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# Proposed solar farm on land west of Berrington

Landscape Rebuttal Proof of Evidence  
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Prepared for:

**Econergy International Ltd**

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# 1 BACKGROUND

- 1.1.1 My name is Daniel Leaver. I have set out my qualifications and experience in my main Proof of Evidence submitted on the 6<sup>th</sup> February 2024.
- 1.1.2 The evidence which I have prepared and provide for this appeal is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

# 2 INTRODUCTION

- 2.1.1 This short Rebuttal Proof of Evidence has been prepared in response to a number of points raised in the Landscape and Visual Proof of Evidence (PoE) submitted by Mr Tom Hurlstone (CD 13.1) on behalf of Shropshire Council and Mr James Bullock (CD 14.1) on behalf of the Rule 6 Party (Flour not Power).
- 2.1.2 This Rebuttal Proof is deliberately limited in scope and does not seek to cover every landscape and visual related point made in Mr Hurlstone's and Mr Bullock's Proofs. However, it should not be inferred that I agree with either Mr Hurlstone's or Mr Bullock's evidence with regards to any points that are not raised here.

# 3 EVIDENCE SUBMITTED BY MR TOM HURLSTONE

## 3.1 Scope of Evidence and Approach

- 3.1.1 In Section 6 paragraph 6.1 (CD 13.1) Mr Hurlstone notes that:
- “I have reviewed the landscape and visual effects of the proposed development drawing on the submitted LVA and observations from my own site visit. I have considered the Council's Reasons for Refusal before undertaking my own analysis of the proposals.”***
- 3.1.2 It is therefore noted that Mr Hurlstone has made a single visit to the site, during which he has presumably made himself familiar with the landscape of the site and has visited all of the viewpoints identified in the ADAS LVA.
- 3.1.3 Mr Hurlstone makes various criticisms of the LVA in his evidence. I note that the reasons for refusal, officer's report and Council statement of case did not make any such criticisms.

## 3.2 LVA Methodology

3.2.1 At Section 4, paragraph 4.1 (CD 13.1), Mr Hurlstone correctly notes that the methodology for appraising landscape and visual effects described in the submitted LVA is in accordance with best practice guidance. It is also worth noting that Mr Hurlstone has undertaken his own assessment of effects and concurs with every landscape and visual assessment within the submitted LVA. However, Mr Hurlstone goes on to state that, in his opinion, the LVA does not appropriately consider the construction and decommissioning effects or the landscape restoration phase. I do not consider this to be the case and discuss this more fully in the paragraphs below.

## 3.3 Landscape Effects

3.3.1 Mr Hurlstone is in agreement as to the level of effects being major adverse on the landscape character of the site; such effects are consistent with changes to the landscape for any solar development in the open countryside. He provides no judgment as to effects on the wider landscape which are judged as slight adverse in the submitted LVA.

3.3.2 Having stated that a key weakness of the submitted LVA was that it '*does not appropriately consider the construction effects*' (para 4.4) I note with interest that Mr Bullock's Proof does not provide any judgement or critique of the assessment of construction effects. These effects have been assessed as slight adverse in the submitted LVA and it is therefore unclear how or why Mr Hurlstone disagrees with these judgements. I have undertaken my own assessment of landscape construction effects and judged effects on the local landscape as moderate/minor adverse (para. 6.4 of my Proof, CD 12.3). I consider this difference in judgement to the submitted LVA as one of reasonable professional difference and not a 'correction'. It is therefore my professional opinion that the submitted LVA has duly taken account of construction effects in terms of changes to landscape character.

3.3.3 Both parties appear to be in agreement that the proposed development will adversely effect the landscape of the site and local surrounding landscape and that such effects are inevitable as a result of any such low level renewable energy scheme. Whilst in agreement with levels of effects as stated, Mr Hurlstone states that one of the key landscape characteristics, "*medium to large scale landscape with framed views*" would be affected by the introduction of solar panels. Again, it is inevitable that views will be affected by such a scheme, however, the key to this particular landscape characteristic is the type of view and how it may be changed by potential development. Mr Hurlstone notes, at paragraph 4.9 (CD 13.1), that,

***“Small planned woodland copses break up the landscape which contain framed views due to the topography of the area.”***

- 3.3.4 This is an important observation as the framed views are themselves determined by the locally undulating topography. The scale of landscape is partly a function of topography and also the size of agricultural fields, which as noted in the Estate Farmlands LCT, have been historically merged and enlarged, particularly since the end of WWII. The key question then is not whether the appeal proposals affect views, but whether they change the fundamental characteristics of the local landscape, namely the framed views or the medium to large scale landscapes.
- 3.3.5 In both instances, it is clear that the appeal proposals would not affect these intrinsic characteristics of the landscape. Firstly, the topography of the site will remain almost unaffected by the introduction of solar panels or other site infrastructure, hence the characteristic of framed views will be retained. Secondly, the panels will sit relatively low in fields and will not disrupt the field boundary pattern which largely defines the landscape scale, hence the scale of landscapes will remain unaffected. Further to this, the field boundary pattern will be strengthened by additional hedgerow and hedgerow tree planting.
- 3.3.6 It is therefore my opinion that, despite the inevitable change to field use, the key characteristics of framed views and medium/large scale landscapes, will remain.
- 3.3.7 Further to this, Mr Hurlstone makes no reference to the levels of effect during the decommissioning stage, again having stated this as a key weakness of the submitted LVA. The submitted LVA notes that, the site would be fully restored on decommissioning. In my proof I have noted that:

***“At the end of its useful life the facility would be decommissioned, all associated equipment removed, and the land quickly reverted to agricultural use. The strengthened boundary hedgerows and tree belt planting would remain leaving an enhanced landscape that is characteristic of the Estate Farmlands LCT.”*** (Para. 5.6, CD 12.3)

- 3.3.8 Whilst no level of effect has been assessed for decommissioning, it is clear that effects will be of very short duration and therefore likely of the same order to those at construction, judged as slight adverse within the submitted LVA. I do not therefore consider this to warrant a material consideration within the overall planning balance. Neither do I consider this to be a “*key weakness in the appraisal*” as described at paragraph 4.4 of Mr Hurlstone’s Proof.

### 3.4 Visual Effects

3.4.1 Mr Hurlstone is in agreement as to all of the judgments of visual effects within the submitted LVA as set out in his Proof, paragraphs 4.14 to 4.31. Again, he provides no judgement or critique of the assessment of construction or decommissioning effects. The LVA states that:

***“For the purposes of this assessment construction effects are not considered in detail as these would be completed in a relatively short time span and, as a result, any effects would be temporary and transient.”*** (Para. 6.10, CD 1.18)

3.4.2 I have undertaken my own assessment of construction effects and judged effects on views to range from minor/negligible to moderate adverse. In each case these effects are less than those of the operational scheme, primarily due to the short duration involved. Again, I do not consider that decommissioning effects would be greater in magnitude. I do not, therefore, consider this to be a *“key weakness in the appraisal”* as described at paragraph 4.4 of Mr Hurlstone’s Proof (CD 13.1).

3.4.3 Both parties appear to be in agreement that the proposed development will adversely affect views from within the surrounding landscape. Again, I consider that such relatively localised effects are inevitable as a result of any such low-level renewable energy development. I note at paragraph 5.6 Mr Hurlstone states that,

***“Wider existing expansive and high-quality views will be affected by the development. These are mostly from the south and east of the site. These are best represented by the views from the PRow that surround the site.”***

3.4.4 He then continues to describe only those views which have been identified within the submitted LVA, the focus of which are views to within 0.5km of the site. I note that slightly longer distance views (viewpoints 16 and 17) of up to 0.76km are described within the LVA. However, these would be glimpsed through field openings from roads and are assessed as only minor in magnitude. It should therefore be noted that wider *‘expansive views’* are limited to within 0.5km of the site to the south and east only. Mr Hurlstone is in agreement that none of the long term effects experienced by people would be greater than moderate adverse for what are therefore limited and localised views.

3.4.5 In my opinion, such views are inevitable in the siting of any such renewable energy infrastructure in the open countryside and do not constitute an undue level of adverse effect.

## 3.5 Landscape Restoration

3.5.1 The third ‘*key weakness*’ identified by Mr Hurlstone is with regard to the landscape restoration phase. This conclusion appears to be drawn from statements in paragraph 5.6 of his Proof suggesting that the proposed boundary hedgerows would have limited effects in screening views from the south and east. This is not a contentious issue, as the solar panels are clearly shown located in the photomontage (viewpoints 11 and 15) on sloping land and will remain largely visible above mitigation planting. These views have been taken into account within the assessment of effects to which Mr Hurlstone has no disagreement. I therefore disagree with Mr Hurlstone in his view that:

***“...it is not certain how effective planting would be as a visual mitigation measure.”***  
Para. 2.4 (CD 13.1).

3.5.2 The efficacy of mitigation planting has been taken into account within the assessment of effects, the levels of which both parties are agreed to. I also consider the mitigation screening to be appropriate as the planting is intended to reinforce the existing landscape structure and provide some additional screening and softening of views. Its effectiveness has therefore been fully considered within the LVA and my Proof.

3.5.3 Where Mr Hurlstone has noted that a proposed ‘*dense woodland strip*’ would remove views (viewpoint 1) from a field opening along Cliff Hollow, it should be noted that this view is illustrative only, in as much as it demonstrates how readily such a view of the solar panels could be screened. The planting is shown as a double row of transplants that could equally be managed as part of the existing hedgerow and thus made more characteristic with the existing field boundary.

## 4 EVIDENCE SUBMITTED BY MR JAMES BULLOCK

### 4.1 Scope of Evidence and Approach

4.1.1 In para. 1.13 (CD 14.1) Mr Bullock notes that:

***“I first visited the Appeal Site on the 15th January 2024, prior to my formal appointment by Flour Not Power... and I undertook a more detailed field-based visit on 2nd February 2024, during clear, dry weather with good visibility”***

- 4.1.2 It is therefore note that Mr Bullock has made at least two visits to the site, during which time he has familiarised himself with the landscape of the site and all of the viewpoints identified in the ADAS LVA.
- 4.1.3 Mr Bullock makes various criticisms of the LVA in his evidence and in particular he has made some substantially different judgements as to the levels of landscape and visual effects which are contrary to the officer's report, Council statement of case and judgments by the Council expert witness.
- 4.2 LVA Methodology**
- 4.2.1 At paragraph 1.18, (CD 14.1) Mr Bullock notes he has adopted the methodology for appraising landscape and visual effects based on the submitted LVA. I therefore consider it reasonable to assume that he is in agreement that the methodology is in accordance with best practice guidance. However, he goes on to state that he does not agree with the judgements within the submitted LVA and that in his opinion the LVA does not appropriately consider the construction or decommissioning and landscape restoration phase. I do not consider this to be the case and discuss this more fully in the paragraphs below.
- 4.3 Landscape Effects**
- 4.3.1 Mr Bullock notes that the submitted LVA does not include the heights of solar PV array or ancillary equipment (para. 2.3-2.5, CD 14.1). Whilst this is the case it should be noted that the ZTV has been undertaken using a height of 3m for the solar array and CCTV camera poles. The ancillary equipment has not been included because it forms only a very small part of the scheme, is of similar heights to the PV array and is located to western edge of the appeal site where it will be almost completely screened by intervening vegetation or solar panels in views from the surrounding countryside. Importantly, it has been considered as having no material effect on the magnitude of effect over and above that of the solar PV array.
- 4.3.2 Overall, Mr Bullock is in agreement with the submitted LVA as to the scale of landscape change during the operational life of the appeal proposals (para 5.46-5.48, CD 14.1) albeit he erroneously uses the term significant, the importance of which is discussed below at para. 4.3.8. However, he differs substantially in his judgement of sensitivity and of effects during construction and decommissioning as described below.



### *Sensitivity*

4.3.3 At para. 5.19, using the submitted LVA methodology, Mr Bullock concludes that the sensitivity of the landscape of the appeal site is high based on a high susceptibility and medium value. I do not disagree that its susceptibility to the type of development proposed may reasonably be judged as high, as I have judged in my own Proof paras 6.23-6.24 (CD 12.4). However, the criteria for an overall judgement of high sensitivity is described as follows in Appendix 4, Table A4.3 of the LVA methodology (CD 1.18):

*“Landscapes of **high national importance** containing distinctive features/elements with limited ability to accommodate change without incurring substantial loss/gain (i.e. **designated areas such as Areas of Outstanding Natural Beauty**, areas of strong sense of place - registered parks and gardens, country parks).”* (My emphasis underlined).

4.3.4 The methodology within my own Proof would follow a similar judgment, in that, only a nationally designated valued landscape would be judged as having an overall high sensitivity, which is clearly not the case in this instance. I therefore consider that Mr Bullock has not correctly applied the methodology within the submitted LVA in his judgement of landscape sensitivity. His assessment differs considerably to that of the submitted LVA and my own assessment; it is noted that neither the planning officer’s report nor the Council’s expert witness have found disagreement with this overall assessment of medium landscape sensitivity.

### *Construction Stage Effects*

4.3.5 In sections 5.20-5.27 (CD 14.1), Mr Bullock assesses temporary construction effects as large or very large. In order to reach this conclusion, he appears to assess the magnitude of change as substantial based purely on his interpretation of Table A4.4 in the submitted LVA (CD 1.18), which is essentially a summary table for the previous assessment stages. In so doing he appears to have completely missed the previous stages of the methodology (A4.17-4.25), as required by GLVIA3, to understand the effect on the landscape receptor in terms of its size or scale, the geographical extent of the area influenced, and its duration and reversibility (GLVIA3 page 90 para. 5.48, CD 8.3). As noted above, Table A4.4 is intended to provide something of a summary to the discussion of magnitude that precedes it. Mr Bullock has provided no such detailed discussion of the factors that affect magnitude and has instead picked out the highest possible level of change from the table.

4.3.6 The submitted LVA has provided a judgment of slight adverse regarding construction effects. I have undertaken my own assessment based on the Stephenson Halliday methodology and have judged the short-term construction effects as moderate/minor adverse at the scale of the site. This is of the order of half a level higher than the submitted LVA, rather than several orders higher as assessed by Mr Bullock; the latter a result of incorrectly judging sensitivity and magnitude at the highest levels available within the methodology. I therefore find no justification for an assessment of large or very large adverse construction effects.

In my opinion Mr Bullock continues to over-state these construction visual effects within the local landscape primarily based on his incorrect assessment of high landscape sensitivity.

#### *Decommissioning Stage Effects*

4.3.7 Mr Bullock has stated that the submitted LVA is deficient due to omission of a decommissioning stage assessment. However, having made this assertion Mr Bullock does not then provide an assessment of decommissioning effects in his Proof. Instead, he asserts that any such effects:

“...**would be significant within the site area, and within the setting of the Appeal Site i.e., circa 300 metres.**” (para 5.42, CD 14.1, my underlining)

4.3.8 As part of a landscape appraisal Mr Bullock should be aware that GLVIA 3 and the Statement of Clarification 1/13 (CD 8.4), make it clear that for non EIA developments the landscape and visual impact assessment should not give a judgement involving the terms ‘**significant**’ or ‘**significance**’. This is also described in the submitted LVA methodology (A4.7-A4.8) which Mr Bullock states he has used for the purpose of his assessment. This term is therefore erroneously used in his Proof and is extremely unhelpful in understanding actual levels of effect in this instance.

4.3.9 Suffice it to say that, as per my previous comments at para. 3.11 above, decommissioning effects are likely to be of the same order to those at construction, judged as slight adverse within the submitted LVA.

#### **4.4 Visual Effects**

4.4.1 Mr Bullock is in agreement with the levels of visual receptor sensitivity as described within the submitted LVA. He is again critical of the assertion within the submitted LVA that construction/decommissioning effects do not warrant detailed appraisal due to their short term, temporary and transient nature. In his assessment of key visual receptors at para. 6.14 -6.47

Mr Bullock (CD 14.1) again finds considerably higher levels of effects in comparison to the submitted LVA, again erroneously judging effects as ‘*significant*’ on numerous occasions.

### *Public Rights of Way*

- 4.4.2 In his assessment, Mr Bullock states the magnitude of change would be major adverse during construction. As per my comment at per para. 4.1.9 above, he appears to assess the magnitude of change based on his interpretation of the summary Table A4.4 in the submitted LVA missing essential stages as described in GLVIA3; Mr Bullock could be said to describe the extent of view (views over 0.2km of the PRow) but does not clearly describe the scale of change or even touch on its duration or reversibility. In my own assessment of similar, but somewhat more open views from PRow 0407/5R/2 I have judged the short-term construction effects as moderate/minor adverse at the scale of the site, rather than several orders higher as assessed by Mr Bullock. I therefore find no justification for an assessment of large or very large with regard to construction effects from this footpath.
- 4.4.3 In my opinion Mr Bullock continues to over-state these construction visual effects during the operational stage. In fact, he judges the level of effect to be the same for the 40 year life of the appeal proposal as for the 6 month construction period.
- 4.4.4 In addition, having stated that the LVA is incomplete due to omission of an assessment of the decommissioning stage, he states that:
- “I am perplexed this element of the Appeal Proposal has not been assessed, and given this, I find the Appellant’s LVA (CD 1.18) to be deficient and should not be wholly relied on for decision-making. It is my professional opinion, not all of the assessment has been completed.”*** Para. 6.13 (CD 14.1).
- 4.4.5 Unfortunately, I can find no assessment of decommissioning effects within Mr Bullock’s Proof. As stated at para. 3.11 above, I consider decommissioning effects are likely to be of the same order to those at construction, which I have judged as moderate/minor adverse above.
- 4.4.6 I would broadly make the same comments with regard to Mr Bullocks review of effects from PRow 0407/1/1 and PRow 0407/5R/2, albeit from the former, he rather oddly judges the 6 month construction effects (large or very large) to be greater than the 40 year operational effects (large to moderate).

### *Local Roads*

- 4.4.7 Mr Bullock states that there would be greater discernibility of the site from local roads than described in the LVA on the basis of the:
- “...degraded and gappy, outgrown and missing (in places) field hedgerows along these routes.”** Para. 6.44 (CD 14.1).
- 4.4.8 He has provided no additional photographic evidence to illustrate these assertions. He also states that viewpoints:
- “...have been selected by the LVA Author where there is optimal vegetation,”** Para. 6.45 (CD 14.1).
- 4.4.9 Having visited the site and walked the various lanes and footpaths on two occasions I do not concur with these assertions. The submitted LVA has provided 8 viewpoints from roads adjacent to the site (viewpoints 1-6, 9 and 19) and one view (viewpoint 7) in close proximity, which provide a wide range of illustrative views representative of the experience of local road users. Further to this I do not agree with Mr Bullock’s description of the condition of hedgerows on adjoining field boundaries, which I have found to be in fair condition, and, with the exception of defined gaps for field entrances, generally provide considerable screening and filtering of views to within the site.
- 4.4.10 At para. 6.46, Mr Bullock describes effects on the road to Cantlop Mill as ‘*significant*’ but provides no assessment in terms of the magnitude of effects. He makes an overall judgement of major adverse visual effect (para. 6.47); this is described as large within the submitted LVA methodology. Ascribing this highest level of effect is perplexing considering that he has described these as medium and not high sensitivity receptors and that the appeal proposals would in fact be screened or heavily filtered in views for the majority of the lane. I therefore find no justification for an assessment of major adverse with regard to visual effects from this road.
- 4.4.11 In addition, in spite of his assertions that the submitted LVA is deficient in not including an assessment of the construction or decommissioning effects, I have found no such assessment within Mr Bullock’s Proof of Evidence.

## 4.5 Landscape Restoration

4.5.1 Mr Bullock makes numerous comments within his proof with regard to the landscape restoration phase, primarily asserting that the proposed boundary hedgerow and tree plantings would have limited effects in screening views.

***“...the Solar PV Array would be more discernible in views in the northern half and centre of the site,***

***There is opportunity to look across the site (eastern field) from the east and western boundary. This is due to the outgrown, gappy and degraded field hedgerow along these narrow lanes. The latest version of the Landscape Masterplan (CD 1.34) appears to make no allowance for replanting this hedgerow and bolstering it with new hedgerow planting and scattered hedgerow trees.”*** Para. 2.19 (CD 14.1).

As described in para. 3.51 above, the submitted LVA has recognised that solar panels would remain largely visible above taller hedgerows in views to the south and east as illustrated on the photomontage for viewpoints 11 and 15. The efficacy of mitigation planting has been taken into account within the assessment of effects, the levels of which all parties, with the exception of Mr Bullock, are agreed to. It should be noted that the current masterplan forms part of an outline submission and is not intended as a detailed planting plan to indicate every point where hedgerows would be gapped up or reinforced. However, this purpose is clearly communicated in the submitted LVA within the Landscape Strategy section, para. 9.2-9.3 (CD 1.18) which describes enhancing and reinforcing the existing landscape framework to be achieved by proposed hedgerow planting to enhance connectivity. Hence, I consider the landscape strategy to be appropriate as the planting is intended to reinforce the existing landscape structure and provide some additional screening and softening of views.

## 5 CONCLUSION

5.1.1 It is therefore my conclusion that none of the points raised by the Council's or Rule 6 landscape witnesses – Mr Tom Hurlstone and Mr James Bullock, has led me to differ from the conclusions I presented in my Proof of Evidence.