

Appeal by: Assured Asset Solar 2 Ltd

Site Address: Land to the West of Main Street Kelham, NG23 5QY

Pins Ref: APP/B3030/W/25/3364181

LPA Ref: 23/01837/FULM

tapestry.

Proof of Evidence

of

PAUL REYNOLDS BA(Hons) PGDip MA CMLI UDGRP FRSA

on

LANDSCAPE & VISUAL IMPACT MATTERS

On Behalf Of

Newark and Sherwood District Council

24 September 2025

Contents

1 Introduction

- 1.1 Name & Qualifications
- 1.2 My Role
- 1.3 Scope & Structure of Evidence

2 The Appeal Scheme & Process

- 2.1 Site Location
- 2.2 Description of Development
- 2.3 Planning Application Process

3 Policy Context

- 3.1 The Development Plan
- 3.2 Other Material Considerations

4 Main Issue & Assessment

- 4.1 Impact on Rural Character and Appearance

5 Summary & Conclusions

- 5.1 Summary
- 5.2 Compliance with Policy

Appendices

- Appendix A Cumulative Schemes & TWPZ11 Area Boundary Plan

1. Introduction

1.1. Name & Qualifications

- 1.1.1. My name is Paul Reynolds. I hold a Masters Degree in Urban Design from the University of Westminster and a BA(Hons) Degree and Postgraduate Diploma in Landscape Architecture from the University of Gloucestershire. I am a Chartered Landscape Architect with the Landscape Institute (CMLI) and a Recognised Practitioner (UDGRP) with the Urban Design Group. I have almost 25 years' experience working in private practice around the UK.
- 1.1.2. I am an Expert Advisor on Urban Design and Landscape Architecture to the Northern Ireland Ministerial Advisory Group on Architecture and the Built Environment (MAG), and a Chair of Design Review Panels for London Borough of Hackney, North Hertfordshire District Council, Hertfordshire County Council and Medway Council.
- 1.1.3. I have provided consultancy advice on matters relating to Urban Design, Landscape Architecture and Townscape, Landscape and Visual Impact to both the private and public sectors for more than 20 years, and in 2017 I joined Tapestry (Tapestry Urbanism Ltd) – a practice I co-founded in 2011 – as a full-time Director.
- 1.1.4. Our projects include landscape, townscape and visual impact assessments, urban design frameworks, public realm strategies, and area wide plans. We also work on the delivery of public spaces, landscapes and infrastructure related projects. I also work as a Consultant Landscape Director for our sister practice Clifton Emery Design, an award-winning architecture and urban design practice based in the Southwest.
- 1.1.5. I have prepared evidence for, and appeared as expert witness at, multiple planning appeals and hearings for both private and public sector clients, and speaking both in favour of and against appeal schemes. In particular, I have extensive experience in relation to urban design, townscape, landscape, and visual impact matters and have presented evidence on these matters at planning appeals & hearings and have also prepared evidence on the same for the Upper Tribunal (Lands Chamber).

- 1.1.6. I have an expert knowledge of policy, guidance, and best practice on these matters and am very active within the industry, including as Deputy Chair of the Landscape Institute's Knowledge and Practice Committee. I am also Chair of both the London Branch of the Landscape Institute, and the Urban Design Group, where I have been an executive committee member since 2007 (and had a previous two-year term as Chair in 2012-14 and was Honorary Secretary between 2018-23).

1.2. My Role

- 1.2.1. I am acting as an independent landscape and visual impact expert witness in support of Newark and Sherwood District Council's refusal of planning permission. My evidence will mostly focus on the second reason for refusal, specifically that the proposed development, when taken cumulatively with other renewable energy developments in the locality, will result in unacceptable harm to landscape appearance.
- 1.2.2. I have visited the site and surroundings on a number of occasions, between July and September 2025. These visits included visiting the relevant LVIA viewpoints, with the submitted assessment materials (such as viewpoint images and plans), to allow me to undertake my own assessment of the potential impacts of the scheme on site and local area.
- 1.2.3. **The evidence that I have prepared for this inquiry is given in accordance with my duties under the Landscape Institute Code of Practice. I confirm that the evidence provided, and the opinions expressed, in this proof are my true and professional opinion, and that I will act with impartiality and objectivity to assist the Inspector with their decision-making.**

1.3. Scope and Structure of Evidence

- 1.3.1. The Council refused planning application 23/01837/FULM by a decision notice dated 31st January 2025 (CD 2.149) for the following three reasons:
1. *A significant proportion of the site would affect the best and most versatile agricultural land, which would be removed from arable farming production for a period of at least 40 years. The loss of this land is not sufficiently mitigated or outweighed by the other benefits of the scheme. The proposal is therefore considered to be an unsustainable form of development, contrary to Policy DM8 and national advice contained within the National Planning Policy Framework (2024) and Planning Practice Guidance*

2. *The proposed development, when taken cumulatively with other renewable energy developments in the locality, will result in unacceptable harm to landscape appearance, contrary to Spatial Policy 3 (Rural Areas) and Core Policy 9 (Climate Change) of the Amended Core Strategy (2019) and Policies DM4 (Renewable and Low Carbon Energy Generation), DM5 (Design) and DM8 (Development in the Open Countryside) of the Allocations and Development Management DPD (July 2013) in addition to the National Planning Policy Framework (2024) and Planning Practice Guidance. There are no other material planning considerations that would outweigh this harm.*
3. *The proposed development will result in less than substantial harm to designated heritage assets including Kelham Conservation Area and Kelham Hall. Whilst the significant benefits of the proposal in terms of renewable energy are acknowledged the public benefits and any other material planning considerations do not outweigh this harm. The proposal is thereby contrary to Policy CP14 of the Amended Core Strategy (2019) and DM9 of Allocations and Development Management DPD (July 2013) and national guidance contained within the National Planning Policy Framework (2024) and Planning Practice Guidance. The proposed development fails to preserve the setting of Kelham Hall in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

1.3.2. As stated, my evidence relates solely to the second reason for refusal.

1.3.3. The structure of my evidence will be to start with an overview of the Appeal Scheme, the Planning Process and the Policy Context, before my evidence moves on to set out the details of the reason for refusal and the Council's case in relation to these. As part of my evidence, I will describe the local area in greater detail, identifying the features which I believe contribute to the area's character and appearance. I will also address the relevant features of the other proposals that give rise to the cumulative impacts with the appeal proposal which are cited in the RfR. I will then provide my conclusions and a summary of my overall evidence.

2. The Appeal Scheme

2.1. Site Location

- 2.1.1. The Appeal site is described as: Land To The West Of Main Street, Kelham. The red line area can be seen in Figure 2.1, below:

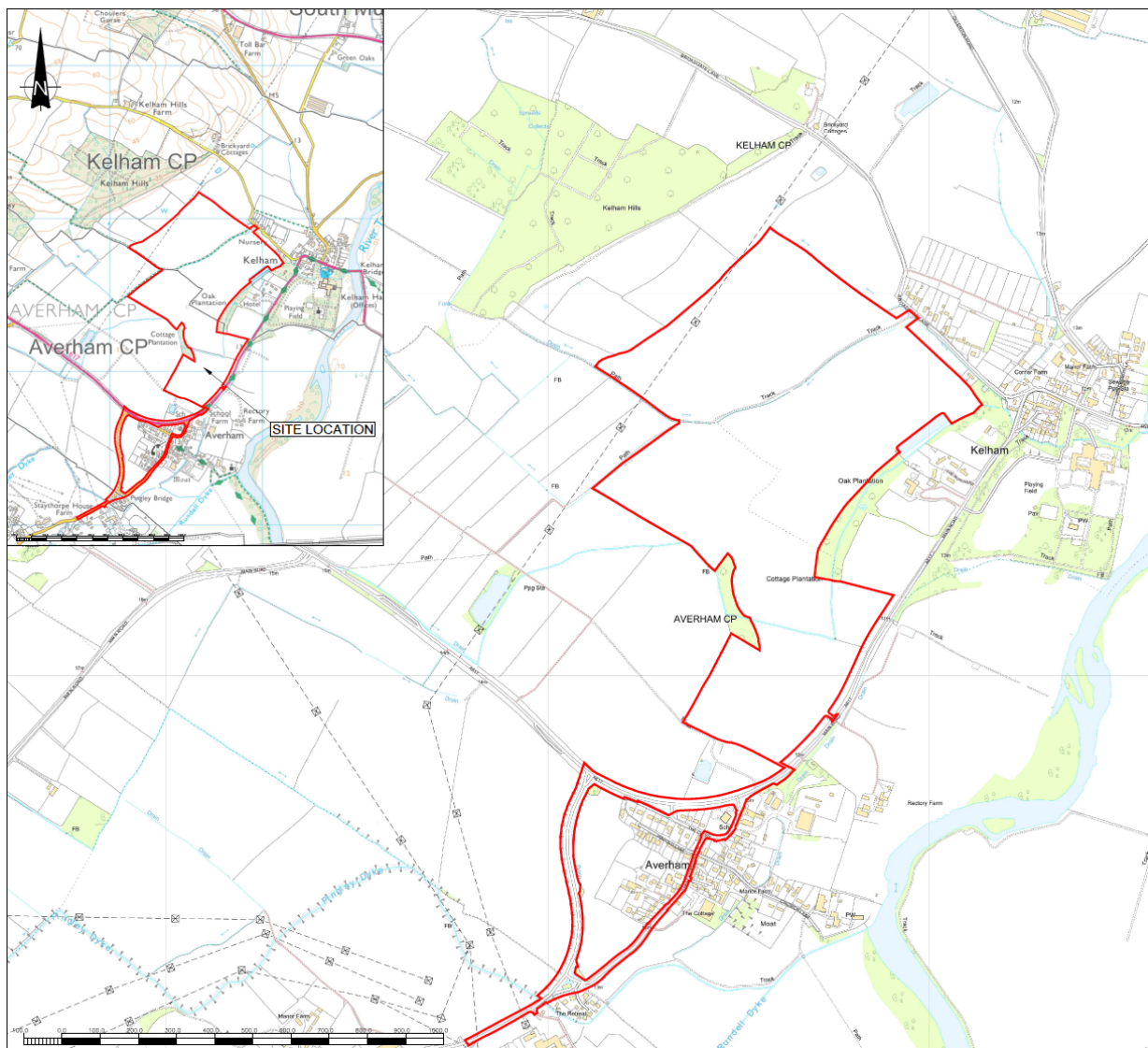


Figure 2.1

Appeal Site Location

(Source – Excerpt from drawing HC1002/05/01, CD 1.2)

- 2.1.2. The Appeal Site is described in the Statement of Common Ground (CD 9.10, Para 2.2-2.3) Where it described as comprising three fields and part of a fourth, totalling approximately 65ha of flat land located between the villages of Kelham and Averham. It is bounded by a network of hedgerows and ditches, with copses of broadleaved woodland. The surrounding area consists mainly of agricultural land. Along the south-eastern edge of the Site is Main Road (A617), beyond which is the village Averham and the River Trent.

- 2.1.3. To the east of the Site, beyond the established plantation, is Kelham House, a handful of secluded residential properties and the village of Kelham. Broadgate Lane bounds the Site to the north-east, beyond which is a row of residential properties that overlook the Site. To the west and south is a continuation of agricultural land.
- 2.1.4. The Site is not located within any designated landscape, nor is it a valued landscape within the meaning of Paragraph 187(a) of the NPPF. A Public Right of Way (PRoW) crosses the Site broadly from east to west, and the Trent Valley Way Long Distance Footpath passes along the south-eastern edge of the Site.
- 2.1.5. There are a number of consented schemes, along with some in the planning system, in the vicinity of the Appeal Site, and which need to be considered in the cumulative assessment. These schemes, which I list below, can be seen on the plan in my [Appendix A](#) and are relevant to the wording of the reason for refusal:
- a. To the south-west of the Site is a consented BESS scheme - ref no: 23/00317/FULM – Land at Staythorpe Road
 - b. There is another BESS scheme located further south-west of the Site, ref no: 22/01840/FULM - Staythorpe BESS
 - c. To the north-west lies a consented solar farm, ref no: 22/00976/FULM - Land at Muskham Wood
 - d. To the north-west of the Site lies a consented solar farm, ref no: 22/00975/FULM - Land at Knapthorpe Lodge
 - e. To the west, south and northeast of the Site lies part of the Great North Road Solar and Biodiversity Park ('GNRSPBP'). This is an extensive scheme which is going through the DCO process. The red line area is de-segregated and comprises solar arrays together with a BESS facility and a substation. It extends 15km north-south and 12km east-west. A short distance to the north-east of the Site lies 3 solar fields associated with the Great North Road, Referenced DB001, DB002, and DB003. To the west of the Site lies a BESS facility, beyond which further west lies a 400kV substation. Council Ref no: 25/01086/CONSUL
- 2.1.6. The last of these, the GNRSPBP - was received by the Planning Inspectorate on 27 June 2025. The project was accepted for examination on 22 July 2025 and is currently in the pre-application stage. A revised masterplan and red line boundary was submitted in late August 2025, and it is this plan which has been used as the basis for my evidence.
- 2.1.7. It should be noted for the purposes of this appeal, and as stated in the Landscape Statement of Common Ground (LSoCG) (CD 9.13, Paragraph 2.3) it is not alleged that

the Appeal Scheme as a standalone project leads to unacceptable harm, it is only when considered in the context of these other renewable energy developments in the locality that the Council identifies cumulative harm to landscape appearance.

2.2. Description of Development

- 2.2.1. The Appeal Scheme is a proposal for *“Proposed ground mounted photo voltaic solar farm and battery storage system with associated equipment, infrastructure, grid connection and ancillary work”*. It is confirmed that this is to be a 49.9MW solar farm and 50MW battery energy storage system (BESS), and a plan showing the proposals can be seen at Figure 2.2, below:



Figure 2.2

Proposed Site Layout (Source: CD 1.17– Landscape Masterplan Drawing (July 2025))

- 2.2.2. Full details of the appeal proposals are set out in Chapter 3 of the Statement of Common Ground (CD 9.10), but the proposal essentially comprises 3 ‘fields’ of solar panels, with associated BESS, Transformer and Substation structures located in the southwest corner of the Site. The panel arrays will be laid out in rows of varying length, approximately 2m in height, with approximately 3.6m between the rows.

- 2.2.3. The structures in the southwest corner would be of varying dimensions, but typically between 2.4 and 3.2m in height. They would be surrounded by 2.4m high security fencing, and a 4m high acoustic fence. It is proposed to install a planted bund on the east side of the compound, to help screen it in views from the east, while the existing hedge will be strengthened on the western side.
- 2.2.4. There will be a temporary construction compound on the site towards the south, near to the access off the A617, which will be removed and landscape reinstated once construction works are completed. It is stated in the Statement of Common Ground (CD 9.10, Para 3.37) that construction would take about 26 weeks, including testing and commissioning. As such, any landscape or visual impacts from the compound are considered to be temporary.
- 2.2.5. Alongside the main solar farm construction works, there will be a programme of landscape planting and soft works, which can be seen on the Landscape Masterplan CD 1.17. This includes some enhancement of existing hedgerows, introduction of species-rich grassland and mixed scrub areas, and new native tree and hedgerow planting.
- 2.2.6. An updated Landscape Masterplan was submitted with the Appellant's Statement of Case and underwent consultation prior to being accepted for the Appeal. For the avoidance of doubt, it is this plan has formed the basis of my assessment of the Appeal Scheme as set out in this Proof. However, I do not believe that the previously submitted landscape masterplan would make any material difference to my evidence.
- 2.2.7. It is stated that the existing public right of way through the Site would remain open throughout the life of proposal, and that a permissive bridleway would be provided along the perimeter of the Site as part of the proposals. The bridleway would have a grass surface, be around 10m wide typically from the proposed security fence to the existing hedgerow/woodland and would measure 4.5km in length. It would be removed on decommissioning of the scheme.

2.3. Planning Application Process

- 2.3.1. Details of the planning application process are set out in a chronology table at paragraph 5.1 of the Statement of Common Ground (CD 9.10).
- 2.3.2. The planning application was submitted to the Council on 16th October 2023, and made valid the following day, on 17th October 2023. The Council issued a screening opinion on 12th September 2022 to say that they considered the proposal to be non-EIA development, so no environmental statement accompanied the application, but a standalone Landscape and Visual Impact assessment was submitted as part of the application.
- 2.3.3. Following the submission, comments and responses to the Application were received from a number of parties, many of whom mentioned matters pertaining to landscape and visual impacts, including Averham Kelham and Staythorpe Parish Council, CPRE Nottinghamshire and a number of local residents. All these responses were summarised in the Officers Report (CD 3.2, Chapter 6).
 - 2.3.3.1. An independent consultancy - Influence Planning and Design – was appointed to review the LVIA and prepare comments on behalf of the Council. They undertook two reviews in total – the first was a review of the originally submitted LVIA (CD 2.81 - '1st LVIA Review', following which the Appellant submitted an LVIA addendum in June 2024, to address some of the issues raised in the 1st LVIA Review. A second review, focussing on this additional material (CD 2.82 – '2nd LVIA Review') was then prepared.
 - 2.3.3.2. The 1st LVIA Review noted that the LVIA followed an appropriate methodology and referenced relevant policies, but highlighted some gaps, including insufficient consideration of conservation areas, heritage assets, and recreational value, with the latter being underestimated given the site's well-used public rights of way and permissive paths.
 - 2.3.3.3. The review acknowledged that the LVIA broadly captures landscape and visual sensitivities but raised concerns about limited detail on the BESS compound and mitigation measures. While hedgerow and tree planting were proposed to soften visual

impacts, it felt some mitigation departs from local character, and that the buffer zones around rights of way are narrower than best practice. Intervisibility from conservation areas and nearby properties is noted, with recommendations for additional screening, structural landscape buffers, and clearer photomontages requested to better convey impacts on sensitive receptors.

2.3.3.4. The review concluded that the LVIA underestimates both the magnitude of adverse effects and the recreational and heritage sensitivities. It recommends a more robust evaluation of the BESS, inclusion of construction-phase impacts, and wider rights-of-way buffers. Further, it suggested higher-quality visualisations, stronger landscape mitigation around conservation areas, and a reconsideration of site layout to allow more effective landscape integration. Overall, while recognising the LVIA's general adequacy, the report stresses that the proposals would have moderate-to-major adverse effects locally, requiring stronger mitigation and more transparent analysis.

2.3.3.5. The 2nd LVIA review acknowledged that the amendments in the LVIA addendum were a partial response to earlier concerns, noting that new planting and hedgerow management (to 3–4m+) would improve screening, though such heights are atypical for the local landscape. The permissive path and PRow corridors remain narrower than the recommended 20m total, despite some improvements. Visual assessments now include construction-phase impacts, with bunds proposed to screen activity from Broadgate Lane. While the addendum deems construction impacts “not substantial,” the review cautioned that effects on nearby properties and well-used footpaths could in fact be substantial. The introduction of communication masts has been considered in updated viewpoints, showing limited additional visual harm, though their prominence is acknowledged at certain views.

2.3.3.6. Overall, the 2nd LVIA Report concludes that the scheme has incorporated several previous recommendations, particularly on landscape mitigation and visual analysis, but that gaps remain. Recreational value continues to be undervalued, rights of way buffers are insufficient, and reliance on tall hedgerows departs from local character. The review also highlights cumulative uncertainties, given the other large solar application nearby – a matter which is central to this Inquiry.

2.3.3.7. While the LVIA addendum provides clearer treatment of BESS and construction impacts, their assessment maintained that certain receptors—particularly PRow users

and adjacent residents—would still face substantial adverse effects, underscoring the need for stronger mitigation and more locally characteristic design measures.

- 2.3.4. Ultimately, the application went to committee with an Officer Recommendation for approval on 16th January 2025, but following extensive discussion, it was refused by members. The subsequent Decision Notice (CD 2.149) was issued on 31st January 2025, setting out the three reasons for refusal.

3. Policy Context

Whilst I do not provide planning evidence, which is outside my expertise, my evidence is put in the context of relevant policy. I defer to the Council's planning witness who will refer to those policies in detail, including in apportioning weight to any harms or departures from policy. However, where applicable, I will comment on whether there is, in my opinion, compliance or conflict with the relevant policy.

3.1. The Development Plan

- 3.1.1. The Development Plan documents relevant to the determination of this Appeal are as follows:

- Newark and Sherwood Amended Core Strategy DPD (adopted March 2019) ("ACS")
- Newark and Sherwood Allocations & Development Management DPD (2013) ("DMD")

- 3.1.2. Chapter 6 of the Statement of Common Ground (CD 9.10) lists the policies relevant to the determination of the Appeal. In the following paragraphs I have reviewed those policies which are of specific relevance to my proof, which are those cited in the RfR.

Policies cited in the Reasons for Refusal

- 3.1.3. RfR 2 states that the proposed development, when taken cumulatively with other renewable energy developments in the locality, will result in unacceptable harm to landscape appearance, contrary to Spatial Policy 3 (Rural Areas) and Core Policy 9 (Climate Change) of the ACS, and Policies DM4 (Renewable and Low Carbon Energy Generation), and DM5 (Design) of the DMD.

- 3.1.4. The RfR also refers to Policy DM8 (Development in the Open Countryside) of the DMD, which states that development in open countryside will be strictly controlled and limited to certain types of development, which does not include solar farms and/or BESS. However, this is a matter that Mr Whitehouse will deal with in his planning evidence, and I shall make no further reference to Policy DM8 in my own evidence.
- 3.1.5. **Spatial Policy 3** requires development proposals in the countryside to be appropriate to the proposed location and small scale in nature, and to avoid having a detrimental impact on the character of the location or its landscape setting.
- 3.1.6. **Core Policy 9** states that new development proposals are expected to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District. It goes on to state that all new development should therefore achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context, complementing the existing built and landscape environments.
- 3.1.7. **Policy DM4** relates specifically to renewable and low carbon energy generation, and states that planning permission will be granted for renewable and low carbon energy generation development, where its benefits are not outweighed by detrimental impacts from the operation and maintenance of the development upon, inter alia, the landscape character or urban form of the district of the purposes of including land within the Green Belt arising from the individual or cumulative impact of proposals. The accompanying text (para 7.11) states that assessment of visual impact should be made by reference to the Landscape Character Assessment SPD.
- 3.1.8. **Policy DM5** is a policy on design, and it states that, in accordance with Core Policy 9, all developments shall be assessed against 10 design criteria. Of particular relevance to this appeal are Criteria 3 (Amenity), Criteria 4 (Local Distinctiveness & Character), and Criteria 5 (Trees, Woodlands, Biodiversity & Green Infrastructure). Of particular note is the requirement in Criteria 4 that *"...The rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development"*.

3.2. Other Material Considerations

3.2.1. The RfR also cites conflict with the NPPF (2024), and relevant to my evidence is Paragraph 135, which requires that planning decisions should ensure that developments, inter alia:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

3.2.2. Also of relevance is **Paragraph 187**, specifically paragraph 187(b) which states that planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

National Policy Statements (NPS)

3.2.3. NPS provide planning policy for developers of nationally significant energy infrastructure projects (NSIPs). The Appeal Scheme is not an NSIP as it falls under the minimum size threshold, but it is agreed between the Parties that the Energy National Policy Statement for Renewable Energy Infrastructure (NPS EN-3) is a material consideration.

3.2.4. The current version of NPS EN-3 is the November 2023 edition, which came into force on 17 January 2024. A consultation exercise on updates to EN-1 and EN-3 was undertaken earlier this year, and the Government are currently analysing feedback. However, there were no changes proposed that are of material relevance to this Proof.

3.2.5. The overarching NPS for Energy – NPS EN-1 – is also relevant as it is cross-referenced in EN-3 and so should be read alongside it. Again, the November 2023 edition, which came into force on 17 January 2024, is the current version.

3.2.6. The key part of EN-3 that is of relevance to this proof is Section 2.10, which addresses Solar Photovoltaic Generation, and in particular paragraphs 2.10.18 – 2.10.48 which

address factors influencing site selection and design, and paragraphs 2.10.73 – 2.10.126 which address Impacts.

3.2.7. Of particular relevance are paragraphs:

- 2.10.27 – Proximity of a site to dwellings
- 2.10.28-34 – Agriculture Land Classification and Land Type
- 2.10.40-45 – Public Rights of Way
- 2.10.46-48 – Security and Lighting
- 2.10.93-101 – Landscape, Visual and Residential Amenity

3.2.8. Paragraphs 2.10.127 – 2.10.144 which sets out guidance on mitigation is also of some relevance, and it is also worth noting that paragraph 2.10.15 says that “...*Solar farm proposals are currently likely to consist of solar panel arrays, mounting structures, piles, inverters, transformers and cables*”. The Appeal Scheme also includes batteries (BESS), in addition to the elements listed.

3.2.9. With regards to EN-1, the most relevant sections are 4.7 – Criteria for good design of energy infrastructure; 5.10 – Landscape and Visual; and 5.11 – Land Use, including Open Space, Green Infrastructure, and Green Belt.

4. Main Issues & Assessment

4.1. Impact on Rural Character and Appearance

Introduction

4.1.1. The impact on the rural character and appearance of the area, having regard to other renewable energy developments nearby, has been identified by the Inspector as one of the main issues for the Appeal. This is the issue on which my evidence will focus.

4.1.2. There are two aspects of the second RfR which I believe require some clarification at the outset. The first relates to the meaning of cumulative impact. The RfR states that there is unacceptable landscape harm “...*when taken cumulatively with other renewable energy developments in the area.*”. The nature of cumulative impact assessment in the context of LVIA is set out in Chapter 7 of the GLVIA3 guidance (CD 7.1). This tells us (para 7.3) that cumulative landscape effects are effects that “...*can impact on either the physical fabric or character of the landscape, or any special values attached to it*”. It also tells us that cumulative visual effects are “...*effects that can be caused by combined visibility,*

which occurs where the observer is able to see two or more developments from one viewpoint, and/or sequential effects which occur when the observer has to move to another viewpoint to see different developments"

- 4.1.3. For the purposes of this Appeal, it is the Council's position that both landscape and visual cumulative effects will occur as a result of the Appeal Scheme, and the visual cumulative effects will be a combination of combined effects and sequential effects.
- 4.1.4. The second aspect of the RfR which I think requires clarification is the reference to "*landscape appearance*". It is my opinion that the term is used to describe the way in which the landscape is perceived visually, reflecting both its physical and perceptual character, and the manner in which any changes are experienced through views. It therefore encompasses elements of landscape character as expressed in the visible environment, as well as the effects on views and visual amenity and is not solely a matter pertaining to impacts on visual receptors.

Landscape Character

- 4.1.5. At a national level, the Site falls entirely within the National Character Area (NCA) 48 - Trent and Belvoir Vales which is broadly described as "...undulating, strongly rural and predominantly arable farmland, centred on the River Trent. A low-lying rural landscape with relatively little woodland cover, the NCA offers long, open views".
- 4.1.6. Key features include regular pattern of medium to large fields enclosed by hawthorn hedgerows, and ditches in low-lying areas, with agriculture being noted as the dominant land use, with most farmland being used for growing cereals, oilseeds and other arable crops. I do not consider that the cumulative impacts of the scheme result in adverse effects to the National Character Area.
- 4.1.7. At the local level, the relevant landscape character assessment document is the 2013 Newark and Sherwood Landscape Character Assessment SPD. This document identifies five broad landscape character areas (LCA) across the district, and the Appeal Site is within the Trent Washlands LCA.
- 4.1.8. Within the LCA there are then a number of smaller 'Policy Zones' and the Appeal Site is within the Trent Washlands Policy Zone 11 ('TWPZ11'): Cromwell, North and South Muskham, Kelham, Averham, Staythorpe and Rolleston Village Farmlands. This policy zone is one of the larger ones in the LCA, stretching for approximately 12.5km between Cromwell in the north, and the River Trent near Rolleston in the south.

- 4.1.9. The TWPZ11 is described as a predominantly flat, large scale, arable landscape with large semi-irregular fields; often with low trimmed gappy hedgerows. Smaller fields of pasture / hay lie adjacent to settlements. We are told that hedgerows are mostly Hawthorn with some mixed species hedgerows, particularly along roadsides and near to / within villages. However, hedgerows are often missing, or very gappy within large arable fields. The historic field pattern has largely been lost as a result of intensive arable farming and fragmentation has occurred as a result of provision of transport routes. The assessment also notes that views are often open across the flat landscape, and more enclosed along narrow roads with hedgerows and within villages.
- 4.1.10. My own assessment from having visited the Appeal Site and the wider LCA is that this is broadly an accurate description of the local context of the site.
- 4.1.11. Significantly for this appeal, while energy generation infrastructure is noted as a characteristic of the wider Trent Washlands LCA (and one that is likely to continue to be, as there is an increase in renewable energy infrastructure), it is not a characteristic of the TWCPZ11. The construction of the Appeal Scheme would therefore be incongruous to the existing character of the TWCPZ11.
- 4.1.12. For each of the Policy Zones there is a policy action sheet which sets out a 'landscape action' for each zone, determined by its assessed sensitivity and condition. The various actions are set out in a matrix in the SPD, which is also shown in Figure 4.1.

C O N D I T I O N	Good	Reinforce	Conserve and Reinforce	Conserv
	Moderate	Create and Reinforce	Conserve and Create	Conserve and Restore
	Poor	Creat	Restore and Create	Restore
		Low	Moderat	High
		SENSITIVITY		

Figure 4.1
Policy Zone Landscape Actions Matrix (Source: CD 7.4 – Newark and Sherwood Landscape Character Assessment SPD (December 2013))

- 4.1.13. The TWPZ11 action is 'conserve and create' as the zone is described as being of moderate condition and moderate sensitivity. This is detailed as "actions that conserve

distinctive features and features in good condition, whilst creating new features or areas where they have been lost or are in poor condition”.

- 4.1.14. While some of the mitigation planting proposed as part of the Appeal Scheme would meet this requirement, especially the infilling of gaps in the fragmented hedgerows, the introduction of energy infrastructure into TWPZ11 would be an unwelcome and uncharacteristic addition, as it, along with the tall planting proposed to screen it from view, would block the open views across the flat landscape which are recognised as a characteristic feature. This will be even more impacted when assessed in combination with the recently consented and under consideration schemes that make up the cumulative assessment scenario.
- 4.1.15. To illustrate this, I have prepared a plan which shows the TWPZ11 boundary overlaid onto the plan of the cumulative schemes, which can be found at my Appendix A. The GLVIA3 guidance states (para 7.21) that using an LCT boundary is a logical way to define a study area for the assessment cumulative landscape effects.
- 4.1.16. The plan demonstrates the extent to which TWPZ11 will be affected by the cumulative schemes identified as relevant to this Appeal. It should be noted that the GNRSPBP submitted a new site plan at the end of August, which removes some parts of the scheme that lie within the TWPZ11 area. The updated ‘red line’ information is shown on the plan in Appendix A and supersedes the plan of cumulative schemes that was included with the Landscape Statement of Common Ground.
- 4.1.17. In the vicinity of the Appeal Site, three of the cumulative schemes – 23/00317/FULM, 25/01086/CONSUL and 22/01840/FULM – will be within the TWPZ11 Character Area, and all three will introduce extensive areas of new BESS and/or solar panels into the area, further blocking the open views that are a characteristic of the LCA, and forcing a significant change to its character at a local level.
- 4.1.18. I do not agree with the finding in the LVIA at Paragraph 6.7.4 that due to the degree of separation from the Appeal Site there would be no additional cumulative landscape impacts, over and above the relatively low level of impact resulting from the Appeal Scheme alone.
- 4.1.19. For starters, the GNRSPBP is immediately adjacent to the Appeal Site, and the Staythorpe BESS is just 500m away across the A617. These are small distances, especially in the context of the overall LCA, which must be the study area for the assessment of cumulative landscape impacts.

- 4.1.20. Secondly, the schemes in combination (along with the other identified cumulative schemes) increase the proportion of the LCA that is modified to house solar infrastructure, and thus diminish the overall integrity of its landscape character. The fact that they are concentrated in a small area of the LCA worsens this effect. This will be both an actual change, eroding the intactness of the landscape character, and an experiential change in character, as it is perceived by one passing through the LCA.
- 4.1.21. There will also be change in visual character, which is foretold by the ZTV that was produced for the Appeal Scheme (CD 1.31) showing that both the cumulative schemes listed at 4.1.19 are in areas where the Appeal Scheme is theoretically visible, so they will be within its landscape character setting – I will deal with separate visual impacts next.

Visual Amenity

- 4.1.22. The assessment of visual effects is undertaken in the LVIA through the testing of a number of viewpoints which are representative of different visual receptors. This is a standard approach, but it is important to recognise that while viewpoints are a useful reference tool, visual receptors are always people (as set out in GLVIA3, para 3.21) and so the kinetic experience of people as they move around is what really matters, rather than the view from a fixed location. This is why visiting the affected areas in person is essential, and why the assessment is always undertaken 'in the field' rather than as a desk-based exercise.
- 4.1.23. GLVIA3 goes on to tell us at para 6.3 that in assessing the visual baseline one should consider the types of people that will experience a view, how many people may be affected, and what they are doing. It elaborates at para 6.14 that people generally have differing responses to (changes in) views and visual amenity depending on the context (location, time of day, season, degree of exposure to views), and purpose for being in a particular place (recreation, residence or employment, for example).
- 4.1.24. Also, at paragraph 6.28, GLVIA3 states that consideration should be given to the seasonal differences in effects arising from the varying degree of screening and/or filtering of views by vegetation that will apply in summer and winter. My site visits were in summer, so I was only able to observe the Site and context when the screening effect was at its fullest.
- 4.1.25. The original LVIA considered visual effects from 11 Viewpoints from publicly accessible locations. Viewpoints 1, 2, and 4 were located around the Site's boundaries; Viewpoint 3 was from the PRoW that crosses through the Site, and the balance of the viewpoints except VP11 (1.7km) were within 750m of the Site, so relatively localised. The viewpoints represented PRoW Users (High Sensitivity), Residents (High Sensitivity) and Road Users (Medium Sensitivity). The sensitivity values in brackets are those assigned to each

receptor group within the LVIA, and I agree with these values as the basis for the assessment.

- 4.1.26. The ZTV prepared as part of the LVIA only extended to 2.5km from the Site, so did include three of the five agreed cumulative schemes, and only included part of the GNRSPBP area. As such, it is not possible to say which are likely to have intervisibility with the Appeal Scheme. The ZTV submitted with these other schemes suggest that there will be some intervisibility between the 25/01086, 23/00317 and 22/01840 schemes, but not with the 22/00975 or 22/00976 schemes.

Assessment of Effects

- 4.1.27. There are some viewpoints where there will be combined visibility of multiple schemes – for example, Viewpoints 6, 10 and 11 will all likely have visibility of the Appeal Scheme plus the GNRSPBP scheme, at least in winter. In addition, there are locations where the ZTV suggests that there will be views of the Appeal Scheme and multiple cumulative schemes, for example the PRoW around Staythorpe, which is approximately 1.5km to the southwest of the Appeal Site, and which was not identified as a location for an LVIA viewpoint, but where the ZTV is showing c.75% of Panels will be theoretically visible, and where there will also be other cumulative schemes in close visual proximity.
- 4.1.28. The fact that there is not direct intervisibility with some schemes does not however mean that there is no cumulative visual harm. The issue that reflects the concern of members in refusing the Appeal Scheme, is not just those locations where both schemes can be seen in the same view, but the way in which visual receptors will likely experience adverse visual impacts sequentially as they move through and around the landscape – sequential visual effects.
- 4.1.29. For example, for those who are walking along the PRoW which crosses through the Appeal Site, not only will their views across the open landscape be curtailed by the 3-4m high planting either side of the PRoW proposed as part of the Appeal Scheme for the time that they are within the red line, but as they continue to walk west along the PRoW, their current extensive view to the south across the LCA will continue to be obscured by the proposed GNRSPBP scheme. As such, the cumulative harm will be increased – for example, of the 1.2km of the ProW between Kelham Village and Kelham Hills woods, all of which is currently open, the Appeal Scheme will restrict views for 645m of the route, and the GNRSPBP will restrict views for the remainder.
- 4.1.30. That means that the in-combination effect is basically a doubling of the impact for the PRoW users - who will now have their existing views impacted for double the length of path – and who are the receptor group that Viewpoint 3 is representative of. The LVIA

already acknowledges that the magnitude of impact for this receptor will be High as a result of the Appeal Scheme itself, and it is my opinion that this will increase significantly when considered cumulatively. It is this increase above and beyond the High impact already identified which takes the impact into the territory of being unacceptable to Members.

- 4.1.31. This effect is something that is covered in the GLVIA3 approach to cumulative assessment, but it is not something that has been identified in the LVIA, and it is not something that can be appreciated simply by looking at Viewpoint 3, which is on that PRoW within the Appeal Site red line. Indeed, the cumulative assessment in the LVIA (Section 8.5) is basically limited to a basic assessment of if a cumulative scheme is in the ZTV or not, and then what the extent of intervisibility is. For this reason, it underestimates the level of cumulative impact by saying that where any cumulative impact exists, it will at worst be negligible. For the reasons I have set out, I do not believe this to be correct.

5. Summary & Conclusions

5.1. Summary

- 5.1.1. My proof deals with matters relating to Reason for Refusal 2 in this Appeal, which states that when taken cumulatively with other renewable energy developments in the locality, there will be an unacceptable harm to landscape appearance, in breach of a number of local development plan policies.
- 5.1.2. In my evidence I have set out that I believe landscape appearance to relate to both landscape character and visual amenity, and the cumulative visual impacts will be a combination of both in combination effects (ie where multiple schemes will be seen from a single viewpoint) and sequential impacts (ie where multiple schemes will be seen along a given route).
- 5.1.3. The landscape character impacts will arise from the cumulative impact of multiple similar (Solar Generation and/or BESS) schemes being implemented within the TWPZ11 LCA, which is the LCA in which the Appeal Scheme is located. While the Landscape Character Assessment sets out that energy generation infrastructure is a feature of the wider Trent Washes area, it is not a feature of the PZ11 area. As such, the introduction of this type of development will be an incongruous feature, and the development coupled with the tall mitigation planting used to try and screen it, will have an adverse impact on the open views which are a characteristic feature of this flat landscape.

- 5.1.4. While the LCA may have some limited capacity for this type of development, the cumulative impact of the Appeal Scheme with the other schemes in the locality will be beyond this limited capacity and will have significant adverse impacts on the landscape character of the TWPZ11 LCA.
- 5.1.5. In terms of visual impacts, there will be in combination impacts from a number of viewpoints that were assessed within the LVIA, and also from a number of other locations, as suggested by the ZTV of the various cumulative schemes. This means that there will be a number of locations where the character of the landscape will experience greater visual change than with the Appeal Scheme alone, and the effect of this will be more significant.
- 5.1.6. There are also a number of locations where one will experience the cumulative visual impacts sequentially, and where the impact of the Appeal Scheme will be significantly increased by the cumulative schemes, for example when walking along the footpath that runs through the Appeal Site, where existing open views will be curtailed by the proposed tall hedgerow planting on either side of the footpath, and then once a walker has passed beyond the red line boundary, their view will continue to be curtailed by the planting associated with the GNRSPBP which is located on the adjacent land. This means that the cumulative impact of the two schemes will be the loss of open views for almost the entire length of the footpath for PRow users, who are a high sensitivity receptor.
- 5.1.7. When taken as a whole, these adverse impacts on both landscape character and visual amenity are considered to be unacceptable, and a breach of the local development plan policies as set out below.

5.2. Compliance with Policy

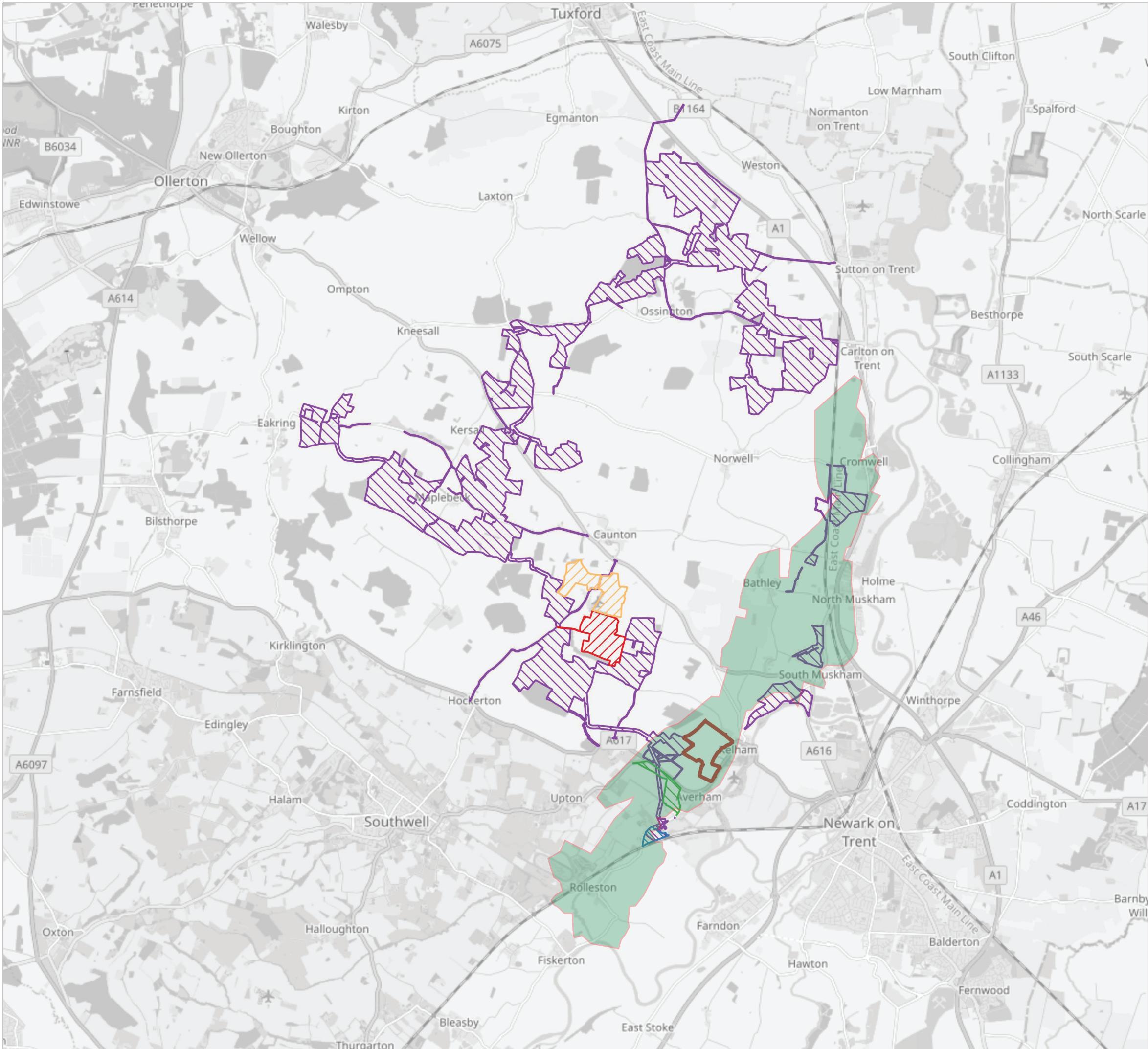
- 5.2.1. I believe that the presence of these adverse landscape character and visual impacts mean that the Appeal Scheme will be contrary to the policies set out in the second Reason for Refusal, as set out below.
- 5.2.2. With regards to **Spatial Policy 3**, it will be contrary to policy as the Appeal Scheme does not avoid having a detrimental impact on the character of the location and its landscape setting, and when considered in the cumulative scenario this becomes unacceptable in

terms of both the impact on the TWPZ11 LCA, and on the visual character of the landscape as experienced by local residents and PRoW users, both of whom are high sensitivity receptors.

- 5.2.3. It is also in breach of **Core Policy 9** as when assessed in combination with the other cumulative schemes in the area, it fails to be of an appropriate form and scale to its context, and fails to complement the existing built and landscape environments, which do not contain renewable energy infrastructure as a characteristic feature.
- 5.2.4. **Policy DM4** requires the benefits of renewable and low carbon energy generation development to outweigh detrimental impacts on landscape character. The policy makes specific reference to the Landscape Character Assessment SPD, and as set out in my evidence, the proposed development is not a feature of the TWPZ11 character area. In combination with the cumulative schemes, I believe there will be an unacceptable impact on the character area, especially in relation to the local context of the Appeal Site. However, the overall weighing exercise is a matter for Mr Whitehouse.
- 5.2.5. The final policy conflict is with **Policy DM5** which states that the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. When considered cumulatively with the other BESS and Solar developments in the local area, the scale, layout and design of the Appeal Scheme will fail to reflect the local landscape character, and while there may be some capacity for renewable energy development within the LCA, in combination with the other cumulative schemes the landscape and visual effects are amplified to an unacceptable level.
- 5.2.6. Furthermore, there is conflict with Paragraphs 135, and 187 of the NPPF as the scheme is not sympathetic to local character, fails to recognise the intrinsic character and beauty of the countryside, and is not sensitively located.
- 5.2.7. **So, in conclusion, in relation to the second RfR, I consider that the Proposed Development will lead to an unacceptable harm on landscape appearance when considered cumulatively with other renewable energy projects in the locality. This will take the form of both harm to the landscape character of the TWPZ11 Landscape Character Area, and on the Visual Amenity of both residents and local PRoW users. This will in turn result in conflict with the planning policies outlined in the RfR.**

Appendix A

Cumulative Schemes &
TWPZ11 Area Boundary Plan



Legend

-  Appeal Site
-  25/01086/CONSUL
-  22/00975/FULM
-  23/00317/FULM
-  22/01840/FULM
-  22/00976/FUL
-  TRENT WASHES POLICY ZONE 11



Not to Scale