

APPEAL BY JBM SOLAR PROJECTS 10 LTD**LAND LOCATED TO THE SOUTH EAST OF BOTTESFORD****REPLY ON BEHALF OF THE APPELLANT**

Council Closing Submissions Paragraph Reference	Reply
9-10	None of these factors that are said to elevate value are unique to the Site rather than the wider LCA, and the value of the wider LCA is agreed between the parties.
14	<p>The term “industrial” didn’t appear in Mr Higson’s evidence in relation to the character of this scheme. This was first introduced by Mr Parkinson at the opening of the inquiry, and it is wrong. See <i>Copse Lodge</i> CD6.22 at [40] :</p> <p style="text-align: center;">“While the Council suggest that this should be considered as large-scale, industrial energy infrastructure, by their nature, solar farms are not as intrusive in a landscape as a power station or similar would be...”</p>
23	<p>Mr Higson did not use the Pegasus Methodology – which used a 5km study area. (CD1.33.2 at §1.7)</p> <p>While Mr Kratt originally said Mr Higson’s approach accorded with GLVIA, he later clarified he does not consider Mr Higson’s approach to the “new LCA” to accord with the approach set out in GLVIA, which directs assessment against an appropriate baseline context.</p>
29(2)	Mr Higson accepted that the boundary was contrived. Not only that, but the boundaries “strongly relate” only to the location of solar development not where the effects of those schemes can be felt for example – i.e. the extent of their visual influence. That leads to the area being artificially small.
30	There is nothing within GLVIA at §7.21 that supports the approach taken by Mr Higson which is to identify schemes to be brought within a geographical boundary and then arrive at an assessment of effects which bakes in that assessment of affects when understanding what the baseline position.

	Despite this concession, a key part of Mr Higson’s Written evidence was to carry out an assessment of “value, susceptibility, magnitude etc” in relation to his new LCA.
32	Solar Farms are not of the same character or height of settlement.
32	The submission that there would be no break is not a position agreed upon by Mr Higson or explained by Mr Kratt. Mr Kratt explained there is likely to be a break of about 2km, assuming the main visual impacts are up to 1km from each scheme.
37	This shows the danger of hyperfocus on tables and “typical examples” without reference to the substantive text, and associated judgements. In respect of the Appellant’s approach, that is contained within Mr Kratt’s POE at §9.3.3 which arrives at a judgement of “high-medium” sensitivity referring both to the methodology and descriptor 2 ¹ , but also the fact that the views concerned are of ‘ordinary’ countryside. That is a matter of judgement that the methodology can inform but not dictate. This is also not a blanket approach; VRG 3 ‘Belvoir Ridge’ was attributed ‘high sensitivity’ ² confirming the difference in value between the different views.
44	The Green Lanes are typically 10m – they are wider than many country lanes which people use for recreation.
73	This is to ignore Historic England’s only guidance at CD4.22 §§10-16
78	Ms Armstrong responded to this point in her oral evidence. First, the loss of tress that currently screen views northwest would be contrary to Brown’s design. Furthermore, Ms Armstrong explained that the estate are active in their management of the gardens and park, and undertake replanting of trees when they are lost. Mr Malim’s conjecture is not evidence that any will or even may change given the current longstanding position of the planting.
107(4)	The footnote refers to NPPF §129 which is not relevant to the appeal for the reasons Mr Burrell alighted upon in his cross examination. There were two choices here – fixed or tracker panels. There is no requirement in policy to use either, but the Appellant has opted to use tracker panels which are more efficient and can be deployed here because it is a site which has the topographical characteristics to accommodate it. There could be no harm reasonably arising if the Appellant had used fixed panels to exploit the grid connection which is the more common technology employed.

¹ Mr Kratt’s Appendix 4, page 13 Visual Receptor Sensitivity Table

² Mr Kratt Appendix 3, Visual Effects Tables

107(7)	The approach here is a peculiar one. The Council now seems to be suggesting (another Mr Parkinson point) that because solar developments often secure very large biodiversity net gain that somehow diminishes the weight to be given to it. The position is inconsistent with its approach to renewable energy generation which is to give substantial weight in respect of this scheme, notwithstanding that is the principal purpose of <i>all</i> solar farms. The point remains that that site will be significantly better off in biodiversity terms with the development in place than without.
108(5)	Mr Burrell did not accept the Development does not “fit in with the overall form and layout” of its surroundings – he simply accepted that this is required to meet §139 of the NPPF not that there was a conflict with it. Mr Burrell’s position on §139 was that the development represents “innovative designs which promote high levels of sustainability”
108(8)	Mr Kratt was clear he has not reduced the harm on the basis of the green infrastructure benefits (Appellant Closings at §40)
112	Mr Burrell explained that the reason he gives “moderate” is that Ms Armstrong has identified the harm to be at the lowest end of the scale for all assets concerned.
112(1) Fn 59	And in both instances permission was granted for the proposals.