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23/01113/FUL New Hall Solar Farm: Response to Wakefield Council's Further Information Request received 19 December 2023

1. This document sets out a response to request for further information from Wakefield Council (WC), which was received by email from Chris Kenyon (WC) to Chris Cox (Pegasus Group) on 19 December 2023.

2. There are no paragraph numbers in WC's document. Relevant comments have been quoted in full below (in italics).

3. This response should be read in conjunction with the detailed LVIA which was submitted with the planning submission which includes the LVIA Environmental Statement Chapter (Landscape Visual Limited / Pegasus Group, June 2023) and the following:

- Technical Appendix 6.1:
    - Methodology
    - Local Planning Policy
    - Published Landscape Character Area Plans
- Technical Appendix 6.2:
    - Figures 1a to 1d (Location Plans)
    - Figure 2 (Administrative Boundaries and Green Belt)
    - Figure 3 (Topography)
    - Figures 4a to 4c (Access)
    - Figure 5 (Heritage)
    - Figure 6a to 6c (ZTVs)
    - Figures 7a to 7c (Viewpoint Locations)
    - Figures 11a and 11b (Cumulative ZTVs)
- Technical Appendix 6.3:
    - Figure 8 (Winter Viewpoint Photos)
- Technical Appendix 6.4:
    - Figure 9 (Photomontages)
- Technical Appendix 6.5:
    - Figure 10 (Landscape and Ecology Enhancement Plan)
- Technical Appendix 6.6:
    - Figure 12 (Summer Viewpoint Photos)

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Visual/Landscape Impact

"Further assessment on the sequential impacts on both the Kirklees and Wakefield Ways is required. The information presented to date has not sufficiently considered this. Users would experience views of both the consented Low Farm and proposed New Hall solar farms when travelling along these routes. The sequential assessment needs to consider the impact of all elements including proposed fencing and hedgerows and the impact this will have on the routes in terms of how the character will be altered and views impacted, and what this will do to the value of the current visual amenity experienced by users through the various phases of the development. It is considered that in combination, the level of change in the landscape would be potentially significant and not so easily mitigated by way of hedgerow planting. Users of the routes would pass one or both developments with the other being visible in the middle/background and hedgerow planting would not mitigate to the level as described in the ES, especially in months where there is little/no leaf cover." [WC]

4. The NHF solar farm would be clearly visible from some sections of the Wakefield Way, as acknowledged in the NHF LVIA. There will be only very limited visibility of the LF solar farm from the Wakefield Way (from a short section to the NE of the Site - see VP11 of the LF LVIA). The separation distance between sections of the Wakefield Way where the NHF solar farm would be visible, and the very limited sections where the LF solar would be visible is approximately 1km, and includes a section of the route travelling along a busy section of the A642 Wakefield Road, where traffic would be the dominant experience of those using the route, further increasing the perceived separation between the proposed and consented solar farms.

5. The LF solar Farm would be clearly visible from some sections of the Kirklees Way, as acknowledged in the LF LVIA. Visibility of the NHF solar farm from the Kirklees Way would be limited to a short section to the north of Flockton (see VP9 and accompanying photomontage of the NHF LVIA, which is located approx. 300m to the east of the Kirklees Way, and therefore closer to the NHF site). This is already acknowledged in the NHF cumulative assessment.

6. The LVIA already considers all aspects of the NHF solar farm, including fencing and proposed hedgerow planting.

7. We consider that the LPA is considerably over-stating the likely impacts of sequential visibility on these two promoted routes.

"Cumulative impact should also be extended to consider the ground mounted solar panels in New Hall HMP." [WC]

8. It is understood that the installation of solar arrays at the prison have been approved under Permitted Development Rights (Class A and Class C), in part due to their very limited scale and their location immediately adjacent to the existing prison facilities. No Zone of Theoretical Visibility Plan was therefore provided with the planning application for the prison solar arrays. Woodland at Dial Wood and tree cover along New Hall Approach will limit the visibility of the prison solar arrays from the north and east, such that the only locations from where both the proposed prison solar arrays

and the Proposed Development would be likely to be visible is a short section of Footpath KIR/111/10 between New Hall Approach and Hardcastle Lane to the west of the prison, and a short section of Hardcastle Lane. The tree cover along New Hall Approach would also reduce the visibility of the Proposed Development from these routes, resulting in only very limited cumulative effects. These would not be of a magnitude which would be considered significant.

"Impact on the newly converted Water Tower. It is understood this is tourist accommodation so the LVIA needs to consider visual impact for future users." [WC]

9. Views from the converted water tower are considered at VP10 of the NHF LVIA. Its use for holiday accommodation does not alter the sensitivity of receptors compared to 'normal' residential occupation.

"Concerns raised by objectors to the impact of change and character of the local footpath network, particularly those running through and along the side of the site, and local landscape are noted. The planning authority shares these concerns. It is understood the footpaths are regularly used by the local population and in this regard the impact of the development on these local routes has been under played in the ES. The arrays and associated infrastructure will impact these local footpaths with potential that they will produce an enclosed feeling. This will detrimentally alter the landscape character for users. In this regard you are requested to submit sections for the lengths of PRoWs running between parcels two and three and, 3 & 4 so the impact can be further assessed. In producing these you should also consider if any further setback is required from the PRoW's, particularly where no natural vegetation exists. Bridleway 26 running through the site and along northern boundary is Designated as a Strategic Leisure Corridor (LP1370). Also, LC 25 to the east of site (Carr Lane), and New Hall Approach LP13171 all need to be considered in greater detail in relation to WLP 23 of the emerging local plan which, requires development within or adjoining Strategic Leisure Corridors (among other things), to contribute to the enhancement of the corridor. Given the LPA's concerns it is not considered the scheme currently achieves this." [WC]

10. Effects on the visual amenity experienced from these routes has been fully assessed in the LVIA, with receptors assessed as being of high sensitivity, and effects assessed as up to major adverse (and significant) during construction and at Year 1, reducing over time as proposed planting develops and grows.

11. Policies within the recently adopted local plan have been noted in the LVIA, but were previously considered to carry limited weight as the plan was still undergoing examination in public at the time when the LVIA was written. With the new Wakefield District Local Plan having been adopted on 24 January 2024, these policies are now 'live'. However, the adoption of the plan does not change the results of the assessment of effects.

"Based on this additional assessment you need to revisit the landscape visual impact assessment and revise impacts over the lifetime of the development. All photomontages need to be provided with the summer and winter views. It is also important that you consider the impacts of all elements and how

these will change the landscape character, including associated infrastructure, access roads, and boundary treatments which will introduce a feeling of enclosure in combination with the panels. You need to demonstrate as to what effect of magnitude this landscape change will be in combination with the consented Low Farm Development. You should consider providing a specific visual impact assessment for the PRoWs/Leisure Corridors and bridleways." [WC]

12. The LVIA contains a thorough and accurate assessment of effects over the lifetime of the Proposed Development.

13. Photomontages have been provided from LVIA viewpoints 3, 5, 7, 9 and 10, with versions which show landscaping at year 1 and year 15. These photomontages give sufficient information to illustrate the scale and extent of landscape and visual impacts.

14. Landscape Institute Technical Guidance Note 06/19 Visual Representation of Development Proposals is the main guidance used in the preparation of the photomontages. The guidance encourages a proportional approach to the preparation of photomontages. Given the conclusions reached in the LVIA, providing summer and winter photomontages for 18 viewpoints would be considered disproportionate, and is not necessary to allow an accurate assessment of likely effects.

15. The LVIA already considers all of the elements of the Proposed Development.

16. The LVIA contains an accurate and proportionate assessment of cumulative effects.

17. Effects on users of PRoWs and leisure corridors have already been assessed in the LVIA. A separate study is unnecessary and would not result in a different assessment of effects on these receptors.

"The comments from West Yorkshire Police are noted. Their recommendations in relation to fencing would undoubtably cause additional visual impact, and you need to consider appropriate security measures and how these might further impact on the visual amenity of the site and wider character of the landscape. Where additional security measures are proposed you should update the LVIA accordingly to take account of same." [WC]

18. No further changes are proposed in relation to site security measures in response to the comments from West Yorkshire Police. Landscape and visual effects arising from the proposed perimeter fencing (2m high deer fencing) have already been assessed as part of the LVIA.

Residential /Populated Areas

19. In relation to views from residential properties in the environs of the Site, it is important to note that there is no protected right to a view from residential properties under English planning law.

"Coxley View – row of dwellings along south-west edge looking towards the proposed solar farm. LPA do not agree that effects would be small in magnitude and significance moderate adverse based on the detail provided to date. VP 13 is not truly representative of the impact the scheme will have both on its own and in combination with the consented Low Farm Solar development. It is considered the view from

the dwellings along Coxley View will be greater in magnitude and more significant with the properties having main living space facing into the direction of the proposed solar farm and with it seeming likely that parts of the Low Farm development would also be visible in the background beyond. The extent of the impacts in isolation and cumulatively need to be considered and the magnitude and significance re-evaluated for these properties." [WC]

20. VP13 is located in the best publicly accessible location from which to assess likely effects on views from these properties. The footpath at the southern end of Coxley View was also visited as part of the field survey, but the site is not visible from there.

21. The LVIA acknowledges that restricted parts of the NHF solar farm would be visible from these properties. We stand by our assessment of likely scale and significance of effects that there would be a moderate adverse effect on views during the construction phase, reducing to minor adverse at Year 1 and negligible by Year 15. Such effects are not considered to be significant.

22. Any cumulative visibility of the LF solar farm would be very limited, seen at a distance of 2.5km or more.

"Similarly, the LPA do not agree with the conclusions for Flockton Green. There are properties sat at higher ground than VP 8 illustrates which would have a greater view of the proposed solar farm. VP 9 would appear more relevant for these dwellings, especially those in the Manor House development. You need to consider the impacts on these properties residential amenity through the change in character of their outlook. Again, the cumulative impact also needs be considered from properties in this area given the proximity of Low Farm to the north." [WC]

23. Analysis of both bare-earth and screened ZTVs for the Proposed Development and Google Earth, together with the results of the field survey, show that any visibility of the NHF solar farm would be limited - restricted to properties on the very edge of Flockton Green. Even these views would be restricted by intervening vegetation, including strong hedgerows along much of the edge of these parts of Flockton Green (which would restrict views from the main ground floor habitable rooms), and along New Hall Approach. Visibility may be slightly increased from 1st floor rooms, but such rooms are not normally the main habitable rooms of a property, and the sensitivity of receptors observing such views is therefore reduced.

24. We therefore stand by our original assessment of effects.

"Smithy House and Nos 173 & 175 – you need to consider the cumulative impact of both the proposed and consented developments. It appears that views of the Low Farm solar development would be partially visible from this area." [WC]

25. The cumulative assessment already includes views from these properties, and acknowledges that there would be some cumulative visibility of restricted parts of the LF solar farm.

"Chapel Close – The level of planting here is unclear. Northern boundary of Parcel 4 notes existing hedgerow to be restored/repaired. How will this be strengthened and to what degree will this improve impact for this property? Provide a photomontage from this location and show both summer and winter views for the lifetime of the development." [WC]

26. It is important to note that the orientation of the property is such that the main views are not towards the Proposed Development, and that there are already hedgerows and trees (which restrict visibility towards the Proposed Development) on both sides of the PROW (which also provides the access to the property). The provision of summer and winter photomontages is therefore not considered necessary.

27. The existing hedgerow on the southern side of the bridleway would be substantially strengthened with the use of 1.5-1.8m high 'instant hedging' and semi-mature trees, planted on the field side of the existing hedgerow. Predominantly native species would be used, but in order to maximise the visual screening effect, the hedging species mix would also include evergreen holm oak. Although not native to the UK, holm oak has been present in the UK landscape since the 16th Century. It is therefore effectively 'naturalised', and is considered by the Woodland Trust[1] to support "plenty of our wildlife"[1].

"Given the above you are requested to provide additional views/photomontages along with a Residential Amenity Impact Assessment (RAIA). Where it is not possible to produce photomontages from the affected properties you will need to find the next best representative view and address the perceived additional harm from the residential receptors in the RAIA." [WC]

28. The Landscape Institute's *Technical Guidance Note 2/19: Residential Visual Amenity Assessment* provides advice on undertaking residential visual amenity assessments (RVAAs), but importantly also sets out the context to such studies at Paragraphs 1.4 onwards:

"Residential Amenity comprises a range of visual, aural, olfactory and other sensory components. Development can cause effects on one or more components of Residential Amenity, for example effects of noise, dust, access to daylight, vibration, shadow flicker, outlook and visual amenity. Sometimes this is referred to as 'living conditions'.

Changes in views and visual amenity are considered in the planning process. In respect of private views and visual amenity, it is widely known that, no one has 'a right to a view.' This includes situations where

[1] Woodland Trust website https://www.woodlandtrust.org.uk/trees-woods-and-wildlife/british-trees/a-z-of-british-trees/holm-oak/ – accessed 13.02.24

a residential property's outlook / visual amenity is judged to be 'significantly' affected by a proposed development, a matter which has been confirmed in a number of appeal / public inquiry decisions.

It is not uncommon for significant adverse effects on views and visual amenity to be experienced by people at their place of residence as a result of introducing a new development into the landscape. In itself this does not necessarily cause particular planning concern. However, there are situations where the effect on the outlook / visual amenity of a residential property is so great that it is not generally considered to be in the public interest to permit such conditions to occur where they did not exist before.

Appeals / public inquiries often consider the visual amenity component of Residential Amenity. Notably there have been many decisions relating to wind energy developments, perhaps not surprising given the height and size of modern wind turbines." [LI TGN 2/19]

29. The LVIA considers the effects on the occupiers of groups of houses in the vicinity of the Proposed Development, based on visiting publicly accessible areas near these properties. While this falls short of the methods used in RVAAs, the approach is appropriate where impacts are not likely to result in overbearing or oppressive effects on residents' visual amenity. As such, a separate RVAA is not required for this project.

30. Effects for residential occupiers at the closest properties to the Site (Old Road, Smithy House and 173 & 175 Old Road, and Chapel Close) have been assessed as major-to-moderate adverse (and significant) during construction and at Year 1, reducing substantially over time as the proposed mitigation planting grows and develops. By Year 15, effects would reduce and would no longer be considered significant.

Roads

"Old Road – Heading south-east[2] *rising approx. 200m after the public house it is considered a cumulative view of both the proposed parcels 1 & 2 and then parts of the low farm development in the middle range to the south-west will be visible giving the impression of one large solar farm spread through the landscape. Again, it is not clear what impact the hedgerows will have, especially for views towards the Low farm development. Based on information provided to date the LPA does not agree with the conclusion that impact will only be negligible. Please provide a photomontage from this location and in considering the cumulative impact revise the conclusion. Views of the New Hall Prison arrays are also clearly visible when travelling along this road (Hardcastle Lane section) and need to be considered as part of the cumulative/sequential assessment for road users."* [WC]

[2] Note that Old Road runs south-west rather than south-east.

31. The cumulative assessment already acknowledges that there would be some combined and sequential visibility from Old Road and Hardcastle Lane of both the LF solar farm and the Proposed Development. We have assessed cumulative effects as negligible after 15 years due to the growth and development of the proposed planting along Bridleway 26/Hayne Lane. We stand by this assessment as the majority of Parcels 1 and 2 (of the Proposed Development) would not be visible from Old Road due to the existing vegetation along the bridleway and the proposed mitigation planting being above the level of Old Road, and therefore being particularly effective in reducing the visibility of the Proposed Development. Existing vegetation and proposed planting along New Hall Approach would reduce the visibility of the Proposed Development from Hardcastle Lane.

32. We acknowledge that there will be some visibility of the prison solar arrays from a short section of Hardcastle Lane, seen in the context of the existing prison buildings and structures. The existing tree cover and proposed planting along New Hall Approach would restrict the visibility of the Proposed Development from this section of road, such that there would be only very limited cumulative effects.

"It is important that all cumulative updates consider both the consented Low Farm project as well as the arrays in place at New Hall Prison. Photomontages need to be provided which demonstrate the cumulative impacts where one or both neighbouring solar developments are visible, and the sequential assessment needs to consider both as well." [WC]

33. The cumulative assessment considers effects on landscape character, road users, PRoW users, and occupiers of residential properties. A cumulative photomontage is shown for the worst-case combined view of the NHF and LF projects (Viewpoint 9, LVIA Appendix 6.4).

Landscape Visual Limited

20 February 2024

Abbreviations

NHF – New Hall Farm

LF – Low Farm

LVIA – Landscape and Visual Impact Assessment