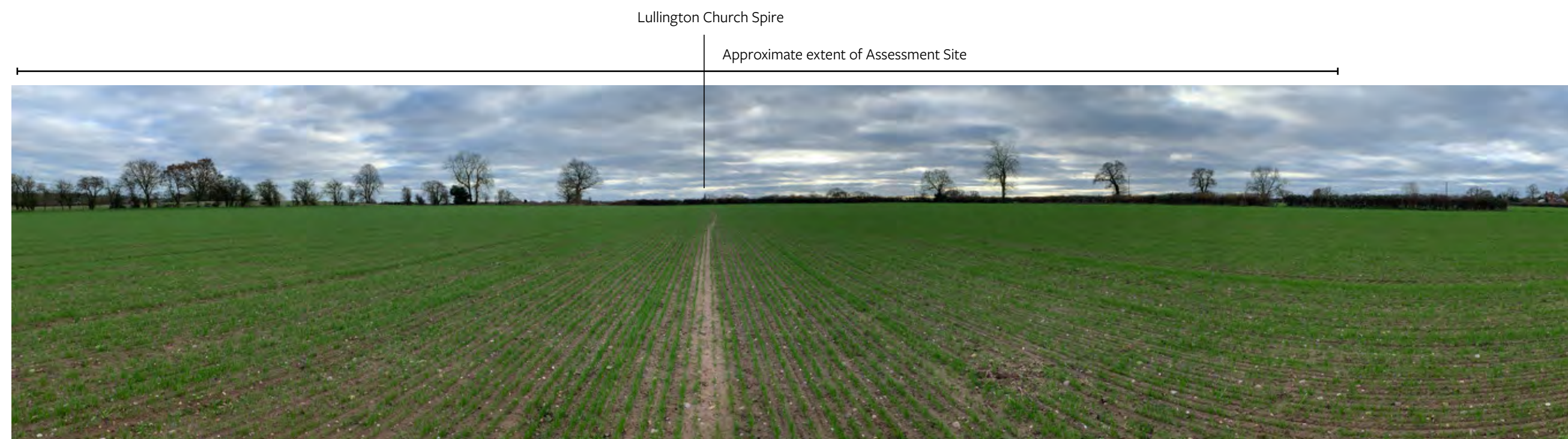


Viewpoint 3 - View looking north from Lullington Footpath FP2, from the northern-most field parcel, within site boundary

Approximate extent of Assessment Site



Viewpoint 4 - View looking south from Lullington Footpath FP2, from the northern-most field parcel, within site boundary



Viewpoint 5 - View looking south from Coton in the Elms FP7, located within field parcel north of site boundary



Viewpoint 6 - View looking north, north west from Coton Lane (north west of Lullington)

Approximate extent of Assessment Site



Viewpoint 7 - View looking north, north east from Lullington Road, adjacent to Lady Leys Cottage

Approximate extent of Assessment Site



Viewpoint 8 - View looking east from Lullington Road

Approximate extent of Appraisal Site



Viewpoint 9 - View looking south, south east from Lullington Road

Approximate extent of Assessment Site



Viewpoint 10 - View looking south from Coton Road, adjacent to Grafton House



Viewpoint 11 - View looking west from Coton Road



Viewpoint 12 - View looking north from Coton Road

Approximate extent of Assessment Site



Viewpoint 13 - View looking west, southwest from Lullington Road

Approximate extent of Assessment Site



Viewpoint 14 - View looking southwest from Lullington Road / start of Lullington FP3 (north east corner of site boundary)



Viewpoint 15 - View looking southwest from Grangewood Road



Chris Henning
Director Place
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Matlock
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DE4 3AG

Steffan Saunders
Head of Planning and Strategic Housing
South Derbyshire District Council

Telephone: 01629 539808
Ask for: Steve Buffery
Email: planningpolicy@derbyshire.gov.uk
Our ref: PM/Strategic Consultations SDDC
Your ref: DMPA/2021/1014
Date: 07 September 2021

Dear Mr Saunders,

Application Number: DMPA/2021/1014

Proposal: The installation of ground mounted solar photovoltaic panels with associated infrastructure and works, including substations, converters, inverters, access tracks, security fencing, boundary treatment and CCTV

Address: Land north of Lullington, Swadlincote

Thank you for consulting Derbyshire County Council on the planning application for the proposed installation of ground mounted solar photovoltaic panels with associated infrastructure and works, including substations, converters, inverters, access tracks, security fencing, boundary treatment and CCTV on land north of Lullington, Swadlincote.

Derbyshire County Council's Member and Officer technical comments on the planning application are set out below, which are submitted under Delegated Procedures. South Derbyshire District Council (SDDC) has previously undertaken consultation on the planning application directly with a number of individual County Council Officers. Comments made by those Officers are referred to below, where appropriate, to inform a comprehensive strategic planning policy response on behalf of the County Council to the consultation in the context of national and local planning policies that are relevant to the assessment of the planning application.

The site and its Surroundings

It is noted that the planning application proposals will cover an area of 70.18ha on land north of Lullington. The proposals would include extensive landscape planting to connect to and enhance the National Forest. The solar farm would have a generating capacity of 50MW, which equates to the annual energy consumption of approximately 15,000 homes.

The site comprises and is surrounded by agricultural fields. There is well established natural vegetation around the site, with the boundaries being made up of a mix of hedgerows with scattered trees. The boundaries between the fields are also made up

of hedgerows. There is a Public Right of Way (PRoW) crossing the site north to south. Public access through the site would be maintained and would be enhanced by new planting and trails for recreation. The site does not accommodate any listed buildings. There are a number of listed buildings within 2km of the Site. All of these are Grade II with the exception of the 'Church of All Saints' located within the centre of Lullington which is Grade II* listed which incorporates a spire of special architectural or historic interest. The nearest Conservation Area is within the village of Lullington, which is approximately 0.5km south of the application site. The River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) are approximately 1.78km south of the site. The proposed development site falls within the Impact Risk Zone (IRZ) for the SSSI.

It is noted that the applicant has obtained an Environmental Impact Assessment (EIA) screening opinion from SDDC. This confirmed that the development is not considered to constitute EIA development and therefore does not require submission of an Environmental Statement. A number of documents have been submitted in support of the planning application including a Planning Design and Access Statement; Heritage Statement; Archaeology Assessment; Ecology Report; Desk Based Archaeology, Geo-physical Survey and Heritage Assessment; Landscape and Visual Impact Assessment; Landscape Strategy Plan; Verified View Montages; and Draft Outline Landscape Management Plan. Reference is made to these documents where appropriate below.

Summary of Derbyshire County Council's Overall Assessment and Conclusions on the Planning Application

Councillor Stuart Swann, County Council Member for Linton Electoral Division, has been consulted on the planning application and has raised significant concerns about the likely environmental impacts of the proposals, particularly their adverse impacts on the countryside and the loss of an extensive area of good quality agricultural land; impacts on ecology and flood risk, and likely harmful impacts on the local communities of Coton-in-the Elms and Lullington, including through increased HGV traffic generated by the scheme. Councillor Swann's comments are set out in detail in Section 1 below.

On the basis of the detailed Officer assessment in Section 2 below, it is considered that the excessive scale, extent and nature of the solar park proposals would be contrary to national planning policies in the National Planning Policy Framework (NPPF) and local planning policies in the Adopted South Derbyshire Local Plan Part 1 (SDLPP1) for sustainable development, climate change and renewable energy, development in the countryside, design and place making and impact on landscape and landscape character.

The detailed Officer comments recognise the significant positive merits of the planning application proposals, which would generate 50 MW of renewable energy that would help reduce greenhouse gas emissions resulting from energy generation and so would positively contribute to the UK's target to become net zero carbon by 2050 – a target which Derbyshire County Council fully supports. The proposals would also help meet

the carbon budgets for both South Derbyshire District and the County as a whole as set out in more detail in Section 2 below.

Key to the Officer consideration and assessment of the application proposals is Paragraph 11 of the NPPF and the 'tilted balance', which states that:

Paragraph 11: The Presumption in Favour of Sustainable Development

Plans and decisions should apply a presumption in favour of sustainable development.

For decision taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

In the context of paragraph 11 of the NPPF, the Officer comments conclude that the excessive scale and extent of the application proposals are out-of-scale with the scale and nature of the two settlements they relate closest to at Coton-in-the Elms and Lullington and the nature of the landscape and open countryside within which the application proposals are located. The landscape and visual impact comments express significant concerns that the LVIA submitted in support of the application by the applicant has significantly under-assessed the likely effects on landscape character, key characteristics of the landscape and the visual amenity of the area. The comments, therefore, express significant concern about the adverse harm the application proposals are likely to have on the landscape and open countryside of this area, much of which is good quality agricultural land, and how these impacts, due to the scale of the proposals and their urbanising impacts, would be difficult to adequately mitigate. Furthermore, the comments express concern that there has been no assessment of cumulative landscape effects of development in the wider area where there are currently other large-scale solar farm schemes being proposed to the north and south of this site that cumulatively would introduce quite significant adverse effects to wider landscape character and visual perceptions of the area.

In the context of the requirements of paragraph 11 d (ii) of the NPPF, the Officer comments have considered whether the application proposals would be likely to offer any significant direct community benefits. As noted above, it is acknowledged that at a wider and broader level, the proposals would be likely to generate significant climate change benefits in producing a renewable source of energy that would help contribute

to meeting national, county and borough-wide carbon reduction targets. However, other wider more localised community benefits are not mentioned and the County Council would welcome inclusion in this application of further community benefits such as a community fund and potential educational opportunities for local residents.

Overall and on balance, Derbyshire County Council's Officer comments consider that the planning application proposals are contrary to national policies in the NPPF, particularly paragraph 11 and paragraph 158 (see below), and the Policies of the SDLPP1.

1 MEMBER COMMENTS

- 1.1 Councillor Stuart Swann, County Council Member for Linton Electoral Division, has been consulted on the planning application. Councillor Swan has made the following comments on the planning application.

There is considerable concern in respect of this proposal in the Division I represent, particularly in the communities of Lullington and Coton in the Elms where many residents object to the solar farm plans.

The negative visual impact on this extremely pleasant area of countryside bordering the National Forest and in between two picturesque rural settlements is a key element to local residents' objections, and they remain to be convinced regarding wildlife and biodiversity matters. There are further concerns about the aesthetic outlook of the proposed ground-mounted solar farm with its dark panels, substantial associated infrastructure, security fences, and CCTV cameras giving it the feel of a prison camp.

Should the application be granted permission, another major concern is the long-term planning status of the land in question after its use as a solar farm. Residents are worried that this extensive site would be considered 'brownfield' and opened up to substantial development.

Vehicle movements of seemingly endless HGVs on local roads and lanes during the extended construction phase also concern residents greatly, as do worries about drainage and flooding as the natural soak and flow of rainwater is affected by numerous solar panels.

Like myself, the people who have expressed concerns and objections in respect of this application support the growing use of renewable energy. They, however, question the local environmental impact of this proposal in terms of the loss of good quality farmland, at a time when the issue of food production security is increasingly pertinent, against the apparent benefit to the environment of such electricity generation in the British climate, which some scientists calculate has a woeful 12 percent efficiency in terms of its true generating capacity.

Although it is unlikely to be considered a material planning matter, the future disposal of the solar panels and the toxic substances they contain is an issue requiring great thought.

This proposal would have a severe long-term impact upon a significant part of the locality I represent as well as many of the people who live in the area. Therefore, when deliberating this application, I urge members of the District Council's Planning Committee to carefully consider the interests of residents along with the details of all submissions made by local people.

2 OFFICER COMMENTS

- 2.1 The planning application has been assessed below in the context of national planning policies in the NPPF (Revised 20 July 2021) and associated National Planning Practice Guidance (NPPG) and local planning policies in the adopted SDLPP1 for sustainable development, climate change and renewable energy, development in the countryside, design and place making, impact on landscape and landscape character, impact on biodiversity and important heritage assets and highways impacts.
- 2.2 The Derbyshire Environment and Climate Change Framework is also an important consideration as indicated below.

THE NEED FOR AND PRINCIPLE OF THE PROPOSED DEVELOPMENT

- 2.3 National planning policies for mitigating the impacts of climate change and specifically relating to the development of renewable energy projects are set out in the NPPF in Chapter 14: *Meeting the challenge of climate change, flooding and coastal change*. Paragraphs 152, 156 and 158 of Chapter 14, set out the Government's overarching requirements for local planning authorities through the planning system for mitigating the impacts of climate change as follows:

Paragraph 152: The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Paragraph 156: Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.

Paragraph 158: When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) approve the application if its impacts are (or can be made) acceptable.*

- 2.4 Supporting advice in NPPG on Climate Change also emphasises that, in addition to supporting the delivery of appropriately sited green energy, effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. Planning can also help increase resilience to climate change impact through the location, mix and design of development.
- 2.5 The UK Government has committed to deliver on the Paris Agreement by vigorously achieving its carbon budget and pursuing a target to reduce greenhouse gas emissions to 'net zero' by 2050, ending the UK's contribution to global warming within 31 years.
- 2.6 This was enshrined in law in June 2019 through amendments to the 2050 greenhouse gas emissions reduction target in the Climate Change Act 2008 from at least 80% to at least 100%, otherwise known as 'net zero'.
- 2.7 The UK carbon budget has been further apportioned to local authority areas, particularly for County Council areas. The recommended budgets reflect the actual emissions from industry and commerce, transport and domestic sectors with a suggested periodic reduction. Each local authority area has been allocated a carbon budget based on 'grandfathering'. A grandfathering approach allocates carbon budgets based on recent emissions data (from 2011-2016). Budgets reflect a local area's particular profile and are consistent with each area's ability to make a fair contribution to the Paris Agreement. The carbon budget for each local authority area is then divided further into carbon budgets for five year periods in-line with the UK carbon budget periods. This allocation produces a carbon emissions pathway or trajectory for each area for the period 2018-2100.
- 2.8 The recommended carbon budgets for Derbyshire are set out below. Budget periods are aligned with the budget periods in the Climate Change Act and then specific targets are set out for each district and borough council area and aggregated for the County as a whole.

Carbon Budgets for Derbyshire County:

2018 to 2022: 27.3 million tonnes CO2
2023 to 2027: 12.9 million tonnes CO2
2028 to 2032: 5.9 million tonnes CO2
2033 to 2037: 2.7 million tonnes CO2
2038 to 2042: 1.2 million tonnes CO2
2043 to 2047: 0.6 million tonnes CO2
2048 to 2100: 0.5 million tonnes CO2

- 2.9 Derbyshire County Council has been working closely with its local authority partners (8 district and borough councils) to address the impacts of climate change and to reduce greenhouse gas emissions which are consistent with the allocated carbon budgets for Derbyshire and to reduce carbon emissions to net

zero by 2050. To this end the Derbyshire local authorities published the Derbyshire Environment and Climate Change Framework (DECCF) in October 2019, which committed all the local authority partners to seek to achieve these targets. Renewable energy and significant increase in development of renewable energy projects across the County will play a very important part in enabling local authority partners to meet their climate change commitments and carbon budgets to achieve the overall aim of net-zero emissions by 2050.

2.10 The SDLPP1 was adopted on 13th June 2016 and includes the following policy:

Policy SD6: Sustainable Energy and Power Generation

A) The Council will support renewable and other energy developments and ancillary buildings or infrastructure subject to the following considerations:

i) that the environmental effects of the proposal have been appropriately considered and schemes will not give rise to unacceptable impacts on landscape or townscape character, ecology, the historic environment or cultural heritage assets.

ii) that proposals will not give rise to unacceptable impacts on local amenity, or give rise to safety concerns, as a result of noise, shadow flicker, electromagnetic interference, emissions to the air or ground, odour or traffic generation and congestion.

B) Developers promoting biomass will be expected to demonstrate that biofuels will be procured from sustainable sources. Where generators propose to source wood fuel or other biomass from outside The National Forest, the applicant will be expected to locate biofuels sequentially considering fuels from regional sources, followed by the UK and international markets. Where fuels are sourced from outside the region, generators will be expected to demonstrate that no sequentially preferable fuel supply exists which is available, cost effective or meets the necessary specification.

C) Any new generating plant capable of producing heating or cooling as well as electricity will be expected to be designed and located in a way that facilitates the future connection to a local distributed energy system. Large scale commercial and residential development close to Willington and Drakelow will be expected to consider opportunities for utilising waste heat for District heating and cooling.

D) Additional energy generation capacity, ancillary infrastructure and carbon capture facilities at the Drakelow and Willington Power Station sites will be supported where it can be demonstrated that development will not give rise to unacceptable amenity and environmental effects as set out above.

2.11 A number of other Adopted SDLPP1 Policies are also relevant to the consideration of the planning application and include:

S2: Presumption in Favour of Sustainable Development;

SD1: Amenity and Environmental Quality;
BNE2: Heritage Assets
BNE3: Biodiversity
BNE4: Landscape Character and Local Distinctiveness
BNE5: Development in Rural Areas
BNE10: Heritage

- 2.12 The South Derbyshire Local Plan Part 2 (SDLPP2) was adopted on 2nd November 2017. The plan defines a Settlement Hierarchy under Policy SDT1 for the District to guide future development to the most sustainable locations and defines detailed Settlement Boundaries for all the main settlements in the District including the villages of Coton-in-the-Elms and Lullington. In this context, Policy SDT1 defines Coton-in-the-Elms as a Local Service Village and Lullington as a Rural Village (see further comments below). In terms of settlement boundaries, it is noted that the application site is located outside the Settlement Boundaries for both Coton-in-the Elms and Lullington and therefore falls to be considered as development in the open countryside.

Assessment

- 2.13 In the context of the above, national planning policies in the NPPF and associated advice in the NPPG, the aims and objectives of the DECCF and adopted local planning policies in the SDLPP1 each provide support at a national, county and local level for the principle of development of renewable energy developments and projects to meet the Government's commitment for the UK to achieve net-zero carbon emissions by 2050. Paragraph 158 of the NPPF, in particular, makes it clear that local planning authorities should not require applicants to demonstrate the need for their renewable energy projects, recognising that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, which is an important consideration in the assessment of the application proposals.
- 2.14 In principle, therefore, the planning application proposals for the development of a large-scale solar farm on the application site, which would generate almost 50 MW of energy, would accord with the broad supportive policy principles for the provision of renewable energy projects of the NPPF, NPPG, SDLPP1 and aims and objectives of the DECCF. The planning application proposals would help reduce greenhouse gas emissions resulting from energy generation and so would positively contribute to the UK's target to become net zero carbon by 2050 – a target which Derbyshire County Council fully supports. The proposals would also and help meet the carbon budgets for both South Derbyshire District and the County as a whole as set out above.
- 2.15 On a technical point, however, no mention is made in the supporting Planning Design and Access Statement with the planning application of any associated battery storage for storing excess energy and to help balance the grid. For any solar farm, this should now be an essential component.

ENVIRONMENTAL IMPACT CONSIDERATIONS

- 2.16 In setting out support for the principle of renewable energy projects, the NPPF also recognises, however, that renewable energy projects may also have a range of environmental impacts that may need to be mitigated to make them acceptable. In particular, paragraph 157 states that:

Para 157. In determining planning applications, local planning authorities should expect new development to:

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Paragraph 158 requires that:

Para 158: When determining planning applications for renewable and low carbon development, local planning authorities should:

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

- 2.17 In addition and as noted above, NPPG on climate change also requires local planning authorities in considering proposals for green energy development to ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment.
- 2.18 A range of other policies in the NPPF for the protection and enhancement of the environment are also relevant to the assessment of the application proposals, particularly those in Section 2: Achieving Sustainable Development; Section 12: Achieving Well Designed Places; Section 15: Conserving and Enhancing the Natural Environment; and Section 16: Conserving and Enhancing the Historic Environment.
- 2.19 These policies are reflected at the local level in the Policies of the Adopted SDLPP1 (as set out above).
- 2.20 An assessment is provided below of the likely environmental impacts of the proposed solar park including the scale of the proposed development and impact on settlement; landscape and visual impacts; impacts on ecology; and the highways impacts of the proposals. Consideration is also given to any likely community benefits that may arise from the proposed development.

SCALE OF PROPOSED DEVELOPMENT AND IMPACT ON SETTLEMENTS

- 2.21 A key consideration in the assessment of the application proposals is the considerable scale of the proposed solar farm which would cover an area of over 70ha of land. The site is located outside the settlement framework boundaries of both Coton-in-the-Elms and Lullington as defined in the SDLPP2.
- 2.22 SDLPP2 defines a Settlement Hierarchy for the District to guide the location of future development to those settlements that are most suitable to accommodate new development growth. This includes Urban Areas (Swadlincote); Key Service Villages; Local Service Villages (including Coton-in-the-Elms); and Rural Villages (including Lullington).
- 2.23 Coton-in-the-Elms and Lullington are located within relatively close proximity of the proposed solar farm development located with 1.0 km and 0.5 km respectively from the application site. These settlements and their residents are those which are likely to experience the most significant environmental and amenity impacts of the proposed solar farm development. These settlements are of a relatively small scale as reflected in the Settlement Hierarchy and it is clear that the scale of application proposals covering in excess of 70ha of land within the open countryside would be overwhelming in the context of the scale, role and nature of these settlements.
- 2.24 In this context, it worth noting that Derbyshire County Council was recently consulted on a planning application for a solar farm development on land to the north-east of Scropton covering 9.62 ha of land (Ref: DMPA/2021/0315). Scropton is defined in the Settlement Hierarchy as a Rural Village. In its strategic planning policy comments submitted to SDDC on 16th July 2021, Derbyshire County Council considered that the scale of the solar farm development was not disproportionately large in comparison with the scale and nature of Scropton village, and its environmental impacts, particularly impacts on landscape and landscape character, were limited and due to the scale of the proposals could be adequately mitigated with additional landscaping and planting.
- 2.25 However, the current application proposals north of Lullington are considered to be totally out-of-scale with the scale and nature of the two settlements they relate closest to and the nature of the landscape and open countryside within which the application proposals are located within. The landscape and visual impact comments set out below express significant concerns about the adverse harm the application proposals are likely to have on the landscape and open countryside of this area, much of which is good quality agricultural land, and how these impacts, due to the scale of the proposals and their urbanising impacts, would be difficult to adequately mitigate.

LANDSCAPE AND VISUAL IMPACTS

- 2.26 Derbyshire County Council's Landscape Architect has assessed the planning application proposals and has made the following comments.

Landscape Effects

- 2.27 The LVIA correctly identifies that the proposed site is located within the Mease/Sence Lowlands National Character Area (NCA) and the Village Estate Farmlands Landscape Character Type (LCT) as defined in the 'Landscape Character of Derbyshire' publication; an adopted document of the County Council and the basis for landscape policy across the county. The descriptions of both the NCA and the LCA state that this is "a well-ordered, gently rolling agricultural landscape" with arable cultivation within hedged fields, small plantation woodland, and discrete villages with prominent church spires forming some of its key characteristics. The LVIA acknowledges that the site is consistent with the character of the wider LCT and has few detractive features.
- 2.28 The LVIA judges the site to have a Medium susceptibility to accommodate development of this type being as it states 'an established landscape where change of an appropriate nature could be absorbed without loss of key characteristics, individual elements or features and specific aesthetic or perceptual aspects or, overall landscape character'. I do not agree with that judgement in that a solar farm development is not, in my opinion, development of an appropriate nature in an agricultural landscape and would introduce many urbanising features into what is essentially a rural scene. Furthermore the proposed mitigation of reinforcing roadside and internal hedgerows (effectively thickening with a second hedgerow) and allowing them to grow to 4m+ in height would fundamentally change the character and appearance of the landscape in the context of its established characteristics and these proposals would be permanent lasting beyond the duration of the proposed development. These proposals would restrict existing views through and across the landscape, and potentially threaten key characteristic views towards the prominent church spires and intervisibility between them. It is my view that the landscape has a much greater susceptibility to change of this type than suggested by the LVIA.
- 2.29 In paragraphs 6.3.3 to 6.3.10 the LVIA goes on to assess the effect on the landscape fabric of the site. Whilst I accept that a development of this nature has little direct effect on the landform of the site it does significantly alter the land use of the area and the way it is perceived. This is a predominantly arable landscape and part of its defining character; 49% of the site is defined as 'best and most versatile' land with regard to Agricultural Land Classification and a further 3% is unavailable for development (woodland or water). The LVIA acknowledges that during the operation of the site, for a period of 40 years, the land will no longer be available for arable cultivation although it could still be farmed as pasture. Pastoral farming is not common in this area and there are no assurances that the land could be managed in this way or that there is any interest in using the land in that way. In reality the site would have a wholesale change in appearance from well managed arable farmland to a much more urbanised solar farm comprising solar panels, fencing and other associated infrastructure – for the LVIA to suggest that this would have a neutral effect is wholly not accepted. The suggested benefits associated with new hedgerow and tree planting are in my opinion very modest and could be easily secured

by other mechanisms such as good land husbandry, woodland grant schemes or countryside stewardship without the redevelopment of 70ha of countryside to a solar farm. I would judge this to be an insignificant benefit in policy terms and in the planning balance.

- 2.30 With regard to impacts on wider landscape character and the more immediate character of the site, the LVIA judges the impacts to be slight adverse and moderate adverse respectively. Again, I do not see these as fair judgements. As I have already stated, the Mease/Sence Lowlands is an essentially rural landscape with scattered nucleated villages, arable farmland within hedged fields, and small plantation woodlands. Between the settlements there are very few detracting features that impact on the essential qualities of this landscape. In this context, it is my view that the effect on the wider LCT is much greater than assessed because this is not a development consistent with this landscape and would introduce uncharacteristic features within a rural scene. At the same time, at the site level I would judge the effects to be **major adverse** because of the wholesale changes to the existing landscape structure; not only through the introduction of the solar farm development but through the modifications to the landscape structure (change of land use, hedgerow thickening, increase in hedgerow height, etc) that in itself is at odds with the established character of the locality and the way it is perceived by people as they pass through the landscape.
- 2.31 In terms of direct impacts on landscape features I note that the application proposes to remove 2no mature trees adjacent to the western boundary of the site. These trees appear to be on the line of an historic field boundary as evidenced by Appendix A: Figure 6 and given the sheer scale of the proposed development it seems unreasonable to suggest that these trees cannot be retained as part of the scheme.

Visual Effects

- 2.32 The assessment of visual effects has been undertaken using 26no locations around the site that reflect the likely visual receptors (people) who may be able to obtain views of the site and its proposed development. These representative viewpoints reflect views from residential properties, footpaths and local roads in the immediate vicinity of the site and the wider landscape.
- 2.33 From the northern edge of Lullington (high sensitivity receptors) parts of the site will be visible over a relatively short distance although the site does benefit from some natural screening afforded by the local topography and some intervening vegetation. Views of the site may well be more significant from first floor windows but overall views of the site would be restricted and of a moderate adverse nature in the short term and potentially reducing as some of the landscape mitigation planting becomes established although this in itself could potentially alter existing views.
- 2.34 Viewpoints 14, 15 and 16 represent views from individual dwellings (high sensitivity receptors) in Edingale but over this distance given the nature of the

local topography and intervening vegetation I would not anticipate any significant visual effects, concurring with the judgements in the LVIA. Individual farmsteads around the site including Grafton House, Home Farm, Lady Leys Cottage and Church Flatts Farm are assessed by a number of representative viewpoints although none of these directly reflect the precise view from any of these properties. Without visiting the site it is difficult to appreciate how representative the selected viewpoints are in depicting the likely impacts and I would strongly urge that the District Council's case officer should check these views on site. As a result it is difficult to ascertain for sure how much the natural topography and intervening vegetation will help screen the views although the suggestion is from the representative viewpoints that this might offer some protection.

- 2.35 The locations where the greatest effects will be felt relate to the footpath that crosses the site and the local roads and lanes that pass through and along the boundaries of the proposed development. Lullington footpath 1 passes directly through the site in a north south orientation and this has been selected for verified photomontage locations. The LVIA correctly assesses the effects to be major adverse during construction and upon completion but these effects would reduce to moderate adverse once the scheme becomes established (15+ years). Fifteen years to achieve these modest benefits is not an insignificant period of time in itself although I do not accept that these adverse effects would diminish to that extent given that the proposed mitigation will significantly alter the character of this route and the way the surrounding landscape would be appreciated from it. The new hedgerows either side of the existing paths managed to a height of 4m+ whilst screening the solar panels will block views of the surrounding countryside and in effect create a tall vegetated corridor effect with channelled views. The production of 4no photomontages from locations approaching this path from the north are not particularly helpful and give no indication of what the path would be like internally to the site.
- 2.36 Footpath no 2 is represented by viewpoint 22 although this is not specifically taken from the footpath and is at some distance from the site boundary. This path connects to FP1 that crosses the site in a northerly direction so a better location for the VP might have been at the intersection between the two paths. The proposed mitigation along the southern boundary would effectively screen views of the solar farm in time but at the expense of fore-shortening existing views across the wider landscape, which is also a key consideration of LVIA process. Cotton-in-the-Elms FP7 is the extension of FP1 beyond the site boundary to the north, which again is represented by verified VP locations 1 & 2 so similar to FP1. Lullington FP3 approaches the north-east corner of the site from a north-easterly direction and is represented by VP7. Again, this representative location is some distance from the site boundary and other worst-case locations could have been selected closer to the site boundary where the impacts would be significantly greater than assessed. A photomontage at this location would also have been helpful.

- 2.37 There are several local roads that pass through the site or immediately adjacent to the site. These are generally assessed in the LVIA as having a medium to low sensitivity. Again, I would suggest that given that these are local roads supporting vehicles moving at relatively low speed and connecting to local settlements, the sensitivities from these locations is greater than recorded in the LVIA. The change in views, in both the short and long-term, from the section of Lullington Road that approaches and passes through the site would be particularly pronounced with the wholesale change of agricultural land to a solar farm clearly visible and extensive. In the short-term there would be expansive views of the solar farm as it extends either side of the road to the east and west. As the proposed mitigation establishes the thickened and heightened hedgerows would radically alter the way the landscape is perceived and viewed over this stretch of the route and would distinctly contrast with the established character of the wider landscape and restrict wider views. To reflect these changes, it would have been particularly helpful if the LVIA had also provided verified photomontages at these locations particularly VP 20 or 21, VP1, 2 or 3 and VP26. The approach from Coton-in-the-Elms along Lullington Road is referenced in the Conservation Area Appraisal where the spire of Lullington Church can be seen for over half a mile extending above the mature trees within the village but there is no reflection on this key characteristic in the assessment of these representative viewpoints. The visual effects from the road network closest to the site is assessed as being moderate adverse in the short-term reducing to slight adverse once the landscape mitigation has established. For the reasons I outline it is my opinion that these adverse effects on the local road network have been significantly under-assessed. If a proposal needs to be screened to the extent suggested in the submission it generally points to the fact that this is the wrong development in the wrong place.

Overall

- 2.38 Having reviewed the evidence provided in the LVIA it is my conclusion that the effects on landscape character, key characteristics and the visual amenity of the area have been under-assessed in this planning application. The proposed development extends to over 70ha sprawling over a deeply rural landscape with few detractive elements. Between settlements there is no substantive evidence of urban form or rural neglect so there is no context for development of this type in this locality; I would assess this landscape to be relatively tranquil. Whilst the landscape strategy would deliver some modest benefits that would accord with guidance in the Landscape Character of Derbyshire and National Forest publications, this is not a landscape desperately in need of improvement and these benefits could be easily secured via other mechanisms such as Countryside Stewardship or woodland grant schemes without the need for extensive solar farm development of this scale. There has been no assessment of cumulative landscape effects of development in the wider area where there are currently other large-scale solar farm schemes being proposed to the north and south of this site that cumulatively would introduce quite significant adverse effects to wider landscape character and visual perceptions of the area.

National planning policy states that development of this type should favour previously developed and non-agricultural land or at least land of 'poorer quality', whilst local policy SD6 will only support development of this type where it "*will not give rise to unacceptable impacts on landscape or townscape character...*". In that regard, it is my view that the scheme as currently proposed does not satisfactorily accord with either national or local planning policy.

HIGHWAY IMPACTS

- 2.39 Derbyshire County Council, as Highway Authority, has been consulted directly by SDDC on the planning application proposals. At the time of writing, the Highway Authority has yet to provide comments on the planning application. The comments above and below are made without prejudice to the comments that will be submitted in due course by the Highway Authority on the scheme.

ECOLOGICAL IMPACTS

- 2.40 In terms of potential ecological impacts of the proposed solar farm development, it is noted that an Ecology Appraisal (EA), has been submitted in support of the planning application, which found that the dominant habitat on the site was intensive arable crops and that this habitat had low ecological value in terms of botanical interest. For instance, no species rich field boundaries were found. The most ecologically valuable habitats were found to be the hedgerows and small wooded areas. As these will be broadly retained, the EA concludes that no significant impacts on these habitats are predicted.
- 2.41 The EA identifies that the site had potential to support several protected and notable species and species groups. However, based on the habitats affected and associated data search records, the likelihood of important ecological features being present was considered to be low.
- 2.42 If the findings of the EA are accepted, there would appear to be limited potential for any significant adverse ecological impacts to be generated by the application proposals. It is assumed, however, that the District Council will be seeking the views of the Derbyshire Wildlife Trust on the application proposals, particularly views on the robustness of the applicant's EA.

COMMUNITY BENEFITS

- 2.43 The NPPF indicates that where new developments raise concerns regarding their likely harm to the environment, particularly important heritage assets, this likely harm should be balanced against any public benefits that may be generated by the development proposals.
- 2.44 In this respect, Derbyshire County Council considers that the application proposals include limited direct benefits to the local community. For example, the application proposals and supporting documentation make no reference to any on-going community involvement through the lifetime of the project. This

could, for instance, include a community fund or the provision of education opportunities for the local community related to the renewable energy technology being provided on the site.

- 2.45 However, it is welcomed that there are proposals for enhancement of biodiversity on the site although the submission of a Biodiversity Management Plan would be beneficial setting out how biodiversity would be managed and enhanced over the lifetime of the scheme. In addition, whilst public access is being maintained along public rights of way, the County Council would wish to see further enhancement of access and to ensure walking along the PROW does not feel 'hemmed in' by the proposed deer fences.

I hope the above comments are of assistance in the assessment of the planning application.

Yours sincerely

Chris Henning

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