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Rebuttal of

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Prepared for Melton Borough Council

and



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1 INTRODUCTION AND SCOPE OF REPORT

1.1 Introduction

1.1.1 I am Simon James Higson, Director at Felstone Consulting Limited (Felstone), a Practice Registered with the Landscape Institute.

1.1.2 I was instructed by Heatons (on behalf of Melton Borough Council) in April 2024 to act as landscape expert witness for the appeal.

1.1.3 I prepared my proof of evidence in August 2024, which included my own Landscape and Visual Impact Assessment (LVIA) of the proposed development for the construction of a solar farm together with all associated work, equipment and necessary infrastructure.

1.2 Scope and Methodology

1.2.1 This document is my rebuttal prepared in response to the Landscape and Visual Proof of Evidence prepared by LDA Design on behalf of JBM Solar Projects 10 Ltd, August 2024, hereafter referred to as "LDA Design Landscape and Visual PoE".

1.2.2 I also make reference to the Landscape and Visual Impact Assessment included with the planning application, produced by Pegasus Group ('Pegasus' LVIA) in January 2022 (CD 1.31, CD1.32 and CD1.33) and Cumulative Landscape and Visual Impact Assessment submitted as supplementary environmental information, produced by Pegasus Group ('Pegasus' Cumulative Assessment') in November 2022 (CD 1.38)

1.2.3 This rebuttal is structured as follows:

- Cumulative Effects;
- Landscape Effects;
- Visual Effects; and
- Summary / Key Points.

2 CUMULATIVE EFFECTS

- 2.1.1 I have noted a change in position between LDA and Pegasus in respect to the visibility of the other solar energy projects identified in the Decision Notice of 11th September 2023 (second Reason for Refusal), and the resultant cumulative effects on how people will experience landscape character.
- 2.1.2 For completeness this includes the following operational and permitted solar projects: 49.9MW land east of Jericho Covert, 12.4MW Lodge Farm, Longhedge Lane, 49.9MW Land South of the A1 Foston Bypass and 10MW Land South of The Railway Line & East of Station Road, Elton.
- 2.1.3 Previously, Pegasus' LVIA and Cumulative Assessment had identified that the cumulative sites are/would not be visible at the representative viewpoints at Jubilee Way and Beacon Hill and that there would be no cumulative visual effects with the Proposed Development.
- 2.1.4 LDA Design Landscape and Visual PoE is now confirming that there would be visibility of the other projects at these key viewpoints and that there would be cumulative effects (but that these are not significant).
- 2.1.5 I have set out my interpretation of this in more detail below:
- LDA Design Landscape and Visual PoE, paragraph 3.2.12. confirms that *"The original LVIA assessed the Proposed Development in combination with four consented and/or operational solar farms with around 5km of the Appeal Site. It was concluded that due to the distance and extent of intervening features that there would be **no cumulative effects**."* (with my bold emphasis)
 - LDA Design Landscape and Visual PoE, paragraph 8.6.12. now states *inter alia* that *"the cumulative solar developments share little intervisibility with each other... I conclude that there will be **no significant cumulative effects**".* (with my bold emphasis)

2.2 Additional Cumulative Visualisations

- 2.2.1 LDA Design Landscape and Visual PoE includes additional cumulative photomontage visualisations from Viewpoint 9: From Jubilee Way and Viewpoint 15: From Bridleway F86a/2, Beacon Hill.

2.2.2 Pegasus' LVIA and Cumulative Assessment had previously submitted cumulative annotated baseline photography from Viewpoint 9: From the Jubilee Way and Viewpoint 15: From Bridleway F86a/2, Beacon Hill, as well as a fully rendered photomontage of the proposed development, at Viewpoint 9.

2.2.3 LDA Design Landscape and Visual PoE. paragraph 8.6.8 states that *"Both of these locations are elevated vantage points in the local landscape, and are included in the small number of locations where the cumulative ZTV indicates 'overlap' of theoretical visibility."*

2.3 Jubilee Way / Belvoir Castle Registered Park and Garden

2.3.1 Pegasus's LVIA for Viewpoint 9 Jubilee Way / Belvoir Castle RPG states that *"The view is in the direction of all cumulative sites however the existing sites are not visible and proposed sites would not be visible in the view due to a combination of distance, intervening topography and vegetation. There would be no cumulative effect"* (CD 1.33.4 Appendix 2.3 – Visual Effects Summary Table).

2.3.2 Pegasus's Cumulative Assessment Viewpoint 7 Jubilee Way / Belvoir Castle RPG¹ has the existing Lodge Farm solar farm project labelled in the photograph (see Figure SH-12), but an incorrect interpretation in Cumulative Assessment - see Section 3, Table (page 17 - CD 1.38), which states that *"The four cumulative sites are/would not be visible therefore there would be no cumulative visual effects with the Proposed Development"*.

2.3.3 In contrast, LDA Design Landscape and Visual PoE. Paragraph 8.6.10, states *inter alia* that *"as can be seen from these photomontages:*

- *Proposed Development (under consideration) will be visible in the landscape....*
- *Green Farm Solar (permitted but not yet constructed) will be visible....*
- *Lodge Farm Solar (operational) is visible in the landscape....*
- *Overall, while a number of solar developments are visible from this location...."*

2.4 Beacon Hill

2.4.1 Pegasus' LVIA for Viewpoint 15 – Beacon Hill, states that *"The view is in the direction of*

¹ Pegasus' LVIA Viewpoint 9 is re-numbered as Viewpoint 7 in the Cumulative Assessment

cumulative site Land east of Jericho Covert (to the southwest) which would not be visible in the view due to a combination of distance, intervening topography and vegetation. There would be no cumulative effect.”

2.4.2 Pegasus’s Cumulative Assessment Viewpoint 8D Beacon Hill², has incorrect labelling of the existing solar farm projects at Lodge Farm and Land south of Railway Line in the photograph (see Figure SH-11) and incorrect interpretation in the Cumulative Assessment Section 3, Table (page 17 of CD 1.38), which states that *“The four cumulative sites are/would not be visible therefore there would be no cumulative visual effects with the Proposed Development.”*

2.4.3 In contrast, LDA Design Landscape and Visual PoE. Paragraph 8.6.10, states *inter alia* that *“as can be seen from these photomontages:*

- *Proposed Development (under consideration) is a visible feature within the landscape....*
- *Green Farm Solar (permitted but not yet constructed) is visible....*
- *By-Pass Farm Solar is obscured by foreground vegetation but may become more visible, subject to the exact location of the view.*
- *Elton Solar (operational) is visible....*
- *Lodge Farm Solar (operational) is visible in the landscape....*
- *Overall, while a number of solar developments are visible from this location...”*

2.5 How people experience landscape character

2.5.1 LDA Design Landscape and Visual PoE paragraph 8.6.7. states that *“The ZTV study also shows that there will remain expansive areas of countryside between the various solar developments – where no or only one solar development is visible - with a minimum distance of some 4km between developments.”*

2.5.2 LDA Design Landscape and Visual PoE. Paragraph 9.4.43. also confirms that *“There will of course be opportunities for walkers, cyclists and motorists to take in routes that pass more than one solar development....”*

² Pegasus’ LVIA Viewpoint 15 is re-numbered as Viewpoint 8 in the Cumulative Assessment

- 2.5.3 Whilst there will be areas of countryside between the various solar developments, the movement of people around the area (walking, cycling or driving) will influence how landscape character is experienced and perceived.
- 2.5.4 The separation distance of ‘some 4km’ between the solar developments is about the same as the historic villages and church spires which are currently defining characteristics of the Vale and are appreciated by people, even as small, glimpsed and passing views.
- 2.5.5 As such I believe that solar farms laid out to a similar separation / density is sufficient for them to also become defining features of this part of the Vale, especially as, with the addition of the Appeal Site they would be distributed around the village of Bottesford.
- 2.5.6 As stated in Appendix 1 of my proof paragraph 3.3.5, bullet 3, additional parts of the area would be punctuated by solar farms, forming a circular pattern around Bottesford and this would detract from the existing landmarks of church spires and Belvoir Castle. The addition of the Appeal Site would result in solar farms becoming a key characteristic of this landscape, and this landscape could be described as a landscape with solar farms.

2.6 Case Officer Comments

- 2.6.1 It is noted that LDA Design Landscape and Visual PoE Section 3.2 makes reference to the Planning Committee Report (CD 3.1) and the Case Officer’s Landscape and Visual Commentary.
- 2.6.2 It is clear that the Case Officer was relying on Pegasus’ LVIA and Cumulative Assessment as submitted by the applicant.
- 2.6.3 Paragraph 8.3.39 of the Case Officer’s report states that *“It is acknowledged that concerns are raised regarding the number of developments within the area, however a detailed assessment has been undertaken and following consideration of such an assessment, it is not considered that significant cumulative effects are expected that would warrant a refusal of planning permission.”*
- 2.6.4 It now appears that the detailed assessment referred to (Pegasus’ LVIA and Cumulative Assessment) has been proven to be incorrect by LDA Design Landscape and Visual PoE.

3 LANDSCAPE EFFECTS

3.1 Landscape Character

- 3.1.1 With reference to paragraphs 8.2.7 – 8.2.10 of LDA Design Landscape and Visual PoE, I agree that LCA1 Vale of Belvoir has an overall medium sensitivity to the proposed development. Pegasus' LVIA also had medium sensitivity for this character area (within which the Appeal Site is located).
- 3.1.2 However, I have identified additional factors associated with the northern part of LCA1 Vale of Belvoir where the 'views of Borough wide importance' extend from Belvoir Castle towards St Marys Church (see Bottesford Neighbourhood Plan – CD 5.2 and Melton and Rushcliffe Landscape Sensitivity Study – CD 8.8), as well as the other operational and permitted solar energy projects. I consider that the northern part of LCA1 Vale of Belvoir covered by the view cone is of medium-high value and medium-high susceptibility. As such, I have identified a high sensitivity for the 'Vale' around Bottesford. I have also identified that the landscape character of the Appeal Site has a high sensitivity to the proposals.
- 3.1.3 LDA Design Landscape and Visual PoE does not recognise any variation of susceptibility or value within the Borough-level LCA, the Appeal Site and/or its immediate context and there is no mention of the 'views of Borough wide importance' from around Belvoir Castle.
- 3.1.4 I acknowledge LDA's new Figure 13: Cumulative Zone of Theoretical Visibility (ZTV) Study and new Figure 14: Approximate Locations of Solar Development within 30km Study Area which clearly show the disproportionate concentration of these types of projects in this part of the Vale around Bottesford.
- 3.1.5 I disagree with the identified level of moderate and adverse effects at the Appeal Site and its immediate context in paragraph 8.5.3 of LDA Design Landscape and Visual PoE. I have identified major and adverse effects on the Appeal Site throughout operational phases.
- 3.1.6 I am reminded of Pegasus' LVIA under paragraph 2.8.6 which described "*the intrusion of the proposed development into the 'gentle vale' landscape, disruption to arable field pattern, and loss of small sections of hedgerow...*"

3.1.7 I also consider that these major and adverse effects extend out to the 'Vale' around Bottesford, due to cumulative effects with the other operational and permitted solar energy projects identified in the reasons for refusal.

3.2 Landscape Elements and Features

3.2.1 Under paragraph 4.2.5. of LDA Design Landscape and Visual PoE it is confirmed that although *"the original LVIA considers effects on site fabric and makes judgements regarding sensitivity, magnitude and significance of effects on the individual components of site fabric i.e. topography, land uses / ground cover; and tree and hedgerows. The LDA Design methodology considers the effects on fabric as part of the overall assessment of landscape character, and any changes to site fabric has informed my judgements in relation to 'site-scale' landscape effects. However, I do agree with the following LVIA conclusions with regard to site fabric –*

- *Only minor changes to site topography would be required, mainly associated access tracks, foundations, hard standings, earth bunds and fencing etc. and overall, the topography of the Appeal Site will remain largely unchanged.*
- *While the land-use of the Appeal Site will change as a result of the Proposed Development, new grassland and less intensive management would provide some positive change to land-use.*
- *The Proposed Development will result in no significant loss of vegetation and new planting will maintain and enhance the hedgerow structure within the landscape.*

3.2.2 I agree that the effect on topography would be minor adverse during construction, reducing to negligible during operations.

3.2.3 However, as set out in Appendix 1 of my proof, under paragraphs 5.3.3. I have identified major adverse effects upon the land use / ground cover within the Appeal site throughout the operational phases due to the fundamental change from an existing arable land use and field pattern to an energy generation facility (with access tracks, CCTV poles, security fencing, inverters, substation and mast, as well as the solar PV panels).

3.2.4 I have also identified moderate adverse effects upon trees and hedgerows within the Appeal site throughout the operational phases due to the modification of their neat and well management condition to forming taller belts of vegetation, which alters the existing field pattern / creating new patterns and corridors, intended to screen the solar farm. As a result, I consider that this would alter the defined characteristics of the area and be adverse in nature.

3.3 Following Decommissioning

3.3.1 Pegasus' LVIA under para 2.8.9 states that *"Following decommissioning at the end of the operational life of the panels, the Application Site can be returned to its current condition. There would be minor long-term benefits to the local landscape character arising from the mitigation measures and the enhancements to landscape features within the Application Site."*

3.3.2 Whilst I agree that parts of the Appeal Site can be returned to its current agricultural use, as noted above, the additional hedgerow and tree planting would reduce how people perceive the expansive vale, increase the sense of enclosure and obscure historic landmark features of Belvoir Castle and church spires. There would also be additional visual clutter from the permanent substation and associated fencing and access track, in conjunction with the existing electricity pylons on the Appeal Site, resulting in erosion of the rural undeveloped character. I consider this to be a moderate and adverse effect upon the Appeal Site.

3.3.3 There is no detailed assessment of post-decommissioning / restoration effects on the landscape within LDA Design Landscape and Visual PoE.

4 VISUAL EFFECTS

4.1 Visual Receptor Groups

4.1.1 I note in paragraph 6.6.13 of LDA Design Landscape and Visual PoE that *“LDA Design’s approach to visual assessment - in order to ensure a proportionate assessment - is typically to ‘group’ visual receptor together based on similar attributes and relationship to the Appeal Site.”*

4.1.2 I have taken a similar approach as set out in my Table SH-9 of Appendix 1 of my proof, although I had slightly different Visual Receptor Groups (VRGs). I consider that using the LDA VRGs, the following are key:

- VRG1 - Appeal Site and its Immediate Context – encompassing users of Castle View Road and the extensive network of public rights of way (PRoW), visitors to the Grantham Canal, Muston Meadows Nature Reserve and National Cycle Route;
- VRG3 - Belvoir Ridge - encompassing residents within scattered properties, users of minor roads and PRoW to the south of the Appeal Site, extending up to the Belvoir ridge line and including users of the Jubilee Way and visitors to Belvoir Castle and Registered Park and Garden; and
- VRG5 – Beacon Hill – encompassing recreational users of the PRoW on the higher ground to the north of Bottesford, including visitors to the natural burial ground.

4.2 VRG 1 – Appeal Site and its immediate Context

4.2.1 I note that visual effects at VRG 1 – Appeal Site and its immediate Context have been downgraded within LDA Design Landscape and Visual PoE. LDA’s major-moderate adverse at Year 1 is a downgrading from Pegasus’ LVIA of major adverse effects.

4.2.2 Pegasus’ LVIA paragraph 2.8.16 states that *“Viewpoints from PRoWs within the Proposed Development layout boundary have not been included within the selection of views as it is assumed that there would be a major effect on this high sensitivity group of receptors with such a direct view. Despite any mitigation measures there would still be a high to medium magnitude of change at all stages which would result in major effects.”*

- 4.2.3 I agree with Pegasus' LVIA that there would be major adverse effects for users from PRowWs within the Appeal Site throughout operational phases and this is despite the mitigation proposed. This relates to over 1.5km of public footpath (F82 and F90) and 1.4km of byway open to all traffic (F85B).
- 4.2.4 In addition, I have identified major adverse for users of the PRow around the Appeal Site (Footpath F74 to the west and F89 to the east), as well as recreational visitors to the western part of Muston Meadows Nature Reserve.
- 4.2.5 I have also concluded that there would be moderate and adverse effects for recreational visitors to Grantham Canal and National Cycle Route 15, including at the Bottesford Neighbourhood Plan Key View 6 (along Easthorpe Lane), which pass by the Appeal Site boundaries.

4.3 VRG 3 – Belvoir Ridge

- 4.3.1 I note that visual effects at VRG 3 – Belvoir Ridge have been downgraded within LDA Design Landscape and Visual PoE. LDA's slight adverse effects at Year 1 and Year 15 are a downgrading of Pegasus' LVIA of moderate adverse Year 1 and moderate-negligible adverse at Year 15.
- 4.3.2 Pegasus' LVIA paragraph 2.8.15 states that *"Given the high sensitivity of PRow and Jubilee Way users and receptors close to the Castle and across the elevated ridge, the extent of the long-distance view and the complex landscape character, solar panels within the site have the potential to appear as a noticeable feature. Potential mitigation of views from elevated areas north of this may be less effective during winter months when vegetation is out of leaf increasing visibility due to the topography of the site and elevation of views resulting in a moderate effect on high sensitivity receptors, however over time with maturing intervening vegetation this effect may be reduced further. Photomontage Viewpoint 9 illustrates that on balance the site would represent only a small part of the wider view from this distance."*
- 4.3.3 I have identified moderate/major adverse Year 1 and Year 15. I agree that the solar panels within the site will appear as a noticeable feature from the elevated position at Viewpoint 9 and that potential mitigation of views from elevated areas around the Castle will be less effective during winter months when vegetation is out of leaf. I have identified moderate/major and adverse effects on these high sensitivity receptors.

4.3.4 However, I don't agree that over time maturing intervening vegetation may reduce this effect. Whilst the Appeal Site would represent only a small part of the wider view from this location, it is positioned within the specific view cone towards St Mary's Church at Bottesford, where the Neighbourhood Plan states that it is desirable to preserve the rural patchwork of fields.

4.3.5 There would be combined visibility of the proposed development with the operational solar project at Lodge Farm and these effects would also be significant.

4.4 VRG 5 – Beacon Hill

4.4.1 I note that visual effects at VRG 5 – Beacon Hill have been downgraded within LDA Design Landscape and Visual PoE. LDA's slight-minimal adverse effects at Year 1 and Year 15 are a downgrading from Pegasus' LVIA of moderate adverse to Year 1 and moderate-negligible adverse at Year 15.

4.4.2 I have identified moderate/major adverse Year 1 and Year 15, due to the elevated views of the proposals in the direction of Belvoir Castle, as well as successive views with the operational solar projects at Lodge Farm and Elton to the west.

4.5 Following Decommissioning

4.5.1 There is no detailed assessment of post-decommissioning / restoration effects on the views and visual amenity within LDA Design Landscape and Visual PoE.

4.5.2 I have concluded that there would be residual adverse visual effects after decommissioning and restoration, although they would be moderate or lower (and therefore not significant). These effects are due to the additional hedgerow and tree planting (intended to screen the solar panels) which would reduce how people perceive the expansive vale and increase the sense of enclosure along F82, F90 and along F85B. This would also obscure historic landmark features of Belvoir Castle (e.g see Pegasus' Heritage Viewpoint 10 at Year 5) and church spires (e.g see Pegasus' Heritage Viewpoint 7A at Year 5 and Heritage Viewpoint 12 at Year 5). There would also be additional visual clutter from the permanent substation and associated fencing and access track, in conjunction with the existing electricity pylons on the Appeal Site.

5 SUMMARY / KEY POINTS

5.1.1 The purposes of the landscape and visual impact assessment is to explain which aspects of landscape and visual change are more important to the decision to be made (and why) and which are not (and why). GLVIA3 is guidance which is to be applied in the process of description, analysis and reasoning.

5.1.2 In my opinion the key points that are important for the Appeal are as follows:

- that Pegsaus' LVIA and Cumulative Assessment had no cumulative visibility at two key viewpoints (Jubilee Way/Belvoir Castle RPG and Beacon Hill), whereas LDA Design Landscape and Visual PoE are now identifying that there is (which is also my assessment). As such the original assessment that was submitted with the planning application was mistaken and the Case Officer had incorrect information for their Committee Report;
- the separation distance of some 4km between the solar developments is about the same as the historic villages and church spires which are currently defining characteristics of the Vale and are appreciated by people, even as small, glimpsed and passing views. The addition of the Appeal Site will result in the Vale landscape around Bottesford being punctuated by solar farms and introduce a new characteristic to the area (leading to the area being described as a landscape with solar farms);
- the views of Borough-wide importance and the desire to preserve the expansive and rural patchwork of fields between Belvoir Castle and St Mary's Church (as set out in the Melton and Rushcliffe Landscape Sensitivity Study and the Bottesford Neighbourhood Plan) have been missed / not mentioned by Pegasus' LVIA or LDA Design Landscape and Visual PoE. As such the landscape sensitivity of the Appeal Site and area around Bottesford is higher than has been assessed; and
- the mitigation screen planting and hedgerow management will obscure and/or detract from views of historic landmarks and the expansive vale (which form part of the recognised characteristics of the area) for users of the PRoW within and around the site. This relates to over 1.5km of public footpath (F82 and F90) and 1.4km of byway open to all traffic (F85B) and also those around the

Appeal Site (Footpath F74 to the west and F89 to the east), as well as recreational visitors to the western part of Muston Meadows Nature Reserve and along part of the Grantham Canal.

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