

LO03v2_BIR_LSC_Rebuttal_Letter_P19-2636_O20223

2nd February 2023

Mrs Rebekah Morgan
General Developments Planning Team
Cherwell District Council
Bodicote House
White Post Road
Bodicote
Banbury
OX15 4AA

Via Email Only: rebekah.morgan@Cherwell-DC.gov.uk

Dear Mrs Morgan,

Application reference: 22/O1682/F - Land North of Manor Farm, Noke - response to landscape consultation

I am writing in respect of the proposed solar farm on land to the north of Manor Farm, Noke (planning application reference 22/O1682/F).

We have reviewed the comments from the Council's landscape architect (Julie Baxter) dated 3 October 2022 and are pleased that they appear to be in agreement that the site is predominantly hidden in the wider landscape context and that landscape and visual effects are consequently highly localised and (although prolonged) are temporary. However, we are disappointed to see their conclusion that the proposed development is 'unacceptable in landscape and visual terms', particularly as the proposal was significantly shaped by comments on landscape impacts received during the public consultations prior to submission.

The consultation response raises some issues which we feel it is necessary to address. We respectfully set out below that the landscape architect's conclusion overstates the impact of the proposed development on key viewpoints and also considers issues such as Green Belt that are not landscape and visual issues and should be assessed by the case officer based on the information on very special circumstances submitted by us. In preparing this response. In preparing this response, we have returned to the site to consider the points made. Where relevant,

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photos are included to illustrate specific points (refer to **Appendix A, Illustrative Photographic Plates**).

Matters of Green Belt

In the preamble to the consultation response, the landscape officer states clearly that they “...must comment purely on landscape and visual amenity and what impact this scheme could have on the local area and wider setting”¹.

However, this approach is not adhered to, and the consultation response errs by straying into matters of Green Belt throughout, including commentary on very special circumstances and, most concerning, drawing judgements as to what constitutes inappropriate development and the extent to which the harm outweighs very special circumstances.

Green Belt is a spatial planning tool, not a designation that provides landscape protection on the basis of any perceived quality or value; Green Belt does not require a landscape to be of high quality or even particularly attractive.

The site is not located in an area designated for landscape, nor (based on its attributes and features) is it a valued landscape.

Consequently, it is important to ensure that matters of Green Belt and consideration of landscape and visual effects are maintained as separate issues, as it does not necessarily follow that landscape and visual effects of a higher or lower significance, simply equate to the same significance – or harm – in Green Belt terms.

Maintaining this distinction is something the consultation response has failed to do.

Effects on landscape character and visual effects

It is a very well-established principle that, for the process of landscape and visual impact assessment (LVIA), the assessment of effects on landscape and landscape character, and the assessment of visual effects are separate, but linked, procedures.

Consequently, it would appear that the approach taken by the landscape officer to landscape effects, is flawed.

¹ CDC Landscape consultation response, Page 1, introductory paragraph



The consultation response sets out the conclusion of the LVIA in respect of impacts on 'the site in its local context' (i.e., landscape character) as being 'moderate adverse', falling to 'minor to moderate adverse' 10 years after completion².

The landscape officer has determined the impact as 'moderate to major adverse'³ (note that there is a separate impact for the 10th year after completion). The justification for this refers to the fact that several viewpoints and visual impacts will be subject to 'significant visual effects'⁴.

This approach is not correct and conflates the two separate procedures.

Landscape effects relate to the inherent character of a landscape which is defined by the physical components in a given area and the perceptual aspects of these – even then, perceptual aspects are wider than just visibility, and relate to several other factors. Landscape effects will have considered the change relating to the introduction of the solar arrays into the landscape, but also the positive aspect of the landscape proposals and how these will enhance the physical landscape.

On this basis, the judgement set out in the LVIA (of moderate falling to minor to moderate – both considered to be 'not significant') should be preferred as it is fully (and correctly) evidenced in the LVIA.

In addition, it is worth noting that the landscape officer has acknowledged that the site is located in a landscape which would benefit from intervention and enhancement⁵. Reference is made in the consultation response to 'published guidance' and that the site is in a 'repair' landscape.

For completeness and context, the reference to the 'published guidance' relates to the Cherwell District Landscape Assessment (1995) (CDLA). The evaluation section of this document identifies conservation and enhancement priorities for the District and sets out four main strategies of 'conservation, repair, restoration and reconstruct'. Within the guidance for repair landscapes, it is stated that "...landscape intervention should concentrate on repair of the weakening hedgerow and hedgerow tree structure, strengthening or replacement of traditional landscape features and screening or integration of intrusive features."⁶.

Whilst it is acknowledged that the infrastructure of the solar arrays is a negative consideration in respect of judgements on landscape impacts, delivering mitigation in a manner which is entirely

² CDC Landscape consultation response, Page 5, 2nd paragraph

³ CDC Landscape consultation response, Page 5, 3rd paragraph

⁴ CDC Landscape consultation response, Page 5, 3rd paragraph

⁵ CDC Landscape consultation response, Page 4, paragraph 5

⁶ Cherwell District Landscape Assessment, 1995, Page 38, paragraph 4.13



appropriate to the character of the landscape is a positive consideration and something that is included in the balance of the overall impact assessment set out in the LVIA. This further supports the conclusions set out in the LVIA.

In contrast, the landscape officer has again conflated matters of landscape impact and visual impact, making reference to the mitigation⁷, but considering this purely in relation to visual receptors and not the physical landscape and landscape character⁸.

While referencing the CDLA it is worth highlighting the reference made by the landscape officer to the 'Otmoor' landscape type being a 'special feature' of 'international importance'. To ensure that this statement is not mis-construed, it should be noted that this relates to the ecological interest of these areas and not specifically to the landscape character area⁹.

Julia Baxter's response page 6 states "GLVIA3 notes that for some types of development, the visual effects of lighting may be an issue". No lighting is proposed, nor does the applicant plan to incorporate any lighting.

Localised visual effects

Overall, the main concerns on views and visual impact appear to be with locations on or adjacent to the site (in particular the PROW between Noke and Oddington, ref 309/1/10).

In relation to Viewpoints 1 and 2, the landscape officer states that these are where 'the most significant visual effects' will be experienced.

A potentially significant effect would not be unexpected at such a distance, or from a route which passes directly through a solar site (or other form of development). If this were to be determining factor in any application, then any sites coming forward for solar development in the District would need to be free from public access and/or PROW through them or directly adjacent to them.

However, the more important issue to consider is the site in its context; whether this is the only route, or a particularly unique route for any reason; and the availability of opportunities for access to the countryside at locations where the proposed development will not have views or give rise to significant visual effects.

⁷ CDC Landscape consultation response, Page 5, 3rd paragraph

⁸ CDC Landscape consultation response, Page 5, 3rd paragraph, 5th paragraph and 8th / 9th paragraphs

⁹ Cherwell District Landscape Assessment, 1995, Page 34, paragraph 3.89



In this context, visual effects are highly localised and there are numerous routes that provide opportunities or access to the countryside where there are no views or where visual effects are not significant.

In respect of other views, whilst the consultation response does take the opportunity to set out an alternative conclusion to the LVIA judgement on landscape effects, there are no alternative assessments for any of the representative viewpoints and judgements on visual effects. This may not be a clear indication of agreement with those judgements, however it's reasonable to expect that, if there were any disagreement with the professional judgements presented in the LVIA, these could have been raised in the consultation response.

On a specific point, and again to ensure that the landscape consultation response is not mis-construed, I note that the landscape officer refers to Viewpoints 5, 6 and 13 from the Oxfordshire Way to the south-east, close to Beckley, as having a 'significant visual impact'¹⁰, however this is not the conclusion reported in the LVIA. I do not feel that a greater significance from these viewpoints would be justified, given the nature and scale of the views overall and the distance of the receptor from the site.

Visual impacts of mitigation

The consultation response makes several references to the proposed mitigation measures and, in general, the theme appears to be that these would contribute to impacts, rather than mitigate, suggesting the measures may be 'oppressive' or remove 'open views'¹¹.

However, it is important to consider these comments in respect of two main points.

Firstly, that the existing landscape and numerous routes are beset by hedgerows and tree belts which create enclosure along the routes and vary the sense of scale within the landscape (refer to **Plates A and B**). That includes the route between Noke and Oddington, and indeed the section immediately to the south of the site (refer to **Plates C and D**). The proposed planting is at a distance of [30 to 50 metres] from the PROW, and therefore views would remain far more open than in those areas to the south of the site. Consequently, notwithstanding the change at a site level, the mitigation measures are consistent with the existing visual experience of receptors in the local landscape. Furthermore, mitigation measures are consistent with the baseline landscape character of the landscape.

¹⁰ CDC Landscape consultation response, Page 5, 3rd paragraph

¹¹ CDC Landscape consultation response, Page 5, 5th paragraph and Page 6, 7th paragraph



Secondly, the 'repair' strategy identified for the site in the CDLA and referenced in the consultation response implies that hedgerows should be strengthened to provide a greater degree of enclosure, in order to benefit landscape character. The implications are that hedgerow would potentially, and indeed should, become stronger features and providing a greater degree of enclosure, in order to benefit landscape character.

Views of the St Nicholas Church, Islip

In respect of views to St Nicholas Church (again, in respect of the PROW across the site), the consultation response incorrectly states that mitigation planting would block these¹².

The boundary, extent of the solar array and proposed planting have all been offset from the southern edge of this western part of the site so as to maintain a view corridor across to the church (refer to **Pegasus Group LVIA Figure 9, Landscape Strategy** and **Figure 7, Viewpoint 1**).

Notwithstanding this, this particular view of the church is not considered to be particularly unique or important in itself, as it is an isolated location, available only due to a short break in the hedgerow for field access.

Other views to the church along this route on site are screened partially or fully by hedgerow vegetation (refer to **Plates E and F** (something likely to increase given the recommended 'repair' approach to intervention, irrespective of the proposed development)).

The location in question is one of the few along the section of the Noke–Oddington PROW that crosses the site (though there are abundant views from other locations in the area). In consultation with planning officers who emphasised the importance of this view, we have prioritised keeping it clear. This is particularly valuable as the CDLA repair strategy to strengthen hedgerows is likely to reduce local views in the area of the site even without the development.

Furthermore, views to the church from the wider landscape are abundant and includes the promoted rights of way of the Oxfordshire Way (refer to **Plates G, H and I**).

Summary

Overall, in light of the above, we feel that the conclusion of the landscape officer cannot be supported. We would like to reinforce the conclusions of the submitted LVIA, in particular paragraphs 8.9 and 8.10 on landscape effects and 8.11 and 8.14 on visual effects.

¹² CDC Landscape consultation response, Page 5, 7th paragraph)



The site represents a good opportunity to bring forward proposals for solar development with minimal and highly localised landscape and visual effects and which include a landscape strategy that is consistent with and appropriate to the landscape context.

These matters should be taken forward to the planning balance, including consideration of Green Belt.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'James W. Atkin'.

James W. Atkin (Senior Director – Environment)
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Appendix 1. Illustrative photographic plates

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Plate A: Tree belts and hedgerows contributing to enclosure and smaller scale landscapes



Plate B: Tree belts with mature trees forming substantial enclosure to rights of way



Plate C: The route of the public footpath (309/1/10), north of Noke approaching the site, is strongly enclosed by hedgerows



Plate D: On site (looking south) the route of the public footpath (309/1/10) is strongly enclosed by hedgerows and vegetation



Plate E: Open views to St Nicholas Church from the site (on public footpath 309/1/10) across weaker sections of hedgerow



Plate F: Views to St Nicholas Church from the site (on public footpath 309/1/10) screened by intervening vegetation (off site)



Plate G: Views to St Nicholas Church from the public footpath between Middle Street and Oddington



Plate H: Views to St Nicholas Church from the northern approach to Islip from Oddington (on Middle Street)





Plate 1: Views to St Nicholas Church from the eastern approach to Islip on the Oxfordshire Way

