Cotswold Archaeology

Red Barn Solar Farm and Cable Route
Kington St Michael
Wiltshire

Report in Response to Stakeholder Comments: heritage and 'setting' matters



Report prepared for:
Eden RB Solar Ltd

CA Project: CR1120

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Red Barn Solar Farm and Cable Route
Kington St Michael
Wiltshire

Report in Response to Historic England Comments

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prepared by	Julia Sulikowska, Principal Heritage Consultant
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checked by	Robert Sutton, Director of Heritage Consultancy
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Cirencester
Building 11
Cotswold Business Park
Cirencester
Gloucestershire
GL7 6BQ

t. 01285 771022
f. 01285 771033

Milton Keynes
Unit 8 – The IO Centre
Fingle Drive
Stonebridge
Milton Keynes
Buckinghamshire
MK13 0AT

t. 01908 564660

Andover
Stanley House
Walworth Road
Andover
Hampshire
SP10 5LH

t. 01264 347630

Suffolk
Unit 5, Plot 11
Maitland Road
Lion Barn Industrial Estate
Needham Market
Suffolk IP6 8NZ

t. 01449 900120

e. enquiries@cotswoldarchaeology.co.uk

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1. INTRODUCTION

1.1. This report has been prepared in response to comments on planning application PL/2023/08481, provided by heritage stakeholders.

1.2. Historic England's (HE) Inspector of Historic Buildings and Areas, in comments dated 6 November 2023 (HE ref. P01567399), raised concerns with regard to the potential effect of the proposed solar scheme upon heritage assets as a result of change within their settings including the Grade II* Listed Church of St Michael and other heritage assets. Clarification was sought from HE with regard to the conclusions, with a response received via email on 13 February 2024 (Appendix 1 of this report).

1.3. Senior Conservation Officer (SCO) for Wiltshire Council provided comments on 27 February 2024, in which objection to the proposed scheme has been raised on the basis of harm to the setting of Kington St Michael Conservation Area and St Michael's Church, although he suggested potential to explore further mitigation measures to reduce the degree of harm.

1.4. Subsequently, a virtual meeting was arranged with the SCO, the Case Officer and the Landscape Officer on 20 March 2024. Although an invitation to the meeting was extended to a representative of HE, they did not respond or attend. In the meeting, the SCO clarified the comments were provided as guidance, and highlighted areas where additional information, clarification or mitigation would be needed. These matters were discussed in the virtual meeting, and this report (together with the revised layout plan and information prepared by the applicant's landscape consultants) responds to those matters and provides the additional information.

1.5. This document also provides additional discussion regarding the mitigation measures proposed (including reference to proposed layout plan changes since the original submission). It is not the intention to repeat information previously submitted with the application, and this report should be read in conjunction with the *Historic Environment Desk-Based Assessment* (DBA; Cotswold Archaeology, October 2023), which accompanied the planning application. The DBA was produced in accordance with industry standard guidance, including the *National Planning Policy Framework* (NPPF; 2023[1]), the guidance issued by the Chartered Institute for Archaeologists

[1] It is noted that the NPPF was updated in December 2023, following the submission of the planning application. In heritage terms, the policy position remains as previously stated in the September 2023

(2020) and *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment* (Historic England 2015). The determination of significance was undertaken following the industry-standard guidance on assessing heritage value within *Conservation Principles* (English Heritage 2008) and *Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets* (Historic England 2019).

1.6. With regard to the potential impacts to the significance of designated heritage assets as a result of change within their settings, the DBA included a comprehensive assessment in line with the methodology advocated by Historic England and set out in *Historic Environment Good Practice Advice in Planning: Note 3: The Setting of Heritage Assets* (Second Edition) (GPA 3; Historic England 2017).

1.7. It is considered that the DBA provides sufficient information with regard to potential effects upon heritage assets, in line with paragraph 200 of the NPPF. However, the concerns raised, with regard to the Church of St Michael and the Conservation Area in particular, as well as the understanding of change within the historic environment (as change, in line with the legislative and planning policy context, does not necessarily equate to harm) need to be addressed. These matters are discussed below.

Change in the historic environment

1.8. Our historic environment is the story of change and creation, the result of '*the interaction between people and places through time'* (NPPF Annex 2: Glossary). Historic buildings, when first established within the landscape, looked alien within their environments. The same can be said of landscape features, including field enclosure and boundary hedgerows, drainage ditches, large, amalgamated fields or transport and energy infrastructure (such as roads). The legislative and policy framework seeks to safeguard those elements that tell the most important stories of these changes.

1.9. Undoubtedly, there are some special buildings and places that survive as an 'intact artefact', a time capsule. Such assets are extremely rare and are especially sensitive to changes that would interfere with the quality of this 'unaltered experience'. In contrast, many of the historic buildings and places which survive within the landscape

edition, with change only to paragraph numbers. This Report refers to the paragraph numbers in the December 2023 NPPF edition.

today continue to be used and have been adapted over the centuries to reflect the changing technology, needs and aspirations of their occupants and users, and growth of the community. The buildings and settlements have been altered to ensure they have a viable use within the changing socio-economic environment. Such assets tell stories of change.

1.10. Consideration of harm as a result of the proposed development should stem from an understanding of whether and how the change proposed affects the significance of heritage assets. For a development to cause harm to a heritage asset it must have the potential to impact its heritage significance or the way in which that significance is experienced. Change to the character of the asset's setting does not necessarily result in harm to its significance.

1.11. The 'setting' of a heritage asset comprises '*the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'* (NPPF (2023), Annex 2). Thus, it is important to note that 'setting' is not itself a heritage asset: however, it may (or may not) contribute to the significance of an asset.

1.12. As GPA 3 states, *'Conserving or enhancing heritage assets by taking their settings into account need not prevent change'* and *'Many places coincide with the setting of a heritage asset and are subject to some degree of change over time'* (paragraph 18). Furthermore, the guidance clarifies that not all views contribute to the asset's heritage significance by clarifying that '*setting is different from general amenity. Views out from heritage assets that neither contribute to significance nor allow appreciation of significance are a matter of amenity rather than of setting'* (paragraph 16). Thus, change, in and of itself, even if perceived as unwelcome and/or considerable in scale, does not equate to harm to heritage significance. The introduction of new development, for instance a solar farm, within a part of the setting of a heritage asset that contributes little or nothing to its heritage significance, is not necessarily harmful. It is only when this change alters one or more of those elements that materially contribute to the asset's significance, or when it impinges on the experience of the asset's significance that harm can arise.

1.13. The assessment within the DBA presented an overview (paragraphs 5.2-5.6) of the way solar schemes may be perceived within the setting of heritage assets. It examined, in line with the legislation, planning policy and good practice guidance, in proportionate detail, the setting of heritage assets, taking into consideration which elements of the asset and its setting contribute to the heritage significance, and how the proposed scheme would affect those elements.

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2. RESPONSE TO COMMENTS

Grade II Listed Church of St Michael*

Consultee comments

2.1. The HE response raises concerns regarding the effects of the proposed development on the Grade II* Listed Church of St Michael (DBA Fig. 14, Asset M1). The response agrees there is limited intervisibility between the Site and the Church, however, states that '*the upper part of the Church Tower is still discernible from areas of the site, which is also traversed by public rights of way and a bridleway*', which would impact negatively the '*experience of approaching and contemplating the Church from the open, rural landscape which is its immediate context*' resulting in '*less than substantial*' harm.

2.2. In the email clarification (Appendix 1 of this report), HE provided additional explanation with regard to the impacts, stating that '*the change in the landscape character, from open and rural to enclosed and industrial, will still have a certain harmful impact on the experience of arriving to the Church as we consider the main north-south road and development site part of the setting of the Church*'. Additionally, HE clarified their assessment was guided by '*National Legislation, Planning Policy and guidance and also Historic' England's own Advice Notes and Guidance. Specifically, in this case, it is the Setting of the Heritage Assets, Planning Note 3 (Second edition)*'.

2.3. Further comments were provided in the SCO response. Whilst changes to the scheme layout since the pre-application stage were noted, and the SCO agrees this has lessened impacts on the Church's setting, the SCO concurs with '*Natural England Comments*' that '*the proposals will cause a degree of change to the rural character of the landscape*' advising the overall level of harm to the Church would be within '*the lower to mid-range of less than substantial harm'*. The SCO agreed with the HE comments regarding the views to the tower and commented that a '*tunnel effect*' from fencing and vegetation would affect the perception of '*the upper section of St Michaels Church Tower*' impacting on its setting.

2.4. Further commentary on these points, discussed during the virtual meeting on 20 March 2024, is presented below.

Response

2.5. In the DBA, the assessment of the Church and its setting, as well as Kington St Michael Conservation Area and other designated heritage assets was informed by a walkover survey and carried out following Historic England's *The Setting of Heritage Assets* guidance. The level of information included was guided by paragraph 200 of the NPPF which states that information provided should be '*sufficient to understand the potential impact of the proposal on their significance'*.

2.6. The significance of the Church, its associated assets and contribution of the setting to that significance, in line with the approach presented within the Historic England's *The Setting of Heritage Assets* guidance, was included within the DBA (i.e. paragraphs 5.27, 5.31 and 5.35). There is no evidence, in the comments provided, that a similar level of consideration of the asset's significance, and which elements of the setting contribute to it (and why) was carried out in the HE response.

2.7. An assessment of impact of any proposal should stem from the understanding of significance and contribution of setting to the heritage significance of an asset. The fact that a site is within the setting does not necessarily mean it contributes to heritage significance of an asset or that the proposed scheme would affect that significance adversely. Heritage significance of an asset such as the Church derives principally from heritage values embodied within its physical fabric (i.e. the Church itself), including its interior fixtures and fittings, with the key setting formed by the surrounding churchyard, with associated monuments, and the village it serves. Beyond this, the contribution of the wider landscape setting to a meaningful experience of the Church and its significance is peripheral and any potential harm from a proposal within the wider setting that only marginally contributes to an asset's significance (if at all) should be assessed with this in mind.

2.8. The HE comments focus on the views (of the upper part of the Church tower) from the Site and from an approach along the north-south road leading to the village. There is no argument that the tower is present in some views from the surrounding landscape, where not obscured by the enclosed character of the fields (hedgerows), trees and built form in the village, including from footpaths crossing the Site and from the approach road. There is, however, no explanation in the HE response of how such views contribute to the heritage significance of the Church and, crucially, whether any such contribution would be affected by the proposed scheme.

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2.9. Church towers are often widely visible across landscapes, which does not mean that they necessarily contribute to their heritage significance. Historic England's *The Setting of Heritage Assets* guidance provides useful direction on this topic on page 7.

> *'Being tall structures, church towers and spires are often widely visible across land- and townscapes but, where development does not impact on the significance of heritage assets visible in a wider setting or where not allowing significance to be appreciated, they are unlikely to be affected by small-scale development, unless that development competes with them, as tower blocks and wind turbines may. Even then, such an impact is more likely to be on the landscape values of the tower or spire rather than the heritage values, unless the development impacts on its significance, for instance by impacting on a designed or associative view.'*

2.10. The matter of visibility of church towers and spires has been subject to discussion during appeals, including at Land North of Lullington, Swadlincote, Derbyshire (Appeal Ref: APP/F1040/W/22/3313316; Appendix 2 of this report), in which the Inspector considered the alleged harm to the Grade II* Listed Church of All Saints as a result of '*potential degradation of how it is appreciated by users*' of a trail and concluded the proposal would not affect the landmark spire on approach to the village, or the overall architectural and historic significance of the Grade II* Listed Building (para. 41), resulting in no harm to the church (para. 42).

2.11. A similar approach should be applied to the Church of St Michael. The significance of the asset derives from its physical fabric and elements of its setting that positively contribute to this significance (including the churchyard, associated assets, relationship with the settlement and views from Stubbs Lane). As the HE guidance notes and the Appeal decision suggest, development which would not compete with the tower would not result in heritage harm (and solar panels would in no way compete with the prominence of the tower, unlike tall structures such as tower blocks). As such the visibility of the tower alone, a landmark perceptible from various places across the landscape[2], including the dual carriageway of the A350, does not

[2] Church tower can be seen from along PROWs within the Site, including between fields 11/12 and 14/15 (see Appendix 6 of this report: Additional View 1 from between fields 11/12 where tower becomes perceptible in zoomed in images, against a background of trees. The views in the main are from some distance and the church is often viewed against the backdrop of trees.

equate to harm in heritage terms, with the significance and architectural and historic interest of the asset entirely unaffected.

2.12. The stakeholder comments also discuss change of the landscape character, with HE stating that it will be altered from '*open'* to '*enclosed'* (Appendix 1 of this report) and SCO referring to '*Natural England Comments*' about '*a degree of change to the rural character of the landscape*'. SCO elaborates on this point further, describing fencing and planting proposed across the landscape as creating '*a tunnel effect*'.

2.13. It should be noted that Natural England (NE) in their response to the planning application (dated 29 January 2024, NE ref. 455233) do not object to the application, subject to securing mitigation, and state they welcome '*what appears to be a well considered scheme*'. On the landscape considerations, NE state they have not reviewed LVIA for wider landscape impacts and therefore have '*no comment on this aspect of the application*'. There are therefore no relevant comments in the NE response and comments based on this should be disregarded.

2.14. As demonstrated within the DBA, the historic landscape character of the Site is one of an enclosure – the Site is not experienced as large swathes of open land, but as an organised, enclosed agricultural landscape. The Historic Landscape Character, as described by Wiltshire Historic Environment Record, comprises modern amalgamated fields, reflecting post-medieval piecemeal enclosure (DBA para 3.59), clearly highlighting enclosure is part of the character of this area. Historically, as depicted on the Tithe Map (DBA Fig. 9), the landscape would have comprised a patchwork of small, enclosed fields, not an open landscape. Although some of these have been subject to amalgamation in the subsequent centuries, elements of the post-medieval enclosure of the land, in the form of extant hedgerows along field boundaries, form an important element of the landscape enclosing the land parcels (hedgerows are marked up on Fig. 12 of the DBA). Crucially though, the character of the enclosed fields within the wider Site does not contribute to the significance of the Church, which is derived from its historic fabric and more immediate surroundings, such as the churchyard and placement within the core of the village. Therefore, objections on the basis of an 'enclosure' in relation to the Church, as described by HE, are considered to be unfounded.

2.15. An aspect of the enclosure may also relate to a potential 'tunnel effect' as described by the SCO, as a result of the introduction of fencing and planting along the public

rights of way. To perceive a walk along a footpath or bridleway to be 'tunnel-like' one would expect vegetation or other elements such as fencing to be immediately adjacent to the path, obscuring any visibility beyond a very narrow corridor. This is not the case for the proposed scheme, as demonstrated on the layout plans (including amended plans), cross-sections (Appendix 10 of '*Post Application Technical Response to Issues Raised by Consultees and Third Parties*') and in the presentation from the applicant's landscape consultant in the virtual meeting on 20 March 2024. These show the minimum PROW corridor width as 8.6m or more[3], and the distance between the panels on either side of a PROW would be c.25m.

2.16. In addition, the fencing would comprise traditional rural deer proof fencing, with wooden posts and gates, of a type and character that is not alien to a rural agricultural area (the 2m fencing height is also lower than the height of horse riders who would be c.2.7m above ground[4]). This has been demonstrated in the presentation in the virtual meeting on 20 March 2024 (see Appendix 5 of this report for examples of operational solar farms with deer proof fencing). Such fencing creates a barrier for animals however it does not obscure any views beyond. Rural deer proof fencing proposed here is a common feature in the countryside and can be erected by farmers up to 2m high without the need for planning permission (as long as it is not adjacent to a public highway).

2.17. Hedgerows are also a very common component of the landscape, and typically PROWs run alongside field boundaries, acting as natural barriers. Retention and improvements to hedgerows in no way changes the character of the fieldscape. It is considered that those aspects of the scheme, including maintenance and introduction of hedgerows and introduction of deer fencing, would not create a 'tunnel' effect or affect the significance of the heritage asset in any way. The plans and photographs presented in the virtual meeting and the revised submission documents (see Appendix 5 of this report and Appendix 10 of '*Post Application Technical Response to Issues Raised by Consultees and Third Parties*') provide the additional information needed to allow the SCO to provide an updated position on this matter.

[3] In fields 8 and 10, the proposed distance between fences along the PROW is 13.5m, with an 8.6-9m gap between proposed hedge north of the path and fence to the south. In fields 11/12 and 14/15, the fence to fence distance along the PROW is 11m.

[4] See submitted Glint & Glare Assessment (prepared by Mabbett) for details.

2.18. The remaining two other aspects of the change need to be considered: i) views upon the approach along the north/south road leading to the village and; ii) any specific historic associations between the Church and the Site.

2.19. The assessment in the DBA was made following the site visit, but was also guided by the Parish Plan (Kington St Michael Parish Council 2007) which included 'valued vistas' within the village (Appendix 3 of this report). It should be noted that no such views on the approach to the village had been highlighted, with a key important vista identified from along Stubbs Lane directly south of the churchyard, looking broadly in a north-westerly, westerly and south-westerly direction (and therefore away from the Site). The DBA agrees with these positions (in the Parish Plan) and considered the views from Stubbs Lane to contribute to the significance of the Church and its associated monuments.

2.20. The Church tower can be seen in views from the north-south approach road to the south of the village, where it appears beyond a field on the western side of the road (part of the Conservation Area containing the deserted medieval settlement on Tor Hill[5]). The visibility of the Church in such views is dependent on gaps in, and the height of, intervening vegetation and hardly allows the significance of the Church to be fully appreciated. In any case, these views will not be affected by the proposed scheme with the Site located to the east of the road, stepped back and beyond existing and proposed vegetation, which provides extensive and substantial screening.

2.21. The scheme includes improvements to vegetation, to enhance screening of the enclosed fields, and appropriate buffers. The panels in the south-west corner of the Site (fields 14 and 15) would be over 290m away from the Church at their closest point (the majority of the panels elsewhere on the Site are well in excess of 500m away from the Church, including those in field 12 which are over 600m away). As detailed in the DBA, the existing hedgerows along the road act as screening[6], reducing the visibility of this part of the Site closest to the asset so the experience of the Church from the approach along the north-south road would not be altered. Any visibility of the solar array would be limited to glimpses beyond vegetation, with additional planting (at the field gate and along the western end of the array; see

[5] See Appendix 6: Additional View 2.
[6] Appendix 6: Additional Views 3-4 clearly demonstrate limited visibility beyond the corridor of the road marked by dense and mature hedgerows.

Viewpoint 9, Appendix 9 of '*Post Application Technical Response to Issues Raised by Consultees and Third Parties*') ensuring this is further reduced. This was discussed in the virtual meeting on the 20 March 2024 and the revised scheme and additional information submitted now clearly demonstrate that following completion of the development, the perception of the landscape along the approach to the village and the Church, in terms of a perceived sense of rural tranquillity, will be maintained.

2.22. To ensure that the assessment of the potential contribution of the Site to the Church is sufficiently detailed, a reassessment of information collated for the DBA was undertaken to understand any potential associations between the Site and the Grade II* Listed Building. No designed or associative views have been identified, but there are some key associations between the Church and other assets including the listed and non-designated monuments within the churchyard and the Grade II Listed Old Rectory to the south-west, which was in the same ownership and occupation at the time of the Tithe Map (parcel 776 known as the Vicarage house with associated garden etc.). These associations will not be affected by the proposed scheme in any way.

2.23. The Site at the time of the Tithe Map comprised a patchwork of enclosed fields of various sizes (DBA Fig. 9) and from this multitude of fields, two were found to be in the same ownership as the Church and churchyard, forming part of the Glebe under Reverend Charles Henry Hodgson. Both fields however were leased to local farmers rather than directly utilised by the parish priests (as it was the case with a few other parcels of land). Field 409, known as *Parsons Ham*, was in arable use and was occupied by Jacob Buckland. It was later amalgamated with another field and forms part of the Site set aside for continued agricultural use and skylark plots and therefore will not be changed by the development.

2.24. Field 462, known as *Parsons Acre*, comprised a small narrow parcel of land in arable use, occupied by David Rumming. This field, located in the north-eastern part of the Site, was subsumed within the large north-easterly field west of the A350 and is no longer appreciable as a piece of land associated with the Glebe in any way. The introduction of the panels within this distant part of the Site, adjacent to a dual carriageway, would not affect the historic relationship which can only be perceived through documentary sources.

2.25. Lastly, the HE comment with regard to change from 'rural' to 'industrial' character of the landscape requires a response. An overview of how solar developments may be perceived was presented in the DBA and although different people may see them differently, industrial areas are a hive of activity, noise, smells and people interacting with mechanised equipment. Solar farms are the opposite – quiet, still and unpopulated (see Appendix 5 of this report). It is therefore considered that labelling a solar scheme 'industrial' is misleading and perhaps biased.

2.26. Large scale solar farms in England are almost entirely located in rural areas and that is certainly the case in this part of Wiltshire; it is a use that is becoming increasingly common in the countryside. Although solar 'farming' is not agriculture, it is in practice a rural land use, particularly when paired with sheep grazing, which is an agricultural use, and ecological enhancements. The information presented during the virtual meeting on the 20 March 2024, showing operational solar farm schemes, with ecological mitigation (such as native hedgerows or wildflower meadows; see Appendix 5 of this report) demonstrates this. In a recent appeal decision for a solar farm at Park Farm, Gillingham (appeal ref. APP/D1265/W/22/3300299; Appendix 4 of this report), whilst the Planning Inspector did not consider solar farms were so common to have come to be regarded as '*inherently rural*', he rejected the Council's assertion that they were '*industrial in visual terms*' because '*they have little in common with industrial development and are becoming gradually accepted in rural areas'* (para. 33). Furthermore, the conclusion expressed in the Park Farm appeal decision acknowledges a situation which is changing as more solar farms are established (para. 33). Like many changes to rural land use, the more common they become, the more they will come to be recognised as inherently rural.

Conclusion

2.27. The HE conclusion on less than substantial harm seems to stem from an assumption that change within the landscape to the limited visibility (of the Church Tower) from the Site or nearby access road would automatically result in harm to the significance. There does not appear to be a consideration of whether those elements of the landscape that will be altered by the proposed scheme, actually contribute to the significance of the Grade II* Listed Church, and if such alteration leads to heritage harm. The HE conclusions are contrary to their own guidance on the assessment of views of prominent landmarks such as church towers or spires: there is no

assessment whether any of the views (which HE admit would be limited) are designed or associative.

2.28. This harm to the Church has been assessed in the SCO comments as falling within the lower to mid-range of less than substantial harm. These concerns have been discussed above, and further information has been presented during the virtual meeting on 20 March 2024 and in the submission documents, including clarification on visibility from the road (Appendix 6 of this report) and distance between fencing and panels. Based on this, it can be concluded that the elements of setting that positively contribute to the significance of the Church would be entirely unaffected. The additional amendments to the layout plan (such as removal of BESS, the biggest buildings proposed initially, additional screening and planting) have been proposed to respond to stakeholder comments (in the DBA, no harm was envisaged prior to these 'extra measures'; no harm was required to be mitigated).

2.29. Additionally, change from current agricultural fields to a solar array, as discussed above and in the DBA, should not be discussed using the term 'industrial' as it is a misleading term, with a recent Appeal decision (Appendix 4 of this report) providing clear direction that solar farms should not be regarded as industrial in visual terms. Following the completion of the development, the Site would still be understood as part of the wider rural landscape of enclosed fields, with the vegetation along the field boundaries retained and enhanced. There would therefore be no harm to this designated heritage asset of highest significance from the proposed development, as per the conclusions of the DBA, and it would still be experienced as part of Kington St Michael Conservation Area which will remain legible as a historic rural settlement.

Kington St Michael Conservation Area

Consultee comments

2.30. The HE response highlighted potential for the development to '*have a negative impact on*' Kington St Michael Conservation Area, stating that an assessment should be carried out by the LPA's conservation specialist.

2.31. The SCO raised a number of comments for guidance in relation to the Conservation Area. Whilst the response acknowledges the submitted plans allow for a greater degree of separation, '*essentially focusing the impact of the proposal on the corridor of the dual carriageway*', the SCO concluded '*the proposals will cause a degree of change to the rural character of the landscape*', assessing the overall level of harm

within '*the lower to mid-range of less than substantial harm'*. The SCO agreed with the HE comments regarding the impacts on the setting to the east and south of the Conservation Area (from roads and PROWs that traverse the Site), with arguments as discussed for the Church (above) regarding a 'tunnel effect' and enclosure presented. The focus was on approach to the village from the south, and although only part of the "wider" setting of the village would be impacted, this would '*involve the loss of important rural tranquil landscape that serves as buffer from the Dual Carriage Way and separation from the adjacent Village of Kington Langley*'. The SCO suggested that further mitigation measures could be explored to reduce harm from panels to the south-east of the Conservation Area.

2.32. These points were discussed in the virtual meeting on 20 March 2024, with further information provided in the revised layout plan and through additional submitted documents (including Appendices 5 and 6 of this report, and Appendices 5 and 8 of '*Post Application Technical Response to Issues Raised by Consultees and Third Parties*'). The summary of those points, clarifying the scheme effects and additional information included, is presented below. Where points raised correspond with those mentioned in relation to the Church, a reference to relevant discussion above is given, although where appropriate additional commentary regarding the Conservation Area is also provided.

Response

2.33. A detailed settings assessment of potential development effects upon the Kington St Michael Conservation Area and Listed Buildings within it was presented within the DBA, illustrated with maps and photographs. It concluded that no harm would occur to the Conservation Area, as a result of change within its setting. The DBA summarised the key characteristics of the Conservation Area, presented a detailed discussion of the asset's setting, its experience, contribution of the Site and development effects (para. 5.26-5.50). There is no dispute that the Site contributes to the significance of the Conservation Area, through enabling its legibility as a historic rural settlement surrounded by enclosed fields, but there is a difference of opinion where it comes to impacts from the scheme as proposed.

2.34. As stated previously, an assessment of impacts should stem from the understanding of significance and contribution of setting to that significance. Although the Site is considered to be within the setting, this does not necessarily mean the scheme would

affect that significance adversely. This report discusses and presents additional detail to provide clarification about the development effects.

2.35. The stakeholder comments with regard to change of the landscape character, including references to 'enclosed' or 'tunnel' effects of the scheme, have been discussed in detail above (para. 2.15-2.17), where it has been demonstrated that the proposed hedgerows or fencing would not result in a 'tunnel effect' and enclosure (including vegetation along the field boundaries) is a part of the historic landscape character of this area.

2.36. Similarly, a response to the comments regarding a change from 'rural' to 'industrial' character has been provided above (see para. 2.25-2.26), including a reference to a recent Appeal decision (Appendix 4 of this report) in which the Inspector disagreed with the Council's assessment that solar farms were industrial as they '*have little in common with industrial development*' (para. 33).

2.37. The perception of the scheme as industrial gives an impression the development would lead to the loss of tranquil landscape which acts as a buffer from the A350. Whilst this would likely be true for an industrial scheme (industrial implies noise, movement, activity), solar farms, following the construction phase, will be tranquil and stationary/static (those utilising fixed-tilt panels), with very limited activity or noise[7]. It should also be noted that the approach to the Conservation Area from the east (along footpaths) or the south (along the lane off the A350) is perceived in the context of the busy dual carriageway, with its persistent traffic and associated noise and movement. It should also be noted that the proposal plans have now been amended to remove the Battery Energy Storage System (BESS) element – if the presence of BESS containers triggered concerns regarding introduction of industrial elements and perceived loss of tranquillity (BESS containers were the largest proposed building at 18.3m in length), then these objections can now be removed.

2.38. The SCO raised concerns regarding access to the village from the south, and also from PROWs. The layout of the scheme has been developed following initial appraisal and comments received in the pre-application stage, and following the carrying out of an Enquiry by Design with local residents (officers of Wiltshire Council

[7] Photographs of example operational solar schemes, showing a stationary site (static fixed-tilt panels) within a rural context, with enhanced mitigation, were presented in the virtual meeting on 20 March 2024 and are included as Appendix 5.

were also invited to attend, including conservation), with the development mostly leaving a substantial buffer between the proposed panels and the Conservation Area. For the central part of the Conservation Area, the panels will be set over 450m to the east, retaining the valued view eastwards along the bridleway (KSTM1) (as identified in the Kington St Michael Parish Council valued vistas plan; Appendix 3 of this report). Due to retention of this important buffer, the rural backdrop to the Conservation Area will be retained, with panels only perceptible at a distance, beyond existing and improved hedgerows (ES Chapter 5: Landscape and Visual Effects, Viewpoint 1 and photomontages). This includes reinstatement of a hedgerow along historic boundary on the western edge of field 11 and, in addition, inclusion of a temporary measure along this boundary (planting of fast growing *Miscanthus*) to minimise any visual effects whilst the hedgerow matures and becomes established (see Appendix 5 of this report for example operational solar farm with *Miscanthus*). It should be noted that traffic on the A350 is perceptible in views from the Conservation Area,

2.39. Part of the Conservation Area containing the deserted medieval settlement on Tor Hill is situated on the western side of the north-south approach road to the south of the village, with the Site located to the east (fields 14 and 15). This approach was considered in detail in the DBA, and during the preparation of the final proposal plans. It was assessed (DBA para. 5.46 and Photo 7) that existing vegetation reduces visibility of the field[8]. In addition, the scheme layout has been altered to ensure panels are stepped back from the roadside boundary (providing a buffer of between 40m and 100m between the panels and the Conservation Area), with an additional hedgerow proposed at the western edge of the panels and at the gate (visible in Additional View 2; also Viewpoint 9 and photomontage presented in Appendix 9 of '*Post Application Technical Response to Issues Raised by Consultees and Third Parties*') to further screen the scheme. As a result, there would be no change to the experience along the approach to the Conservation Area, and the sense of rural tranquillity perceived here will be maintained. The Site will continue to be perceived as part of enclosed fields surrounding Kington St Michael Conservation Area and separating it from the dual carriageway and other settlements. The proximity or glimpsed visibility of the panels will not compromise the legibility of the Conservation Area as a historic rural settlement.

[8] See Appendix 6 of this report: Additional Views 3-4, showing limited visibility beyond the road, and Additional View 2, showing the point where the Conservation Area and the field become visible in gaps in vegetation.

Conclusion

2.40. The DBA established that the contributors to the significance of the Conservation Area will be wholly unaffected. The Site forms part of the wider agricultural land surrounding the settlement, but the proposed development layout has ensured that sufficient buffers and screening are retained. The additional screening and general landscape planting proposed in the revised layout plan, and discussed in this report, has not been proposed by the applicant's professional, expert advisors as a means of mitigating adverse effects. No harm was envisaged prior to these 'extra measures'; no harm was required to be mitigated. The measures have only been proposed to respond to stakeholder comments.

2.41. Whilst the development may be perceptible in some views from the approach towards the village, the Site would still be understood as part of the rural landscape of enclosed fields, with the vegetation along the field boundaries retained and enhanced, and additional planting reducing any visibility. Such change would not affect the appreciation or significance of the Conservation Area.

2.42. Bearing in mind that the key contributors to the significance of the Conservation Area will be retained, the change would occur within the peripheries of meaningful contribution to heritage significance of the designated area, and the mitigation measures proposed (including enhanced and additional planting), it can be concluded that the heritage significance of the Conservation Area would be unaffected by the proposed development.

2.43. The comments from the SCO regarding the level of less than substantial harm (discussed as falling within the '*lower to mid-range*') were provided before changes to the proposed development were submitted and additional information and mitigation presented. The changes include the removal of the larger scale elements of BESS within the Site, i.e. in field 14 in the south-western part of the Site closest to the Conservation Area, amongst other areas, and additional planting behind the field gate on approach to the village (and in front of another proposed new hedgerow). The additional information presented provides evidence that screening along the approach road to the south of the village (Appendix 6 of this report), and along the road to the west of the A350, is sufficient and there would be no tunnel effect associated with the scheme. It is expected that this additional and revised information provides an opportunity for the SCO to reconsider the level of impact.

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2.44. The DBA, through detailed assessment and consideration of impacts, has demonstrated in detail that whilst the proposed development would lead to a change within the landscape surroundings of the Conservation Area, such change would not result in any harm to the asset, and its heritage significance would be preserved. Following the completion of the development, the Site would still be understood as part of the wider rural landscape of enclosed fields, with the vegetation along the field boundaries retained and enhanced, and Kington St Michael Conservation Area will remain legible as a historic rural settlement.

Other heritage assets

2.45. The HE comments state '*the proposal will also have a negative impact on a range of other heritage assets*', namely the Grade II Listed Buildings in proximity to the Site. The comments highlight assets that are outside HE's normal remit and suggest the *harm* should be assessed by the LPA's conservation advisor.

2.46. It is not clear from the response which assets are considered by HE as sensitive to this development, and why, and the LPA's SCO comments do not highlight any additional potentially sensitive assets (beyond the Church and the Conservation Area, as discussed above).

2.47. The DBA considered, in proportionate detail, the potential for the development of the Site to affect the significance of designated heritage assets within the surrounding landscape including nearby Listed Buildings. It was concluded that the solar scheme would not change the way these assets are experienced, and the development would not harm those assets.

3. CONCLUSIONS

3.1. This note provides further clarification on the effect of the proposed development upon designated heritage assets, as discussed within the DBA, in response to the comments provided by HE and SCO. This should be read alongside the additional information presented in the virtual meeting on 20 March 2024 and submitted with the technical response to comments received to the application (including the revised development layout).

3.2. The requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 is that *'……the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'* (s.66(1)). As has been established, the specific land-use of the Site makes no contribution to the identified 'special architectural or historic interest' of the designated heritage assets and the broader rural character forms only a limited component to the wider heritage significance. In any case, the change brought about by the scheme would not affect the experience of the assets in their rural context and thus no harm would come to the significance of the assets. It can be concluded that their special interest would be preserved.

3.3. Paragraph 208 of the NPPF states that where less than substantial harm is identified in relation to designated heritage assets, this should be balanced against the public benefits of the scheme. The conclusions of the DBA demonstrate that there will be **no harm** to the significance of designated heritage assets, and thus paragraph 208 need not be engaged.

3.4. Should however an alternative conclusion be reached by the Local Planning Authority regarding the harm to the Grade II* Listed Church of St Michael and the Kington St Michael Conservation Area, any such harm will need to be weighed against the public benefits of the proposal (as discussed within the Planning, Design and Access Statement), as per paragraph 208 of the NPPF.

3.5. There are examples of previous planning decisions relating to solar farms in which less than substantial harm to heritage assets was found to be outweighed by the public benefits of the scheme. This includes Lowland Farm, Strawberry Hill, West Lavington, Devizes, Wiltshire (ref. 18/07189/FUL). The Officer's report identified less than substantial harm to a Grade II Listed barn, but concluded that, in this case, the

public benefit would outweigh the harm due to '*the benefits of renewable energy and the reduction of reliance upon the use of diesel*…'.

3.6. This approach has been tested in a number of appeal decisions where similar conclusions have been reached. In the decision for Park Farm quoted above (Appendix 4 of this report), the Inspector attached considerable importance and weight to the less than substantial harm to significance of designated heritage assets, but concluded that public benefits, '*particularly the importance of the provision of renewable energy and the need to tackle climate change, are exceptionally weighty*' and '*significantly and demonstrably*' outweigh the less than substantial harm to heritage assets. Similar conclusions were reached in the appeals in relation to land north of Halloughton, Southwell, Nottinghamshire[9], Land at Higher Farm, Fifehead Magdalen, Dorset SP8 5RT[10] and Land West of Park Road, Rivenhall, Essex[11].

3.7. In a recent appeal decision for Land north of Little Cheveney Farm, Sheephurst Lane, Marden, Kent[12], the Inspector found no harm to the setting of designated heritage assets, but concluded that if the Inspector had '*agreed with the Council that there would be harm to the setting of the buildings in question, that harm, as assessed by the Council, would be at the lower end of the spectrum of 'less than substantial'. Great weight attaches to any harm to heritage assets, but that harm would, under a heritage balance alone, be clearly outweighed by the benefits of the proposal*' (para. 40).

3.8. However, it should be noted that the applicant does not consider the proposed scheme would result in any harm to the significance of designated heritage assets as a result of change within their settings.

[9] Appeal Ref: APP/B3030/W/21/3279533
[10] Appeal Ref. APP/D1265/W/19/3241953
[11] Appeal Ref: APP/Z1510/W/23/3325681
[12] Appeal Ref: APP/U2235/W/23/3321094

APPENDIX 1: HE RESPONSE EMAIL

From:	Perrone, Alessandra
To:	Julia Sulikowska
Subject:	RE: Land At Red Barn , East Of Kington St Michael And West And East Of The A350 (Application No. PL/2023/08481)
Date:	13 February 2024 12:53:06
Attachments:	image002.png image003.png

Dear Julia,

Thank you for your patience.

I have had a look at our advice and gone back to the application documents on the Planning Portal.

Having reacquainted myself with the proposals, I believe our comments to the Council are quite straightforward and self-explanatory. Although, as expressed, the intervisibility between areas of the development site and the grade II* Church might be limited, the change in the landscape character, from open and rural to enclosed and industrial, will still have a certain harmful impact on the experience of arriving to the Church as we consider the main north-south road and development site part of the setting of the Church, as well as of Conservation Areas.

As you may aware, in our assessment we are guided primarily by National Legislation, Planning Policy and guidance and also Historic' England's own Advice Notes and Guidance. Specifically, in this case, it is the Setting of the Heritage Assets, Planning Note 3 (Second edition) that has been relevant to our assessment.

I hope this answers your questions.

With best wishes

Alessandra

Historic England

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From: Julia Sulikowska <Julia.Sulikowska@cotswoldarchaeology.co.uk>

Sent: 31 January 2024 14:26

To: Perrone, Alessandra <Alessandra.Perrone@HistoricEngland.org.uk>

Subject: Land At Red Barn , East Of Kington St Michael And West And East Of The A350 (Application No. PL/2023/08481)

-- WARNING: This is an external message. Please use caution when replying, opening attachments or clicking on any links in this e-mail.--

Dear Alessandra

I am writing to you on behalf of our client, the applicant for the above planning application. For ease of reference I attach your consultee response as we have a couple of queries.

We would be really thankful if you could provide some clarification with regard to how the 'less than substantial harm' conclusion was reached, including the assessment process and how the visibility as mentioned would affect the significance of the Listed church. When compiling our heritage assessment, which you may have seen, we did not find harm to the church and it would be really useful to understand why the conclusions differ so.

I look forward to hearing from you.

Best wishes,
Julia

Julia Sulikowska
Principal Heritage Consultant

Cotswold Archaeology
Andover
Cirencester • Milton Keynes • Suffolk

t 01264 347641
m 07889 811391
e Julia.Sulikowska@cotswoldarchaeology.co.uk
www.cotswoldarchaeology.co.uk
Stanley House, Walworth Road, Andover
Hampshire, SP10 5LH

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APPENDIX 2: APPEAL DECISION: LAND NORTH OF LULLINGTON, SWADLINCOTE, DERBYSHIRE, DE12 8EW

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The Planning Inspectorate

Appeal Decision

Hearing held on 18 April 2023

Site visit made on 19 April 2023

by Gareth W Thomas BSc(Hons) MSc(Dist) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/F1040/W/22/3313316
Land North of Lullington, Swadlincote, Derbyshire, DE12 8EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Lullington Solar Park Ltd against the decision of South Derbyshire District Council.
- The application Ref DMPA/2021/1014, dated 22 June 2021, was refused by notice dated 8 August 2022.
- The development proposed is 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 on land to the north of Lullington, Swadlincote DE12 8EW.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:

    - the effect of the proposed development on the use of best and most versatile agricultural land, including consideration of site selection processes;
    - the landscape and visual impacts arising from the appeal scheme; and
    - whether there would be unacceptable impacts on the significance of identified heritage assets.

Reasons

Policy Background

3. A material consideration in the determination of planning proposals for renewable energy are the National Policy Statements (NPS) for the delivery of major energy infrastructure. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. In September 2021, draft updates to the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) were published. Both the existing and proposed NPSs state that the NPSs can be a material consideration in decision making on applications that both exceed or sit under the thresholds for nationally significant projects.

4. The UK Government has set a statutory target of achieving net zero emissions by 2050, and this is a significant material consideration. It has also declared a climate emergency. Since the declaration, the Sixth Assessment Report of the Intergovernmental Panel on Climate Change has indicated that it is more likely than not that global temperature increases will exceed 1.5 degrees Celsius above pre-industrial levels. The report indicated that delay in global action to address climate change will miss a brief and rapidly closing window to secure a liveable future. The UK Energy White Paper, Powering our Net Zero Future (2020), describes the costs of inaction as follows:

   "We can expect to see severe impacts under 3°C of warming. Globally, the chances of there being a major heatwave in any given year would increase to about 79 per cent, compared to a five per cent chance now. Many regions of the world would see what is now considered a 1-in-100-year drought happening every two to five years.

   At 3°C of global warming, the UK is expected to be significantly affected, seeing sea level rise of up to 0.83 m. River flooding would cause twice as much economic damage and affect twice as many people, compared to today, while by 2050, up to 7,000 people could die every year due to heat, compared to approximately 2,000 today. And, without action now, we cannot rule out 4°C of warming by the end of the century, with real risks of higher warming than that. A warming of 4°C would increase the risk of passing thresholds that would result in large scale and irreversible changes to the global climate, including large-scale methane release from thawing permafrost and the collapse of the Atlantic Meridional Overturning Circulation. The loss of ice sheets could result in multi-metre rises in sea level on time scales of a century to millennia."

5. The draft NSPs recognise that to meet the Government's objectives and targets for net zero by 2050, significant large and small scale energy infrastructure is required. This includes the need to 'dramatically increase the volume of energy supplied from low carbon sources' to ensure a reduction in the reliance of fossil fuels (which accounted for 79% of energy supply in 2019). Solar (together with wind) is recognised specifically in Draft EN-1 (para 3.3.21) as being the lowest cost way of generating electricity and that by 2050, secure, reliable, affordable, net zero energy systems are 'likely to be composed predominantly of wind and solar'.

6. At a national level, in combination with the drive to reinforce provision of renewable energy sources, the Government also acknowledges the need to ensure that projects come forward in appropriate locations. PPG guidance on renewable and low carbon energy states that 'there are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology and critically, the potential impacts on the local environment, including from cumulative impacts.' (Paragraph: 005 Reference ID: 5-005-20150618).

7. Paragraph 152 of the National Planning Policy Framework (the Framework) confirms that the planning system 'should support the transition to a low carbon future in a changing climate', should 'contribute to radical reductions in greenhouse gas emissions' and 'support renewable and low carbon energy and associated infrastructure'. This recognises the responsibility placed on all communities to contribute towards renewable energy production. Therefore,

there is a strong strategic policy framework which supports renewable and low carbon development proposals. The Framework also confirms that applicants are not required 'to demonstrate the overall need for renewable or low carbon energy' (para 158).

Best and Most Versatile Agricultural Land

8. The parties agreed that the Written Ministerial Statement (WPS) dated 25 March 2015 relating to the unjustified use of agricultural land remains extant. It states therein that any proposal for a solar farm involving the best and most versatile agricultural land (BMV) would require to be justified by the most *compelling evidence* (my emphasis).

9. The WMS is linked to updated National Planning Policy Guidance[1] (NPPG), which explains that where a proposal involves greenfield land, consideration should be given as to whether the proposed use of any agricultural land has shown to be necessary, whether poorer quality land has been used in preference to higher quality land and to whether the proposed development would allow for continued agricultural use where applicable and/or where biodiversity improvements around arrays would be provided. This is reflected in the National Planning Policy Framework (the Framework)[2] which suggests that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality.

10. Policy BNE4 of the South Derbyshire Local Plan Part 2 (SDLP) states that the local planning authority will seek to protect soils that are 'Best and Most Versatile', (Grades 1, 2 and 3a in the Agricultural Land Classification) and wherever possible direct development to areas with lower quality soils while Policy BNE5 of the SDLP states that otherwise acceptable development outside of settlement boundaries in rural areas will be granted where it will not unduly impact on BMV agricultural land.

11. Paragraph 174(b) of the Framework states that planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

12. The Glossary to the Framework explains that BMV comprises land that falls within grades 1, 2 and 3a of the Agricultural Land Classification. It is not disputed that the appeal proposal would result in the loss of almost 34 Ha of BMV land consisting of 15% grade 2, 34% grade 3a and 48% grade 3b with the remaining 3% defined as other land (blocks of woodland or water bodies), which would lead to a temporary loss of 49% of BMV land at the appeal site.

13. The appellant's Site Selection Assessment (SSA) fixed the study area for the appeal proposal by a requirement to connect to a viable local electricity network that was agreed with the local distribution network operator at the application stage. The agreed point of connection would be into the 132kv network that crosses the western end of the appeal site and which connects into the major substation at Drakelow, some 6km from the connection point. A 2km offset around the 132kv line was therefore drawn at a distance of no more

[1] Paragraph 013, Reference ID: 5-013-20150327, Revision date: 27 March 2015
[2] Paragraph 175 Footnote

than 8km from the Drakelow facility, which coincides with the maximum cabling connection that would be economically viable.

14. The SSA found that there were no suitable brownfield sites within the study area whilst there are only very few areas of lower grade agricultural land. These areas were grade 4 land but considered unsuitable for the siting of solar arrays due either to their being either too small or had physical or environmental constraints that limited their inclusion. The SSA was also informed by a number of other constraints, including levels of irradiance, sensitive landscape, ecological or heritage designations, sensitive human receptors and access/highway considerations, amongst others. The Council offered no evidence that would contradict these findings. The SSA confirmed that there were no sites of suitable size for a 50MW solar farm within a suitable distance from the grid connection point that lie wholly outside BMV land although on grounds of costs and practical feasibility, no soil survey work was completed other than within the appeal site. This factor is a significant omission.

15. The appellant provided an assessment of alternative sites to demonstrate why agricultural land is to be used for the appeal development. This included assessing the opportunities that might be available on previously developed land (PDL)/brownfield land, commercial rooftops and lower grade agricultural land (grades 3b, 4 and 5).

16. It is clear that a robust assessment has not been made of the grading of agricultural land within the remainder of the study area, which from the data held by Natural England has significant areas of Grade 3 agricultural land. While I accept the argument that it would not be practicable to undertake extensive investigation of the entire study area, I agree with the Council who pointed out that the explanatory note[3] to the Agricultural Land Classification maps sets out that Grade B reflects 'areas where 20-60% of the land is likely to be 'best and most versatile' agricultural land'. This to my mind adds to the criticism that the evidence has failed to demonstrate that there is no land available for this development within the study area of a lesser agricultural quality, contrary to national and local policy. It also does not stand up to scrutiny as the 'compelling evidence', which is sought in the WMS.

17. My attention was also drawn to the Oaklands Farm Solar Limited (BayWa r.e. UK Ltd) Preliminary Environmental Information Report[4] submission to the National Infrastructure Planning Unit of the Planning Inspectorate for the purposes of a Development Consent Order for a 163MW solar farm and onsite storage facility at a site also within the appellant's study area to the north-west of the present appeal site and within South Derbyshire District. From the appellant's evidence, it is clear that this site would also include extensive areas of Grade 3 land, which has not been assessed. It must be assumed that lower quality grade 3 agricultural land might well be available as an alternative to the appeal site.

18. To complete the assessment, the appellant considered the availability of previously developed land (PDL) and the possibility of utilising commercial

[3] Explanatory note for Likelihood of Best and Most Versatile (BMV) Agricultural Land – Strategic scale maps – ALC021 (naturalengland.org.uk)
[4] Oaklands Solar Farm About the Project BayWa r.e. https://www.baywa-re.co.uk/en/solar/oaklands-solar-farm#about-solar-energy viewed 12/5/23

rooftop sites. Data from the Council's brownfield land register together with the adjoining Lichfield and East Staffordshire District Councils were used to assess PDL sites. The most recent databases held by the three local authorities contain 8 PDL sites all of which are very considerably smaller than the 70.18 Ha. These sites would not be capable of generating a comparable megawatt output and would therefore not be economically viable in terms of factors such as the cost of connecting into the electricity distribution network. Moreover, they are either allocated for housing or have planning permission for such purposes. In terms of utilising rooftops, there is only one suitable building within the study area in nearby Burton-on-Trent. However, this site is allocated for residential development with a pending outline application to be determined and can be discounted. I am satisfied that the identified sites are either allocated for alternative uses or are more constrained that the appeal site in terms of their suitability for solar development.

19. The appellant explained that the appeal site land will remain available for agricultural use with the land below the solar arrays possibly utilised for sheep grazing purposes. It was explained at the hearing that the 40 years of fallow would enable the quality of the soils to be repaired. Moreover, biodiversity improvements proposed include new planting of trees and hedgerows with wildlife friendly species and enhancement of existing habitat corridors throughout the site. New planting and landscaping would leave a lasting environmental legacy beyond the lifetime of the solar farm.

20. While recognising that it may not be reasonable to expect developers to fully investigate every possible location for a solar farm within a wide study area and neither is it incumbent on appellants to demonstrate that there is no possible alternatives to an application site, nevertheless, the wider study area is expansive and sufficiently so that it is being earmarked as a potential national infrastructure project. In acknowledging that the main issues for food security as identified by DEFRA[5] are climate change and soil degradation, this only serves to emphasise the importance of maintaining higher quality agricultural land where this is found in food production.

21. The hearing heard that the land hereabouts is a valued resource with tenant farmers under contract to a national potato crisps manufacturer who demand the highest quality of outputs. It was pointed out that there are only 80 such farms in the country producing the required grade of potato crop. Moreover, no calculation had been made of the existing bioenergy plant that is being generated each year and which contribute to renewable energy targets that may also close should the proposed solar farm goes ahead. The evidence presented at the hearing on this was scant however and has not featured highly in my consideration.

22. There is no definition of what might constitute 'compelling evidence' but I accept the Council's arguments that the evidence fails to demonstrate that there are no suitable poorer quality areas of land in the study area that could be used or accommodate the appeal development save for a broad brush map-based review. In this regard, the appeal proposal contravenes relevant provisions of BNE4 of the SDLP, the NPPG and the WMS. The loss of just under 50% of BMV is a significant negative aspect of the appeal proposal which weighs heavily against the development.

[5] United Kingdom Food Security Assessment 2009 – Department of Environment, Food and Rural Affairs

Landscape and Visual Impact

23. There is little question that the nature and scale of large-scale solar farms may result in landscape harm. Both national and development plan policy adopts a positive approach towards this form of renewable energy development where harms are outweighed by the benefits of solar schemes. There is a distinction to be made between impact on landscape, which should be treated as a resource, and impact on visual amenity, which is the effect on people observing the development in places where the development can be viewed, such as villages, roads, public rights of way and individual dwellings and I have assessed the appeal development on this basis.

Landscape character

24. Paragraph 174 of the Framework indicates that the intrinsic character and beauty of the countryside should be recognised. It does not seek to protect, for its own sake, all countryside from development; but rather, places emphasis on protecting 'valued landscapes'. The concept of a valued landscape is not defined in the Framework, but the principal parties agreed that the landscape of the appeal site and immediately beyond should not be described as such. The site does not form part of any designated landscape but from the perspective of some interested parties, the value of a given area within a particular landscape may depend on the value attributed to it by an individual or groups of people.

25. Given that landscapes will be valued by someone at some time, the term valued landscape must mean that they are valued for their demonstrable physical attributes, which elevate them above just open countryside but below those areas that are formally designated, such as National Parks, AONBs etc. There was consensus at the hearing that impacts on the wider landscape was not of significant concern and that it is the likely effects on the more local landscape where opinions differed. From my comprehensive accompanied site visit, there is nothing that I saw and nothing that I have read that would elevate the appeal site or its surroundings to that of a Framework valued landscape. The heavily ploughed or grazed nature of the site and its comparatively slight undulating form, despite being crossed by public rights of way that help give it a degree of popularity by virtue of it being accessible, does not to my mind elevate it above an area of modestly attractive countryside. In other words, there are no attributes that take it out of the ordinary to a level below that associated with designated landscapes.

26. In terms of landscape studies, both parties have relied on the Derbyshire County Council's 'The Landscape Character of Derbyshire' (published in 2003 and updated in 2014) (The LCD), which identifies the site as falling within the National Character Area 72 (Mease/Sence Lowlands) as defined by Natural England and of the 'Village Estate Farmlands type, which broadly constitutes a gently rolling agricultural landscape, intensively farmed with scattered villages, including Lullington and Cotton-in-the-Elms with prominent tall church spires that punctuate the agricultural landscape along with plantation woods and well-maintained low shaped hedgerows. The LCD describes the area as a well-ordered landscape of open views and quiet rural character. Beyond, woodland is becoming more visually prominent due to the National Forest initiative.

27. The appeal site itself comprises a series of agricultural field parcels that form an elongated shape running east to west and contain the occasional isolated

sparse woodland remnants following intensification by arable agriculture and hedgerows on field boundaries with few trees. A backcloth of woodland copses and woodland belts frame the wider landscape to the north. These features contribute to the appeal site generally having a contained character despite being dissected in half by Lullington Road. The LCD's Planting and Management Guidelines seeks amongst other things to promote linked extensions to ancient woodland by natural regeneration and planting while re-establishing and enhancing the physical links between isolated woodland and hedgerows. I agree with the appellant's assessment that with the presence of so few incongruous elements (other than the existing pylons within the western section of the site), the site makes a positive contribution to the local landscape on the basis that it contains many of the attributes associated with the 'Village Estate Farmlands' character type identified in the LCD.

28. From my extensive site visit, I would concur with the findings of the appellant's Zone of Theoretical Visibility (ZTV) study in relation to the likely impacts within close proximity (1km) of the site and the potential visibility of the solar arrays, particularly from higher ground within the search area of 2km from the site. Due to the presence of existing vegetation, including woodland belts and hedgerows, existing undulations, there would be limited relationship and little intervisibility from Lullington itself and, at the very worst, there would only be glimpsed views of the development from the norther section of the village.

29. I would also concur that, notwithstanding paragraph 174 of the Framework, the site and its immediate surroundings have a medium landscape value and a medium susceptibility or sensitivity to change. This means that despite the nature of the appeal development, the landscape hereabouts has the ability to absorb the proposed development without loss of key characteristics or features or specific aesthetic or overall landscape character. I find that the proposed development would have a moderate adverse effect on the landscape character of the site leading to minor adverse impact on the wider landscape. That is not to say that the initial magnitude of impact, particularly on the public right of way that leads through the site from the north towards Lullington and from public highways would indeed be substantial adverse upon first commissioning but given the standoff, the reinforcement of hedgerows and new planting that is intended to also link the existing isolated woodland areas, I do not consider that the development would be unduly harmful in landscape terms.

30. Overall, despite the impacts arising from the initial commissioning phase, which will undoubtedly lead to substantial adverse impacts, as the planting matures, the proposed landscaping scheme will cause the development to become less prominent in the landscape and lessen the degree of impact when viewed from outside. It is concluded that by Year 15 as envisaged by the appellant, I would agree that the appeal proposal would have a moderate adverse effect on landscape character from within the site leading to a minor adverse effect on the landscape character of the wider area. These are within acceptable tolerances.

Visual effects

31. Visual amenity relates to the direct visual impacts on receptors (people) rather than on the landscape. The appellant's assessment of visual effects is based upon an assessment of views from 26 representative viewpoints, including

views from residential properties, footpaths and public highways in the immediate vicinity of the site and from the wider landscape with an assessment of likely effects upon receptors at construction, year 1 and year 15.

32. The hearing spent some time exploring the likely impacts on the 'Coffin Trail' (Lullington FP1/Coton-in-the-Elms), a much valued and well-used local rights of way; I was able to walk this route and appreciate the significance of its association with Lullington Church and acknowledged the strong emotional and historical ties felt by the local community. Direct views of the appeal development would be seen along this route and users will experience an immediate landscape that is dominated by the solar farm, its paraphernalia and associated infrastructure. Planting would be unlikely to diminish this impact and the effects on receptors will be significant. It is difficult to envisage that users of the footpath will have the same sense of enjoyment of the wider landscape for much of its length as they do now. Furthermore, hedgerows designed to reach a height of 4m although providing good screening would appear discordant by comparison with the existing style and shape of existing hedges in the area.

33. That said, the appellant's landscaping scheme has sought to respect the need to offset the arrays along much of the route such that the impression of a once slow procession towards Lullington with its historic church spire always acting as a focal point drawing the eye ever closer would be retained. Given that the users of this footpath not only enjoy the vista of the church spire for much of its length, which would be adequately mitigated by the offsetting of the arrays, but also the wider rolling landscape, I would agree with the Council's assessment that the effect at year 1 would be major adverse leading to moderate adverse by year 15; I find this would not be significant.

34. During my extensive site visit, I was able to take in most of the selected viewpoints either at the specified locations or as close to those locations that was possible without encroaching on private properties and land. In each case I found that the assessment undertaken by the appellant to underscore to a limited extent the effects on some receptors, most notably, the review viewpoints (2, 3, 4 and 5) along Lullington FP1 and Coton-in-the-Elms FP7 at year 15. The change from the existing views of a wide expanse of gently rolling landscape to that of high hedgerow screening would have a moderate adverse effect. The effects would not however be significant.

35. Similarly, the landscaping proposals incorporate provision to strengthen existing isolated woodland as noted above while the introduction of new grass mix below the array together with substantial tree, hedgerow and new woodland planting in accordance with recommendations of the National Forest would provide adequate screening for the appeal proposal and lead to landscape and biodiversity enhancement. It would nevertheless change the nature of views from other footpaths and transport routes. I do not agree with the Council that the effects would be moderate adverse. Rather, the landscape change as a consequence of the landscaping proposals would amount to slight adverse effect at year 15, which would be acceptable.

36. There would be no appreciable views from residential properties within Lullington, particularly given the nature and extent of proposed planting. I find that the appellant's assessment is generally accurate, which is a view supported by officers during consideration of the planning application and

supported by the Council's landscape consultant who surprisingly was not present at the hearing. During my site visit, I was able to assess the likely effects on Lady Lees, Home Farm and Grafton House, which were the properties identified for greatest scrutiny at the hearing. There is little difference in the conclusions drawn by the parties with respect to these properties although I accept that due to the proximity of Grafton House and the elevated nature of Lady Lees and thus both being of high sensitivity, the Council's assessment of the development having a moderate adverse effect at year 15 is more accurate. That said, although at an acceptable level in planning terms, the effects would be keenly felt by occupiers of these properties.

37. Bringing all the above together, I would acknowledge that a large-scale solar farm located in an otherwise largely unspoilt countryside would have an adverse effect on landscape character and lead to visual impact. The appeal site is accessible by the public from the local public footpath network and includes a historic route which is still used extensively and enjoyed as a recreational resource. It is accepted that the landscape is not a valued landscape in terms of the Framework and no prominent landmarks would be affected. Due to the combination of factors, including the gentle rolling nature of the landscape, existing field patterns, the heavy arable practices and the opportunity to strengthen existing woodland tracts and hedgerows through mitigation, the long-term moderate adverse effects that have been identified would be within acceptable tolerances. There would be no residual impacts following decommissioning. There would also be benefits from better management of hedgerows and woodland blocks, in line with National Forest management objectives.

38. Consequently, I would conclude that the proposed development would comply with South Derbyshire District Council Local Plan Part 1 (LP Part 1) Policies SD6 and BNE4 and Local Plan Part 2 Policy BNE5 (LP Part 2). Collectively, these policies amongst other things, seek to encourage renewable energy developments provided they do not give rise to unacceptable landscape and visual impacts, are well-designed and lead to protection, enhancement, management and restoration of biodiversity and the landscape with particular reference to the objectives of the National Forest and where adequate mitigation to overcome adverse impact to the character of the receiving landscape would be provided.

Heritage Impacts

39. The Statement of Common Ground identified two areas of concern for the Council in relation to the impacts of the development on the settings of The Church of All Saints Grade II* Listed Building and the Lullington Conservation Area (the CA). These assets are some distance from the southern edge of the appeal site. During the course of the application, officers believed that there would be some harm to the settings of Lady Leys Farm and Grafton House both Grade II Listed Buildings; however, following consideration by the Council's Planning Committee, members resolved to oppose the development but altered its position to that contained in the officer report to Committee.

40. The parish church dates from the 14th century and contains an impressive three-stage spire. Its significance is derived from its architectural and historic interest together with its association with prominent local families and its role

and function in the religious and community life of the village. Along with its associated churchyard, churchyard walling and graves and monuments, the church has a close physical relationships with village roads, the former village school, village green and buildings fronting Main Street. Its spire moreover by virtue of its height and position within the landscape forms a distinctive and discernible point of reference although this diminishes over distance. The importance of the spire as a landmark cannot be understated; however, the remainder of the church is closely associated with the main body of the village and cannot readily be viewed from outwith.

41. Discussions relating to heritage assets at the hearing focussed primarily on the alleged harm to the setting of the church arising from the potential degradation of how it is appreciated by users of the 'Coffin Trail' Lullington FP1. However, from this distance, the spire continues to pierce the skyline above existing trees and continues to act as a landmark when approaching the village from the north. It is quite inconceivable that the appeal proposal would harm this feature, which only forms an element of the overall architectural and historic significance of the church itself. The church spire will not be directly and physically affected by the solar arrays. Due to the topographical nature of the development and the land, there will be no severance of views of the spire and certainly no interrelationship with the church itself.

42. For these reasons, I find that no harm to the setting of the church would arise as a consequence of the development. The setting of the church would be unaffected. For the purposes of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), the appeal scheme would preserve the listed building along with its features of special architectural or historic interest, which would remain wholly unchanged.

43. I would agree with the Council's assessment that due to the distance from the proposed development, the landscape topography and existing and proposed tree and hedgerow cover, the proposal would not be harmful to the special interest or setting of Grade II Listed Buildings, namely Lady Leys Farmhouse, Woodfields Farm, Raddle Farm, Manor Farm and the Old School House or the locally listed Grafton House, which were identified in the officer's report.

44. With the exception of the church spire, I am satisfied that the proposed development would not be visible in views from or towards any part of the CA. The proposed development would not have any meaningful effect on the setting and therefore the significance of the CA and thus both the character and appearance would be preserved in line with s72(1) of the 1990 Act.

45. In my assessment, the proposal would not cause any harm to historic assets and this matter would not weigh against the appeal development. Consequently, there would be no conflict with LP Part 1 Policies SD6 and BNE2 or LP Part 2 Policy BNE5, which together seek to support renewable energy developments provided there are no unacceptable impacts on the historic environment and that proposals for development protect, conserve and enhance heritage assets.

Planning balance and conclusion

46. There is little doubt that we are close to a point where climate change is a reality and that if left unchecked will have very serious consequences for large parts of our planet. The development would clearly make a significant

contribution to providing energy from a renewable source. The proposal would produce 53,627 MWh/year which the appellant states is the equivalent to the electricity demand from approximately 17,300 homes or 17% of the population of the South Derbyshire District Council area. UK electricity demand is expected to double by 2050 and the decommissioning of existing carbon generating assets will require new low-carbon generation facilities as well as wider transitions outside of the power sector in order to meet national and international targets to reduce carbon emissions and mitigate the effects of climate change.

47. The Framework at paragraphs 153, 155 and 158 encourage the development of renewable and low carbon developments whilst Government wants to accelerate the development of renewable and low carbon technologies through the deployment of wind, nuclear, solar and hydrogen. The ambition for solar is to increase capacity by 14GW and by 5 times by 2035. Whilst national policy is to encourage large scale projects to be located on previously developed, or lower quality value land where possible and to avoid, mitigate and compensate for impacts of using greenfield sites, there is no question that energy from solar will form a critical element of the plan to decarbonise the UK electricity sector. These factors coupled by the timeliness of delivery and relatively easy connection to the national grid in this instance weighs significantly in favour of the appeal proposal.

48. I recognise the time limited nature of the appeal scheme and that agriculture may well continue during the scheme's lifetime although no guarantees were offered at the hearing. Whilst the 40-year period may allow for the restoration of the soil structure and reduce the problems associated with nitrates usage, it appears to me, as it has done to other Inspectors at appeals cited by the Council, that 40 years would indeed constitute a generational change. I accept the appellant's arguments that where sites are made up of a patchwork of agricultural gradings, it is not feasible or practical to separate small areas of BMV land from development, particularly as this would result in that land having little commercial agricultural utility. However, this proposal would harm the BMV resource, which amounts to just under half the total available hectarage and would make an unacceptable indent on the contribution that a large proportion of the site makes towards food security for a significant period of time.

49. There was little dissension that the appeal scheme would provide substantial ecological enhancements with the landscaping proposals providing a 270% gain in habitat units and 46% net gain in hedgerow units as detailed in the appellant's Biodiversity Net Gain Assessment, which is well above policy requirements. The appellant's Landscaping Strategy Plan is well thought through and would in time provide a mature landscaped setting to the appeal scheme, as well as improving ecological connectivity in support of the National Forest objectives. The impact on biodiversity arising from the proposed development would be positive and moderate with no unacceptable adverse impact on internationally or nationally designated sites, habitats or species. This carries positive weight in favour of the appeal proposal.

50. The early implementation of a substantial renewable energy scheme that would provide clean electricity for some 17,300 homes should rightly carry significant positive weight. The biodiversity net gain and long-term landscape benefit

would also carry moderate weight. The parties agreed that the job creation would similarly carry moderate weight.

51. While collectively the benefits arising from the appeal scheme are significant, the harm that would be caused by allowing the development of just below 50% of the site's hectarage over a period of 40 years would be of greater significance.

52. Taking all this into account, the appeal proposal would be conflict with the development plan and the Framework and would not constitute sustainable development.

53. Accordingly, for the reasons stated I conclude that the appeal be dismissed.

Gareth W Thomas

INSPECTOR

Appearances:

For the Appellant:

Gareth Phillips	Partner, Pinsent Masons
Graham Robinson	Associate Director, Hodges Land Pro
Christopher Jackson	Regional Director, Land Pro
Andrew Rudge	Fuller Long
Matthew Carpenter	Senior Associate, Pinsent Masons
Lesley Giles	Project Manager, Island Green Power
David Elvin	Head of Projects, Island Green Power
Daniel Baird	Daniel Baird Consultancy

For the Council:

Bob Woollard	Director, Planning & Design Group
Stuart Hammond,	Planning Officer, South Derbyshire District Council

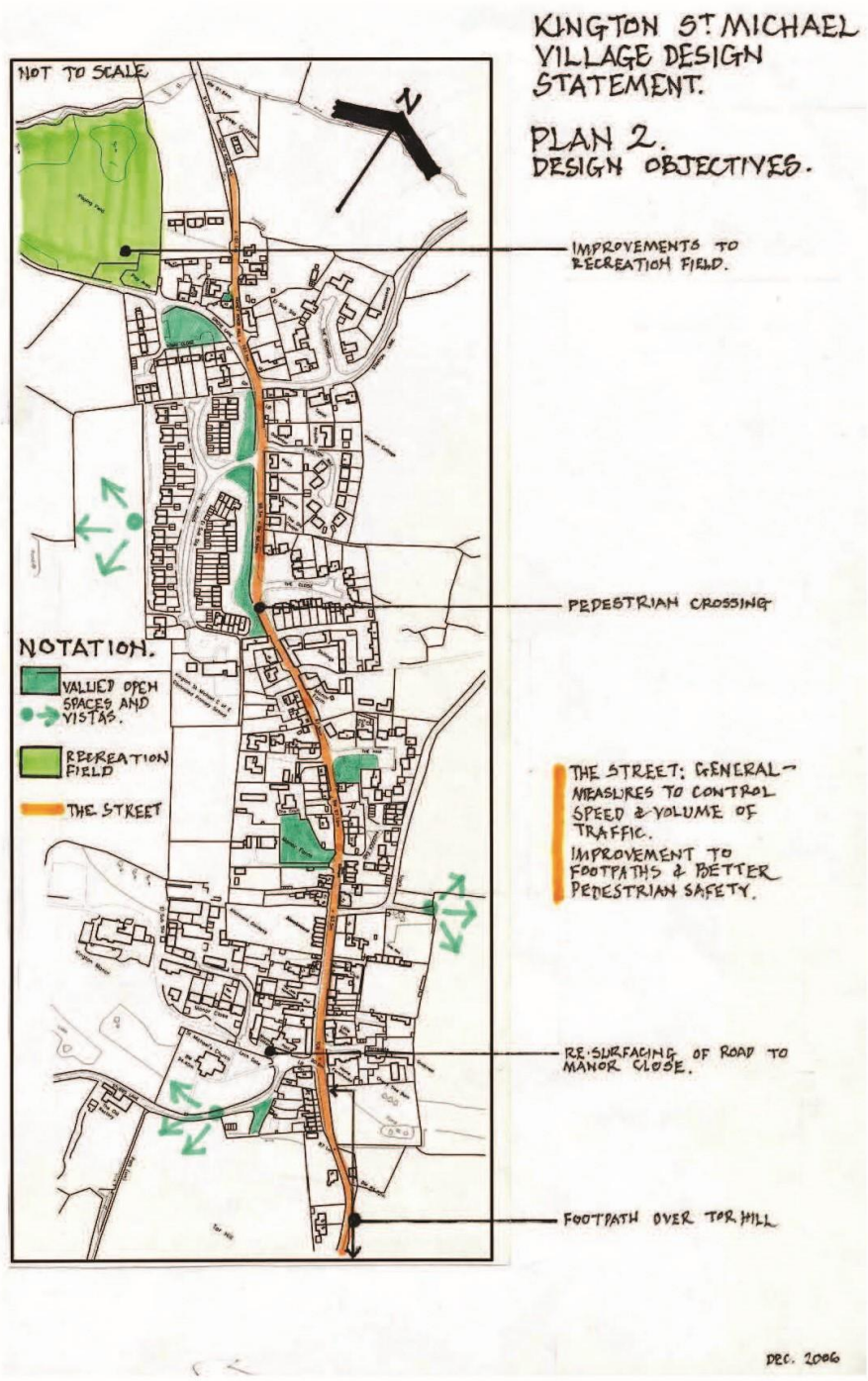
Interested Parties:

Cllr Amy Wheelton	South Derbyshire District Councillor
Cllr Helen Bailey	Chair of Lullington Parish Council
Jason Bailey	Local tenant farmer
Denise Walsh	Local resident
Valerie Shaw	Local resident, Chair of Lullington Village Hall Committee
Steven Mills	Local resident
Emma Hooper-Smith	Local resident
Stuart Whitby	Local resident

Documents presented to the Hearing:

Document 1:	Core Documents List
Document 2:	Appeal decisions not included in evidence
Document 3:	Suggested site visit route map
Document 4:	Liz Lake Associates Photo Location Plan

APPENDIX 3: EXTRACT FROM KINGTON ST MICHAEL PARISH PLAN VILLAGE DESIGN STATEMENT (PLAN 2: DESIGN OBJECTIVES), PAGE 32



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APPENDIX 4: APPEAL DECISION: LAND AT PARK FARM, GILLINGHAM SP8 5JG

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The Planning Inspectorate

Appeal Decision

Inquiry held on 27 – 30 September and 5 October 2022
Site visits made on 26, 28 and 29 September 2022

by Phillip J G Ware BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 February 2023

Appeal Ref: APP/D1265/W/22/3300299
Land at Park Farm, Gillingham SP8 5JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Fern Brook Solar Farm Ltd against the decision of Dorset Council.
- The application Ref P/FUL/2021/02046, dated 4 June 2021, was refused by notice dated 25 January 2022.
- The development proposed is the construction of a solar photovoltaic farm, battery storage and associated infrastructure, including inverters, batteries, substations, security cameras, fencing, access tracks and landscaping.

Decision

1. The appeal is allowed and planning permission is granted for the construction of a solar photovoltaic farm, battery storage and associated infrastructure, including inverters, batteries, substations, security cameras, fencing, access tracks and landscaping on Land at Park Farm, Gillingham SP8 5JG in accordance with the terms of the application Ref P/FUL/2021/02046, dated 4 June 2021, subject to the conditions set out in the Annex to this decision.

Procedural matters

2. The majority of the Inquiry was held in person, with other participants and observers on Teams. Closing submissions were delivered virtually.

3. The appellants put forward an amended landscaping scheme at the appeal stage. Although this was suggested to have an implication related to archaeology, both parties agreed that the appeal should proceed on that basis, and the archaeological matter was discussed at the Inquiry. I am satisfied that no interests would be prejudiced by that course of action and the Inquiry and this decision relate to the amended plans.

Main issues

4. There are two main issues in this case

   - The effect on the character and appearance of the landscape
   - The effect on the setting of designated and non-designated heritage assets

5. There are two other matters, archaeology and noise, which although not forming part of the Council's reasons for refusal, appeared to generate some disagreement between the parties at the time of the CMC. It was agreed at the CMC that these matters could usefully be discussed further and, as a result, much of the dispute was resolved and a Supplementary Statement of Common Ground (SOCG) was prepared (September 2022). These matters will be dealt with separately below.

Reasons

The site, the surrounding area and the proposals

6. The appeal site is around 33 hectares in extent (slightly larger if the route of the cable connection is included). It comprises grazed pastureland bounded by managed species-poor hedges. The site is classified as Grade 4 (poor quality) agricultural land due to its heavy slowly permeable soils.

7. The surrounding area comprises similar fields, with a woodland to the north. It is around 600 metres east of the settlement of Gillingham. The area, aside from Gillingham, is generally rural in character, and the nearest residential property is Donedge Lodge Farm around 240 metres to the northeast.

8. There is a public bridleway running adjacent to and within the northern and north-western boundaries of the site. This bridleway forms part of the White Hart Link which connects Gillingham with Motcombe, and which connects with other footpaths.

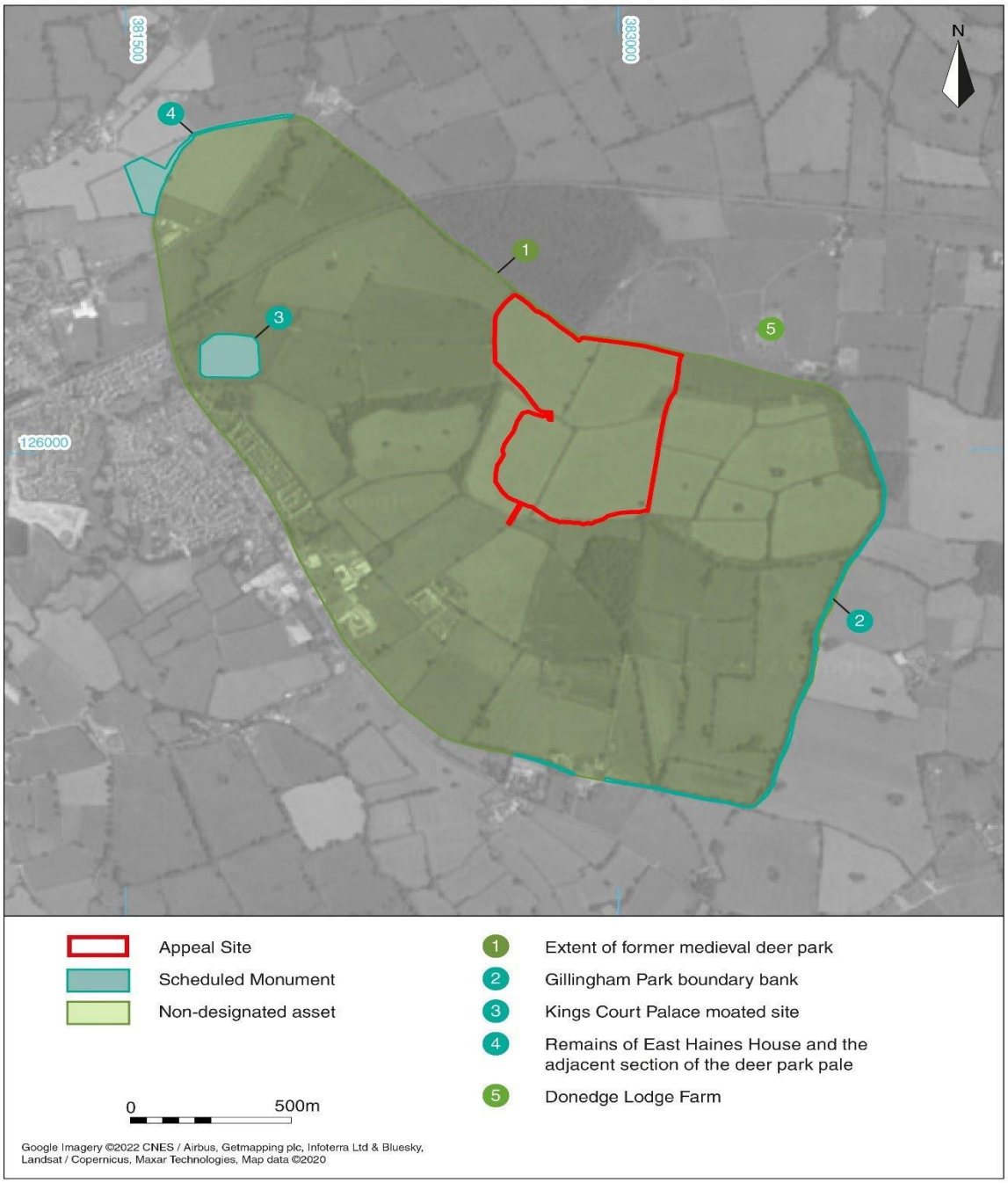
9. The site is not within or adjacent to any national or international environmental, landscape or cultural heritage designations. The majority of the site is within Flood Zone 1, along with smaller areas of Flood Zones 2 and 3 along the western and southern boundaries.

10. The site known as the Gillingham Southern Extension (GSE) is located on fields to the west of the site – its closest point is around 70m from the western edge of the site.[1] Outline permission for a major development was given in 2021 – I will return to this later.

11. The Gillingham Royal Forest Project Area covers an area of approximately 13.7 square miles and includes the appeal site. The area around the appeal site is a non-designated heritage asset in its own right. The Area includes three Scheduled Monuments - Kings Court Palace Moated Site - approximately 600m to the west; the remains of East Haimes House and the adjacent section of the Deer Park Pale - approximately 1km to the north-west; and the Gillingham Park Boundary Bank - approximately 500m to the east. Donedge Lodge Farm is a non-designated heritage asset.

[1] There is a disagreement between the parties as to how this proximity is best described, but this dispute is of no relevance to the decision.

12. The plan below shows the relationship between the appeal site and the heritage



13. The appeal proposal is described in general terms in the banner heading above. The details are shown on the submitted plans, and are described in the Planning, Design and Access Statement and the Council officer's report (P/FUL/2021/02046).

Policy context

14. The development plan comprises the saved policies of the North Dorset District Wide Local Plan 2003 (DWLP); the North Dorset Local Plan Part 1 2016 (LP);

[2] Taken from Mr Sutton's evidence, and uncontested

and the Motcombe Neighbourhood Plan 2019 (NP). It is worth recording that there is no suggestion from any party that the most important policies in the development plan are out of date or that the so-called 'tilted balance' is engaged.

15. DWLP policy GRF1 deals with the Gillingham Royal Forest Project Area. It states that it is proposed to provide additional woodland planting to enhance the landscape, provide recreational facilities and provide interpretational material. Development in keeping with the character of the area and in accordance with these matters will be approved. [3]

16. LP policies 4, 5 and 22 deal with heritage, landscape and renewable energy matters. Policy 4 is a wide ranging policy dealing with the natural environment. Amongst other matters it seeks to protect the landscape character of the area. Policy 5 deals with the historic environment, and in particular the need to weigh any less than substantial harm to designated heritage assets against the public benefits of proposals, and deals with the approach to harm to non-designated heritage assets. Policy 22 deals with renewable energy proposals, and the need to weigh benefits against impacts. The effect on the landscape and the historic environment are two potential adverse impacts. [4]

17. In addition, LP Policy 21 deals with the GSE, as referenced above. It includes four main areas proposed for development and notes that the setting of Kings Court Palace, as a scheduled monument will need to be protected. It states that Gillingham Park is an ancient Deer Park, which was formerly surrounded by a 'park pale'.

18. NP policy MOT5 takes a similar approach to DWLP policy GRF1 in its support for woodland planting in the Royal Forest area and the promotion of the understanding of the area. MOT7 seeks to minimise adverse impacts on views from public rights of way over open countryside. It identifies views which are of particular significance, none of which relate to this proposal.

Landscape

19. The appeal site itself comprises agricultural fields and is entirely rural in appearance, as is much of the surrounding area. That said the influence of the edge of the settlement is apparent to varying degrees from parts of the site and the wider area. I will return below to the effect of the GSE allocation and permission. The site falls within the area of the Gillingham Royal Forest which is itself a non-designated heritage asset and is part of the setting for other assets (to which I will return below).

20. A useful starting point in dealing with the effect of the proposal on the character and appearance of the area is to consider the way in which it is described in character appraisals. In terms of the National Character Area the site and the area are within NCA 133: Blackmore Vale and Vale of Wardour. This is described as a "..large expanse of lowland clay vale and the Upper Greensand terraces and hills that mark the southern and eastern boundary of

[3] Other DWLP policies are listed in the SOCG at para 7.5. These are not reasons for refusal.
[4] Other LP policies are listed in the SOCG at para 7.4. These are not reasons for refusal.

the NCA." At a more local level the site is within the Clay Vale Landscape Character Type, which is described as "..a broken sweep across the north-western parts of the county beyond the western and northern edges of the chalk escarpment".

21. The site is not within any landscape designated at either a national or local policy level. Although the above descriptions naturally do not specifically describe the appeal site and its immediate surroundings, it is clear to me that it is generally representative of the surrounding landscape.

22. The other point of note is that the predecessor authority to the Council had a Landscape Sensitivity Assessment of the area prepared in 2014. This assessment described the area as "..a flat or gently undulating landform..", a description which reasonably describes the area. The Assessment also stated that the area is not inherently sensitive to solar PV development, and that from within the area the even topography means that solar PV development would be unlikely to be perceptible beyond its immediate surrounds.

23. The landscape reason for refusal stated that the site was within a "..valued landscape.." and that the development would lead to unacceptably adverse harm to its character. One of the key differences between the parties is whether the site and the surrounding area are a valued landscape for the purposes of National Planning Policy Framework (NPPF) paragraph 174a. This states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes…..in a manner commensurate with their statutory status or identified quality in the development plan.

24. In this case it is clear that the landscape has no statutory status. The Council argued that DWLP policy GRF1 was a landscape designation (along with NP policy MOT5.) However this policy relates to the whole of the Royal Forest, does not identify the area to which it applies, nor identify the appeal site and does not refer to landscape quality. Instead it focusses on the objectives of the Royal Forest Project. This policy clearly does not identify the area for any landscape value. The relevant policy (NP MOT7) in the Motcombe Neighbourhood Plan does not identify any views of 'particular significance' over the Deer Park or appeal site. I do not consider that either policy has any direct bearing on the issue. On that basis the site and the surrounding area does not fall within either of the statutory or development plan matters referenced in NPPF 174a.

25. However the concept of a valued landscape is not defined in the NPPF. The leading court case on what constitutes a valued landscape is the Stroud judgement, as accepted by the parties.[5] This deals with whether the countryside in question has demonstrable physical attributes (rather than just popularity) which would take the site beyond mere countryside. In other words, as accepted by the parties, whether the attributes take the landscape beyond the 'ordinary' or 'everyday'.

26. Both parties considered this matter in the light of GLVIA 3 guidance, and although they used different terminology from each other, the approaches were

[5] Stroud District Council v SSCLG and Gladman Developments Ltd. [2015] WL 849499

very similar. The assessment of the various factors which might lead to a conclusion that the landscape was valued in NPPF terms was the subject of debate at the Inquiry. However, bearing in mind the 'Stroud test' summarised above, it is notable that the Council's approach was that the site and its surroundings were 'representative' or 'typical' of the Blackmore Vale/Clay Vale landscape. That accords with what I saw on site and in the surrounding area and these descriptions do not raise the area to the level of a valued landscape in NPPF terms.

27. One specific point raised by the authority was reference to the fact that the appeal site is close to a long-distance trail – the White Hart Link. Whilst that may attract walkers to the area and increase the numbers who would be able to see the appeal proposal, I do not accept that this raises the landscape quality to the 'valued' level. The country is criss-crossed by walking routes of various types, and very many other less publicised but popular routes – proximity to such a route does not in itself raise the landscape to the 'valued' level .

28. It should also be noted that, as far as the Inquiry was told, there was no mention of the 'valued landscape' argument in the report leading to the grant of the outline permission for the GSE scheme. This casts further doubt on the Council's approach to landscape appraisal in the current case.

29. In summary, I do not consider that the landscape is a valued one in NPPF paragraph 174(a) terms, and I will shortly turn to consider the effect of the proposal on the area in the light of the development plan and NPPF paragraph 174(b) - which refers to the recognition of the intrinsic character and beauty of the countryside.

30. Before turning to the effect on the landscape, it is of note that the reason for refusal did not specifically refer to visual impact, although naturally the view from the footpath adjacent to the site (N69/7) is of considerable relevance to considering landscape character. From my visit to the area, I am not surprised at the lack of reference to visual harm, as I consider that the visual impact, save from that footpath, would be limited and short range.

31. There was a difference between the parties as to the sensitivity of the landscape, with the authority assessing sensitivity significantly higher than the appellant. However the Council's position began with a district wide approach to sensitivity and concluded a higher level of sensitivity than it subsequently defended. Specifically when addressing the criteria for assessment as set out in the Sensitivity Study, the Council accepted that majority of factors would result in a low-medium sensitivity. My consideration of the evidence, including this position reached in cross-examination, supports the appellant's conclusion that the sensitivity of the site is low-medium.

32. It is clear that any development on open agricultural fields would conflict with the characteristics of the site and cause a loss of some open character at the site level. In terms of the magnitude of change, due to the landform and existing screening, along with the ability to undertake landscape mitigation, the magnitude of change would be localised - high on the site, medium at the Deer Park level, declining to low/negligible in the wider area. This change could be best appreciated from Viewpoints 1 and 2 (accepted by the Council as

the only locations where there would be a significant visual effect). In coming to that conclusion, I appreciate that the Council's position is that there would be a higher magnitude of change on the site and beyond, but to a large extent this stemmed from the initially higher assessment of sensitivity (which I do not accept) and was not an assessment supported by the answers in cross-examination.

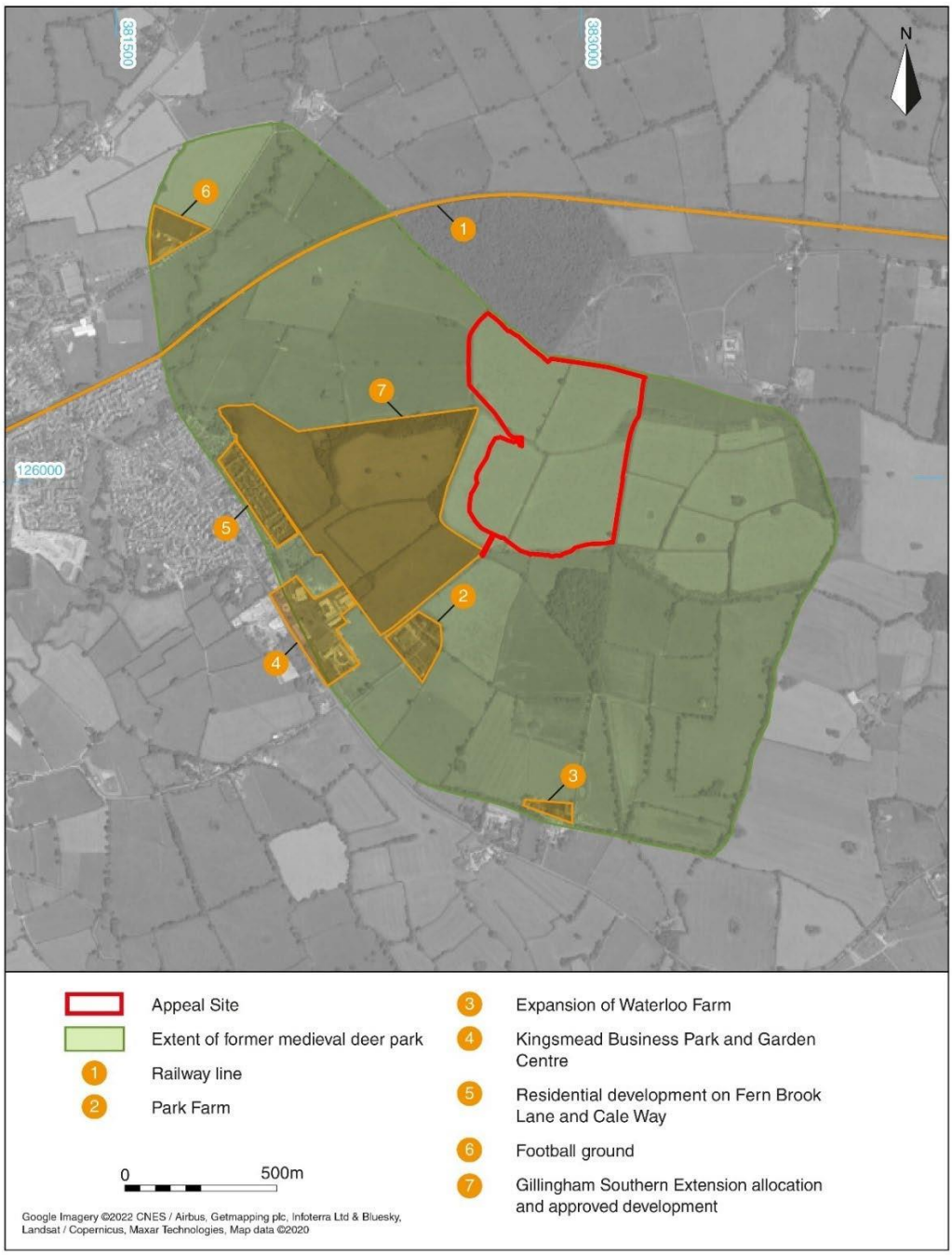
33. There was an argument put forward by the appellant that the proposed solar farm would be inherently rural in nature. But although many solar farms are now located in rural settings, I do not consider that they are so common that they have come to be regarded as a form of development which is inherently rural. But nor do I accept the Council's assertion that they are industrial in visual terms, as they have little in common with industrial development and are becoming gradually accepted in rural areas.

34. Before concluding on this matter, it is also important to consider the effect on the landscape as it will be in future following the GSE allocation and consented scheme. Outline planning permission was granted in 2021 for development on land to the southwest of the appeal site in accordance with the GSE allocation. The permission was for up to 634 dwellings, a primary school, sports pitches with floodlighting, public open space, play facilities, access and internal estate roads, internal footpaths and cycleways, sustainable drainage system with ponds, landscaping, utility connections and associated groundworks and infrastructure.

35. The Council stated that the boundaries of the approved development and the appeal site do not directly adjoin each other, and that there is landscaping potential between the two. However given the scale of the consented development, the effect on the baseline landscape will be substantial. It is accepted that this major development does not, in itself, justify the appeal scheme. However it would be wrong to ignore the consequences of the allocation and consented scheme on the character of the area.

36. The plan below shows the relationship between the appeal site and the GSE allocation/consented development and other developments in the Deer Park area.[6]

[6] Taken from Mr Sutton's evidence, and uncontested



37. Overall, I consider that there would be some limited harm to the character and appearance of the landscape and the proposal would therefore conflict with LP policies 4 and 22 as summarised above.

Heritage

38. The relevant heritage assets which may be affected by the proposal were agreed by the parties to be as follows:

- Gillingham Forest Deer Park and part of the Park Pale (non-designated heritage assets)
- King's Court Palace Moated Site (scheduled monument)

- Remains of East Haimes House and adjacent Park Pale (scheduled monument)
- Gillingham Park Boundary Bank (scheduled monument)
- Donedge Lodge Farm (non-designated heritage asset)

All these are shown on the first plan above.

39. In all cases it is agreed that the harm would be less than substantial in NPPF terms – though the extent of the harm is not agreed. It was also agreed that scheduled monuments are assets of the highest significance and that any harm to them should be given great weight.

40. There would be no direct effect on any of the assets aside from that part of the Gillingham Forest Deer Park on which the proposal would be constructed. All the assets relate to the historic former Deer Park which formed part of the Gillingham Royal Forest. With the arguable exception of Donedge Lodge Farm, which will be discussed below, the other assets would not come into existence were it not for the Deer Park, and they have a clear historic relationship with each other.

41. Beginning with the Deer Park, each asset will be considered in turn in its own right and then the combined effect of all the assets will be assessed.

The Deer Park

42. The effect on the former Deer Park is the main focus of the Council's case, both as an individual asset and in combination with the other assets. Aside from Donedge Lodge Farm, the setting of all the other assets listed above is the Deer Park itself.

43. The Park is part of the former medieval Deer Park which lay to the east and south-east of Gillingham. At the turn of the 12/13th centuries the evidence is that it was one of about 60 deer parks in Dorset and one of four royal parks in the county. At that time the boundary of the park would have been enclosed by a barrier or 'park pale'. As part of the history of the area and its royal associations, the park as a whole has historic significance – although the parties agreed that the appeal site itself does not possess any particular significance beyond its location within the wider park area.

44. The park derives significance from its historic and, to a lesser extent, its physical presence. However the experience of the asset as a whole has changed substantially over time as its surroundings have evolved. In this context the Council's Statement of Case describes the Deer Park as a coherent and legible whole. I have to disagree with that assessment as what exists now is not an intact deer park (as can be seen in many other locations) but the remains of a former deer park.

45. The boundary of the former Deer Park now includes a considerable amount of modern development (as can be seen from the second plan above) and contains substantial modern development including the Kingsmead Business Park, retail stores, a petrol filling station, a garden centre, housing and a football club with floodlights, modern agricultural buildings and a railway line.

46. Of potentially even greater importance is the LP allocation of the GSE development and the grant of planning permission for redevelopment. It was confirmed at the Inquiry that the status of the Deer Park was not referenced in the report leading to the grant of permission for the GSE development, which intrudes into the central area of the former park. For the Council to now express concern on heritage grounds about the current proposal appears inconsistent. It was accepted at the Inquiry that these modern developments are part of the current understanding of the Deer Park. My overall conclusion is that the asset is of reduced importance given the current intrusions into its original area.

47. That said, it is still possible for the informed observer to appreciate the historic contribution which the appeal site makes to the Deer Park as a whole. The public experience of this contribution would be largely from the footpath to the north. However no important views of the former Deer Park would be obstructed by the proposal, no footpaths would be closed, and the boundaries of the park would be unchanged. Movement through and views of the park would obviously be different in that, in some locations, there would be views of the solar farm. The placing of a solar farm on part of the park, even for a finite period, would obviously change the experience of this asset to a degree. Whilst recognising the effect of the current proposal on the park, this would be appreciably less than other approved/built developments.

48. Overall, the Deer Park, as it stands today with all the incursions into it, has reduced heritage significance. However there is a persuasive argument that, even though the baseline has significantly changed, the area that remains is all the more important. The change from open rural farmland to a solar farm on part of the Deer Park would affect both visual and historic relationships.

49. However, due to its relatively limited scale, the proposal would cause only limited harm to this non-designated heritage asset. I will return below to the heritage balance.

Kings Court Palace

50. King's Court Palace is the site of a medieval royal hunting lodge and is a scheduled monument. The monument is now seen as a ditch, internal bank and partial external bank.

51. The history of the site dates substantially from around 1200 when King John ordered extensive alterations to an existing house. It is understood that he visited the site regularly thereafter. In 1369 Edward III ordered the demolition of the buildings and the sale of the materials, and then in the late 18th century the foundations of the building were dug up and the stone used for road repairs.

52. The remaining earthworks are crossed by a modern track which bridges the ditch and truncates the banks in two places. What remains today is only visible from close up and can best be appreciated from the footpath which runs through the site. These are the remnants of what was once two substantial building complexes and a large (probably) continuous bank. It is also reasonable to assume that the buried remains may hold evidence about medieval high society, the local economy and the landscape. An information

board along the footpath close to the site provides a useful summary and a interpretation of the former complex of buildings.

53. The setting of the monument includes most of the other assets listed at the start of this section, but most importantly the Deer Park itself. The history and function of the lodge is intrinsically linked to the existence of the Deer Park.

54. The appeal site is around 600 metres east of the scheduled monument. The area between the two is gently rolling topography, typical of the wider area, and there are several field boundaries and trees between the two. Standing within the earthworks there would be a very small further incursion of modern development into the setting of the asset in visual terms, which already includes modern development and the railway line.

55. However, historically the Deer Park is the raison d'etre of the asset and makes a contribution to its understanding in historic terms, as described above. The proposal would, to a very limited extent, change the contribution which the setting makes to the appreciation or understanding of the asset. For these reasons, I conclude that there would be very limited harm to this heritage asset. This would be at the bottom end of 'less than substantial harm' in NPPF terms. I will return below to the heritage balance.

East Haimes House

56. East Haimes House is a scheduled monument lying just outside the boundary of the former Deer Park and beyond the park pale. The monument includes a part of the park pale.

57. It was once the residence of the fee forester, the principal park keeper, of the park during the medieval period. The asset is now a series of rectilinear earthworks (with the potential for buried archaeology). The park pale in this area is discernible in places as field boundaries and hedges, and in some sections, as an earthwork. Unlike the Palace, there is no information board to assist in the experience here. That said, the informed visitor could appreciate something of the historical associations of the asset.

58. As previously stated, the setting of East Haimes House and the Park Pale includes the Deer Park, however the setting of the house and the pale is heavily influenced by the modern Gillingham Town FC pitches, buildings and floodlighting columns. These lie within the former Deer Park, located in between the asset and the appeal site. The railway line runs to the south and further separates this asset from the rest of the former Deer Park. There is no direct pedestrian access into the park from East Haimes House and to get into the park it is necessary to walk away from it and then back into it

59. The appeal site lies over 1km from the East Haimes House, and slightly closer to parts of the park pale. The Council's position is that there is partial intervisibility but from what I saw on my visit, even that is optimistic. The distance and limited intervisibility between the appeal site and the asset, combined with their current setting, means that the proposed change in character of the appeal site would be of extremely limited relevance to the visual experience of the asset. The ability to interpret and appreciate the buried archaeological remains and the pale would be scarcely affected.

60. However, as with Kings Court, East Haimes House and the associated parts of the park pale would not have come into being without the Deer Park. Even a small diminution in the area of the park would slightly reduce the historical contribution which the setting makes to the appreciation of the asset.

61. Overall, I conclude that there would be very limited harm to this heritage asset. This would be at the bottom end of 'less than substantial harm' in NPPF terms. I will return below to the heritage balance.

Park Boundary Bank

62. The perimeter of the Deer Park would have originally been enclosed by a barrier or park pale, as discussed above. It would have potentially incorporated some natural topography, along with sections of a hedge atop a bank with a ditch, incorporating stakes and pales to increase its effectiveness. Part of the pale is linked to East Haimes House and is considered above, but part on the east side of the former Deer Park is separately identified.

63. The earthworks of the park pale are the only substantial physical surviving remnants of the medieval landscape. In this context the asset has significance both as a landscape feature (with the potential to preserve archaeological remains) and as part of the history of the group of assets. The setting of the pale, i.e. the Deer Park itself, contributes to the significance of this asset.

64. Visually, at the closest point the appeal site is around 500 metres away from this part of the pale, and the two are separated by gently rolling land with field boundaries including dense hedgerows. For this reason the visual effect of the appeal proposal on the setting of the earthwork would hardly be affected.

65. However, as with other assets, the proposal would slightly reduce the legibility of the asset in its Deer Park setting, which forms part of the asset's significance.

66. Overall the proposal would scarcely change the historic significance of the asset as derived from its setting. I conclude that there would be very limited harm to the visual setting of this heritage asset. This would be at the bottom end of 'less than substantial harm' in NPPF terms. I will return below to the heritage balance.

Donedge Lodge Farm

67. The position in relation to Donedge Lodge Farm is unusual. The Council consider this is a heritage asset in NPPF terms.

68. The property is a 19th century house located on high ground with views over part of the appeal site and beyond. A 1624 map of the Gillingham Forest[7] shows that there was a Donedge Lodge in the general location of the current building. This was apparently a keeper's lodge, but it no longer exists and there are no known remains.

69. The Council speculated at the Inquiry that the current house may conceal fabric from an earlier date or have been built over or close to remains of the historic

[7] CD219

lodge. However there is no evidence to justify this. The authority advanced the idea that the location is the important factor, but it is the building which is the asset. The non-designated asset is therefore the 19th century house, and not any suspected remains of an earlier building.

70. The current building has relatively limited architectural interest, and though it is prominent in the landscape, this is not sufficient to justify non-designated status. Thus, the asset is of very limited value in heritage terms.

71. The surroundings of the building undoubtedly add to its setting, and views from the building would change with the development of a solar farm.

72. Overall, the proposal would have no effect on whatever very limited heritage significance the building possesses.

Cumulative heritage effect

73. I have concluded above that, leaving aside Donedge Farm, there would be less than substantial harm in NPPF terms caused to the heritage assets, and that this harm would be at the bottom end of the scale within that category. Nonetheless any harm to designated heritage assets must be given great weight as these are assets which the NPPF recognises to be of the highest significance.

74. In coming to this view I have taken full account of the views of Historic England[8] as the Government's national statutory advisor on heritage matters. I do not depart from their views in principle although, after an extensive site visit and consideration of the appeal evidence, I differ in some instances related to the degree of harm.

75. Considered in visual terms, the proposal would have very limited effect on the contribution which the setting (i.e. the Deer Park) makes to the individual or group significance of the assets. However as a principal, the reduction in the undeveloped area of the Deer Park, almost regardless of distance, would cause some limited harm to the ability to conceptually link the assets together into an understanding of the whole.

76. Overall, for the reasons given above, I conclude that the proposal would cause limited harm to the setting of a number of heritage assets, and would conflict with LP policies 4, 5 and 22 as summarised above. I give this matter considerable importance and weight, and will return to the overall heritage balance below.

Conditions and planning obligation

77. Most of the conditions below were agreed by the parties at the Inquiry, and the reasons are given beneath each condition. Two conditions merit separate comment.

78. At the time of the Council's decision there was no archaeological objection raised by the authority. But, as referenced above, the Inquiry proceeded on the basis of revised plans and the Council raised archaeological concern in response to the revisions. The Supplementary Statement of Common Ground

[8] 6 August 2021, summarised CD.114, pp.32-33

agreed a number of matters. However neither the geophysical survey or trial trenching raised any matters of interest. A condition has been put forward to deal with this matter, although the appellant's position is that this is unnecessary. However as the matter is not entirely free from doubt it is considered that the condition is necessary.

79. It was agreed at the CMC that a report would be prepared dealing with noise matters. This report proposed mitigation measures in the form of acoustic louvres and, on that basis, it was that agreed noise levels would remain below the existing background noise level. There was some residual concern by the Council regarding the proposed louvres being sited within the structures, but a condition has been agreed to ensure that noise levels would be acceptable.

80. In relation to the planning obligation there is a dispute regarding the Gillingham Forest contribution, which would be put towards the enhancement of the landscape through woodland planting and the promotion of countryside recreation and tourism activities. Although this contribution could be more precise, it is considered that it is necessary in the light of the effect on the Royal Forest area and is in line with LP policy GRF1. It meets the tests for planning obligations.

Heritage and planning balance

81. The proposal would cause harm, in varying but limited degrees, in relation to the two main issues in dispute in this case – landscape and heritage. This is set out above. I need to balance these harms against the benefits of the scheme, both in relation to heritage matters and the overall planning balance.

82. Before considering the potential benefits of the scheme, there is one matter which was referenced but not specifically argued by the appellant. That is the limited period (40 years) for which permission is sought. Whilst I acknowledge that the development would be reversible, this time period is a large part of an adult lifetime and I do not give that matter any significant weight.

83. The proposed development would generate a significant number of jobs directly related to the construction of the solar farm, along with others in the supply chain. The employment related to the operational phase would obviously be far lower. I consider that this economic benefit is of moderate weight in favour of the scheme.

84. There would be additional woodland planting in the north-east corner of the site, accepted by both parties as a benefit. The amount of this planting goes beyond that which would be required to simply partially screen the development, and would be a positive benefit. In addition there is the contribution through the s106 obligation towards off-site planting in connection with the Gillingham Forest Project[9]. I have already stated that this contribution could be clearer as to the specific project. However overall I consider that the direct and indirect planting would be a moderate benefit arising from the scheme.

[9] It is also understood that the appellant offered bridleway improvements, but that this was rejected by the Council.

85. The scheme would deliver a measurable gain in biodiversity, and this would be a further moderate benefit arising from the proposal.

86. The appellant has offered to provide interpretation boards, ensured by condition, to provide information regarding the Deer Park. This would be a limited benefit arising from the proposal.

87. The energy and decarbonising credentials of the proposal are a very important factor in considering this appeal. I will deal with the local position first.

88. The Council recognises the need to provide energy from renewable sources in its area, and this is illustrated by its declaration of a Climate Emergency in 2019 (updated that same year to a Climate and Ecological Emergency). In policy terms the appeal also gains some support from LP policy 22 which, whilst referencing the need deal with adverse impacts in the balance, deals with the benefits of renewable energy.

89. The appellant emphasised the need for additional renewable energy in the UK and specifically in Dorset if the country is to meet the 'net zero' target and budgets in order to tackle the global challenge of climate change. The appellant called expert and persuasive evidence on the question of urgent need and limited supply. The Council relied on their planning witness in this respect, and stated that they did not accept that there is an urgent need for the development. The approach by the authority was that the appellant had to pass an 'essential' test – but no policy basis for such a test was put forward. In any event this is directly contrary to NPPF paragraph 158 which provides that there is no requirement for the appellant to demonstrate the overall need for renewable energy. Nor was any convincing evidence (even on a historical basis projected into the future) put forward to support the Council's suggestion that improvements in technology will significantly reduce demand for solar farms.

90. The Council also criticised the appellant's Alternative Site Assessment[10] on a number of grounds. This Assessment set out a various constraints which, it was suggested, limited the availability of sites in the county. I agree with the Council's criticism to the extent that the Assessment only considered sites within a relatively limited radius of connection points. However the number of sites which could reasonably accommodate this type of development in flood zones, conservation areas or Green Belts (all of which were regarded by the authority to be potentially feasible) must be seriously limited due to the various additional constraints in such areas.

91. Overall, whilst the Assessment might be criticised on a number of grounds, it would have to massively underestimate the position before it could be demonstrated that there are sufficient sites in the area. From the evidence that is an untenable position. In addition the Council did not put forward any alternative site which might be more appropriate than the appeal site, and more importantly the LP does not identify sites or even broad areas of search for this type of development.

[10] CD18

92. Turning to the national picture, it is unnecessary to recite the clearly stated national position related to renewable energy. For many years there have been a series of policies, statements and legal obligations which all seek to encourage renewable energy developments where they are appropriate. Particular reference should be made to the NPPF and the Net Zero Strategy: Build Back Greener. Furthermore it is clear that decarbonisation will rely very heavily on wind and solar power, and that the national need is significantly greater than the capacity of current projects.

93. In the light of the local and national imperative summarised above related to the provision of renewable energy, this matter weighs very heavily in favour of the proposal.

94. Turning to the overall heritage and planning balance, I have found that the proposal would lead to less than substantial harm to the significance of designated assets and limited harm to non-designated assets, to the extent set out above. This is a matter to which I attach considerable importance and weight.

95. But the public benefits summarised above, particularly the importance of the provision of renewable energy and the need to tackle climate change, are exceptionally weighty. I conclude that the public benefits of the proposal outweigh some non-compliance with policy on the basis of harm to landscape and heritage assets, and would be significantly and demonstrably outweighed by the clear benefits of the scheme.

Conclusion

96. For the reasons given above I conclude that the appeal should be allowed.

P. J. G. Ware
Inspector

APPEARANCES

FERN BROOK SOLAR FARM LTD

Mr Michael Humphries KC, instructed by DWD Property and Planning	
He called:	
Mr Si Gillett MSc	Humbeat
Mr Robert Sutton MCIfA	Cotswold Archaeology
Mr Will Gardner BSc(Hons) MSc CLMI	EDP
Mrs Sarah Price BA DipTP MRTPI	DWD Property and Planning

DORSET COUNCIL

Mr Mark Westmorland Smith of Counsel, instructed by the Head of Legal Services	
He called:	
Mrs Rachel Haworth IHBC	LUC
Mr Peter Radmall MA BPhil CMLI	Landscape Consultant
Mr Peter Grubb BSc(Hons) MSc MRTPI	Lighthouse Development Consulting

INTERESTED PERSON

Mr G Clinton	Donedge Lodge Farm

INQUIRY DOCUMENTS

Doc 1	Appellant's opening submissions
Doc 2	Council's opening submissions
Doc 3	Dark skies plan
Doc 4	ALC Grades (Defra)
Doc 5	Dorset Council Local Plan consultation January 2021
Doc 6	Unilateral Planning Obligation
Doc 7	Closing submissions by the Council
Doc 8	Closing submissions by the appellant

ANNEX

Land at Park Farm, Gillingham SP8 5JG

Conditions

1. The development hereby permitted shall not begin later than 3 years from the date of this permission.

2. The permission hereby granted shall expire 40 years from the date when electrical power is first exported from the solar farm to the electricity grid network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the Local Planning Authority no later than one calendar month after the event.
   Reason: The proposed scheme has a 40 year lifespan and to accord with the evidence at the Inquiry.

3. The development hereby permitted shall be carried out in accordance with the details shown on the following approved plans: Site Location Plan ref. LCS047-SP-01 and Development Zones Plan ref. LCS047- DZ-01 Rev 11 and Table 4-1 of Environmental Statement Chapter 4, except as controlled or modified by conditions of this permission.
   Reason: For the avoidance of doubt.

4. Prior to the commencement of the development hereby permitted, full details of the final locations, design and materials to be used for the panel arrays, inverters, substation, control building, switch room, CCTV cameras and fencing shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the development shall be carried out in accordance with the approved details.
   Reason: In the interests of the appearance of the development and the character of the area

5. Prior to the commencement of the development hereby permitted, a detailed landscaping scheme, in accordance with the principles contained within the Landscaping Proposals Plan (Reference: Figure 6.9 including figure 6.9w – 6.9f Rev F), shall be submitted to and approved in writing by the Local Planning Authority. These details shall include schedules of new trees, shrubs and hedgerows to be planted (noting species, plant sizes and numbers/densities), the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread) and an implementation programme.

   The scheme shall be implemented by no later than the first planting season following the first export date and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the

Local Planning Authority, shall be planted and properly maintained in a position or positions first approved in writing by the Local Planning Authority. Reason: To ensure satisfactory landscaping in the interests of the character of the area.

6. Prior to the commencement of the development hereby permitted, a Landscape Ecology Management Plan (LEMP) for the detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:
   a) Details of long term design principles and objectives.
   b) Management responsibilities, maintenance schedules and replacement provisions for existing retained landscape features and any landscape to be implemented as part of the approved landscape scheme.
   c) Summary plan detailing different management procedures for the types of landscape on site.

   The schedule and plan shall be implemented in accordance with the agreed programme.
   Reason: To ensure the landscaping contributes to the appearance of the area.

7. No development shall commence unless the Local Planning Authority has been provided with either:
   a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
   b) A GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
   c) A statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

   Reason: To avoid harm to habitats and species.

8. Notwithstanding the submitted details, no works or development shall take place until an Arboricultural Method Statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the Local Planning Authority. This scheme shall include:
   a) plan showing details and positions of the ground protection areas
   b) details and position of protection barriers
   c) details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
   d) details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g., in connection with foundations, bridging, water features, hard surfacing).
   e) details of construction and working methods to be employed for the installation of access tracks within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

f) details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in accordance with the approved arboricultural method statement and tree/hedgerow protection scheme.

Reason: To ensure that no harm is caused to retained trees/hedgerows.

9. Prior to the commencement of the development (including vegetation clearance), a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall be based on the recommendations made in the Ecological Assessment Revision A September 2021.
   a) Risk assessment of potentially damaging construction activities
   b) Identification of "biodiversity protection zones"
   c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
   d) The location and timing of sensitive works to avoid harm to biodiversity features.
   e) The times during construction when specialist ecologists need to be present on site to oversee works.
   f) Responsible persons and lines of communication.
   g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person as necessary.
   h) Use of protective fences, exclusion barriers and warning signs.

   The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

   Reason: To ensure that no harm occurs to the biodiversity of the area.

10. No development shall commence until a Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), has been submitted to and approved in writing by the Local Planning Authority, using the DEFRA Biodiversity Metric 3.0 or any successor. The content of the Biodiversity Net Gain (BNG) report should include the following:
   a) Baseline data collection and assessment of current conditions on site;
   b) commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG
   c) Principles have been applied to maximise benefits to biodiversity;
   d) Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
   e) Details of the implementation measures and management of proposals; and
   f) Details of the monitoring and auditing measures.

   The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

   Reason: To ensure that the development gives rise to biodiversity net gain in line with the proposal.

11. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy May 2021 (or as otherwise amended).
Reason: To ensure the development does not increase flood risk.

12. Construction Traffic Management Plan (CTMP), which shall include wheel washing facilities, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved CTMP shall be implemented prior to any works being carried out on site and shall be maintained throughout the course of the development. The CTMP shall state the times at which plant or material will be delivered to the site.
Reason: To ensure that the development does not harm highway safety and in the interests of the amenity of the area.

13. The development hereby approved shall accord with the acoustic measures as set out within the submitted Noise Assessment (Tetra Tech; 784-B041272) (or other method attenuation that may be agreed by the LPA pursuant to this condition). The development hereby approved shall not commence operation until:
i) precise specification and performance details of the acoustic louvres (or other method of attenuation), required as identified for the inverter units, and for all the battery storage units and DNO and Customer substations, are submitted to and approved in writing by the Local Planning Authority, and;
ii) The agreed attenuation methods are implemented in full to ensure no increase in the background noise level (15 minute LA90) when measured at the proposed sensitive receptors detailed within the submitted Noise Assessment, and to remain within the WHO guidelines for noise intrusion at nearby properties.
Reason: To ensure the development does not cause harm by reason of noise.

14. Not less than 12 months before the cessation of the development hereby permitted, or following a period of one year in which the development has failed to produce electricity for supply to the grid a decommissioning method statement (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The DMS shall include details of the removal of the panels, supports, inverters, cables, buildings and all associated structures and fencing from the site, and a timetable for their removal. The DMS shall also include a traffic management plan to address likely traffic impacts during the decommissioning period and details of the proposed restoration of the site. The site shall be decommissioned in accordance with the approved DMS within 6 months of the expiry of the 40 year period from the date when electrical power is first exported from the solar farm to the electricity grid network, excluding electricity exported during initial testing and commissioning, or within 18 months of the site ceasing to produce electricity whichever is sooner.
Reason: To ensure the full decommissioning of the site in the interests of the character of the area.

15. Prior to the operation of the development hereby permitted, full details and siting of the fixed interpretation boards at locations agreed with the LPA containing information regarding the former Deer Park shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To assist with the public understanding of the Deer Park.

16. There shall be no permanent illumination on the site unless otherwise agreed in writing by the local planning authority.
Reason: To protect the rural character of the area

17. Prior to the commencement of the development hereby permitted, a mapped and photographic record of the historic character showing key features within the appeal site and immediate surrounds, and the relationships between them, shall be submitted to and approved in writing by the Local Planning Authority. The approved record shall be deposited with the local Historic Environment Record (HER) or otherwise published to an appropriate public archive to be agreed by the Local Planning Authority.
Reason: To record aspects of heritage significance which may otherwise be lost or obscured by the development.

18. Prior to the commencement of any development hereby approved, including any excavation, a scheme that details a programme of investigative archaeological work (including trial trenching), to inform the appropriate and precise location and design of the planting scheme along the northern site boundary with the deer park pale (to avoid harm to archaeological evidence in this area), shall be submitted to, and agreed in writing by the Local Planning Authority. The development, including the final agreed planting details, shall thereafter accord with the agreed scheme.
Reason: To ensure that no harm is caused to any buried archaeology.

APPENDIX 5: OPERATIONAL SOLAR SCHEMES – EXAMPLES

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APPENDIX 6: ADDITIONAL VIEWS

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Additional View 1: View westwards from PROW between fields 11 and 12 (western part of the Site). Church indicated by the red arrow



Additional View 2: View along access road to Kington St Michael west of field 15 (church indicated by the red arrow)



Additional View 3: View northwards along access road to Kington St Michael west of field 15



Additional View 4: View northwards along access road to Kington St Michael west of field 15

Cotswold Archaeology

Andover Office

Stanley House
Walworth Road
Andover
Hampshire
SP10 5LH

t: 01264 347630

Cirencester Office

Building 11
Cotswold Business Park
Cirencester
Gloucestershire
GL7 6BQ

t: 01285 771022

Milton Keynes Office

Unit 8 - The IO Centre
Fingle Drive, Stonebridge
Milton Keynes
Buckinghamshire
MK13 0AT

t: 01908 564660

Suffolk Office

Unit 5, Plot 11, Maitland Road
Lion Barn Industrial Estate
Needham Market
Suffolk
IP6 8NZ

t: 01449 900120

e: enquiries@cotswoldarchaeology.co.uk

